

MINUTES

Valdosta-Lowndes Zoning Board of Appeals
Valdosta City Hall Annex Multi-Purpose Room
300 North Lee Street, Valdosta, Georgia
April 4, 2023, 2:30 p.m.

MEMBERS PRESENT

Nancy Hobby
John “Mac” McCall
Allan Strickland
Dr. Samuel Clemmons
Victoria Copeland
John Hogan

MEMBERS ABSENT

Nathan Brantley
Marion Ramsey

STAFF PRESENT

Lauren Hurley
Denada Jones
Trinni Amiot
JD Dillard
Mindy Bates

VISITORS PRESENT

Donald & Bonnie Summers
Roger Budd
Gerald Chaspn
Shane & Toya Little
Robe Kendrick
Jack Wisenbinder
Job Russ
Carver Buis
Bill Kent
Anna Deloach
Norma Garcia

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:

Let me call this April meeting of Valdosta, Lowndes County Zoning Board of Appeals to order. Everyone in attendance will sign in on the sign in sheet at the back of the room. Before we begin, I will explain the process for the meeting. I will call each case by the case name and case number. The city or county representing staff will come to the lectern to present the facts of the case. After the presentation, the board may ask questions from the staff. Once the board has heard the case and asked all questions necessary of staff, we will move to hearing from either the applicant or the applicant's representation. After hearing from the applicant, we will hear from anyone else who wishes to express support for the

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case. Finally, we will move to hearing from anyone who wishes to express opposition to the case. Anyone addressing the board will please come to the lectern and give their name and address for record.

For clarity and respect, we ask that only the person at the lectern address the board and that the audience give them an uninterrupted chance to be heard. If there is important information that you feel we need to consider, then please come to the lectern when it is your turn. In the interest of time, though, the board asks that you keep your comments brief and to the point. Please do not come to the lectern only to restate the same information we have already been given by someone else. Once the board has had a chance to hear from all sides on the matter and ask any questions, we feel are necessary, then we will decide. If we do not feel that the necessary information is available to decide today, then we may decide to table the case for the next meeting. Please be aware that this board is here today only to address variance applications to the Zoning Code for Lowndes, County, and the City of Valdosta. This board has been given the power to decide. We cannot and do not have the power to address any other matters that are not covered by the Zoning Code of Lowndes County or the City of Valdosta. We will move to hearing from hearing the first case. VAR-2023-03, Lowndes County.

LOWNDES COUNTY CASES:

VAR-2023-06:

Trinni Amiot Good afternoon. My first case is VAR-2023-06, Camp Swindle Road, Valdosta, Georgia.

Trinni Amiot This is a variance request to the road frontage.

Trinni Amiot The Property owner Mr. Chason is requesting an attempt to record a survey plat for his property that has no frontage on a county-maintained road, in order to subdivide 5 acres from the parent tract for his child. The subject property consists of ~84 acres, and is located off of GA Hwy 122 E, in E-A zoning district. Swindle Road is no longer a county-maintained road, as it was officially closed by the Lowndes County Board of Commissioners in 2004. As part of the closing of Swindle Road, each property owner was granted a twenty (20') foot ingress/egress easement to access their property. The subject property was subdivided in 2014, with the smallest lot size being 5 acres, and a variance was granted at that time to the road frontage requirement. In order to further divide the property, another variance to the road frontage requirement is needed. The TRC, reviewed the request and offered general comments centered on the additional subdividing of the parent tract. Survey review is based on the number of times a lot is divided, and at (new) Lot #6, conventional subdivision standards apply. Should the variance be granted, a subdivision plat will be recorded reflecting the division. Overall, I have no objection to this proposal. Staff is supportive of the request due to the improvements paving to the access drive from its former state of an unimproved dirt right-of-way and recommends approval.

Chairman McCall Would there be some concern, should this be further subdivided in the future?

Trinni Amiot We do have subdivision regulations that say at lot number six, that triggers a different subdivision review. Those kind of things where roads have to be built by county standards and generally accepted for carrying infrastructure. But my understanding is that this is going to be further subdivided. I've conveyed that to their surveyors.

Nancy Hobby Okay. So. How many acres are in the total parent trap?

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Trinni Amiot I'm not sure, but I'll reach out for additional clarity.

Chairman McCall Okay. Any other questions for staff? Thank you. Would the applicant or the applicant's representation wish to address the board?

Chairman McCall Okay. Anyone else here in support of the case? Anyone here in opposition to the case. Was your office contacted?

Trinni Amiot Not really. Just further clarification from surveyor.

Chairman McCall Unless there's other questions by the board which someone cared to make a motion.

Allan Strickland I'll make a motion make a motion to grant as presented citing criteria D and F as presented.

Chairman McCall Okay.

Chairman McCall We have a motion second and a second. All those in favor. It is unanimous. (APPROVED 5-0 vote) Thank you. All right, we we'll move on to the second case for the day VAR-2023-07, Southern Tractor & Outdoors, Valdosta, Georgia.

VAR-2023-07:

Trinni Amiot This is a variance to the tree and vegetation protection. As I said last month, Southern Tractor & Outdoors is requesting a Variance to of the ULDC Tree and Vegetation Protection regulations as it pertains to replacement trees.

Trinni Amiot They did a good job. Overall, staff is supportive of the variance request. The newly planted canopy trees will be appropriately spaced in order to promote healthy growth and curb appeal to the lot.

Trinni Amiot I know that I spoke with Dollar General after their variance was approved last month, and it was they were ambitious with how many trees they wanted to replant. Overall, staff us supportive of this.

Nancy Hobby Okay, I got a question.

Nancy Hobby The trees that are currently there, they are going to stay?

Nancy Hobby How many are left?

Bill Kent There's a bunch of oaks there now, and we plan to remove 19 total.

Mac McCall There's a bunch of big oaks in the back. Are those staying? Any other questions of staff? Thank you. Will the applicant's representation wish to address the board.

Bill Kent My name is Bill Kent with Innovative Engineering at 2214 North Patterson. I'm honored here on behalf of Southern Tractor. We prepared the construction plans for their new facility and submitted that then this review comment came back. This particular zoning paragraph section literally says that for

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every inch of tree removed, you have to plant the same number of inches back, which is exorbitant, in my opinion.

Bill Kent Of these 19 trees that we're removing because of the way they're building and marketing and all that, we have no choice but to remove those. They total 339 inches of tree. Typically, when you go back and replant at the nurseries, you get for larger trees, you get two and a half inch caliper for small trees, two inch counter. You can get larger ones, but once you go over four inch caliper, then the trees become very expensive. But at two and a half inches to replace that 339 inches would require them to plant back a 136 trees for the 19. We are proposing to replant the 27 trees of the species. Looking at the criteria, the variance criteria, I believe the criteria C, D, G, and I apply. I'll let you guys make that call. We're glad to answer any questions about the landscaping that they proposed to put back in. And also, keep in mind, as a commercial business they want to keep some semblance of when you drive by, you see the building type. If we plan to make trees, you wouldn't be able to see the construction there. With the trees that are remaining and the 27, they're putting back, I believe in my opinion, that it's going to be a nice-looking site.

Allan Strickland Are all the trees going to be to the rear of the building?

Bill Kent No, they are going to be mixed around the site. These 27 trees they're going to have a new drive coming in off of Highway 84. There'll be a few trees planted along there. I should have brought a copy of the site plan. But a few of the trees are in the front. Not all 27, but then on the side, on the west side, they have a 10th are going to be put in a detention pond. So we got some trees kind of lined along the pond.

Chairman McCall Is the building pad that's built out there now generally where the building is going to be located.

Bill Kent Generally, yes.

Chairman McCall Okay. Any other questions? Thank you, sir. Anyone else here in support of the case? Anyone here in opposition to the case. Was your office contacted?

Trinni Amiot No Sir.

Chairman McCall Okay. Unless the board has any other questions or comments, would someone care to make a motion?

John Hogan I'll make a motion that we grant variance request as presented for site criteria C, D, F.

Chairman McCall We have a second?

Nancy Hobby Second.

Chairman McCall We have a motion in the second. All those in favor. It is unanimous. (APPROVED 5-0 vote) Thank you, sir. All right. We will move on to the third case for today, VAR-2023-08, Detached Carport.

VAR-2023-08:

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Trinni Amiot The applicant is requesting a Variance to Section 5.02.01(E) of the Lowndes County Unified Land Development Code (ULDC) as it pertains to Standards for Accessory Structures. The subject property is located at 3180 Stallings Rd in Valdosta and consists of ~8 acres currently zoned E-A (Estate Agricultural). The McKinnon's purchased this property in 2019 with the intent to build a new house and engage in some light agricultural uses. The Farm Use Verification form, and the Zoning Approval Letters for the dwelling and accessory structures were all properly obtained. As stated in the letter of intent, the McKinnon's were not aware of the requirement to locate the accessory structure in the side or rear of the lot during the construction phase. However, due to the location of the power lines in the front of the lot and the wetland area in the rear of the lot, the location of the detached carport was constructed on the front/side of the new dwelling. TRC staff considered this request during their regularly scheduled meeting and found no technical objections. Overall, staff is supportive of the variance request, as the lot has particular hardships that inhibit compliance with the Code. If extenuating circumstances had not applied to this lot, I would not have considered it. If you go look, there's a lot of drainage. There's a drainage ditch there. There's a drainage ditch down the back and then there's powerlines in the front. It's very difficult to locate that accessory structure anywhere else, and that means that it could be done.

Trinni Amiot Overall staff is supportive, just due the fact the lot has a lot of hardship.

Chairman McCall Okay. Do we have any questions for staff.

Nancy Hobby In going out there? Like you said, there are a lot of obstacles, drainage ditches down the side, across front, and across back. I noticed that there is a building on the front that originally you said it started out as a barn.

Nancy Hobby If you know some pieces of land limit you to how many buildings you can put on there because of these obstacles? And it looked like there was an area in the back, even though trees would have had to be gone. There were some pines to the side. I guess that would be the South Side. You know, it would be if you were looking at the house to the right.

Allan Strickland That's on the back side of the in the lot.

Nancy Hobby They've got two lots, and this would be right behind the pecan trees. Is there a limit to how many? We could just keep going with this.

Nancy Hobby Because they are EA and because they are engaged in some agricultural activities, they can get a farm use, which they did to allow them to put up the barn, which they did. Now, the Standard County rules has a statement that says, I think is a max of five accessory dwellings and no more than 1500, 5000 max in accessory buildings.

Trinni Amiot So they can put out no more than five and no more than 5000 square feet. If they put up the whole barn and it was legitimately used for farming, they could probably have more than that as far as the overall total.

Chairman McCall So they have four accessory structures now because they have two more behind the existing house.

Trinni Amiot Well, and those are on their own.

Chairman McCall The other piece of land. Okay.

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Nancy Hobby Reinforcements. Okay. For farm use they were allowed a barn. Would they have been allowed a kennel for a farm use because it has been subsequently turned into a kennel. It's got five and six different compartments.

JD Dillard Kennels are allowed in the EA zoning. There are standards for additional setbacks.

Nancy Hobby Does that make setback standards?

JD Dillard Based on this use of the kennel, no it does not.

JD Dillard So again, if it were the kennel versus the full barn, a full barn is the largest accessory structure in general. It is 20 feet on the sides for standard EA zoning. That's what was presented to the county. It wasn't until after that the use was changed to a kennel.

Nancy Hobby When you make modifications, do you have to go back when you change it from one structure to another structure.

JD Dillard It really depends on the type of modifications to make. The structures are equally to this point.

JD Dillard The building itself, a standalone accessory structure does need to be facing setbacks for EA zoning. It meets basic setbacks for EA zoning.

Chairman McCall Other questions. Thank you. Anyone here in support of the case or the applicant or applicants' representation wish to address the board.

Carl McKinnon My name's Carl McKinnon. I'm property owner along with my wife. My only thing I want to bring the attention to is the fact that we got zoning and building permits. Nobody's ever said a word. My wife works with the people associated with our HOA and they know nothing about an accessory building outside of restrictive covenants, subdivisions and Lowndes County. We've asked more builders, etc. We live on 17 acres of land, and they are trying to tell me where to put a barn?

Carl McKinnon So I pulled my house permit first and then went back to pull all my other permits for my accessory buildings and then here comes the county telling me that are you aware that you can't place that accessory building there Mr. McKinnon. But prior to me doing it, no one said anything. There needs to be some major education going on to these buildings prior to work because none of my guys know of restrictive rules only what's applied on the forms given. It's the fact that if I had been notified earlier, we could have adjusted things, but not after. That's not fair. They gladly took our money for the permit, but didn't tell us we couldn't place it there until afterwards.

Chairman McCall Questions for the applicant.

Nancy Hobby My question was not about a barn. It's about modifying it into a kennel.

Chairman McCall Right.

Carl McKinnon No, it's just an accessory building.

Nancy Hobby Okay. No other questions.

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Chairman McCall Thanks.

Allan Strickland Carl, I got a question. Would it be a major headache if the board requested you to plant trees and foliage down a north side.

Carl McKinnon It's in our plans. I've got 72 pecan trees as you probably saw the little ones. The next step is to keep on landscaping.

Carl McKinnon Well, the only thing I'm looking at is if you got some relatively fast-growing trees between barn and the neighbors fence right there.

Allan Strickland Okay. They just to act as a sound buffer in case the dogs do bark or whatever, to maybe cut down some of the sound.

Carl McKinnon Oh, that's okay. We just haven't had a chance to plant all of them yet, but it's in the works.

Allan Strickland I understand.

Carl McKinnon I was hoping that it would be a sound barrier and then we even extended the fence. So we've spent quite a bit of money on this project not knowing what we're getting into. I mean, eventually our whole property will be fenced in, and the dogs will have full range, but we still want to keep them in the kennels because of the snakes and other things. I mean, we love our dogs

Chairman McCall Okay, thank you. Any other questions. Thank you, sir.

Chairman McCall Anyone else here in support of the case? Anyone here in opposition to the case? Yes, sir.

Joe Russ Good afternoon. My name is Joe Russ. I live almost directly across the street from this property and there are plenty of dogs. As far as I can tell, about 90% of the codes have been broken on this building. I'm afraid. I say that because there are several dogs there. I could also point you to section 4103.101. Subsection eight Domestic animals prohibited minimum set back 75 feet from residential structures or zoning soundproofing is required. A wooden fence that's five or six foot high with trees, is laughable. I live 200 or maybe 300 feet down the road. Every time I go outside, I hear the owner screaming at the dogs to shut up and also point out that 40 dogs on this chart that you have in your unit by code states that boarding of domestic animals is prohibited and the hours of operation, if it's not a residential business, this is commercial is between 7 a.m. to 7 p.m. But the lights are on 24/7 for the dogs day and night. We are requesting that the board vote against and shut it down.

Chairman McCall So I understand that there are concerns about the kennel building and I believe that the kennel building and the issues there are being handled potentially under review as a separate issue. What we're hearing today has to do with that building right there, the garage itself. So, I understand. I understand that there's a dog kennel out there or another pole barn in the front that has its own issues. And like I said, that is being handled as a separate issue regarding the carport itself. Do you have any comments regarding the carport itself? Regarding the noise and the noise issues? Like I said at the beginning of the meeting, we are not an enforcement arm regarding noise or anything like that. It is my understanding that they are there is a code enforcement arm that deals with that. There is also, I believe the police are or animal control. I'm sure animal control does handle noise issues regarding animals. It is my understanding that that depends upon what time of day the noise is being made and how constant it is. But I do understand

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that there is an issue there and that quite a few people are probably here to talk about that. What we can say is we can't do anything about that. Regarding the noise itself, we highly suggest you contact code enforcement and animal control regarding that issue. And like we said, regarding the pole barn itself, that if it ends up coming before us as a separate variance or needs to come before us, that would be the time that those issues would need to be addressed. As far as the carport itself being in front of the house, I want to just clarify that you don't necessarily have an issue with that itself.

Job Russ No, sir, I don't. I'm a little confused on the fact of what we are discussing at the moment. The issue is the pole barn. Why is the carport an issue. I'm sorry, why is this under question?

Chairman McCall Because it's in front of the house and the ordinances that this is an issue that needs to be addressed.

Joe Russ Can I finish my question?

Chairman McCall Go ahead.

Joe Russ I'm confused about why this is on the table right now and not the dog kennel is which is the exact same.

Chairman McCall Right. Because my understanding is the carport being in front of the house was flagged as an issue, a violation to the very to the ordinances before the issue came to attention of enforcement regarding the pole barn and the changes to the pole barn. So, like I said, that is being handled as a separate issue. It's a simple matter of timeliness, how things have happened. Regarding the carport itself, that's the reason that we are seeing and hearing about this now. Had the other come to our attention beforehand or come to the attention of code enforcement beforehand, we would likely be dealing with these in a separate issue. But yes, regarding the carport itself, the reason for it is simply because it is in front of the house and the ordinances say it should not be in front of the house. So that's the reason the case is being heard.

Joe Russ Okay.

Chairman McCall Anything else? Okay. Thank you, sir. Anyone else here in opposition to the case? Okay. Was your office contacted?

Trinni Amiot Not really. Most were calls asking about what was going on.

Chairman McCall Okay. All right. Unless there's any other questions of staff or comments by the board. Would someone care to make a motion?

Allan Strickland I'll make a motion to grant as presented citing criteria. Granted as presented with the stipulation that you would put some additional buffering, vegetated buffering between there and the fence to act as a visual shield as well as a noise buffering, sound buffering.

Chairman McCall Okay, We have a motion. We have a second.

Dr. Samuel Clemons Second.

Chairman McCall All those in favor? All this against. Abstained? Okay. We have four in favor and one to abstained? Motion passes. Thank you. (APPROVED 4-1-0 vote)

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Chairman McCall Again, if the other issue comes before us, we will be here to hear from everybody. Thank you. All right. We'll move to the last case of the day VAR-2023-09, Roger Budd.

VAR-2023-09:

Trinni Amiot So, the applicant is requesting a Variance to the Sign Ordinance, particularly Ch. 5.04.07 (B)(2) as it relates to the width between sign faces on a single pole and Ch. 5.04.07 (G)(2) as it relates to the maximum square footage allowed for sign faces. The subject property consists of approximately 23 acres and is located on Mill Store Road, in a C-H (Highway Commercial) zoning district. There are currently three sign structures on the property, which Staff has deemed abandoned, and a fourth digital sign awaiting to be erected, that has been approved by GDOT for placement on the property. The ULDC definition of an Abandoned Sign is: "Any sign face now or hereafter existing which no longer advertises a bona fide business conducted or a product sold shall be deemed abandoned and shall be removed by the owner of the building or structure upon which such sign face may be found. "The applicant is proposing to utilize the two abandoned sign structures located on the north and south end of the property, to erect sign faces that are 14'x 28' = 392 square feet (each), at a width of greater than the 4 feet back-to-back requirement. This will bring the maximum sign face area (total for 4 signs) to 1,568 Schaper 5.04.07 (B)(2) provides that, "A double-faced projecting or freestanding sign shall be construed as having the area of a single face, provided that the sign faces are placed back-to-back and are at no point more than four (4) feet apart. "Therefore, a 1,068 square feet Variance is being requested to the maximum square feet in the sign area, and a Variance to the back-to-back distance requirement of four (4) feet is being requested staff heard and considered this request during their regularly scheduled meeting and overall found no basis to support the variance. The TRC's interpretation of the ULDC Section 5.04.00 regarding signs is that they have been deemed abandoned, and any new sign shall be erected only in compliance with the ULDC.

Trinni Amiot That's what it looks like. You can see the three sign structures that are up there now. These should not exceed 500 sq. ft. That's actually the variance.

John Hogan Where those three original signs already there?

Trinni Amiot Those three have been in quite some time more than likely original to the shopping center.

Trinni Amiot Each abandoned sign is about 672 square feet.

Chairman McCall Correct me if I'm wrong, the new multiphase or digital sign that is going up will have two faces on it. It will be a V-shaped sign, have two faces on it. And we were sent a copy of the agreement with Budd properties regarding that sign. And part of the agreement, per my understanding of what's written in that agreement and what was agreed to between the county and the property owner was that the multipurpose sign could go up as proposed by the property owner, as long as either the north and south sign come down or they be rebuilt within compliance of the of the signed ordinances. Is that correct?

Trinni Amiot Yes Sir.

Chairman McCall So now we're hearing a variance application to change that agreement that was previously agreed to by both parties.

Trinni Amiot It seems that way. Okay. In addition to the four feet in the back.

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Chairman McCall Right. If he were to stay within the original terms of the agreement, he could take these two signs down and put them back up in compliance, which would be smaller and four feet narrow, a maximum of four feet worth on the back side.

Trinni Amiot There's correct.

Nancy Hobby And both sides would have to total 500 hundred square feet, no more. Is that right? Are these on-premise signs?

Trinni Amiot They plan to convert these to off premise. Who knows what they were in the early 90's , late 80's. But they stated that they want to convert these.

Nancy Hobby But on premise. Let me get this straight. On premise would keep them from being able to advertise a business 30 miles down the road. They would have to advertise whatever was in that shopping mall.

Trinni Amiot Yes.

Chairman McCall Do we know the age of these structures? They seem to be original to. I mean, or at least somewhere near the original. Do we have original sign applications or anything on these?

Trinni Amiot We ran Google Earth back to see and we saw the same signs.

Chairman McCall I mean, cause there's hanging steel and dirt and quite rough conditions.

JD Dillard Yes, We met on property with a sign contractor and he recommended that to take it down just for safety reasons. That's where the original agreement came into being constructed with sufficient message sign being fully reconstructed.

Nancy Hobby Who was the person that did this recommendation.

Trinni Amiot He was an employee of the sign contractor company, to try and figure out where they could put the variable message board,

Nancy Hobby So he himself said they were in poor shape.

Trinni Amiot He said that the next morning.

Chairman McCall There is a stake in one of the islands that's right down from where all that steel was laying on the ground back. Like if you're coming back towards the camera, there's a stake in one of the islands. Is that where that multi message is proposed to go?

Trinni Amiot I'm really not sure. DOT said you have to be so many feet from here and so many feet from there. So, I think those might have been generally located. They might have firmed it up once they got the permit approved.

Chairman McCall It seemed to be about halfway between the middle sign and the farthest south sign. Is that the general idea of about where it's going to be? But and that's the other thing is overall, that main sign that we're looking at right there, we're not addressing any of that at all. Right?

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Trinni Amiot Not in this variance.

Chairman McCall And, that is not required to be changed or modified in any way as a part of the agreement for the original for that for the multifaceted multi-phased. (Trinni confirmed)

Allan Strickland And because of the size of the property, the length of footage for size is permitted. What about any of the regulations pertaining to minimum footage between signs, or does that is that only for outdoor advertising signs, not premises signage?

JD Dillard There are several standards that are applied to this particular case because we have existing non-conforming sites that have been deemed abandoned, and you have the applicant requesting to put up new signs. So, which actual regulation applies, which is why these particular sign are in question as far as sq footage.

Trinni Amiot And, as far as DOT requirements regarding intersections and things of that nature, we must abide by those.

Chairman McCall So you just said something very important, that these signs have not been in use now for how long?

Trinni Amiot At least a year. So, per code, they are considered technically abandoned. And within the requirements of the ordinance, the basic requirements of the ordinances, because they're abandoned in order to do anything to them they have to come down and be brought to conformity.

JD Dillard That is in section five of the abandoned on site signs.

JD Dillard If a sign is no longer advertised in a business conducted for the products or the shopping, the independent shall be reviewed by the owner of a building or structure following sign based. So many of these signs, they should be replaced.

Chairman McCall So an agreement was reached to try and benefit them as much as possible in order to allow an abandoned sign to be put back into place within conformance and to add another sign onto the property. But again, now we're hearing this. Any other questions of staff?

Nancy Hobby I've got two different dates. February 22nd was the date. Now, let's see. Last year they started a 12-month thing from GDOT.

Trinni Amiot Yeah. So, I think if you look at that, the original dimensions didn't meet the GDOT, and so that one was denied and then they reapplied.

Nancy Hobby So basically the agreement was reached February 27th of this year, and on March 9, they are making an application to change it, less than a week.

Trinni Amiot Yes.

Chairman McCall Any other questions? The staff. Thank you. Would the applicant or the applicant representation wish to address the board?

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Roger Budd Yes. Hello, everyone. My name is Roger Budd, third, I'm representing Roger Budd and Company and this piece of property down here at the mill store outlet. I wanted to try to explain how we got into the situation. The first picture on top is the overhead of the center. You know, when we bought this property about two years ago, we thought they had released two of those property to the north and south were billboards offering the signs. Once we contacted the D.O.T., they said there's not no offering to sign on my property. Those are all off premise signs. And we later found out that they were rented to stores in the center, like Rack Room shoes and Dollar Tree and things like that. So, they're being used for all premise and happened as long as we've been aware of dealing with the previous landlord. So, GDOT told us that, you know, if you look on page three of this handout that I just gave, you will see what was handed to me by the DOT. This is called a map of the blackout zone. So, you got to go all the way down to the longest line on the onramp. And then another 500 feet south of that is called the blackout. So, you can't put a billboard in a blackout zone. There's a billboard on the horizon RV center to the south. So, to be 500 north of the horizon billboard, and 500 south of the blackout zone, that only leaves one spot on this property, even though it's 22 acres with 48 units, 250,000 square feet of real estate rental units. There's only one spot for a billboard which is right in front of where that sign is laying on the ground currently. So, we got approval to put a billboard there, a multi message sign. You know that was signed by Lowndes County as approved. We spent \$50,000 on that pole and another 200 thousand on the digital side to put it out there. We got a huge investment in this sign. We got to put the sign up and we were told that, well, now all these other signs on the premises have to be brought into compliance or you're not going to be able to get a building permit to put the sign on the sign you paid for. So, you know, I was very surprised to hear that piece of information because, you know, we were thinking, first of all, I don't even really understand. And I think this was an issue at County to whether these on premise signs have anything to do with offering the signs. But that makes it a unique case in Lowndes County, because it's within you know, and I mean, we went round and round with the county attorney and the county manager, and Jason Davenport was involved in this discussion and the interpretation of whether or not these on premise signs have anything to do with the offering the site. But apparently, they do according to the current interpretation. And so, you know, but after all that was said and done and the county discussed it at length, and then we went back and forth, they said, you know, all the signs that are up there are in compliance and can be left there. The only thing that is out of compliance is that the width and the back, the V is too wide, you know, now those signs are ten six by 36 or they're 360 feet per side. And I mean, I think that they're supposed to be counted as they counted at one time. Those are only 360 foot signs. So even the size is still within compliance. But that V in the back makes them, you know, it's about 12 or 14 feet. And so we're you know, we're we've already invested hundreds of thousands of dollars in repairing the roof. This is, you know, a shopping center that's been rundown for over a decade and was owned by a person out in Las Vegas. Some of you'll probably remember back when it was the hot spot to buy all your back-to-school clothes and everything else back in the 1980s. We want to revitalize the shopping center it to be a destination again. Good for the Lake Park community, good for business, employment and everyone involved. What we would like to do is leave the existing signs like they are to, you know, save some money, and not have to send welders and fabricators out there to do \$25,000 worth of work first time they get assigned there or when it is not really negatively impacting anyone, it could just be left as it is now. We have got a person contracted to come down and repair the signs and replace any metal that's damaged as these bring it up to code in terms of structural safety for the people working on the signs, repaint the signs and have a total revitalization of the signs as is. That's what we would like to do.

Roger Budd Questions I would be happy to answer.

Nancy Hobby How does if we pass this variance or not affect the success of this shopping center.

Roger Budd Well, I mean, you know, this is an investment in real estate for the advertising. So, you know, as part of the overall investment, I mean, we don't want to take the signs signage down and we want

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to try to have low-cost advertising for all of these, you know, 50 rental units that you might want to rent these signs.

Nancy Hobby But we don't have any rental units. I mean, we don't have any prospect. And talking with you yesterday, when you call me on the phone, y'all are in negotiations for something for the larger space. But it seems like this would be putting the cart before the horse. You've evidently got coverage with your current signage, or you wouldn't be in negotiations with somebody about a possible lease. I know when I went out there, there are two leased on the little mobile one. There's one on the building that advertises and there's a wooden one. And it just seems like that your signage would not be important at this stage until you got if or when you get your tenants. And I also want to ask you, are you what are you proposing to change things from on premise signs to Billboard fans?

Roger Budd No, we just want to leave the sign. Basically, all we want to do is leave the signs as is you know, with the exception of doing any repairs as needed. That would be consistent with general maintenance.

Nancy Hobby How many advertisers can you find that you can approved for? There's got to be a limit.

Roger Budd It's like 8 per minute.

Nancy Hobby How many do you average on your digital signs. The 8?

Allan Strickland But that's not limited to eight advertisers at a place.

Roger Budd I mean, you could conceivably have two people in the same ad if you could get them to agree on one.

Allan Strickland Well, my question is, the first minute you got 8 slots. The next minute you got another eight slots. So, you could have, you know, 16 advertisers, which 16 in a group that big is conceivable. And being an on premise, you are limited to advertising only to people that are in that center.

Roger Budd But I mean, we're not trying to convert these existing sites to digital at the present time, although we like to at some point potentially.

Allan Strickland Well, but I think you're going to find some limits to the distance between digital billboards. But even so, you've got four faces to on the north and two on the South. If you broke that into multiple, even though we just don't have the company name the Dollar General or something because that will not give you a whole lot. But you could put three or four or five or six to at least tell somebody's when they are coming, there's a shoe store, etc.

Nancy Hobby In your agreement that you've signed on February 27. You did agree and the county annotated that there would be no problem in bringing these two signs into compliance. And you would have four signs two on each side. Is that right?

Roger Budd Yes. So when we were talking about this, you know, this goes back to the previous discussion, which was this DOT billboard has to be approved by the local zoning administrator. This sign was approved. We brought the sign and when we went to put it up we were told we could not have a building permanent because these other signs were not in compliance.

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Trinni Amiot That DOT letter doesn't say we approved it. It says that signs must follow regulations within Lowndes County in which JD signed it first.

Roger Budd It says that the county of Lowndes allows the type of multi message sign provided all the requirements are met at the time of the application for the purpose.

Trinni Amiot So that didn't actually prove that. I think it just said that we allowed it as long as that all the other signs complied to standard. It's just the way I read that.

Roger Budd Okay. So, this was presented to me. I was speaking with Jason Davenport on the phone and he said, you know, the size of these existing signs is fine. But you've got to either make them back to back or somehow otherwise bring them into compliance. Well, you know, my thought and our thought was if they're not offending anyone like they are with a fee, then a vote from the Board of Appeals would bring them into compliance. So, I mean, that's why, you know, that's why we're having this conversation now. I mean, you know, I understand that the ordinance says they have to be back to back. But I mean, it's also you know, this is a unique case of a large piece of property. You know, I mean, with this this is dealing with this issue going on in Lake Park.

Allan Strickland Unless I missed something, I thought the only thing we were actually talking about was a four-foot variance to narrow the V down.

Roger Budd I heard nothing size of sizes at issue. You know, I mean, I'm not positive that the size of the sign is an issue here.

Allan Strickland Well, if I understood it, he could get 500 feet per face, 1000 per pole, 2000 total, north and flat. And if his statement is correct about the size of the boards that are up there, it is less than 500 on either side. So, he's under his square footage. As long as the framework is engineered structurally sound deemed structurally sound. Then I thought the biggest thing we were looking at was a four-foot variance on the V part. And if he met everything else, technically the only thing we were looking at is allowing him the variance to parallel and just be in a V with a four-foot span in the back or an I out the left field.

Chairman McCall Right. I think the initial idea behind the code is that if you essentially have two faces that are pretty much back-to-back, it's considered one sign face. But as soon as you start opening your sign up so far, it essentially becomes two sign faces now. And so, if it was within four feet or completely back to back, then he could have two 500 foot sign faces that only count as 500 square feet. But once you start exceeding that four foot, then two 500 square foot sign faces is 1000 square feet worth of sign face, which is drastically over. And my understanding is we are still not 100% clear. I think we said at beginning this potentially 625 feet per sign face. Is that what you were saying at the very beginning?

Trinni Amiot 14 by 28.

Chairman McCall The existing sign is 14 by 28 per sign face. But we don't know what the actual real size of those sign faces are.

Allan Strickland Do you have any idea how much structural integrity has been compromised with them being up there all those years? And the reason I'm asking that question is by the time you spend the money to re-manufacture that, would it be more economical or no more money to rebuild back to back instead of trying to patch and repair that.

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Roger Budd Well, I think we have to get some quotes. You know, I mean, I think we were putting another hand on there. It was back-to-back. I mean, I think we're probably feeling like it's going to cost in the neighborhood of \$20,000 for a sign or, you know, would you get it out for less that would be a savings. And, you know, the one sign on the door that's currently still being rented. So, I mean, you know, it's not our interpretation of this been abandoned. I mean, all that metal's replaceable.

Allan Strickland I'm not talking about poles. The pole is probably one inch thick, three-quarter inch thick or more structural. I don't see the problem there. And the structural part that I concerned about is all that angular and tubular steel right up there and has been there for 30 years, whether rusted by the time you go up there and put somebody up there to really test it.

Roger Budd Well, what we were talking about with the county was we were going to have somebody down there working for a while. You know, we were going to get a crane down there and bring all three of these heads onto the ground and start working on. You know, and we were going to be repairing them as needed. And then, before we put a backup that was going to be where we would have to have the issue is what we're attempting to do in compliance. So that's where all that's where all this negotiation came from.

Nancy Hobby Did I hear you right in saying that the north side is in use?

Roger Budd It was recently.

Nancy Hobby As of Sunday it was not. It's just frame.

Roger Budd Okay. I mean, those people are still paying the rent. I think that was like Rack Room Shoes. I think we had to pause on their lease because we told them that we were going to be working on all of these signs.

Allan Strickland Yeah, There I went down and there are no faces up there. I don't know when the face came down. I know in the pictures you just hand it out. There is at least one face up there. But it was not there.

Roger Budd Last I checked, they were still using the sign.

Victoria Copeland When were these pictures taken.

Roger Budd I took those pictures about three or four months ago.

Roger Budd So the last time I was down there looking at it, you know, that's where I what I was taking a picture of.

Chairman McCall Okay. Any other questions for the applicant? Thank you. Anyone else here in support of the case? Anyone here in opposition to the case? Was your office contacted?

Trinni Amiot No Sir.

Chairman McCall Okay. Unless there's any other questions.

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Allan Strickland Before you ask for a motion. Do we feel like we've got enough information, or do we need to sit for a few minutes tabling it till next month to get some more information? Better square footage, maybe some repair estimates or replacement estimates. Just to put it out and think about it for 60 seconds before we make a motion.

John Hogan That crossed my mind today.

Allan Strickland I know this is stringing it out. Is that going to be a problem?

Roger Budd No we can come back and talk about it again.

Allan Strickland I mean, you know, right now we've still got lots of questions and I apologize. I did last Tuesday's meeting when we talked about this before we came into the meeting.

Allan Strickland So we either need a motion to table or we need a motion to move on the case.

Chairman McCall We have a motion to table. We have a second.

John Hogan I'll second.

Chairman McCall Our second motion and the second all those in favor table. Three. All this against. Two. We will table it for the next meeting. (Tabled 3-2 vote) My question is going to be who's going to measure it? And I don't imagine we can send county staff up the poll to go measure. So that's going to be a bit of a complication in this matter.

Roger Budd I can get I didn't know until we got it through. We're faced with already made, you know, So that's on record.

Chairman McCall You (Trinni) might want to have Jason come. There's been some statements made as to things that were said, and he's not here to represent himself, so he might want to come and say what he what was his understanding about?

Agenda Item # 5: Approval of Minutes – April 4, 2023

Chairman McCall Any other requests? All right. Thank you. We'll see you next month. All right. That was the last case of the day. Back to my agenda, we'll move on to other business. Item seven, approval of meeting minutes. I think everybody's got a copy. Have seen a copy of the last meeting minutes. Anybody have any comments or changes.

Allan Strickland Approval that presented.

Chairman McCall We have a motion to approved. We have a second.

Nancy Hobby I didn't read it so I can't vote.

Nancy Hobby Okay, we have a motion. The second. All those in favor. (Approved 4-1-0 vote) I'll assume you're abstaining. Motion to approve. Minutes is approved.

Agenda Item # 6: Attendance Review

Chairman McCall Attendance review. We got one out today.

Lauren Hurley Two. Mr. Brantley has family and Mr. Ramsey has work.

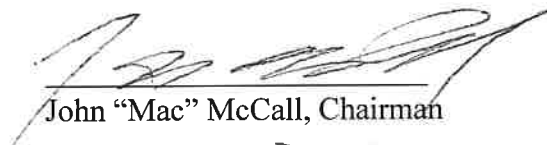
Chairman McCall Family and work. So those are both excused. I don't think we have anything else. All right. We are adjourned. Thank you.


Agenda Item # 6: Attendance Review

Chairman McCall noted that only John Hogan and Nathan Brantley were absent from today's meeting. Ms. Hurley stated that they contacted staff in advance, and therefore they will be considered an excused absence.

Agenda Item # 7: Adjournment

There being no further business, the meeting was adjourned at 3:46 p.m.



John "Mac" McCall, Chairman


Date