

MINUTES

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

Tuesday February 6, 2024, 2:30 p.m.

MEMBERS PRESENT

John “Mac” McCall
Nancy Hobby
Dr. Samuel Clemmons
Nathan Brantley
Marion Ramsey

MEMBERS ABSENT

Allan Strickland
John Hogan
Victoria Copeland

STAFF PRESENT

Lauren Hurley
Matt Martin
Margaret Torres
Hogun Vaughan
Trinni Amiot

VISITORS PRESENT

Katherine Vins w/ Arbor Run HOA
Angelia Koehler w/ Arbor Run HOA
Stacey Denmark w/ Harden Rentals
Chris Posey w/ ANS Signs/CIMA
Austin Roberts w/ ANS Signs
R. Setser (Arbor Run Neighbor)
Jeffery Holden (Homeowner)
Nancy Sartin w/ Arbor Run HOA
Mike Richardson (Arbor Run Resident)

CALL TO ORDER

John “Mac” McCall

Calling of meeting to order at 2:34p.m and explanation of meeting process to all those in attendance.

City of Valdosta Cases:

APP-2024-03-CIMA Network Inc.(1700 Norman Dr.) Request for a Variance to LDR Section 230-9 (D)(4)(ii)(b) as it pertains to wall signs in the C-H (Highway Commercial) zoning district (Tax Map 0107C Parcel 074).

APP-2024-04-Jeffery Holden (3564 Victoria Drive) Request for a Variance to LDR Section 214-1 as it pertains to the minimum building setbacks in the R-15 (Single-Family Residential) zoning district (Tax Map 0107C Parcel 122).

APP-2024-05-Harden Rental Network (2607 Bemiss Road) Request for a Variance to LDR Section 218-13 (MM) as it pertains to supplemental regulations for Pet Boarding (Tax Map 0112B Parcel 033 & 034).

The meeting was called to order by John “Mac” McCall at 2:34pm. He read the rules of the meeting. He then introduced the first case.

APP-2024-03-CIMA Network Inc.(1700 Norman Dr.)

Lauren Hurley presented the case for variance to sign regulations in LDR 230-9 (D)(ii)(b) in C-H zoning district. Five Below is requesting wall signs be above the maximum allowable sq. footage (72.75 sq ft) per facade. They are requesting 105 sq ft. The previous tenant Children’s Place was maxed out at 72 sq ft under current standards. She stated that there was a previous variance in 2010 for J.C. Penney. Also stated that the Mall was ok with the proposed package. Nancy Hobby asked for clarification that the Mall was ok with it. Lauren stated that other adjacent tenants have more wall space and do not need variances. Dr Clemons wanted clarification on the number of signs. Chairman McCall asked if each façade is twice what it is supposed to be Lauren Hurley clarifies that they are allowed 72.75 sq ft and they are asking for 105 sq ft. which are cumulative of both on each side. Nancy Hobby asked if other stores were in compliance and Lauren Hurley confirmed that they are. Chairman McCall clarified that this variance was for wall signs only and not for any banner signs. Lauren Hurley confirmed. Marion Ramsey asked the size of signs facing the Mall and Lauren stated that they are the exact same size as those on the other side facing parking lot. Lauren clarified again that wall signage for each façade is accumulative of both signs added together which is above the allowable for each façade. Chairman McCall clarified for the board that the applicant is over by 32.95 sq ft on each façade. Matt Martin states that if they only had the larger of the 2 signs that they would be in compliance. Chairman McCall stated that if they did as previous tenant Children’s Place, they would be in compliance and would not need a variance.

Chris with ANS signs addresses the board and steps to the podium. Nancy Hobby asked why they needed the extra square footage. Chris stated that they want more visibility from Norman Dr. He also stated that the previous tenant felt that they had less traffic because of their sign size. Lauren Hurley states that she was told that they wanted their signs to be seen from Norman Dr. Chairman McCall asked if there are any other questions and calls for the vote.

Nathan Brantley makes motion to approve variance as presented. Dr Clemons seconds the motion.

Vote: 2 in favor, 1 against, 1 abstained. Variance Passed

CASE 2:

APP-2024-04-Jeffery Holden (3564 Victoria Drive)

Lauren Hurley presented case for variance for Jeffery Holden as it pertains LDR Section 214-1 as it pertains to minimum setback requirements in R-15. Owner requesting 30ft x27ft carport to extend from existing roofline from garage right up to the southern property line. She states that minimum side setback in the R-15 zoning district is 10 feet from property line. Owner requests to have structure right up to property line. Staff recommends denial. Nancy Hobby asks about the runoff from the roof. Chairman McCall stated that the runoff would be into the neighbor's property if right up to property line. Lauren Hurley stated that the owners would be able to build an addition as long as they meet the required 10 ft set back. Marion Ramsey clarifies that they are wanting a built structure connected to the house instead of something freestanding. Chairman McCall asked if there were any questions for staff.

Applicant Jeffery Holden steps to the podium and states that they are wanting to build a carport structure addition with 3 pillars and a gabled roof to match the house on the existing concrete. Chairman McCall asked the reason he is wanting the structure to be 30 ft wide. Mr. Holden states that he is adding the 3 pillars and wants that size so that they can park additional vehicles under it and have enough room to pull in and out without hitting the pillars. Chairman McCall asked about 20 ft being sufficient instead of the 30 ft and clarified the use of the existing garage. He also asked why 20 ft would not give them enough space. Mr. Holden stated that it would not be and that it would interfere with backing out. Marion Ramsey clarified with the applicant that the pillars would be 2 at the end and 1 in the center. He also asked if they could do a beam and only have 2 pillars instead of having 1 in the center. Chairman McCall clarifies that the pillars are actually at the end of the structure and right on the property line. He also asked the applicant if that could not be pulled in by 10 ft in order to pull into the garage. He again clarifies that it will sit directly on the property line. Nancy Hobby addresses Lauren Hurley and asked if built directly on the property line, would that mean it was owned by both parties. Lauren states that nothing is allowed on a property line and in the instance of a fence, it is the responsibility of who puts the fence up, but it is recommended that it be place within the property line. Chairman McCall raises concern about the distance between the next house and that there would be fire code issues. Lauren Hurley states that in the zoning district that set back standards are 10 ft. Chairman McCall clarifies that the 10 ft set back on each side would be a distance of 20 ft between the houses. Marion Ramsey asked the applicant if he had discussed the structure with the neighbor on that side. Mr. Holden stated that he had not. Chairman McCall clarifies that the neighborhood has and HOA. Lauren Hurley stated that the HOA was present. Nancy Hobby asked the applicant if there is a specific reason why it wants the structure attached rather that set back from the house. She stated that she had driven the neighborhood and there were no others facing the road. Mr. Holden stated that he thought it would look more natural and that if he set it back behind the house that he would need to pour more concrete.

Chairman McCall asked if there was anyone else in support or in opposition.

Katie Vins, Chair of the HOA, stepped to the podium and stated that she was there to represent the neighbor on the side of the proposed structure. She read a letter he wrote stating that he was out of the country and could not attend but that he was in opposition and felt that it would bring property values down in the neighborhood. Chairman McCall asked that the letter be copied into record. He also clarified with Ms. Vins that a carport was not allowed and asked for clarification of HOA rules for no carports, front facing. Ms. Vins clarified that it was not allowed according to the covenants. Nancy Hobby requested that a copy of the covenants be put into record. Ms. Vins stated that the covenants do have an expiration that, but that they were still in effect. Nancy Sartin Neighbor & HOA Treasurer steps to podium and states again that the covenants do not allow for carports and that she spoke with Mr. Holden and gave him a copy of the covenants with highlighted restrictions. She stated that carports are not allowed and that her concern if this is granted that it would open the door to others that would destroy property values in the neighborhood. Nathan Brantley asked if this would be something that would need to be submitted and reviewed by the HOA. Ms. Sartin confirmed that it would be. Nathan Brantley asked if plans had been submitted to the HOA and Ms. Sartin stated that they have not been. Marion Ramsey asked for clarification what was discussed about the covenants in place. Ms. Sartin clarified that Mr. Holden thought that the covenants had expired. Mr. Holden stated that he was told in 2015 that covenants had expired and that the HOA was voluntary, and you could pay \$100 to maintain the property. He stated that he had not received any paperwork on it and since it was voluntary when they purchased the property, they had not participated in it. Ms. Sartin stated that every year a letter goes out to everyone in the neighborhood from the HOA for dues. She confirmed that it is voluntary, but the letter is clearly marked from Arbor Run Homeowners Association. She also stated that from the contract seller that sold them the property, it was stated that there was an HOA. Marion Ramsey asked for clarification that in Arbor Run that there were no carport additions. Ms. Sartin stated that there is someone down the street from Victoria that someone has added a pool house addition to the rear of the house that architecturally matches the house. Chairman McCall asked for copies. He also asked if there are further question if Mr. Holden has anything else to say. Mr. Holden showed paperwork to staff from where he purchased the house and Chairman McCall asked that it be put into record. Nancy Hobby asked for clarification that dues are not mandatory, but that it has nothing to do with the enforcement of the covenants of the HOA whether they pay the \$100 or not. Ms. Sartin stated that was true. Marion Ramsey asked if Mr. Holden was made aware of that. Ms. Sartin stated that the contract where he bought the property has a checked off box stating that there is an HOA as part of the disclosure and in addition there are letters sent out to the homeowners for dues explaining what those are for the retention pond, cameras, etc. Chairman McCall asked if each sales contract is reviewed before being signed as to what is being put in the disclosure. Ms. Sartin stated no, but that she has been contacted in the past by a seller asking what they needed to put in their disclosure. She also stated that the point of the disclosure that there is an HOA comes with the assumption of covenants. Chairman McCall clarified with Ms. Sartin that before the applicant were to build the structure, that he would still have to submit an application to the HOA for approval that could be denied and would also stop him from being able to build the structure. And in order to enforce that, the HOA would have to seek legal counsel. Ms. Sartin verified that was correct. Chairman McCall asked if anyone else in opposition.

Mr. Richard Setzer stepped to the podium. He is a neighbor at 3540 Victoria Dr. He stated that if Mr. Holden is building a carport and already has a garage on the house, he does not understand the need for a carport. He stated that the columns would prevent a fire truck to the rear of the house. He stated that this would deprive Mr. Holden's house and possibly the house next door fire protection. He also stated that he was also concerned with the looks of this in the subdivision.

Chairman McCall asked if anyone else in opposition and if the Zoning office was contacted. Lauren Hurley stated that those in attendance had contacted her.

Chairman McCall calls for a motion. Nancy Hobby makes motion to support staff request for deny variance request. Nathan Brantley seconds motion.

Vote: 2 in favor of denial, 2 against. Chairman broke tie with vote to deny. Variance Denied

Case 3:

APP-2024-05-Harden Rental Network (2607 Bemiss Road)

Lauren Hurley presents case as variance of supplemental regulations as they pertain to pet boarding. She states that the property was recently zoned to C-C. It is a narrow 6-acre tract. Site plan presented to the board. There will be no rear buffering disturbed and stated that the property is currently going through the rezoning and Conditional Use Permit (CUP) process which will be heard in the upcoming City Council meeting. Matt Martin has also provided the information to the board on the Conditional Use Permit conditions and Lauren provided overview of operations of the business. Lauren stated that 2 of the 3 supplemental regulation criteria are met. Chairman McCall asked if there are any questions for staff. Nancy Hobby asked if the memorandum is what the Planning Commission approved. Matt Martin stated that they are recommending approval as stated with the conditions. Nancy also asked if that was what was going before the City Council at the upcoming meeting. She also asked if the board was able to add to the recommendation. Lauren stated that this was the reason that Matt Martin wanted to attend to make City Council aware this information was being heard in work session that day. Nathan Brantley asked how the Planning Commission came to the 50 animal number. Matt Martin stated that they had recommended 30 to start with and then it was staff recommendation to round up to 50 due to there being so much room on the property. He stated this would give them room to grow and if they ever wanted to go beyond that, they would need to go before council again. He states that they had considered putting a size limit on the building, but the main concern was the number of animals instead. Matt stated that the building would be over approx. 10,000 sq ft. and would have plenty of area to accommodate the building and play area. Nathan Brantley asked what they would have besides dogs. Matt Martin states that the owner would have to address that, but thought the primary focus was dogs. He stated that the CUP stipulated household pets to avoid other animals such as chickens, etc. Nancy Hobby asked for clarification that the 10,000 sq ft building would just be housing animals and an office. Lauren Hurley clarifies that the office space would be located in the existing house on the property. Nancy asks if this would be like an indoor kennel. Matt Martin confirms that it would be an indoor kennel with possible supply room, etc. Lauren reiterates that the overview gives information on the business hours of operations and times

animals will be out so the animals will not be out all day in the runs and play area. Matt clarifies that this will not be only kenneling, but doggy daycare as well. Lauren Hurley states that not every dog will be staying overnight.

Chairman McCall asks if there are any other questions for staff. Then asks for applicant or representation to address board.

Stacy Denmark addresses the board. Chairman McCall asks about the business plan listing the outdoor play times and if the play area will be broken up or if all dogs will be out at the same time. Stacy stated that it would be at the discretion of the owners and also if animals do not get along then they would be separated. Chairman McCall asked if the play area would be subdivided. Stacy stated that there would be a splash pad and different activity areas for the dogs. Chairman McCall asked if there would be different groups of dogs in different areas. Stacy stated they would be. Chairman McCall then asked that theoretically, they could have 50 dogs all outside at the same time from 8am-12pm and 2pm-6pm. Stacy stated that yes that was a possibility. Chairman McCall then asks about the transitional rear buffer area and if there were any plans to expand into that area. Stacy stated no that she wanted to leave as much area in the rear between them and the residential area. Chairman McCall asked if there are any other questions for applicant. Marion Ramsey asked if she plans on expanding her services to other animals. Stacy stated that it would only be for daycare, grooming, and boarding for dogs only.

Chairman McCall asks if any other questions. Asks if someone one like to make a motion. Nancy Hobby makes a motion to approve with terms of the Conditional Use recommendation that the wooded are on side and rear would remain as shown on site plan. Dr. Clemons seconds motion. Vote unanimously approved.

Other Business

(1) Trinni Amiot with Lowndes County Zoning addresses the board stating that she has 3 cases to be heard but missed the 30 day deadline to advertise by 1 day. She asked for a special meeting delay of 1 week to give her time to advertise.

Chairman McCall raised concern if there would be enough staff to have a quorum for the 12th. If meeting called on the 12th, staff would need to make members aware.

Motion by Nathan Brantley to hear all county cases on March 12th at 2:30pm and the city cases will remain on March 5th. Motion seconded by Marion Ramsey. Vote Unanimously approved.

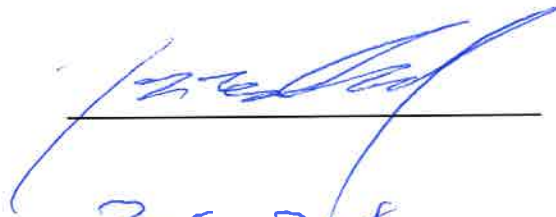
(2) Lauren Hurley-Introduction of new Zoning Officer, Hogun Vaughan, to the board

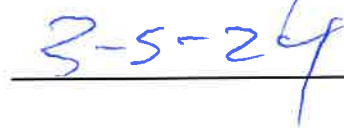
Review of Attendance Policies for ZBOA

Review of Previous Meeting Minutes

Motion to accept previous meeting minutes by Dr. Clemons, Seconded by Marion Ramsey.
Minutes Approved

Meeting Adjourned: 3:45pm


_____ John "Mac" McCall, Chairman


_____ Date