

MINUTES

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

Tuesday February 4, 2025, 2:30 p.m.

MEMBERS PRESENT

John “Mac” McCall
Allen Strickland
Victoria Copeland
Marion Ramsey
Nathan Brantley

MEMBERS ABSENT

John Hogan
Nancy Hobby
Keith Godfrey

STAFF PRESENT

Lauren Hurley
Margaret Torres
Trinni Amiot
Matt Martin
JD Dillard

VISITORS PRESENT

Ken Crosby w/ Anchor Sign Company
Samantha w/ Race Trac
Rick Folsom (homeowner)
Dorothy Moore (homeowner)
James Perryman (property owner)

CALL TO ORDER

John “Mac” McCall

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

CITY OF VALDOSTA CASES:

APP-2025-02-James Perryman (Summerlin Street) Request for an appeal to LDR Chapter 218 as it pertains to use regulations in the R-6 (Single Family Residential) Zoning District. The subject property is located on Summerlin Street in Valdosta GA (all or part of Tax Parcel 0119D 116).

Lauren Hurley stated that this is a case for an appeal to the zoning office’s interpretation of the zoning regulations. She states that this is a case brought by

James Perryman with the location on Summerlin St. Aerial of property shown to board in packet. Property north of the subject property and adjacent is zoned M-2 (Heavy Industrial) which happened some time in the 70s or 80s. She stated that Mr. Perryman could probably give more information on it, because the information she could find was very slim. She then stated that the subject property is zoned residential. She showed street view of the adjacent and subject property on overhead. She stated that the subject property is zoned R-6 single-family residential and has a semi-trailer parked on it. Mr. Perryman received notification that this is a zoning violation of outdoor storage in a single-family residential neighborhood and was asked to move the trailer. She then showed the use table where it is not allowed in the R-6 zoning district. She also showed in the LDR where parking of 18 wheelers in a residential zoning district is not allowed. She then showed historical street view imagery going back to 2022, 2015, 2012 & 2008 showing the property being used to park vehicles and having outdoor storage. She stated that the situation has gotten better, but it currently has a semi-trailer parked on an R-6 lot within City limits.

Chairman McCall stated that the 1st photo was from 2008 with the semi-trailer there. He asked what launched the need and was there a complaint.

Lauren stated that there was. She also stated that it has gotten better over the years however, there is still a semi-trailer on a residential lot. She also stated that she gave the zoning map to show that there is M-2 directly above the subject property.

Nathan Brantley asked if it was an M-2 zoning, would it be a problem.

Lauren stated that it would not be. She stated that he had had a Pre-App meeting to discuss rezoning to M-2, however he is not eligible to rezone to M-2.

Nathan Brantley asked if there was a definition in the LDR of "outdoor storage".

Lauren said that she could look that up for him if he needed it.

Nathan Brantley asked if it made mention of trailers.

****Pause while looking up definition in LDR****

Chairman McCall asked if there was a principal structure on the property.

Lauren stated that there is not.

Allen Strickland stated that there are 2 structures on the property.

Chairman McCall asked if the 2 buildings are on the industrial property.

Lauren stated that they do not have a current survey but based on the aerial it seems like there is a dilapidated shed on the property and a trailer.

Chairman McCall asked for clarification that from what he was seeing that it wasn't saying that they could not have storage, just that it had to be screened. The siting states 218-13 where it states that it should be screened and cannot be between the principal structure and the street.

Lauren clarified that it means for outdoor storage in general and that outdoor storage is not allowed at all in the R-6 zoning district or as a primary use of the land. She then read the definition of "Outdoor Storage" from the LDR.

Nathan Brantley then clarifies that the use chart tells what zoning districts allow outdoor storage.

Lauren confirmed that was correct. She stated that it is allowed as accessory use in C-C, C-H, M-1 and allowed by right in M-2.

Marion Ramsey stated that he took at that the client doesn't own the M-2 lot.

Lauren stated that he does and that he could move it over and that it would be completely permitted.

Nathan Brantley asked if he were not in violation of the outdoor storage requirement, would he comply with the parking requirement.

Lauren stated that he would not, but that would be a lesser charge.

Nathan Brantley asked if what he is doing not allowed at all or does he have to have a screen.

Lauren stated that it is not allowed at all even if he were to build a screen.

Chairman McCall clarified that this is just an appeal and that all they are ruling on is Lauren's interpretation of the code. They are not actually ruling on a variance, so they do not have the option of putting additional criteria because there is no variance to apply it to.

Allen Strickland asked if this is something that would be possible with a variance or because it is not allowed, a variance is not available.

Lauren confirmed that it is not eligible for a variance.

Chairman McCall stated that they would have to apply for a rezoning which it has already been determined that he is not eligible for either.

Lauren confirmed that is correct.

Nathan Brantley asked if he could build a building.

Lauren stated that he could build a single-family dwelling on that lot or possibly a duplex if the lot is large enough. She stated that the lot must be 9000 sq ft in order to build a duplex. Right now, it is just zoned for a single-family home.

Nathan Brantley asked why he cannot rezone it.

Lauren stated that because the character area is Established Residential and there is only an array of other residential zoning. It can only be rezoned to another form of residential zoning.

Nathan Brantley asked if it is known how the other lot was zoned M-2.

Lauren stated that it would have had to have been done in the 80s. She stated that at that time, there was no such thing as a character area. She then gave an example of the City of Hahira. They have no character area so you can request rezoning to anything.

Nathan Brantley stated then in Hahira you could have a mix of residential and industrial zoning.

Chairman McCall asked if anyone else had any questions for staff. Then asked if the applicant or applicant's representation would like to address the board.

J Perryman stated that he presumed that he was applying for a variance. He said that is what he had wanted and thought that was what he was filing for. He then stated that the dilapidated building that Lauren was talking about was brought in sometime in the 1980s. He stated that it was a neighborhood country store. He feels that any complaints were not instigated by any of the neighbors, but one of the employees. He then directed a question to Lauren Hurley as to who complained.

Lauren responded that it was a City Administrator.

J Perryman stated that that is what he had thought. He said that he has owned the lot there since 1981 and the trailer has been sitting there since 1984. He stated that on September 11th he received a violation letter from the zoning officer and the code enforcement officer. He stated that he went into the Zoning office and spoke with them and was told that a sweep of the neighborhood was done. He handed the violation letters to the board that he received. He also hands the board the deed to the property.

Chairman McCall then asked if he was giving them these for their records. Mr Perryman stated that he was.

Mr Perryman stated that he has had an ongoing dispute with a city employee in the code enforcement office over the years and has been to court 3 times. He stated that he feels that is where the complaint came from. He handed the board copies recent complaints he had made against this employee. He also stated that this employee owns another business in town. Mr Perryman stated some accusations about the employees' taxes on that business. He handed the board more paperwork about the employee and the code enforcement officer stating that he put the officer up to the violations and feels the zoning officer is also complicit. He also handed the board the letters he wrote in response to the violations. Mr. Perry stated that he is considering a civil suit against them and filing an ethics complaint with the city. He stated that it is harassment that has been going on for years. He stated that he filed an open records request asking if anyone else in the neighborhood had received a zoning violation and they did not. He then presented pictures to the board of other properties with trailers on their properties without screening. He then handed pictures of the personal home of the zoning officer showing his a storage building, his neighbors' homes and the view of his yard and looking out into the street. He also gave pictures of businesses on St. Augustine that sell storage buildings. He stated that when he went into the Zoning office, he was given three choices of either moving the trailer, screening or go to court. He stated that he was not told about a variance at all. He then spoke of the city paving the street 30 years prior and taking down his fence. He then presented pictures to the board of the fence and an old survey of the property showing property lines. He stated that if he must put fencing up, that it will be 2-3 ft in the road and if he has to move the trailer to the M-2 lot that it will also be in the road. He stated that it belongs to him. He stated that he has asked engineering 3-4 times to put his fence back up on the property lines over the 30 years. He stated that the City took everyone's property without a survey. He then presented another letter from the City Engineer about the property and handed another survey to the board. He said that Zoning is supposed to help him, and he feels that this has been an undue and unnecessary hardship on him. He then presented the board with a blow up of his properties and surrounding properties where there are some vacant lots and houses. He stated he feels like this does not harm the neighborhood. He stated that as far as his M-2 property, in the 80s, his business on W. Hill Ave was broken into and he was called by the City who asked him to move his business on Summerlin and his property on Summerlin was rezoned to accommodate that move. He stated he doesn't see any reason why he would have to move the trailer and that it had been there for 40 years. He stated that it isn't harming anyone or the neighborhood and feels like this is motivated by a city employee. He then asked the board if there was anything else.

Chairman McCall stated that it was very clear and thanked him for his thoroughness.

Mr. Perryman then states he is going to file an ethics complaint on all the city employees involved.

Chairman McCall stated that he has the right to do that. He stated that he wanted to make it clear that the board cannot rule on aspects of this. He stated that they have no jurisdiction for the complaint on the employee. He also stated that they are a board of volunteers and do not cover any of that. He also stated that he understood that he asked for a variance, but it was put in as an appeal to zoning's decision and that is the only thing they can review is whether the trailer is considered outdoor storage.

Mr Perryman responded that it is outdoor storage, and it has always been storage.

Chairman McCall then stated that the question before them is if the trailer qualifies as under to the code as storage. He reiterates that this is the only thing they can rule on. He stated that how they rule on that will determine the appeal overall. He then directed the question to zoning to verify that there is no outlet for a variance to this.

Lauren Hurley responded that that is correct. She stated that she mistakenly gave Mr. Perryman a variance application, but then called him into her office. She stated that she spoke to him in length explaining to him that he does not qualify for a variance and that he would need to apply for an appeal to her decision. She stated that at that time Mr. Perryman thanked her and stated that is what he wanted to do.

Nathan Brantley then asked Lauren what option he will have available to him if they find that it is outdoor storage. He then asked if he could modify the comprehensive plan and then ask for a rezoning or is there any other option available.

Matt Martin spoke up and stated that it is a possibility that was discussed with Mr Perryman at the Pre-App meeting. Change to the character area follows a similar plan but is on a different schedule. He stated that you would have to successfully amend the character area to then go through the rezoning process to have the property rezoned. He stated that the character area would have to be changed to something that would support industrial zoning. He then stated that he told Mr. Perryman that he could ask for it, but that he felt that it was highly unlikely that City Council would approve industrial in primarily residential area. He stated that even though it is unlikely, the option is still there.

Nathan Brantley stated that he was just trying to figure out an option for him because it is a condition that has existed for 40 years. He then stated that he felt that they would probably have no choice than to determine that it meets the criteria for outdoor storage and if that is the case, then what can he do. He asked if it would be then a

legal non-conforming or would it be grandfathered because it had been there for so long.

Matt Martin stated that it was his understanding that there are 2 violations in play here. One, the use of the property as outdoor storage and residential parking standards. There is a variance available for the residential parking standards, but then there would still be the violation for the use of the property. It is a vacant lot in residential zoning being used for outdoor storage which is only allowed in M-2 zoning or as an accessory to some other use commercially, you could have it, but only as an accessory use. He gave examples of businesses around town with a rear storage yard which is reflected in the Use Table where outdoor storage is listed as an accessory use to the business in those zonings.

Nathan Brantley then asked if he would pull the trailer over to the M-2 and be fine.

Matt Martin that was correct, he could pull it to the M-2 lot or any other M-2 property.

Mr Perryman stated that if he pulled it to the M-2 lot that it would stick out in the road by 2 feet. He stated that he did not want to do that, but if he had to that it would stick out in the road by 2 feet. He also stated that those 2 feet belong to him by the legal survey he had. He stated that the City never legally acquired his property and just moved the property line in without a survey. He stated that they basically encroached on his property.

Chairman McCall stated that he hoped that Mr Perryman understood that the board is trying to help him find a solution, but that their hands are tied. He stated that he understands the trailer has set a precedent but stated that there are no variance options or a way to sidestep the issue procedurally to allow a variance. He stated that with the codes being the way they are, that they have not found a method to give relief on this particular piece of property because this is residentially zoned. They do not have a means to table the case and bring a variance back because that is not available for this property.

Mr. Perryman stated that the trailer has been there longer than the regulations have been in place.

Chairman McCall stated that the board does not have the means to rule on issues on grandfathering outside of codes. That is something that would have to be heard by the court. This is not something that this board has the power to do.

Nathan Brantley stated that he doesn't not know if this would qualify.

Lauren stated that the LDR was put in place in 2008 and as they can see this was there in 2008, but who is to say this is the same trailer.

Mr. Perryman stated that it is the same trailer. He stated that he has bought tags for it every year. He stated that because it has been there for 40 years, it would be very difficult to move it.

Nathan Brantley stated that they are there answering a very limited question determining if the trailer is considered outdoor storage. They are just ruling on whether Lauren correct in determining that the trailer meets the definition of outdoor storage. He stated that he doesn't see anyway around finding that she was anything but right in this. He also stated that he has dealt with these in the County before that there are ways to determine that this is a non-conforming use. Not sure if that applies in this situation or what the process in the city is to determine that. He also stated that that is not the question before them.

Matt Martin stated that the LDR is not the first set of regulations that the City adopted. The City first adopted zoning regulations back in 1966. He stated that the LDR is clear that language in previous regulations is to carry forward. He stated that in order for this to be grandfathered, it would have had to have been in place prior to 1966.

Chairman McCall asked if the properties were to be joined, would have solve anything.

Matt Martin stated that it would not change the zoning.

Mr. Perryman stated that when he went into see the Zoning officer that that is not what he was told. He stated that the complaint states he needed to put up an 8 ft fence with screening or move the trailer. He stated he was not going to put up a fence because it would be in the road. He also stated that he did not take down the fence and was not going to pay to put it back up.

Chairman McCall asked if this was the original complaint letter that launched this case.

Lauren stated that he was sent a letter stating that this was outdoor storage on an R-6 lot.

Mr. Perryman stated that it said that he was to put an 8ft high fence with screening.

Lauren clarified that in later conversations, they had explained to Mr. Perryman that that was not an option.

Mr. Perryman stated that they did not have that conversation. He then told the board that what they need to rule on is whether he can put up an 8ft high fence or that he must move the trailer. He again stated that the city did not ask but acquired the road on both sides. He then again told the board that what they need to rule on is whether he can put up a fence or must move the trailer.

Chairman McCall stated that unfortunately, that is not what was presented to them. The case that was presented to them was an appeal to classification of if this is considered outdoor storage. He stated that is the only thing they can rule on.

Mr. Perryman stated again that this is storage.

Chairman McCall stated that he isn't sure what else they can do beside rule it as outdoor storage.

Lauren Hurley stated that he could take it to municipal court.

Chairman McCall agreed. He stated that if they rule that this does classify as outdoor storage, that his next step would be to take his case to the court. He reiterated that the board does not have that level of control.

Mr. Perryman stated that the paper he gave the board stated that the city is not to cause him undue and unnecessary hardship.

Chairman McCall clarified that that would be in the case of a variance.

Mr. Perryman stated that is what he wanted in the beginning was a variance.

Chairman McCall stated that he understood he had asked for a variance, but that a variance is unavailable on the classification of storage being use on a residential property. He also stated that the ordinances do not allow for that. The only way for him to solve that problem would be to take the case to court.

Mr. Ramsey asked Mr Perryman if there was no way that he can get the trailer onto the M-2 lot.

Mr Perryman stated there was not. He was told that he could try, but that it would not work. He stated that he had already spent \$470 on this and does not feel he needs to spend any more money on it for something he has had there for 40 years and feels it is ridiculous. He stated that it is harassment because he filed a complaint against their coworker. He stated again that if he is made to move it, that it will be sticking out in the road 2 ft. He asked if everyone understands and did, he was plain enough.

Chairman McCall asked if he had any other questions for them.

Mr. Perryman asked who filed the complaint. He wants the name of the person who filed the complaint.

Chairman McCall stated he thought that may be something he would need to ask through a lawyer.

Mr. Perryman stated that no, he could file an open records request unless Mrs. Hurley would like to just give him the information.

Lauren Hurley responded that he would have to file an open records request to obtain that information.

Mr. Perryman stated he would be happy to do that.

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

Mr. Perryman stated that he hoped they enjoyed it and exited the podium and left the room.

Chairman McCall asked if there was anyone in support or opposition of the case who would like to address the board. He asks Lauren if her office was contacted. She stated it was not. He then called for a motion.

Mr. Strickland made the motion that the ruling was correct. Mr. Ramsey seconded the motion. Vote unanimous- appeal denied 4-0.

LOWNDES COUNTY CASES:

VAR-2024-17-Rick Folsom (3920 Spain Ferry Rd) Request for a Variance to Table 4.01.02 (E of the ULDC as it pertains to Standards for Building Locations and Heights. The subject property is located at 3920 Spain Ferry Road (all or part of Tax Parcel 0037-005G).

Trinni presented case that property is agriculturally zoned. Owner had shed that was blown down in the hurricane. Must meet the regular setbacks for agricultural which is 20 ft on side and 50 ft on rear. He is requesting to have regular setbacks of 10ft on sides and rear as in other zoning districts. He is planning to put it back where the other one was. Staff recommends approval.

Chairman McCall asked if there were any questions for staff.

Mr. Ramsey asked how this case came about.

Trinni stated that in agricultural, the set back requirements are different and not sure why. He would not be able to meet the current standards and is requesting relief from that standard.

Chairman McCall asked if there were any more questions for staff. Then asked if the applicant or applicant's representation would like to speak.

Rick Folsom stated that the original building was there when he purchased the property 12 years prior and probably did not meet the standard then. He did state that he is not wanting to build it in the same place because with the previous building he was having problem with farming wash off from the adjacent property and would like to move it to the Northeast corner due to soil erosion. He stated that he is willing to meet the 10ft set back requirements.

Chairman McCall asked if there were any questions for the applicant. Then asked if there was anyone else in support or opposition who would like to speak. He asked Trinni if her office had been contacted. She stated they have not. He then called for a motion.

Nathan Brantley stated that there have been a lot of these cases that have come up recently and asked staff if they have a list of these regulations to bring before the ULDC to amend and give an allowance after the storm.

Trinni stated that the zoning did not give any type of an allowance that she was aware of for after the storm.

Rick Folsom stated that he went to pull the permit and was told that he needed to go through the variance process.

Nathan Brantley stated that in some instances, staff can be allowed, but the code would also have to allow for it.

Nathan Brantley then made a motion to approve citing criteria D. Motion was seconded by Allen Strickland. Vote was unanimous 4-0.

VAR-2024-18-Race Trac Valdosta EDO (4541 North Valdosta Road) Request for a Variance to Table 5.04.07 (e)(3) of the ULDC as it pertains to the number and types of permanent on-site signs and Table 5.04.07 (e)(4) as it pertains to the design standards on site signs. The subject property is located at 4541 North Valdosta Road (all or part of Tax Parcel 0055-023).

Trinni presents case of Race Trac on North Valdosta Road & Coleman Road requesting variance to sign regulations. Property zoned C-H which allows for 35 ft. They are requesting 75 ft due to the closeness to Hwy 75 and visibility. Because of the slope, this would reduce it down so it would like to look as tall. Also, the code now only allows for 1 sign per wall, and they have 2 for 1 wall. Canopy regulations also say 1 sign per side. Rear elevation for canopy will have 3.

Chairman McCall asked if there wasn't something in the ordinances about directional signs.

Trinni stated that the argument could be made that the canopy signs could also be viewed as directional signs.

Trinni stated that location in the city is around 200 ft, so they did not feel that asking for 75ft was bad. She did some research on some of the local signs, and they were larger. TRC saw no objections to it. Feels like it would be in character with surrounding businesses.

Chairman McCall went to the visual site plan and was asking where the sign would be located.

**Trinni and Chairman McCall looking at plans to locate pylon location on site plan.

Trinni stated that he will still have to meet traffic controls and things but did not think there would be a problem.

Nathan Brantley stated that he seemed to recall the high rise must be in the back.

Lauren Hurley stated that in the city, you are allowed a high rise and a freestanding. They don't have to be the same but would have to be a certain distance apart.

Nathan Brantley asked if they put that sign in the front that they would be fine.

Trinni stated that if they do not impede the flow of traffic then they would be.

Mr. Strickland clarifies that the edge of the side must be a minimum of 5ft from the right of way.

Trinni agreed that was correct and stated that they would meet that.

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.

Ken w/ Anchor signs stated that the reason they are asking for the larger sign is for safety issues. They feel that the sooner someone sees the sign, they can be able to

slow down to exit 75 sooner especially with big trucks coming off the highway. He also stated that the exit only signs would act also as directionals.

Strickland stated that sign regulations on the rear elevation are not seen from the street.

Ken stated that these will be on the back side of the site facing the street.

Samantha w/ Race Trac spoke up and stated that the exit only signs will be on the Coleman Rd side facing Coleman Rd. as the canopy runs parallel to Coleman. She stated that they are just trying to create order on the site.

Chairman McCall if there were any other questions.

Ken clarified that one of the signs were on 2 separate walls.

Trinni stated that they did amend their code for the directional signs and bumped them up to 8ft so those should be visible as they are coming in. She also stated that TRC did not have any issues recommending approval.

Chairman McCall asked if there was anyone else present in support or opposition of the case. Then asked for a motion.

Mr. Strickland made a motion to approve as presented siting criteria C, D & G. Victoria Copeland seconded the motion. Vote unanimous 4-0.

Review of Meeting Minutes:

Staff presented with minutes from January 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. Nathan Brantley seconded motion. Vote: Unanimous 4-0.

OTHER BUSINESS:

Attendance Review:

John Hogan had court-excused.

Nancy Hobby was sick -excused.

Keith Godfrey was sick-excused.

Adjournment:

Meeting adjourned at 3:45p.m.



John "Mac" McCall, Chairman

3-4-25

Date