

MINUTES

Valdosta-Lowndes Zoning Board of Appeals
Valdosta City Hall Annex Multi-Purpose Room
300 North Lee Street, Valdosta, Georgia
January 11, 2022, 2:30 p.m.

MEMBERS PRESENT

Allan Strickland
John Hogan III
John "Mac" McCall
Nancy Hobby
Nathan Brantley
Dr. Samuel Clemons
Victoria Copeland

MEMBERS ABSENT

Marion Ramsey

STAFF PRESENT

Lauren Hurley
Tracy Tolley
Trinni Amiot

VISITORS PRESENT

Thomas Hawthorne
Tim Harris

Agenda Item # 1: CALL TO ORDER

The meeting was called to order by Chairman McCall at 2:30pm. It was determined that a quorum of members was present. Chairman McCall thanked everyone for coming and reviewed the meeting procedures with those in attendance today.

LOWNDES COUNTY CASES:

Agenda Item # 2: VAR-2021-15- Radar Site (5067 Radar Site Road)

Trinni Amiot presented the case. She stated that applicant is requesting a variance to the section of the ULDC that deals with nonconforming lots, structures, and uses. The property is located at 5067 Radar Site Road and is zoned MAZ 3 (Moody Activity Zone). The lot size requirement for that district is 2.5 acres. The property owner has one acre. The lot is nonconforming. The lot contained a mobile home that burned down, and the owner did not realize that the structure had to return within 12 months to retain the approved nonconforming status. The applicant is applying for a variance to the nonconforming lot requirement. The applicant would like a double wide. The issue is that it is only one acre. TRC reviewed the case and has no objectionable comments.

Mr. Hogan asked how long ago the house burned. Mrs. Amiot stated that that information was not in the application nor in the letter of intent. She then stated that Moody has no objection. With no other questions for staff, the applicant was asked to approach the lectern. The applicant was not present. There was no one present in support or opposition of the case. Ernest McDonald is the name on the application.

Mr. Hogan motioned to table the request because he would like to ask the applicant questions. Mr. Brantley seconded the motion. The motion passed 3-1-1. Nancy Hobby voted against the motion. Dr. Clemons abstained from the vote. The application is tabled until next month's hearing.

CITY OF VALDOSTA CASES:

Agenda Item # 3: APP-2021-14- RaceTrac Petroleum Inc (2102 W. Hill Avenue)
(Withdrawn)

Agenda Item # 4: APP-2021-15- KFC (3026 N. Ashley Street)

Tracy Tolley presented the case. Mrs. Tolley stated that the board reviewed and approved similar variances for this same property in 2018. The subject property is the KFC at 3026 N. Ashley Street and is zoned Highway Commercial (C-H) in the Urban Commercial Corridor Overlay District and consists of about two-thirds of an acre. In 2018, the applicant updated the restaurant and the site. The board saw 3 variances at that time. First was a reduction in parking spaces, second was more impervious surface area, and third was to locate an accessory structure 1.7 feet away from the side property line. Today, the variance being requested is to reconfigure the parking to include a second drive through. When the drive through is fully occupied, it can block the parking spaces abutting the building. To avoid that reoccurring issue, the applicant would like to restripe the parking lot to move the drive through isle closer to the building moving the parking spaces farther away from the building resulting in a reduction of parking. The restaurant is 2800 square feet. If it were built today, it would require 40 parking spaces. It was built before the LDR can into effect. Prior to the previous variances, it had 33 parking spaces. ZBOA granted a variance to drop down to 31 parking spaces. The applicant is now asking to reduce it by 3 more equaling 28 parking spaces. Staff realizes that the bulk of the business is drive through rather than dine in (especially since COVID). Staff determined hardship and recommends for approval of the variance request. Dr. Clemons asked how that would alleviate the cars being blocked in. Ms. Tolley stated that he will be moving the parking spaces that are currently against the building to the southern portion of the property. Ms. Tolley pointed out the changes on the site plan in the PowerPoint presentation on the screen. Mrs. Hobby asked if it was a similar situation to Chick-Fil-A. Ms. Tolley confirmed. Mrs. Hobby confirmed that the change in the drive through will result in a 3-parking spot deficit. Mr. Brantley asked if there is a requirement for a barrier from the drive through to the parking spaces. He stated that his concern would be people parking and having to walk across the drive through location. He asked if there was a city requirement for striping, a barrier or crosswalk. Ms. Tolley stated that there is a requirement to mark the drive through lane from the rest of the traffic circulation which the applicant has exhibited in his site plan. He stated that Chick-Fil-A put a rail so that someone exiting the building could not walk into the drive through lane. Ms. Tolley stated that she did not know of any requirement for railing regarding pedestrian traffic.

With no other questions for staff, the applicant, Tim Harris, approached the lectern. Mr. Harris stated that the ADA requirements state that there is a striped area to the van parking and handicapped parking spaces from the building and the site plan shows that they meet that requirement. He stated that the business trend for the past few years has shifted to mainly drive through orders. This restaurant's drive through traffic has increased 40% since 2019 and the trend is expected to continue. There are still patrons that prefer dine and quick pick up where a patron orders and then picks up within the restaurant to avoid the drive through. Either way, the change in parking will solve the problem of parked cars becoming stuck by the drive through traffic. He stated that in doing this, the parking spots will also become angled to enable easier access for all parking. Mr. Hogan asked where the handicapped parking spots would be after the restriping. Mr. Harris stated that all the parking spots will move and then pointed out the handicapped designated parking spots on the site plan. Chairman McCall asked if the entrance

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on North Ashley Street is currently a one-way entrance. Mr. Harris said yes. He said the entrance and exit are both one way only. He stated that the fire department stated that they were able to get in and out on both sides. Thomas Hawthorne, from Lovell Engineering design team, stated he could answer any technical questions if needed.

With no one else in support or opposition of the case, Ms. Tolley stated that the City of Valdosta Planning and Zoning office was not contacted regarding the application. Mr. Hogan motioned to grant the variance request as submitted. Mr. Strickland seconded the motion. The vote passes unanimously (6-0 vote).

Dr. Clemons addressed the board and staff with a question after the vote. He asked, for the first case, since the applicant was not present and the application was then tabled, he directly asked Mrs. Amiot if the applicant was notified that they were supposed to come to the meeting or did the applicant say that they were not coming to the meeting. Mrs. Amiot stated that she is unsure because Mr. Dillard did not tell her that information. Dr. Clemons then asked if something was said or sent to the applicant to let them know that they are supposed to attend. Mrs. Amiot stated that the applicant gets a completeness letter that gives them information about the meeting. Chairman McCall stated that the applicants are not required to be present. Dr. Clemons then asked what happens if they do not come to the next hearing, what will happen. Chairman McCall stated that the board would vote on the application at that point. Ms. Tolley stated that for the City cases, it is rare for someone to not show up for their case to be heard but that she encourages the applicants to come. Mr. Hogan stated that he understands that during these times when people are sick, losing family members and have financial difficulties that they may not show up to the hearing. He stated that he would like to ask the applicants questions directly. Mr. Brantley stated that he does not recall a time when the applicant did not show up the first time and then did not show up again. Dr. Clemons then asked Ms. Amiot if the applicant will be contacted to let them know that their application was tabled. Ms. Amiot stated that someone from their office would contact the applicant. Mr. Strickland said that, historically, lack of attendance was uncommon, but ZBOA agreed to table the application the first time and then hear it the second time or dismiss it due to lack of attendance which would cause the applicant to have to refile the application. Mrs. Hobby stated that the reason she voted against tabling the agenda item is because we are living in different times now with everyone being so COVID scared and this case was such a cut and dry case. She stated that normally she votes to table but because of COVID she voted against the motion to table. She also stated that dismissing a case is not something that the board should ever do because of the financial burden that dismissing the case would cause the applicant. Dr. Clemons stated that he wanted to be informed about staff's protocol because he was unaware of how or if they were told to attend.

Agenda Item # 5: Review of Minutes

Chairman McCall asked if any edits were needed for the draft minutes. No changes or corrections were noted. Dr. Strickland made a motion to approve the minutes as presented. Mr. Hogan seconded the motion. The vote was called and carried with a vote of 6-0.

Agenda Item #6: Attendance Review

Mr. Ramsey is out because of COVID.

Agenda Item #7: Adjournment

There being no further business, the meeting was adjourned at 3:00 PM.

/s/ John "Mac" McCall
John "Mac" McCall, Chairman

February 8, 2022
Date