

MINUTES

Valdosta-Lowndes Zoning Board of Appeals
Valdosta City Hall Annex Multi-Purpose
Room 300 North Lee Street,
Valdosta, Georgia

Tuesday May 6, 2025, 2:30 p.m.

MEMBERS PRESENT

John “Mac” McCall
Allen Strickland
Nancy Hobby
Keith Godfrey
Victoria Copeland
Marion Ramsey

MEMBERS ABSENT

John Hogan
Nathan Brantley

STAFF PRESENT

Lauren Hurley
Margaret Torres
Trinni Amiot
JD Dillard
Mindy Bates
Jason Davenport

VISITORS PRESENT

Daniel Sutton (Homeowner)
Sally Sutton (Homeowner)
Alise Thompson w/ Roger Budd Company
Kenneth Beath (Homeowner)
Lisa Rich (Homeowner)
Crantford & Anita Moore (Homeowners)
Mike Moore (Homeowner)
William Nijem w/ Langdale Vallotton LLP
Tyler Dallas w/ Langdale Vallotton LLP

John Sineath (contractor)
Hanna Black w/ Langdale Vallotton LLP
Jennifer Laster w/ Bemiss Academy
Kerry Laster w/ Bemiss Academy
Carl Smith w/ Kuddles & Huggs
Francisco Paz w/ JEP Remodeling
Ryan Hall (Homeowner)
James Pitts (Homeowner)

CALL TO ORDER

John “Mac” McCall

Calling of meeting to order at 2:30 p.m. and explanation of meeting process to all those in attendance.

CITY OF VALDOSTA CASES:

APP-2025-07-James Godbee (2902 Pebblewood Drive.) Request for a Variance to LDR Section 218-7 as it pertains to Accessory Use Standards in R-15 (Single-Family Residential) Zoning District. The subject property is located on 2902 Pebblewood Drive in Valdosta GA (all or part of Tax Parcel 0078B 045).

Lauren Hurley presents case of homeowner asking for variance to setback requirements for outdoor kitchen structure in their rear yard near existing pool. Standard is 10 ft setback, but they are requesting to have 8ft instead. She stated that there is no hardship.

Nancy Hobby asked if the pool is what is preventing the layout from meeting the standard.

Lauren Hurley stated that the contractor was present and could answer those questions.

John Sineath stepped forward to answer.

Nancy Hobby asked if there was any way to arrange the pool by the structure to meet the standards.

John Sineath explained that it was a tight fit with the current setbacks, and they were concerned about safety.

Allen Strickland asked for clarification.

John Sineath explained that with the 10ft setback, that would only leave a 2 ft clearance which would encroach on posts and the side and would cause danger of falling into the pool. The travel corridor would be too small, and the fear would be that children would get hurt.

Chairman McCall asked if they had contacted the neighbors.

John Sineath stated that they had, and they did not have a problem with it.

Marion Ramsey asked for clarification that they were asking for 2 ft toward the property line.

John Sineath responded that they were only shifting the structure to the left 2 ft.

Chairman McCall asked if there was anyone else in support or opposition who would like to address the board. He then asked staff if their office had been contacted.

Lauren Hurley stated that only Mike Cooper and he was just checking to see what was being built and he was fine with it.

Chairman McCall asked if anyone would care to make a motion.

Allan Strickland made motion to grant variance as presented. Marion Ramsey seconded motion. Vote: Unanimous 5-0.

APP-2025-08-Deardro & Latoya Smith (4082 Maranatha Lane) Request for a Variance to LDR Section 218-13 (N) as it pertains to Supplemental Regulations for a Daycare in the C-C (Community Commercial) Zoning District. The subject property is located on 4082 Maranatha Lane in Valdosta GA (all or part of Tax Parcel 0146A 078).

Lauren Hurley presented the case explaining that the daycare is wanting to expand. Supplemental regulations state that daycares with more than 18 children must have direct access to a collector. She also explained that this property was formerly in the County and was annexed into the City. The daycare is currently 80 ft from a collector. She said they are not wanting to add any additional children, just additional space.

Chairman McCall asked to clarify that it is not a setback issue.

Lauren Hurley clarified by showing location on the map and where the addition is proposed.

Chairman McCall asked if there were any further questions for staff. He then asked if applicant or applicants representation would like to address the board.

Jimmy Cone stated that he would be glad to answer any questions.

Allan Strickland asked the owner if they currently served more than 18.

Carl Smith stated that they currently serve approximately 95 children.

Allan Strickland asked at what point does it trigger more regulations from the State.

Carl Smith stated that the expansion is not to add space for more children for childcare, it was for school-age children.

Allan Strickland asked if it was for after school care.

Carl Smith stated that it was.

Chairman McCall asked if there was anyone in support who would like to address the board.

Kenneth Beath came forward and stated that he would like to show his support.

Chairman McCall asked if there was anyone in opposition who would like to address the board. Then asked staff if the office was contacted. Lauren stated there was not.

Chairman McCall then asked if anyone would like to make a motion.

Keith Godfrey made a motion to approve as presented. Victoria Copeland seconded the motion. Vote: unanimous 5-0

LOWNDES COUNTY CASES:

VAR-2025-01-Alise Thompson All or part of Tax Map 0144-Parcel 519B. A request by Alise Thompson on behalf of Budd Commercial Real Estate, LLC for variances to sections 4.01.02 (E) (Setbacks), 4.02.01 (Corridor Overlay), 4.07.00 (Landscaping/Buffer Yard), 5.02.05 (Dumpsters), 5.04.00 (Signs) and 5.04.09 (Off-Site Signs) of the Lowndes County Unified Land Development Code (ULDC). The subject property is located at 5111 Bemiss Road, Valdosta GA , in a C-H (Highway Commercial) zoning district.

Jason Davenport stepped to podium to discuss multiple variances that were tabled from previous meeting. He stated that this was heard back in March. He stated that the case has a tremendous amount of depth to it, but they have made progress. He stated that the material given to the board that divides the variances into groups so that they can go through it easier. It was divided into three groups of variances. He stated there is a larger group that they feel they can come to recommendation of approval on with conditions, a smaller group that staff does not feel a variance is necessary if they meet current regulations and a third group that they are recommending more time to allow staff and applicants to do more research on. He stated that several staff members were present to help with any questions that the board may have in order to come to some decisions.

Chairman McCall stated there are 10 difference variances broken up into different groups. He stated that in interest of time, he would like to handle them by motions by group. He stated that if the board was amenable to that, then they could step through the questions by group also.

Nancy Hobby asked staff about an item on the last page regarding parking and when they were going to be hearing about that.

Jason Davenport stated that parking was not a variance they have applied for. He stated that the County feels they have adequate room on the site as long as they have 15 improved spaces. If she wants to have more than that she can, but the required will be the 15.

Nancy Hobby asked what was considered improved.

Jason Davenport stated that gravel, asphalt or concrete are considered an improved surface. He stated that the only time they require a concrete surface is for handicapped accessibility.

Chairman McCall asked for clarification on item 10 regarding the billboard and overhang. He stated that it is a State DOT route, and that the billboard currently overhangs the actual route.

Jason Davenport stated that was correct.

Chairman McCall stated that this would technically fall under the GDOT jurisdiction before it falls under the board's jurisdiction.

Jason Davenport stated that the County handles everything from the property line backward which is a portion of the billboard. He stated that the DOT gets involved because they actually write the permit for the billboard saying that the structure is approved before they get involved with it. But, he stated, when you go over the ROW into GDOT ROW, you have to deal with them. He stated that there is no timeline given by DOT on how long that process will take.

Chairman McCall stated that due to that, they may need to be considering tabling or removing items all together until DOT makes their ruling. He stated that if DOT rules to move or remove the sign, then that relieves them of having to rule on the variance.

Jason Davenport stated that DOT does have its own variance process. He also stated that the buffering item is very close to being able to have that heard, but are not quite ready for. He stated that for regular signage, the applicant just needs to submit a sign package for review. He stated that he does not have a timeline on the billboard from the DOT. He stated that his hope is 30-60 days for the other things, but the billboard could be measured in years not months.

Chairman McCall stated that that leads into discussion of if tabling the discussion is right and if they should just remove them until they can be addressed at a later date. He asked if that had been discussed with the applicant.

Jason Davenport stated that he has not discussed that with the applicant, but that she is present. He also stated that he would be open to that so that they could readvertise them when appropriate. He stated that because the applicant is in process, he feels they should be charged for the advertisement, but not for another application fee.

Chairman McCall asked for clarification that the project cannot proceed until at least items 8 & 9 are dealt with and or a resolution to item 10.

Jason Davenport stated that is correct and if they move forward with development which he feels that they will then they would support their expansion. He stated that they would be able to proceed without at least items 8 & 9 being taken care of and depending on what the State comes back with on item 10. He stated that he did not feel they should be held up for that one issue because of the length of the process with the State. He stated again that they would expect some resolution with 8 & 9 before proceeding.

Nancy Hobby asked when they are talking about "further development" if they were talking about the addition of the roofs because of their choice to build the structure. She stated that she had trouble understanding why when they had damage from the hurricane that they didn't just send out a roofer and fix the roof like everyone else instead of the building and why the building was the solution for a leaking roof.

Jason Davenport stated that the applicants would be able to speak on this, but he stated that he thinks they did both.

Nancy Hobby asked for clarification about them doing both.

Jason Davenport stated that he thinks when they had storm damage that they had a structural engineer come in and make sure that the roof was sound and that the structure actually lent itself to the expansion. He stated that the roofing was the short-term fix, but the structure was for the long-term and what their plans where for expansion.

Chairman McCall asked if there were any other questions for staff. He then asked if the applicant or applicant's representation would care to address the board.

Alise Thompson (2809 N Ashley St B) addressed Nancy's question and stated that they did have a roofer come and address the roof. She stated that the structure that was put up was to quickly repair the roof, but also part of the addition. She stated that there was a change in management and there was a misunderstanding of what permit that they had. She stated that they had a foundation only and not a structure permit and they were unaware of that. They thought because they submitted the structure plans along with the foundation, they thought it was approved also. She

stated that they are now backtracking and trying to get things approved and get the right permitting to complete the project.

Nancy Hobby stated that they had referenced this as a “quick fix”, but that this was an expensive “quick fix”.

Alise Thompson stated that this was already part of the plan because plans had already been submitted showing the foundation for expansion of 2 classrooms and they went ahead and put it up until they could get the roof fixed but thought that they had the correct permitting to do that, but they did not.

Nancy asked for clarification that the addition of 2 rooms could not have been done without the roof structure over top.

Alise Thompson stated that was her understanding.

Nancy Hobby also asked if they had a structural engineer who is licensed and certified.

Alise Thompson stated that they did.

Nancy Hobby asked staff if they got the name.

Jason Davenport stated that Randy Crews is the structural engineer they are working with. He also stated that it is not typical, but that because of the damage, he was the one who stepped in and certified the structural integrity of the structure.

Nancy Hobby then asked who the contractor was on the pole barn structure.

Alise Thompson stated that it was Blake Stubbs.

Chairman McCall stated that as they had discussed with staff, there are 3 items that are potentially long-term outstanding items that do not have solutions yet. He stated that DOT is wanting something that is out of their control, and they will not be able to resolve that until DOT makes a decision or a recommendation on their end. He stated that the County and the applicant have worked on a resolution, and they would like to work with them and help them. He asked the applicant if she was ok with pulling out the items and them being a separate application when they are ready so that they will not have to indefinitely table them.

Alise Thompson stated that for #9, there is no on-premise sign so she was not sure what that was referring to. Then she asked for clarification that they cannot move forward until #8 is done.

Chairman McCall stated that yes, it would have to be addressed.

Jason Davenport clarified that they meant move forward with the permitting.

Chairman McCall asked again if the applicant would be ok with pulling the 3 items out until they can put presented at a later date.

Alise Thompson agreed that she was.

Chairman McCall asked if there were any other questions for the applicant.

Alise Thompson then addressed items 5 & 6 in regard to moving the building and asking for a lower setback because it will impede on their parking and would block fire department access to the back of the building.

Chairman McCall asked staff to go back to the site plan on the overhead. He then asked for clarification of the request to move the 2 rear buildings off the back property line to meet setback standards of 20 ft.

Jason Davenport stated that they would at least like them to be moved 10ft in leu of that.

Chairman McCall goes over the site plan showing setback lines and drive around rear of building. He stated that they are asking for the buildings to move within the 20ft set back and do not have to move straight forward. He stated that they could be moved to the left and be out of the way of the drive. He questioned if there is a reason why it could not be.

Alise Thompson stated that Ms Laster could answer better but believes that is where they have their garden for the kids so that is also another problem. She stated that the buildings are used just for storage for the classrooms and supplies for the school.

Chairman McCall asked if the buildings belonged to them or the tenant.

Alise Thompson stated that they belong to Ms. Laster.

Nancy Hobby stated that there is an open area and that it is an odd property line that is at a slant. She stated that she had been on site and feels the gardening can be moved and reduced in size in order to move the buildings. She stated that they are sitting directly on the line and that there is no setback whatsoever.

Chairman McCall asked if there were any other questions for the applicant. He then asked if there was anyone else in support of the case that wished to be heard.

Jennifer Laster stepped forward and stated that she and her husband are owners of the daycare. She stated that she has been there since 2014 and was not aware that there was a setback so she thought she could just put it out of the way for the fire

department to have access. She stated that she never knew about a setback. She said when she bought them, they came out and asked where she wanted them, and she told them to place them out of the way. She stated that the buildings belong to them, and they store tables, chairs, equipment and supplies for the daycare. She stated that moving the buildings has caused her anxiety because she has already put the garden there and was unaware, she could not put them there. She stated that moving them and reducing the garden is possible and something she would be willing to do. She stated that her main focus is to serve childing. She stated that she is the only center who is certified to care for autistic children in the area. She stated that the garden is vital to their care.

Chairman McCall clarified that they do not care where the buildings are placed as long as they meet the 20ft setback requirement.

Ms Laster stated that she doesn't have any problem moving the buildings but has a neighbor who complains a lot so she tries to stay away from her property. She stated that if she is to move anything near her property, she feels that the neighbor will complain, and they will be back before the board. She stated that her school is an accredited school through Georgia Promise and the delays in the project may delay her funding. She stated that there are people who are waiting to get into her school, and this has delayed them being able to attend.

Chairman McCall asked if there were any other questions.

Terry Laster stated that moving the building and the garden will still be a problem. He stated that they have service members asking daily about when they can move forward and so they are just trying to come to a resolution.

Nancy Hobby asked if the buildings are currently sitting right on the property line, where are they going to be the buildings.

Mr. Laster stated that they never thought it would be a problem because the previous landowner next door did not have a problem with them and allowed them to utilize part of their property, but when the sale happened then things changed. He stated that he paved it and maintains it.

Nancy Hobby asked the applicant if he understands that it is someone else's property.

Mr. Laster stated that he does understand that, but that he is being told he is going to be charged \$695 a month to drive on a driveway that he paved, he is upset about it.

Ms. Laster spoke up and stated that she is willing to make the garden smaller and do whatever she needs to do for the children. She stated she just does not want to lose her funding from the State of Georgia.

Chairman McCall asked if there were any other questions. He asked if there is anyone else in support of the case who would like to address the board. Then asked if there were anyone in opposition who would like to address the board.

Hanna Black (Langdale Vallotton) stated that she is there representing the property owner to the North of the property who is directly impacted by the accessory buildings on the property line. She drew attention to the packet for the formal objection to items 5 & 6 to the board. She stated that the applicant stated she is willing to move the buildings and feels that the other items are what are impacting her business and not moving the buildings themselves. She stated that the buildings were not there when they inherited the property and to the applicant's admission, were brought in and placed there. They feel that the setback requirements are for safety concerns. She stated that allowing them to keep the buildings where they are would absolutely inhibit fire access to the site. She stated that staff recommendation is to deny items 5 & 6 and they would like to ask for the same thing.

Chairman McCall asked if there were any questions. He then asked if there is anyone else in opposition who would like to address the board. He then asked staff if their office was contacted. Trinni Amiot stated that it was contacted by the adjacent property owner.

Chairman McCall stated that in the beginning, these are broken out by group, and they will need to decide if they will do motions in groups or individually. Stated that he thinks they can be handled easier if they are handled in groups. He voiced concern over unlimited tabling of items and recommends removing items that will need to come back at a later time. He also voiced concern over tabling part of an application. He stated technically, the entire application would need to be tabled. He stated that if they are to dismiss those 3 items from the application that it would resolve the issue.

Chairman McCall asked if anyone would care to make a motion.

Allan Strickland makes motion to remove items 8,9 & 10 until they receive more information from the County and from GDOT on how to proceed and then be able to move forward from there. Nancy Hobby seconded the motion. Vote: Unanimous 5-0

Nancy Hobby makes motion to approve items 1-4 following staff recommendation with conditions. Allan Strickland seconded motion. Vote: Unanimous 5-0

Nancy Hobby makes motion to deny 5,6 & 7 as recommended. Allan Strickland seconded motion. Vote: 2 in favor, 3 against. Motion Fails

Marion Ramsey makes motion that building be moved to correct distance from property line and dumpster requirements are met. Motion to deny. Nancy seconded motion. Vote: Unanimous 5-0

VAR-2025-03-Francisco Paz (2446 Magnolia Circle) Request for a Variance to Chapter 5.01.01 (a) of the ULDC as it pertains to standards for a Home Occupations and Chapter 9.01.03 as it pertains nonconforming structures. The subject property is located at 2446 Magnolia Circle (all or part of Tax Parcel 0165 031).

Trinni Amiot presents case. The applicant submitted an application for a Home Occupation for his handyman service. She stated that per ULDC you cannot live in Conservation zoning therefore you cannot have a Home Occupation in Conservation Zoning. She stated that the property is very wet. They believe what happened is that the original owner platted the property and moved the mobile homes in without permits. She stated that the current residents have not had flooding and that the original property owner knew that it was wet. She stated that she did check with the tax office to see if there was any record of the mobile homes being brought in and was told that this property owner was known for bringing things in without permits or approval. She stated that this is to no fault of the current owner. She stated that the other reason for variance is that a Home Occupation can be in a lawfully established unit and since this was not lawfully established and cannot live in Conservation zoning and as such is considered non-conforming, so they are requesting variance.

Chairman McCall asked if they were going to be dealing with the issue of if he can even live out there.

Trinni Amiot stated that she has talked to the applicant and to the Health Department and at the moment, everything is fine. She stated that if they are to have flooding of radical proportions, that he will not be able to build back there. TRC is recommending unanimous approval.

Nancy Hobby asked for clarification that if the current mobile home is to flood or to be damaged that it can only be repaired and not replaced.

Trinni Amiot stated that was correct. She also stated that he has not had any flooding or any issues considering recent storms.

Chairman McCall asked what is stopping him from replacing the mobile home in the event of a flood. He asked if it was the ordinance that was stopping him.

Trinni Amiot stated that he would need a permit for that, and they would deny it because it is conservation zoning. He would have to hire a soil scientist to move the boundary.

Chairman McCall stated that he is not the only one living out there, that several are living out there.

Nancy Hobby asked out many people were living out there.

Chairman McCall stated that all those people have bought this property.

Allan Strickland stated it looked like there are 7 or 8.

Chairman McCall stated that he knew that usually they are to do their due diligence when purchasing a piece of property, but that they were only dealing with the business license issue and not the larger issue of can he even have a home there.

Trinni Amiot stated that he does have a home there. She stated that he doesn't legally have a home there according to zoning, but he does have a home there.

Chairman McCall stated that he understood that right now it isn't an issue and that it is grandfathered in but was concerned that they were setting a precedent of establishing a home occupation there.

Trinni Amiot stated that the home occupation would just be paperwork and that he is not erecting anything there for the business.

Chairman McCall stated that they would still be authorizing him to have a business in his home there.

Trinni Amiot stated that they had discussed rezoning property at the expense of the property owner and that that is an option.

Chairman McCall asked if that would be the next step.

Trinni Amiot explained that he would have to hire a soil scientist to try and figure out what is dry enough for him to move out of the wet area.

Chairman McCall stated that they did not want to do anything to the detriment of the homeowner and that this was not their fault.

Allan Strickland stated that these were there prior to the ULDC.

Trinni Amiot agreed and stated that the survey was done before that. She stated that the unfortunate part is that the survey was in 1987 and showed a flood hazard and you could not live in a flood hazard in 1987.

Chairman McCall asked for clarification that if something were to happen to the current mobile home, in order for him to have another home there, he would have to rezone it or could he apply for a variance for approval.

Trinni stated that he would have to request a permit and then have to go through a rezoning which would be her department. She stated that their current use chart doesn't allow you to live in conservation zoning.

Chairman McCall stated then it would not even come through ZBOA.

Trinni Amiot stated that is correct.

Allan Strickland asked for clarification that if the current mobile home is destroyed then that would do away with any grandfathering in.

Trinni Amiot stated that there is a code that states a percentage of non-conformity and that if it is completely destroyed then he would no longer be a non-conformity and it would have to start over.

Chairman McCall asked if there were any other questions for staff. He then asked if the applicant or applicant's representation wished to be heard.

Francisco Paz stated that he purchased the property and that the previous occupants lived there for 10 years and up until the hearing did not know that they were not supposed to be living out there. The home occupation application was the first they heard of it. They were unaware when they purchased the property that they were in a wetland. They would just like to have their home remodeling business there.

Chairman McCall clarified that there is no intention to build a shop or anything like that for the business.

Francisco Paz stated that they did not. Just parking of a work truck there.

Chairman McCall asked if there were any other questions for the applicant.

Marion Ramsey addressed the applicant and reiterated that if the applicant's trailer gets destroyed that it cannot be replaced.

Francisco Paz stated that they were aware and that someone had lived there for 10 years now and that they recently survived 3 natural disasters and did not have any flooding. He stated that there is a pond back there that will come up a little bit, but never to where they have had to evacuate.

Chairman McCall asked if there was anyone else in support or opposition that wished to be heard. He asked staff if their office was contacted. Trinni stated that they were, but just someone who was working with the family.

Chairman McCall then asked if anyone would care to make a motion.

Allan Strickland made motion to grant variance siting C, D & H as Lowndes County has suggested. Copeland seconded motion. Vote: Unanimous 5-0

VAR-2025-04-Daniel Sutton (4321 Davis Rd) Request for a Variance to Chapter 5.02.01 (e) (3) of the ULDC as it pertains to standards for accessory uses and structures. The subject property is located at 4321 Davis Rd. (all or part of Tax Parcel 0092 077).

Trinni Amiot presents case of property owner who owns 5 acres on Davis Rd. and plans to move there. But he has to move fairly quickly because his home sold faster than expected. He wants to build an accessory building on the property approximately 850 sq ft to store his belongings prior to building his home on the property. His letter of intent states that he plans to put a double wide on the property within 9 months to a year. TRC recommends approval.

Allan Strickland stated that his request is doing the process backwards and clarified that if he did it the other way, then he would not need a variance.

Trinni Amiot stated that is correct. She stated that this is a time issue where he is needing to get out pretty quickly and needs some place to store his things.

Allan Strickland stated that he was just clarifying that he meets all setback and size requirements if he did it the traditional way.

Trinni Amiot stated that the applicant has 5 acres, and he is allowed 1500 sq ft at one acre. The proposed building is around 850 sq ft so he is way under the threshold.

Chairman McCall asked if the intent is to place a double wide and when that would be.

Daniel Sutton stated that his intent was approximately by September. He stated that his previous property has been sold and they have to be gone by a certain time.

Chairman McCall asked the applicant if he would be ok with them putting a timeline on it for him to build within a year.

Daniel Sutton stated that he would definitely be ok with that.

Chairman McCall asked if there were any other questions for staff and they had already heard from the applicant. He then asked if there was anyone in support or opposition of the case. He asked staff if their office was contacted. Trinni stated it wasn't.

Chairman McCall then asked if anyone would care to make a motion.

Allan Strickland made a motion to accept as presented with D, G & H per County's recommendation setting time limit of 1 year. Keith Godfrey seconded the motion.
Vote: Unanimous 5-0

VAR-2025-05-Kinderlou Business Park (2567 Rocky Ford Rd) Request for a Variance to Chapter 4.04.03 (d) of the OLDC as it pertains to design standards for blocks, easements and lots (road frontage) and Chapter 6.01.02 (d) (1) as it pertains to streets and rights-of-way (access). The subject property is located at 2567 Rocky Ford Road (all or part of Tax Parcel 0059 093A).

Trinni Amiot presents case that the applicant has submitted a subdivision plat to divide subject property into 4 lots. The current regulations state that each lot has to have at least 60 feet of road frontage on a County maintained road. They are requesting variance to this regulation.

Chairman McCall asked for clarification on the subdivision of the lots and that there is currently an improved drive that would be accessible to all of the new lots, but not the main road.

Trinni Amiot stated that was correct and showed current conditions and a proposed plat showing division of property on overhead. She stated that TRC recommends approval.

Chairman McCall asked if there were any other questions for staff. Then asked if the applicant or applicant's representation would care to address the board.

Bill Nijem (Langdale Vallotton) stated that this is the old Griffin Corporation commercial park. He stated that there are current buildings at the rear and that his client is proposing to subdivide some of this into 4 lots. He stated that current regulations say all lots have to have road frontage. If they were to put flag lots for access, they would have to cross over lots that do not belong to them even though they will be using the current access road to access their property. They are requesting variance to the subdivision and access road requirements. He stated that the private access road would be labeled on the plat as a perpetual easement.

Allan Strickland asked if they had any plans to further subdivide the property.

Bill Nijem stated not to his knowledge. He also stated that there may be restrictions on whether or not the lots can be further subdivided.

Chairman McCall stated that the front larger lot may be able to subdivide in the future possibly into 2 lots since it is fairly large.

Chairman McCall then asked if there was anyone in support or opposition of the case. He then asked staff if their office was contacted. Trinni stated Mr. Musgrove did but was only curious as to what was being proposed.

Chairman McCall then asked if someone would care to make a motion.

Keith Godfrey made motion to approve as presented. Nancy Hobby seconded the motion. Vote: Unanimous 5-0.

VAR-2025-06-Ryan Hall (4531 Kiowa Lane) Request for a Variance to Chapter 5.02.01 (d) (8) of the ULDC as it pertains to standards for accessory structures. The subject property is located at 4531 Kiowa Lane (all or part of Tax Parcel 0072 239).

Trinni Amiot presented case for Mr. Hall who is requesting variance to current setback requirements for accessory buildings. She stated that standards are 10ft off side and 10ft off rear set back. She stated that the accessory building was already built and was currently 2 ft off eastern side and 1.5 ft off the rear.

Chairman McCall stated that per their recommendation that if they are to approve, that the building department would require them to go back and require fire-rated walls.

Trinni Amiot stated that was correct and that TRC recommended denial. She then presented multiple pictures of the structure to the board via overhead showing the current building and its location from different angles. She also stated that there are several instances in Grove Pointe where accessory structures do not meet setbacks.

Chairman McCall stated that they cannot deal with those other items, just the case presented. He stated that he assumed those were cases of people who did things without permits.

Trinni Amiot stated that they were.

Nancy Hobby asked if this case was complaint driven only.

Trinni Amiot stated that she believed what happened is that the neighbor on one side complained because it was too close to the property line. She stated that Code Enforcement went out and verified that it was. She stated then at that time, Mr. Hall looked for someone who could actually move the building and that was not financially feasible, so he then called a surveyor to actually mark the exact distance from the property line.

Ryan Hall spoke up and stated that he pulled a permit, and he passed the framing, electrical, insulation, HVAC. He stated that he passed all inspections. He also stated that his neighbors to the right and left wrote in letters on his behalf, but the people

that live directly behind him were the ones that called. He stated that they have a playhouse that doesn't meet setback standards.

Nancy Hobby asked Trinni Amiot if he pulled a permit on this, and they were coming out periodically to do inspections, then why was it just caught.

Trinni Amiot stated that she could not speak for Inspections, but generally the way that the process works is if there is a violation, they call Code Enforcement.

Nancy Hobby stated that this is not borderline, that this is right on the property line.

Chairman McCall stated that he was not familiar with what is required in the County, but that in the City, they are required to stake the setbacks so the building inspectors can see clearly whether the building meets setbacks. He asked Trinni if she knew if that was a requirement or not.

Trinni Amiot stated that Mindy Bates with the Inspections Department was there and could answer any of those questions.

Mindy Bates stated that the property should be staked, but in this instance, they were caught without a permit and a stop work order was placed.

Ryan Hall stated that the building is movable and is not on a concrete slab.

Chairman McCall verified again that the building is moveable.

Ryan Hall stated that it is, but that the 6x6 posts it is built on are all poured-in concrete. He stated that a house mover would actually have to come out and jack it up and move it. He stated that the stop work order happened after he passed inspections and the neighbors called. He also stated that John (inspector) called him and stated that he had passed everything, but that he had to hang a stop work order because the neighbors had called and complained.

Mindy Bates stated that the setbacks were put on the permit and notes from Trinni in Zoning stating what the setbacks are.

Chairman McCall asked if there were any other questions for staff.

Nancy Hobby asked for clarification from staff if they had said on the permit, they had what the setbacks were. She then asked the applicant if he had a licensed contractor.

Ryan Hall stated yes that they had passed all inspections.

Nancy Hobby then stated that his contractor should be knowledgeable on a permit and that shouldn't be a new thing for him to know what setbacks were.

Ryan Hall stated that if they were to move it any closer to the house, then they would have been on the back porch. He also stated that he has a pool coming in, so he was trying to put it where it is. He stated that he agrees that he made a mistake.

Chairman McCall addressed the applicant and asked if he was aware of the building requirement that if approved, he would have to fire-rate the walls.

Ryan Hall stated that he was aware.

Chairman McCall stated that it is fairly substantial to have to 1-hour fire-rate two walls on the sides.

Ryan Hall stated that it would be cheaper than \$33,000 it would cost to move the building from a house mover from Atlanta. He stated that no one around here wanted to move it.

Chairman McCall asked if there were any further questions for staff.

Trinni stated that the fire-rating was an Inspections requirement, and that the Zoning office cannot offer a variance to that requirement.

Ryan Hall asked questions on if it is approved what he would have to do in order to fire-rate the building.

Chairman McCall stated that technically, they are dealing with the variance right now and not the fire-rating. He stated they needed to get through questions for staff and then asked if there were any further questions.

Nancy Hobby asked if they were to approve it, who would make sure that is done.

Trinni Amiot stated that the Inspections Department would.

Mindy Bates stated that the Building Official Diane Carter would be the one who would make sure that is done.

Chairman McCall then asked if there were any further questions for the applicant.

Allan Strickland asked what the purposed of the building was.

Ryan Hall stated that they have a lot of kids, and their garage is full of stuff so he was going to move some of their things in the building. He also stated that he intends to put a bar/mancave/office in the building.

Nancy Hobby asked how big the building was.

Ryan Hall stated that it is a 20x20 building.

Trinni Amiot then spoke up and stated that for the record, he cannot operate a home occupation out of the building.

Ryan Hall stated that he wasn't. He again stated that he had contacted several house movers, and no one locally would move it. The only one he could find is from Atlanta and they were charging \$33,000. He stated that he is just trying to move on from this and get the building done.

Chairman McCall asked if there was anyone in support of the case who would like to address the board. Then asked if there was anyone in opposition of the case. He then asked staff if their office was contacted.

Trinni Amiot stated that multiple people had contacted them in support of applicant.

Chairman McCall asked if anyone would care to make a motion.

Allan Strickland made motion to approve as presented with criteria discussed making it fire retardant (fire-rating). Victoria Copeland seconded the motion. Vote: 4 approve-1 opposed

VAR-2025-07-Lisa Rich (3735 Byrd Road) Request for a Variance to Table 4.03.03 (b) as it pertains to design standards for manufactured homes. The subject property is located at 3735 Byrd Road (all or part of Tax Parcel 0212 001).

Trinni Amiot presented the case for the homeowner who is wanting to place a single-wide mobile home onto the property. Property was recently rezoned to R-1 from EA. She stated that in EA zoning, you are allowed to have a single-wide or double-wide, but in R-1 current regulations state that would require either a double-wide or stick built home. The applicant had purchased single-wide before they knew that a double-wide was the requirement. She stated it was stopped at the permit application and the applicant then applied for variance.

Chairman McCall asked if there were any questions for staff. Then asked if the applicant or applicant's representation would care to address the board.

Lisa Rich stated that she bough property with the intention of putting single-wide on it. She stated that she has purchased everything already and went to move it and that is when she was told she could not place a single-wide there. She stated that is she requesting a variance for that.

Chairman McCall asked if there were any questions for the applicant. Then asked if there was anyone in support who would like to address the board.

James Pitts (434 Terrace Blvd) stated that he owns property on Lightsey Rd and his daughter lives on Byrd Rd. He stated that it is a dirt road with residential houses with barns, some that are dilapidated and some with junk cars parked in the yard. He stated he is in support of her placing a single-wide there because she is improving the property and has already done a lot of work to make it look better already. He stated that this is something that someone will be taking care of. He also stated that people need affordable housing and that his daughter who was adjacent was also in support.

Chairman McCall asked if there was anyone else in support of the case. Then asked if there is anyone in opposition.

Crantford Moore (3848 Byrd Rd) stated he lives about 3 blocks down from this property. Stated that he does have a pole barn with a nice motorhome under it and is in the process of building a 30x30 shop that will not be cheap and feels that this would devalue his property.

Allan Strickland asked if she were to sell the single-wide and put in a double-wide by right. He asked what the major difference was between the single-wide and the double-wide except that it was bigger.

Crantford Moore stated that they were both mobile homes, but that the single-wide is a cheaper version. He stated that the difference is single-wide is \$60,000-\$65,000 versus \$130,000 home.

Chairman McCall asked if there were any other questions. He then asked if there was anyone else in opposition of the case.

Mike Moore (3798 Byrd Rd) stated that he has owned his property out there for nearly 40 years and for a long time, he was the only one on that road. He stated that there are being houses built out there and that his sister recently built a house next door to him. He stated that Mr. Pitts does not live out there, so he doesn't have any stake in the game. He stated that he believes the mobile home coming in is used and has been somewhere else before being moved there. He also stated that he feels that it will bring down his property value. He stated that R-1 zoning says you cannot have a single-wide and feels that they should stick to what the regulations say.

Chairman McCall asked if there was anyone else in opposition of the case. He then asked staff if their office was contacted. Trinni stated it was not.

Chairman McCall then asked if anyone would care to make a motion.

Allan Strickland made motion to accept as presented. Keith Godfrey seconded motion. Vote: 4 in favor, 1 opposed- Motion Passed

****Byrd Rd homeowners got up and walked out of meeting yelling their disagreement with the decision as they left the meeting.**

Review of Meeting Minutes:

Staff presented with minutes from April meeting.

McCall asked if anyone would like to make any changes. He then asks for a motion.

Allen Strickland made motion to approve meeting minutes as presented. Keith Godfrey seconded motion. Vote: 5-0 approved.

OTHER BUSINESS:

Attendance Review:

John Hogan-Family Emergency-excused

Nathan Brantley-working -excused

Adjournment:

Meeting adjourned at 4:12 p.m.



John "Mac" McCall, Chairman

7/8/25 Date

