



## ZBOA Agenda Item # 4

SEPTEMBER 1, 2015

### Variance Request by Todd Buckner File #: APP-2015-05

Todd Buckner, on behalf of Goo Goo Car Wash, is requesting a variance to LDR Section 230-8(D) as it pertains to the size of a flag and the length of its hoist side. The subject property is zoned Highway Commercial (C-H) and consists of 2.07 acres located at 1510 Norman Drive. The property is currently being developed with a car wash facility.

The applicant is proposing a flag that is 150 square feet with a hoist size of 10 feet, and a 40 feet tall flag pole. The regulations allow a flag of no larger than 60 square feet, and a flag pole either no taller than the maximum height allowed by zoning district OR 40 feet. Since there is no maximum height in C-H zoning, the maximum height of the flag pole is set at 40 feet. The hoist side of the flag cannot be more than 20% of the flag pole height; in this instance, that would be a maximum of 8 feet. Therefore, the applicant is requesting a variance for flag size for a flag of 150 square feet (larger than the 60 square feet maximum) and a variance for a hoist side of 10 feet (larger than the 8 feet maximum).

Variations are intended to relieve hardship beyond one's control in instances where strict application of the regulations would be difficult, if not impossible to overcome. The Land Development Regulations (LDR) allows flags without permits, with size and height limitations. The intent is to allow flags but not to allow them to be so big so as to function as attention-getting devices or signage. The applicant mentions Hightower Creek, wetlands, and wooded area/buffering as reasons for requesting a variance for flag size and hoist length. Those would qualify as hardship—if the parcel was significantly occupied by Hightower Creek, the wetlands, and wooded area. The parcel is minimally impacted by the topographical items, leaving substantial area for the flag to be placed while still maintaining visibility. Hardship is something beyond design's control, and the topographical elements impact this parcel very minimally. However, if the Board is inclined to approve the request, staff would recommend placing a condition that this would be the only flag on the property.

**Staff Recommendation:** Find inconsistent with the Variance Review Criteria and deny the request.

## Variance Review Criteria

The following criteria shall be applied in evaluating and deciding any application for a Variance. No application for a Variance shall be granted by the Zoning Board of Appeals unless satisfactory provisions and arrangements have been made concerning each of the following criteria, all of which are applicable to each application.

<b>(1) The need for the variance arises from a condition that is unique and peculiar to the land, structures, and buildings involved.</b>	
<b>Applicant:</b>	Due to the proximity to Hightower Creek and the wetlands and buffers along it, the visibility is limited.
<b>Staff:</b>	There is nothing unique or peculiar to the land, structures, or buildings involved. .
<b>(2) The variance is necessary because the particular physical surroundings, the size, shape or topographical conditions of the specific property involved would result in unnecessary hardship for the owner, lessee or occupants; as distinguished for a mere inconvenience, if the provisions of the LDR are literally enforced.</b>	
<b>Applicant:</b>	Due to limited visibility created by the shape of the parcel and its proximity to the creek, the owner wishes to have a larger flag to increase its visibility.
<b>Staff:</b>	There is nothing unique about the size, shape, or topographical conditions that would result in unnecessary hardship if the LDR was strictly applied.
<b>(3) The condition requiring the requested relief is not ordinarily found in properties of the same zoning district as the subject property.</b>	
<b>Applicant:</b>	Yes. Most commercial properties don't have the same visibility issues created by the creek and surrounding woods/vegetation.
<b>Staff:</b>	The parcel is similar to other similarly zoned properties in the City.
<b>(4) The condition is created by the regulations of Title 2 of the LDR and not by an action or actions of the property owner or the applicant.</b>	
<b>Applicant:</b>	Yes.
<b>Staff:</b>	No. The condition is created by the applicant.
<b>(5) The granting of the variance will not impair or injure other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, create a hazard to air navigation, endanger the public safety or substantially diminish or impair property values within the neighborhood.</b>	
<b>Applicant:</b>	No negative impact anticipated.
<b>Staff:</b>	Granting the variance will not impair, hinder, or injure other properties.
<b>(6) The variance requested is the minimum variance that will make possible the reasonable use of the land, building, or structures.</b>	
<b>Applicant:</b>	NA
<b>Staff:</b>	No. The variance request is not minimal.
<b>(7) The requested variance will not be inconsistent with the general spirit and intent of the LDR or the purpose and intent of the Comprehensive Plan.</b>	
<b>Applicant:</b>	The section allows for three flags on a parcel with each having an allowable area of 60 sq. ft or 180 sq. ft total. The proposed flag would be 150 sq. ft, which is less than the total cumulative sq. ft allowed. NO other flags are proposed on site.
<b>Staff:</b>	It is not consistent with the intent of the LDR.

**Relevant Development Standards in the LDR that are “Significant” to the Proposal**

Section 230-8 Signs Not Requiring a Permit

(D) Each lot shall be allowed a maximum of three (3) flags and flag poles that conform to the standards of this paragraph. No flag may exceed 60 square feet in area, and the height of a flag pole shall not exceed the maximum allowable height of a structure or building in the applicable zoning district, or 40 feet, whichever is less. The hoist side of the flag shall not exceed 20% of the vertical height of the flag pole

**Staff Review Comments:**

**Engineering Department (including Landscaping):** Engineering has no concerns with the size of the flag.

**Utilities Department:** No Comments      **Public Works:** No Comments

**Fire Department:** The Fire Department has no concerns with this request.

**Plan Review:** If approved Georgia Structural Engineered drawings will be required to be submitted and approved before construction begins.

**Health Department:** No comments      **Police:** No Comments

**Attachments:**

Aerial

Zoning Location Map

Site plan

# APP-2015-05 Tax Parcels Aerial



## Todd Buckner Variance Request

\*\* Aerial Imagery Date: 2010

1510 Norman Drive  
Tax Map: 0086A Parcel: 001B

200 100 0 200  
Feet

\*\* Map Data Source: VALOR GIS, August 2015



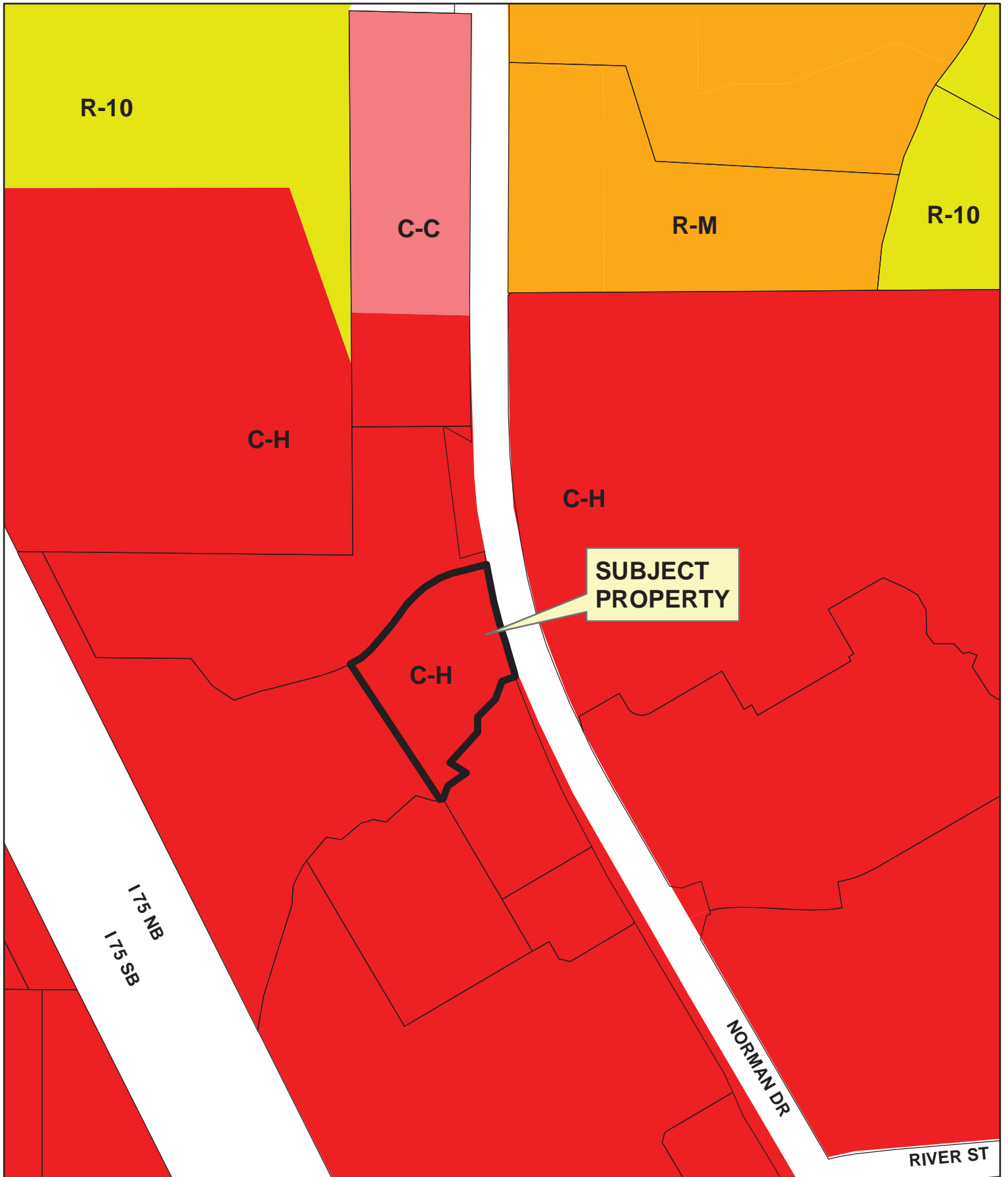
## Todd Buckner Variance Request

1510 Norman Drive  
Tax Map: 0086A Parcel: 001B

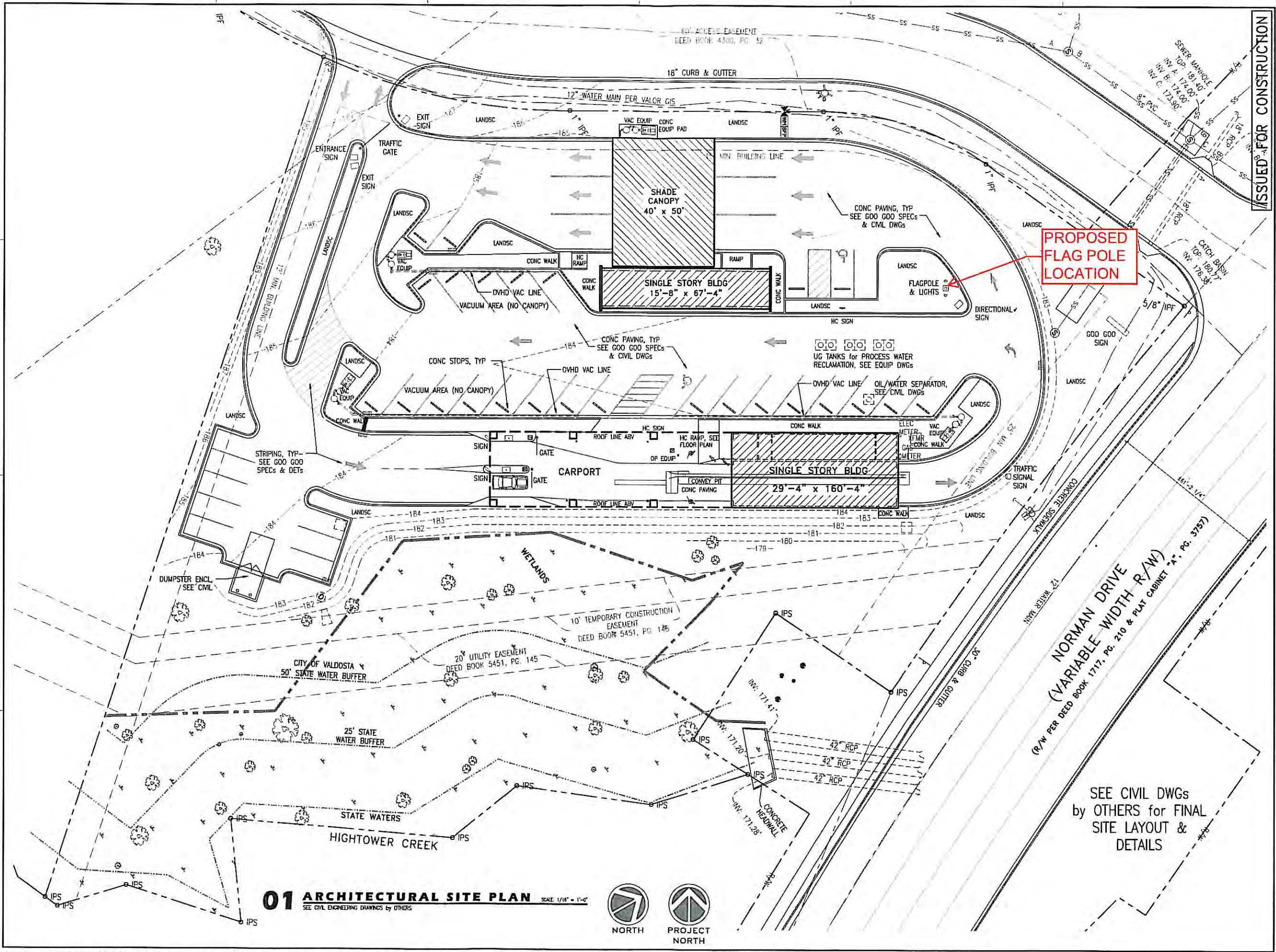


200 100 0 200  
Feet

\*\* Map Data Source: VALOR GIS, August 2015







ISSUED FOR CONSTRUCTION

PROPOSED FLAG POLE LOCATION

SEE CIVIL DWGS  
by OTHERS for FINAL  
SITE LAYOUT &  
DETAILS

**01 ARCHITECTURAL SITE PLAN** SCALE: 1/16" = 1'-0"  
SEE CIVIL ENGINEERING DRAWINGS BY OTHERS



GOO GOO CAR WASH

451 Norman Drive, Valdosta, GA 31601

FOR WORKS ARCHITECTS, INC.

3000 7th Avenue South (205) 581-1600  
Birmingham, AL www.forworks.biz

ARCHITECTURAL SITE PLAN	
DATE: 1 4 2 8	DATE: 20 FEB 2015
DRAWN BY: GAN	CHECKED BY: GAN

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