

MINUTES
GLYNN COUNTY PLANNING COMMISSION
JANUARY 18, 2005 - 6:00 P.M.

MEMBERS PRESENT: Perry Fields, Chairman
Robert Ussery, Vice Chairman
Mike Aspinwall
Jay Kaufman
Ann McCormick
Gary Nevill
Jonathan Williams

STAFF PRESENT: John Peterson, Director
York Phillips, Planning Manager
Iris Scheff, Planner III
Eric Landon, Planner II
Janet Loving, Admin/Recording Secretary

Chairman Fields called the meeting to order and the invocation was given, followed by the Pledge of Allegiance. He then gave a brief recap of the rules, voting procedure and audience participation in discussing agenda items.

As an amendment to the agenda, Chairman Fields suggested deferring discussion of the following *Staff Items* until the two new Planning Boards are established: a) Long Range Transportation Plan & Transit Study Updates; b) Comprehensive Plan Update; and c) Ordinance Amendments Updates. He stated that perhaps both Boards could review these items simultaneously. The Planning Commission concurred.

There being no further changes to the agenda, a motion was made by Mr. Gary Nevill to accept the amendment and approve the agenda for the January 18th Planning Commission meeting. The motion was seconded by Mr. Jay Kaufman and unanimously adopted.

GC-2004-37

Consider a request to rezone from R-12 One Family Residential and CP Conservation/Preservation to R-6 One-Family Residential, property located generally to

the north of Magnolia Street and west of Sixth Street and the Ash Street right-of-way, and property west of Cedar Street (in the platted Seventh Street right of way), in and adjacent to the Glynn Haven Subdivision. The total area is approximately 2.96 acres. This proposal corrects discrepancies between the digital zoning layer and the Glynn County Zoning Map and makes the map consistent with previous interpretations of mapped boundaries. Glynn County Planning Commission, applicant.

The following report from staff was included in the packages for the Planning Commission's review:

This request involves the area in and adjacent to a portion of the Glynn Haven Subdivision originally recorded in 1929. The Official Zoning Map, originally adopted in 1966, depicts the area to the north of the north right-of-way line of Magnolia Street to be R-12 zoning, and the area to the west of the east right-of-way line of Seventh Avenue (now shown as a portion of Cedar Street) to be Conservation Preservation (CP).

Over time, a number of actions have occurred or pieces of information have been found from which it can be inferred that general belief was that these areas were zoned R-6. These actions included:

- The plat of Dunbar Creek Plantation, Phase II, recorded in 1982 identified the subject area as being zoned R-6.
- Construction plans for the improvement of Magnolia Street between Fifth Avenue and Sixth Avenue were approved in 1995 based on the understanding that the abutting land to the north was zoned R-6. The staff's report stated that the action would allow the division of the property on the north side of the new street, and that the property was zoned R-6.
- A building permit was issued in 1997 for construction on a lot located on the north side of Magnolia Street near its intersection with Fifth Avenue. Building permits were issued in 1996 and 1998 for construction on lots located on the west side of Cedar Street (in the platted Seventh Avenue right-of-way). These building permits were based on the assumption that the land was zoned R-6.
- The preliminary plat and construction plans submitted by Linwood Collins III, et al, for a re-subdivision of land on both sides of Magnolia Street, west of Sixth Avenue were prepared and approved in the late 1990's based on R-6 lot sizes.
- A minor plat for the creation of three lots in the area north of Magnolia Street, between Fifth Avenue and Sixth Avenue was approved and recorded in 2000. This action assumed that the property was zoned R-6.
- In 2001, the zoning map was added to the GIS database. This digital version is not the Official Zoning Map, but is used as a principal source of data for making maps and providing information to the public. The digital zoning map shows a strip of land along the north side of Magnolia Street and along the west side of

Cedar Street as R-6, contrary to the Official Zoning Map. The R-6 strip of land includes portions of lots in Dunbar Creek Plantation. The digital map also shows as CP areas to the northwest of Glynn Haven.

In 2002, an amendment was made to the Glynn County Zoning Ordinance prohibiting additional land from being changed to R-6 in Planning District 2 (St. Simons and Sea Island).

The pattern of the actions described above shows a widespread belief over an extended period of time (and by a number of different people) that the area in question was zoned R-6. This belief was not inconsistent with the general knowledge that Glynn Haven was zoned R-6.

In conformance with Section 1103 of the Glynn County Zoning Ordinance, the Planning Commission is to consider the following in making its recommendation:

- Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

Yes.

- Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

No.

- Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

Yes.

- Whether the zoning proposal will result in a use, which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

No.

- Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Land Use Plan.

The future land use map identifies this area as Low Density Residential.

- Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for approval or disapproval.

Yes, the actions over time were unique in that they established a land use pattern that is inconsistent with the existing zoning. In this type of case, conformity of the zoning to the established pattern of use is appropriate.

There are no established planning principles that suggest that single-family residential use is inherently incompatible with adjacent single-family residential use. The pattern of land use has emerged over time and has become established, even though it was inconsistent with the legally adopted zoning map. At this point, it would be more disruptive to ignore the pattern and restore the original zoning map rather than to change it.

With respect to the prohibition on new R-6 zoning, staff recommends that a ruling be obtained from the County Attorney prior to final action by the Board of Commissioners. Consideration should be given to the fact that previous actions of the county may have rendered the Official Zoning Map moot and may have implicitly caused the zoning to be R-6.

Mr. Ussery asked if there were any additional wetlands in the area. Mr. Phillips pointed out on the display map the location of a ditch along the dividing line of the properties and noted the area of another ditch, but stated that he is not sure if all of that particular area constitutes wetlands. However, the issue would have to be established before issuance of any permits. He did point out that there have been no wetlands delineation, no corps determinations and no marsh delineations that he is aware of.

Mr. Kaufman wanted to know how many houses would be allowed in the R-12 zoning area. Mr. Phillips stated that there would probably not be any more allowed than the three existing houses.

By a show of hands, there were approximately 40 residents present to oppose this request. Before they expressed their concerns, Mr. Ussery explained the difference between R-6 zoning and R-12 zoning for clarification. Afterward, Chairman Fields opened the floor for public comments beginning with Mr. Paul Christian of 315 Dunbarton Way who read the following:

“Our property is adjacent to a portion of the Glynn Haven property being considered for rezoning from R-12 to R-6 as denoted in case GC-2004-37. To me, this case appears to be a tangle of inconsistencies...

“We purchased our lot in 1989, and were informed by County Zoning Staff that the adjacent Glynn Haven property was zoned R-12 and we received a copy of the 1962 Zoning Map which shows it zoned as such. My research indicated that the land was set aside as a **buffer** between the two subdivisions, as defined on the original plat done by the Middleton’s in 1929. In addition, there is also another portion of Glynn Haven, known as the “Bird Rookery” which was also set aside and defined as “reserved.” This

too was included in the R-12 zoning. Both these pieces of land are part of Glynn Haven Estates, not Glynn Haven Subdivision and all of Glynn Haven Estates was included in the R-12 zoning district in 1962! Furthermore, in 1962 there was no plat that subdivided Glynn Haven Estates, and county law states that any requests to do so must conform to the zoning district.

“In 1999, I noticed survey stakes that clearly delineated three small lots about 6,000 square feet each in the area that the 1962 zoning map shows as R-12. This was during the time that Magnolia Street was being extended. I contacted various people in the County Zoning office, and my County Commissioners. After several visits and phone calls I was told again that the property I was concerned about was zoned R-12 and that it could not be divided into smaller than 12,000 square foot dimensions without a public hearing and a request to have the zoning changed. I was also told that one house could be built, but it had to conform to the R-12 zoning restraints and the setbacks for the street. As of June 1999, no request had been made for a zoning change. The Commissioner at Large also told me that he had informed the property owner that it could not be sold as three lots unless the zoning was officially changed.

“With the above information, I thought the issue was resolved! However, in February 2002, I noticed another survey crew on this property dividing it into three lots to be sold for a new owner.

“From February of 2002 until March of 2004, I repeatedly requested from the County Zoning Division copies of the minor plat application and other information regarding this case and received nothing. County staff informed me that they could not provide me with this information, and that they were in the process of writing a letter to the County Attorney’s office stating that a mistake was made and proper channels had not been followed. I was informed that letters were being sent to the property owners informing them that no building permits would be issued until problems had been resolved.

“So, here we are tonight. You, as members of the Zoning Commission must make a recommendation to the County Commission as to whether this property should be left R-12 or down zoned to R-6.

“According to the Planning and Zoning Draft Staff report that was prepared last week it is apparent that the Community Development Department is in favor of rezoning this property to R-6 based on the assumption that all of Glynn Haven Subdivision was and always has been zoned R-6. But this is not part of Glynn Haven Subdivision; it is Glynn Haven Estates.

“It is apparent that mistakes were made regarding minor plat applications for subdividing lots based on this same assumption. But, we all know that the 1962 zoning map clearly illustrates that this property is indeed zoned R-12 and it still stands as the official zoning document. I have seen no evidence that convinces me otherwise. By

approving this rezoning, the county would also contradict it's own 2002 amendment to restrict rezoning of land on St. Simons Island to R-6.

“In closing, I would like to remind members of the Glynn County Planning Commission that previous County Zoning Staff had no legal right to assume that errors were made in 1962 when the official zoning map was made. Furthermore, decisions regarding a minor plat application for the creation of three lots in the area north of Magnolia Street in 2000 should not have been granted based on an assumption or because someone else built a house where they should not have!

“In light of the above, I respectfully request that you **vote against** this zoning change, and send a message to the citizens of Glynn County that enough is enough and from now on, we will strive to get this community on a path to greatness.”

Mr. Dennis King of 323 Dunbarton Drive pointed his property out on the map and stated that three years ago he purchased his brand new dream house. Within a few months he encountered several problems. Over the course of time, he invested over one hundred thousand dollars in his home and is just beginning to enjoy his property. However, the county is now talking about putting some type of stick trailer right outside of his window. Mr. King stated that “this is a slap in his face.” He would never have purchased the property had he known this was going to happen. Just as Mr. Christian stated, he too was told that the property near him would never be built on. He is absolutely outraged by this. If this proposal is approved it would have a tremendous affect on him. Mr. King stated that he is asking the Planning Commission to do the right thing and deny this request.

Mr. Don Long of 213 Dunbarton Drive stated that his property does not directly abut any of the proposed properties, but his primary concern is the long-term vision of the Planning Commission going back on their recommendation to not allow any additional R-6 zoning on St. Simons. He stated that regardless of who made the mistake, the property is zoned R-12 and it should remain R-12. Mr. Long stated that from St. Simons' standpoint, it is their desire to not have any more R-6 zoning.

Mr. Frank Quinby, Co-Chairman of the Southeast GA Sierra Club, stated that he was a resident of the area for about 17 years. He moved away just a few years ago but the area in question is a nice area. He stated that the entire area as pointed out by Mr. Christian was noted as “reserved area” in the original subdivision plans of Glynn Haven and was not supposed to be developed. He stated that sometime in 2000 three lots were created along 6th Street and Magnolia and an exception was made for the property to be developed. Since then, more exceptions have been made. He stressed that the Board cannot continue making exceptions; this is not the way zoning is supposed to be done. He stated that this is a tragedy. It is also amazing to him that a rezoning is coming from the staff rather than from the owner of the property.

Mr. Quinby feels that the Planning Commission should not override an amendment that was done by the County Commissioners in 2002. He stated that on St.

Simons there are sewer problems, water problems, etc. and there should be no more R-6 zoning. "Where will this end; you've got to stop somewhere and this is the point; you just cannot continue covering up mistakes." Mr. Quinby stated that "he hopes the Planning Commission will turn this down, and if not, he hopes they get sued."

Mr. Jim Frazier of 216 Dunbarton Drive stated that he is the president of the homeowners association and they are adamantly opposed to this request. He stated that they are being encroached upon by Glynn Haven almost day by day. Actually at the beginning, the area was designated preservation-conservation. It was never intended to be a lot. It was intended however to be a buffer from Dunbar Creek Plantation and Glynn Haven, but now you're talking about building on it. Also, part of the marsh in the area was filled in with the other piece of R-6 property.

Mr. Frazier stated that an error cannot be corrected by making three lots instead of one. He feels that it is even wrong to be an R-12 zoning, but R-6 would only compound the error and it is not an appropriate remedy for the situation. No one can even determine who made the error or when it was made; therefore, it does not seem appropriate to make this kind of determination under any circumstance. "We cannot deal with assumptions and we don't have any authority to say this property was ever changed officially." Mr. Frazier stated that the area should remain preservation.

Ms. Deborah Walker of 515 Magnolia Street stated that she purchased her property in 1997 and was told that the property directly across the street would never be built on, and that it was zoned R-12. She looked at the property and saw that it was very narrow and felt that nothing could be built on it. Therefore, she built her house and moved in. Ms. Walker stated that a few years later she noticed survey flags going up. She found out who owned the property and studied the plat. She stated that nothing can be built on the property that would be attractive or conducive to the neighborhood.

Ms. Walker stated that the property was never designed to be built on. As a builder, she's tried to improve everything that she's done in Glynn Haven. She stressed that she loves her house and she wants it protected, which is what zoning regulations are about. They protect the homeowners, they protect taxpayers, and they protect their neighborhoods and the investments made in their homes. Ms. Walker strongly urged the Planning Commission to deny this request because the property owners should not have to suffer because somebody made a mistake. "Let's do what's right and stop the mistakes."

Ms. Linda Newberry of 703 Fifth Avenue presented a petition consisting of approximately 41 signatures of residents opposed to this request.

Ms. Jan MacKinnon of 621 Sixth Avenue agreed with the previous comments opposing this request. She also reminded the Planning Commission that Glynn County is committed to implementing NPDES Phase II, which is a mandate by the Georgia EPD that aims to preserve, protect and improve the nation's water quality. She explained that since there is a drainage ditch behind the property in question, the research is there to

show that when densities are increased on a given property it decreases the ability of that property to filter out the pollutants and run-off that is going directly into the marsh. She stated that she wanted to make sure that the Planning Commission is cognizant of this point before making a decision.

Ms. Mackinnon further stated that she and her husband purchased their home almost four years ago and this is an emotional issue. She stated that they are raising a family and they did all of the research necessary in taking this step because they wanted to be able to project what the area would look like in many years to come. She stressed that it is very disheartening to know that all of their research and the money that they put into their home could be turned around with the stroke of a pen, and she encouraged the Planning Commission to vote against this request.

Mrs. Canada stated that she recently moved in with her daughter who has a beautiful home at 519 Magnolia Street and they love it. They also like the woods across from the house, but what bothers her aside from the drainage ditch that goes down to the end before it goes into the marsh is the fact that people throw trash and debris in the circle. She would like to know who is responsible for keeping the area clean, no matter how it is zoned. Chairman Fields advised Mrs. Canada to contact Mr. Joe Pereles who is the Director of the Glynn County Public Works Department and make him aware of this problem.

Mr. Heath Shewmaker of 618 Cedar Street expressed concerns about the conservation property. He stated that if the property is changed to R-6 he'd like to know what would happen in the case of filling in the marsh. Chairman Fields explained that no one is allowed to fill the marsh without a permit from the Marshland Protection Act of DNR.

Chairman Fields asked Mr. Bryson how much land is on the vacant property, in terms of square footage, on the proposed three lots. Mr. Bryson replied that the property is about 21,000 sq. ft. total. He explained that the actual easement for the drainage ditch is on Dunbar, but the bulk of the ditch is on the three lots. He pointed out that the ditch is included in the square footage. He further stated that the platting was approved on May 7, 2001 by Glynn County and recorded on that date in plat drawer #27, page 139. He purchased the property about eight months after it was platted.

Mr. Ussery asked if the lots in question are lots of record. Mr. Bryson stated that they are lots of record and he has paid taxes on the lots since owning them in 2001. Mr. Ussery asked if there is enough land to make more than three lots out of the strip that he owns. Mr. Bryson replied no, there could only be three lots.

Mr. Aspinwall asked Mr. Bryson if he built his house. Mr. Bryson replied yes, he built his house in 1996 and at the time it was assumed to be zoned R-6. Mr. Ussery asked if the lots meet the standard for R-12 lots, to which Mr. Bryson replied no. Chairman Fields asked if any of the lots could meet the standard for an R-9 zoning. Mr. Bryson stated that perhaps one lot could. Chairman Fields then asked Mr. Bryson if he knows

anything about the size of the lots located east of the three lots in question. Mr. Bryson stated that he is only familiar with one of those lots, which is slightly larger than 6,000 sq. ft. However, Mr. Phillips pointed out that there are actually only two lots located to the east and they are R-6 lots.

Mr. Nevill stated that on all of the Glynn Haven maps that he has seen shows the area as “reserved,” but he is not sure that the definition of “reserved” means that you can never do anything with it.

Mr. Ussery wanted to know if the Planning Commission is being asked to consider a total of eight existing lots. Chairman Fields stated that the issue in his mind is how to resolve the dispute of the three existing lots that are CP.

Mr. Jim Frazier had questions about preservation being listed on the original plat, which says that nothing could be built. To clear up a misconception, Chairman Fields explained that the term “reserved” does not mean that the property is not developable. It means that in 1929, the Middleton Family did not designate any particular use for that property. Had they labeled the property “park” or “public land” then perhaps there would be something there. But saying “reserved” means that it was not put into lots in 1929 for any particular use.

Mr. Frazier wanted to know the depth of the property located on Magnolia Street. Mr. Robert Ussery stated that from looking at the plat, the strip of land on Magnolia shows three lots. The widest portion appears to be 68 ft. deep and the narrowest appears to be 49 ft. deep. The ditch falls within that depth.

Chairman Fields stated that his concerns about the ditch is whether or not it is considered wetlands, and if so, it has to be dealt with. If the ditch is marsh, then it has to be dealt with in a different way, and if it has tidal influence, there is no doubt that the Corps will claim it. However, he would like to have these questions answered before proceeding with a decision.

Mr. Bryson explained that before he closed on his property in 2001 he called the DNR and Ms. Rhonda Knight was sent out to do a delineation. He met with her on site and she in fact delineated the DNR jurisdiction of the ditch, which came to about the mid point of the cul-de-sac and in essence will affect Mr. Collins’ lot, but not the three lots inland. He stated that he does not know what jurisdiction the Corps would take over the ditch. From that explanation, Chairman Fields noted that in 2001 the DNR did not accept jurisdiction over the ditch. Mr. Bryson stated that is correct.

Mr. Ussery stated that regardless of the status of that particular strip, it is possible for the Planning Commission to take action on the CP portion of the existing three homes. Chairman Fields stated that he would like to at least have some indication of the existing lots with residences that are perhaps suitable for an R-6 zoning. He stated that the Planning Commission still has to confer with the County Attorney for an opinion on how to handle this because after all, they did pass the ordinance stating there would be no more R-6 zoning. He stated that they need an opinion on the following: 1) Can the

Planning Commission take action recommended by county staff with respect to the R-6 zoning; and 2) Whether a written statement is needed from DNR as to the location of the delineation line.

Mr. Ussery reiterated that the Planning Commission can take action on the three existing lots. Thereupon, he made a motion recommending approval of rezoning the existing lots containing residences from CP to R-6. The motion was seconded by Mr. Jonathan Williams. Discussion continued.

Mr. Ussery explained that there are five homes in question. Mr. Aspinwall asked how it came to pass that those three homes were allowed to be built on. Mr. Phillips stated that he did not know but he could try to do additional research of building permits if deemed necessary. Chairman Fields stated that in his mind it is not necessary. He stated that the Planning Commission needs to focus on the problem at hand. For clarification, Mr. Ussery stated that he does not think that rezoning those existing homes to R-6 would mean that someone could come back and split any one of those lots. None of those lots are large enough to make two lots out of one. He emphasized that the subject of his motion is that there would not be five houses being built in the place of one; thus, Mr. Williams's reason for seconding the motion.

At the end of discussion, the following vote was taken. Voting Aye: Mr. Mike Aspinwall, Mr. Perry Fields, Ms. Ann McCormick, Mr. Gary Nevill, Mr. Robert Ussery and Mr. Jonathan Williams. Voting Nay: Mr. Jay Kaufman.

It was noted that the other issues would be placed back on the agenda for the Planning Commission's consideration at the February 1st meeting beginning at 6:00 p.m.

SUP-2004-05

Application for a special use permit to allow a mobile home in the case of a documented medical hardship on property located on the south side of Emanuel Church Road west of its intersection with Myers Hill Road and containing 34 acres, with approximately 2,800 feet of frontage on Emanuel Church Road. Property owned by John Davis, III.

Mr. John Davis, III was present for discussion.

The following report from staff was included in the packages for the Planning Commission's review:

This is a request for permission to locate a temporary mobile home on property based on a medical hardship. The property is zoned Forest Agricultural and it is fairly large. Currently, a mobile home is located on the property, which is the primary residence of the applicant. The request is to place a temporary mobile home for

Mrs. Davis' parents, who are elderly and have medical problems. (A doctor's letter supporting the action was included in the packages for review.)

The county's adopted Comprehensive Plan designates the area for residential use. The Zoning Ordinance provides for temporary (two year) use of a mobile home in the case of a medical hardship. Such use is permitted when a documented medical hardship exists, and provided such use meets all other requirements of Section 704.3. The ordinance also states that the applicant shall provide:

- a) A property owner's statement describing the need, identifying the person requiring medical care and the person to provide the care, and relationship of the persons to reside in the mobile home.
- b) A certificate of need and necessity filled out and signed by a medical doctor, describing the medical problem(s), and offering a professional opinion of need.

The proposed use meets the requirements of Section 704.3, and an application signed by the owner with a document signed by a medical doctor has been submitted. Therefore, staff's recommendation is for approval.

Mr. Kaufman stated that if the property is already zoned FA and mobile homes are allowed in the FA District, why would the applicant need a special use permit. Mr. Phillips explained that the alternative would be to create a separate parcel and put the mobile home on it. The special use permit is for the second mobile home to be placed on the same parcel.

Chairman Fields stated that the problem he has with this request is that it doesn't comply with the technical language of Section 704.3 with regard to the official document from a medical doctor. In the past, the Planning Commission has been consistent relative to the medical needs of the applicant. The language contained in this request is somewhat vague.

At this time, Mr. John Davis stated that his wife's parents have been an inspiration to his entire family and friends and they have now reached the point where they need assistance. Her father has Parkinson's disease and heart trouble and her mother's memory is deteriorating. He explained that his home is not large enough to house his in-laws, which is why he is asking for separate living quarters for them. The mobile home that his in-laws would be living in would have a shared well but it would have its own driveway and its own septic system.

It was noted that no one was present to oppose this request.

Following discussion, a motion was made by Mr. Jay Kaufman to recommend approval of this request. The motion was seconded by Ms. Ann McCormick. Discussion continued.

Mr. Jonathan Williams reminded the Planning Commission of other special use permits that were denied for lack of compliance relative to the doctor's statement. He stressed that the Planning Commission needs to be very careful in its decision to ensure that everyone is treated equally. Chairman Fields concurred. He then suggested that the motion be amended to state that the approval is subject to a supplemental statement being provided by Dr. Larsen stipulating that Mr. & Mrs. Martin need constant care, and that this statement be included in the record and subsequently forwarded to the Board of Commissioners. The amendment was accepted and the motion was unanimously adopted.

It was noted that this item would be placed on the February 3rd agenda for the Board of Commissioners consideration.

VP-2005-002

Application by Sarah Tipton-Downie, owner, for approval to make an addition to an existing residence located at 552 Magnolia, St. Simons Island, on the south side of Magnolia Avenue, 100 feet west of its intersection with Oak Street.

Mr. Ed Mecchella was present for discussion.

The following report from staff was included in the packages for the Planning Commission's review:

This property is located on the south side of Magnolia Avenue, which is located generally north of Ocean Boulevard, between Oak Street and Neptune Way. The application depicted the height of the proposed second story addition as approximately 21 feet, based on measuring the scaled architectural section provided on the additional drawings submitted. The building footprint based on the drawings and paperwork submitted, was 1018 square feet for the base structure, with a proposed addition to the east of 407 square feet, for a total proposed building footprint of approximately 1,425 square feet.

Under Section 709.5 (Village Preservation), new construction must remain within certain size limitations based on the size of structures on the property and neighboring structures, as they existed at the time of the adoption of the Village Preservation provisions.

709.5 General Provisions

In all zoning districts except General Commercial Core Districts, no new construction or alteration to existing construction of a principal building or accessory building or structure will be allowed which will result in a lot coverage of greater than fifty percent (50%). Furthermore, no building

footprint may be increased more than the average of the building footprint of the building and structures located on the adjacent side lots existing at the time of the adoption of this Ordinance.

In all zoning districts, no new construction or alteration to existing construction of a principal building or accessory building or structure will be allowed which will increase the height more than ten (10) feet from the building or structure originally located on the property at the time of adoption of this Ordinance or from the average height of the principle structures located on the adjacent side lots at the time of adoption of this Ordinance.

For vacant lots which have been vacant for a period of one (1) year or longer, the footprint of new buildings or structures on the lot shall be no greater than the average footprint of the buildings or structures located on the adjacent side lots of the new construction. The height shall be no more than ten (10) feet greater than the average height of the principle structures located on the adjacent side lots at the time of adoption of this Ordinance.

When no building or structure is located on adjacent lots, the nearest building or structure will be considered to determine allowable scale of new construction.

The application proposes a structure of 1,425 square feet, while the lot size is stated to be 3,103 square feet. Therefore the lot coverage threshold of 50%, which would be a maximum of 1,551.5 square feet, is not exceeded and based on lot coverage maximum square footage requirements only, appears to meet the requirement.

The application indicates that the height of the adjacent buildings is 20 ft. and 30 ft., for an average of 25 ft. This height may be increased by 10 ft. to establish the maximum height of the new structure. Since the proposed height is approximately 21 ft., the proposal appears to meet the requirements.

Information originally did not provide the square footage of the footprints of the buildings on the adjacent side lots, so records were searched for that information. The subject structure is currently 1,034 sq. ft. (based on heated space data), and is proposed to be 1,425 sq. ft. The structure to the right or east (overhead view) of the subject structure was built in 1948 and contains 970 sq. ft. of heated area. (Although the actual building footprint may be larger than that of the heated area, since information to the contrary is not available, the 970 sq. ft. figure was used to calculate the average.) The structure to the left or west (overhead view) of the subject structure has a heated area of 1,412 sq. ft., and was erected in 2001. However records show that in 1992, at which time the ordinance was passed, the structure at 548 Magnolia was 1,038 sq. ft. Accordingly, the average of the two adjacent building footprints and the footprint of the building on the subject lot is 1,139 sq. ft. ($970 + 1,412 + 1,034 = 3,416$; $3,416 / 3 = 1,138.6$ or 1,139). The proposed structure is 1,425, which is in excess of the limit.

In addition, Section 709.8 provides that the Planning Commission will review the plans according to the following criteria:

- A) Conformity of the plans submitted to the purpose and provision of this Ordinance.
- B) Conformity and harmony of external material and design with existing and neighboring structures.
- C) The effect of the improvements on neighboring structures or sites.
- D) The consistence and compatibility with existing architectural design building exterior finishes used on neighboring properties or in the overlay zone.
- E) Exterior materials, exterior doors and windows, color schemes and other building elements which are considered compatible with neighboring structures in the overlay zone and appropriate for the area.
- F) The use of landscaping to cause the improvement to conform to the character of the area or to buffer the improvement from the neighboring sites.

Some, but not all provisions of Section 709 have been met, in that the proposal exceeds the maximum square footage of building footprint thresholds established based on adjacent properties' characteristics. Therefore, staff's recommendation is for denial.

Mr. Mecchella explained that there is an old house located on the north side of the property. He stated that the owner wants to put an addition on to the small house to accommodate the size of his family.

Chairman Fields asked if the owner has a hardship as to the reason for the addition. Mr. Mecchella stated that the house is very, very small and includes two bedrooms and one bath. The house is just not large enough, and it is his understanding that the owner has several children. Mr. Ussery stated that there is a provision in the ordinance for a hardship as outlined under Section 709.12. Chairman Fields stated that in his opinion, this situation qualifies as a hardship in that the house is not functional for the size of the family.

During the course of discussion, Chairman Fields suggested that this request be continued to allow the applicant to request a hardship under the provisions of the Village Preservation District, Section 709.12. The Planning Commission concurred.

PP-2004-1206-1500 Saddlebrook

Application by Driggers Homes, owner for approval of a preliminary plat for a property located on the northwest intersection of Cate Road and Old Cate Road. The proposed project consists of 367 single-family lots on 149.42 acres. The property is zoned Planned Development, and is located within the Golden Isles Gateway Tract.

Mr. Terry Driggers and Mr. Jeff Counts were present for discussion.

The following report from staff was included in the packages for the Planning Commission's review:

The proposed project is adjacent to a closed county landfill, which is separated by an existing fence. The closed landfill is managed and monitored by Glynn County. It may be appropriate for the plat to contain a note identifying the location of the closed landfill.

Staff's concerns have either been addressed or can be addressed in the construction plan review phase.

Staff recommends approval of the preliminary plat subject to meeting all requirements and subject to submittal of three (3) copies of a corrected preliminary plat for the Planning Commission Chairman's signature before processing of the construction plans.

During a brief presentation, Mr. Terry Driggers stated that regarding staff's suggestion, if he felt that there was a concern with putting a residential development in close proximity of a landfill he would have examined this more carefully. He stated that this development would be served by county water & sewer, with no individual wells; thereby alleviating the possibility of groundwater contamination, etc. He further stated that the landfill's stormwater does not enter onto this particular property, which would also alleviate any concerns.

Following discussion, a motion was made by Mr. Robert Ussery to approve this preliminary plat as presented (without consideration of staff's suggestion). The motion was seconded by Mr. Mike Aspinwall. Voting Aye: Mr. Mike Aspinwall, Mr. Perry Fields, Mr. Jay Kaufman, Ms. Ann McCormick, Mr. Robert Ussery and Mr. Jonathan Williams. Abstained From Voting: Mr. Gary Nevill.

SP-2004-1228-1100 The Villas at Golden Isles

Application by Ron Sluder, owner, for site plan approval for a property located on the southeast intersection of Canal Road and SR 99. The proposed project consists of 168 multi-family units (6 dwelling units per structure in 28 individual structures) on 55.158 acres. The property is zoned Planned Development, and is located within the Golden Isles Gateway Tract.

Mr. Ron Sluder and Mr. John Hunkele were present for discussion.

According to Mr. Phillips, staff's concerns have either been addressed or can be addressed with the building permit site plan.

Staff recommends approval of the site plan subject to meeting all requirements, and that the Planning Official be directed to give final approval to the site plan consistent with the Planning Commission's action.

Following a brief discussion, a motion was made by Mr. Gary Nevill to approve this request. The motion was seconded by Mr. Robert Ussery and unanimously adopted.

MINUTES

Regular Meeting: January 4, 2005

The Minutes of the January 4th Planning Commission meeting were approved and unanimously adopted subject to any necessary corrections.

Under *Staff Items*, Mr. Phillips distributed copies of two proposed amendments prepared by the County Attorney. He explained that Section 507 (Use of Substandard Lots of Record) is being presented as written by the County Attorney; however, staff has proposed additional changes to Section 802 (Re-subdivision of Land). These changes are in bold print. Mr. Phillips stated that the proposed amendments would be advertised as Public Hearing items for the February 1st meeting, beginning at 6:00 p.m.

Following a brief discussion, it was the consensus of the Planning Commission to schedule a workshop for February 1st beginning at 5:00 p.m. to discuss these items before the 6:00 p.m. Public Hearing.

There being no further business to discuss, the meeting adjourned at 8:15 p.m.