

# MINUTES

## ISLANDS PLANNING COMMISSION MARCH 20, 2007 - 6:00 P.M. Fire Station #2, Demere Road, St. Simons Island

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- MEMBERS PRESENT:** Robert Ussery, Chairman  
John Dow, Jr.  
William Lawrence  
Paul Sanders  
Desiree Watson  
Joan Wilson
- ABSENT:** Preston Kirkendall, Vice Chairman
- STAFF PRESENT:** David Hainley, Community Development Director  
York Phillips, Planning Manager  
Iris Scheff, Planner III  
Janet Loving, Admin/Recording Secretary
- ALSO PRESENT:** Will Worley, Assistant County Attorney  
Commissioner Uli Keller, BOC

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Chairman Robert Ussery called the meeting to order at approximately 6:20 p.m. He explained that the delay in the meeting is due to the extended time of the 5:00 Joint Public Hearing. The invocation was then given, followed by the Pledge of Allegiance and a brief recap of the rules, voting procedure and audience participation in discussing agenda items.

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At this time, Chairman Ussery and Commissioner Uli Keller introduced and welcomed Ms. Desiree Watson as the new member appointed to serve on the Islands Planning Commission. Commissioner Keller stated that Ms. Watson's character and qualifications are unquestionable and he is confident in her ability to render sound decisions for the community. Ms. Watson deems it an honor to serve and is looking forward to new challenges.

Commissioner Keller also presented a Certificate of Appreciation to Mr. Mike Aspinwall for his diligence and unwavering committed service during his tenure on the Islands Planning Commission. Mr. Aspinwall thanked Mr. Keller, the Islands & Mainland Planning Commissions, the Board of Commissioners and especially staff for all of their patience, wisdom and support throughout the years.

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**Minutes - February 20, 2007**

A motion was made by Mr. Paul Sanders to approve the Minutes of the February 20<sup>th</sup> Islands Planning Commission meeting with any necessary corrections. The motion was seconded by Mr. John Dow. Voting Aye: Mr. John Dow, Mr. William Lawrence, Mr. Paul Sanders, Mr. Robert Ussery and Ms. Joan Wilson. Ms. Desiree Watson was not a member at that time and therefore abstained from voting.

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**Special Action/Authorization and Appointment of Acting Vice Chairman**

Mr. Hainley explained that this appointment is necessary in case of any unforeseen circumstances (i.e., conflict of interest or absence of Chairman and Vice Chairman). The floor was open for nominations. Mr. William Lawrence nominated Ms. Desiree Watson for the appointment of Acting Vice Chairman for 2007. There were no other nominations and therefore nominations were closed. The nomination for Ms. Watson to serve as Acting Vice Chairman for 2007 was put in the form a motion, seconded by Mr. Paul Sanders and unanimously adopted.

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As agent for application number **ZM-2007-003(I)**, Chairman Robert Ussery stepped down and turned the meeting over to Acting Vice Chairman Desiree Watson.

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**ZM-2007-003 (I)**

Consider a request to rezone from FA Forest Agricultural to PD-G Planned Development-General, property consisting of 9.663 acres located on the south side of Demere Road approximately 1500 ft. east of its intersection with Sea Island Causeway on St. Simons Island. The project is known as "The Palmettos at Demere." The physical addresses of the properties are 2901, 2903, 2905, 2909, 2915, 2921, & 2711 Demere Road and 0 Mary Wan Road. Parcel IDs 04-12024; 04-06448; 04-05994; 04-05820; 04-05879; 04-05853, 04-05852; & 04-05787. Robert Ussery, agent for Athens Land Company, LLC, owner. This item was deferred at the February 20 meeting.

Mr. Dave Hainley advised that the applicant for this item requested that it be deferred. Thereupon, a motion was made by Mr. Paul Sanders to defer this request. The motion was seconded by Ms. Joan Wilson and unanimously adopted.

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(Chairman Robert Ussery presided over the remainder of the meeting.)

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**PP-2006-038 (I) Glynn Haven Trace**

Request for approval of variances associate with a preliminary plat for property located on the north side of Atlantic Avenue approximately 800 ft. west of its intersection with Sixth Street. The project consists of 8 single family lots on 1.842 acres, and is zoned R-6 One-Family Residential. The variances are for (a) to allow the street surface to be below the minimum elevation required under §602.2 (p) of the Subdivision Regulations, and (b) to allow the “flag” portion of a flag lot to be smaller than the minimum area permitted under §603.1 (e) (5) of the Subdivision Regulations.

Mr. Ernie Johns and Mr. Peter Schoenauer were present for discussion.

According to the staff’s report, which was presented by Mr. Phillips, this preliminary plat was approved at the February 20<sup>th</sup> meeting, but the variances were not included in the action.

The Future Land Use Plan shows that this property is designated for Low-Density Residential. The property is currently vacant and is proposed for a single-family subdivision consisting of 8 dwelling units.

The proposed development meets the requirements of the subdivision regulations, subject to the approval of the two variances. The variance from the minimum street elevation standard is necessitated by the low-lying nature of the Glynn Haven area and the low elevations of the exiting street system. The variance from the minimum lot size requirement for flag lots is necessitated by the unusual shape of the development and the resulting parcel layout. Section 901 of the Subdivision Regulations authorizes the Planning Commission to grant a variance to a design requirement where the requirement is impractical to meet. Variances shall be permitted as follows:

**Section 901. Variances**

- 1) General: When a peculiar shape, or the topography of a tract of land, or other unusual condition, makes it impractical for a subdivider to comply with the literal interpretations of the design requirements of this Ordinance, the Planning Commission shall be authorized to vary such requirements, provided, however that in so doing the intent and purposes of this Ordinance are not violated.
  
- 2) Conditions: In approving variances, the Planning Commission may require such conditions that will, in its judgment, secure substantially the objectives of the standards and requirements of these regulations.

3) Procedures: A petition for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Planning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

The site accesses a public street and all other streets in this area generally have adequate capacity. The site is served by county water and sewer. All other comments have either been addressed or will be addressed during construction plan review stage.

Staff recommends approval of the request for variances (a) to allow the street surface to be below the minimum elevation (7.5 feet, MSL) required under Section 602.2 (p) of the Subdivision Regulations, and (b) to allow the “flag” portion of a flag lot to be smaller than the minimum area required (12,000 sf) under Section 603.1 (e) (5) of the Subdivision Regulations.

Following a brief discussion, a motion was made by Mr. Paul Sanders to approve this preliminary plat and grant the variances as requested. The motion was seconded by Mr. William Lawrence and unanimously adopted.

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**VP-2007-1 (I)**

Application by Mike Clements, agent for W. Duvall Brumby, owner, for approval to replace siding on house, to glass in a front side porch, and to add a new porch, roof and railings across the front of the house on a property located at 604 May Joe Street, situated on the southeast corner of its intersection with Oak Street. The 7,326 square foot property is zoned R-6, One Family Residential. Parcel ID 04-04616. This item was deferred at the February 20<sup>th</sup> meeting.

Mr. Mike Clements was present for discussion.

According to the staff’s report, which was presented by Mrs. Iris Scheff, the applicant submitted drawings and data including setback distances and building footprint square footages to support the above referenced request for a new front porch.

Under Section 709.5 (Village Preservation), alterations to existing construction of a principal building must be looked at to determine the harmony and appropriateness, lot coverage, height increases, materials, color schemes, and building elements for the structure itself and neighboring structures.

### 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 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. Additionally, 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.

Lot Coverage and Building Footprint: The lot is seven thousand one hundred eighty-six (7,186) square feet and the existing house is one thousand two hundred eighteen (1,218) square feet, a lot coverage percentage of sixteen point nine percent (16.9%). This percentage is far under the maximum allowable fifty percent (50%) lot coverage.

The ordinance states a structure may not exceed the average of those in the adjacent lots. To meet this standard, all three units including the subject dwelling are added and divided by three to derive the average  $[1,218 + 2,466 + 936 = 4,620 / 3$  or 1,540 average square feet]. The average is then compared to the proposed expanded footprint of the subject house. With the added front porch, the building footprint at 604 May Joe Street would be one-thousand three hundred and thirty-nine (1,339) square feet, less than the one-thousand five hundred and forty (1,540) square feet footprint average, thus meeting the requirements of the ordinance.

The application states that the front of the porch addition would be located twenty-one and one-half (21'6") feet from the property line, which exceeds the twenty (20) feet setback requirement for the R-6 zoning district required by the ordinance. However, the application contains a survey indicating less footage, with the twenty-one and one-half (21'6") feet figure being the setback to the front of the house, not to the front of the added porch.

Setback information was provided for eight (8) other dwellings on May Joe Street with non-conforming setbacks and for five (5) dwellings on Oak Street with non-conforming setbacks, suggesting the application is being submitted under the provision in Glynn County Zoning Ordinance Section 606, Front Yard Requirements, which allows consideration and use of an averaging method for a lot where the front yard setback on already built-upon lots within one-hundred (100) feet of each side of the subject lot is less than the minimum required setback.

Using the allowed averaging method, the calculation is as follows: [603 May Joe] nineteen (19) ft + [611 May Joe Street] ten (10) feet + [404 Oak Street] twelve (12) feet + [410 Oak Street] nine (9) feet =  $50 / 4 =$  twelve and a half (12.5) feet average front yard setback. The proposed front porch addition does not meet the average setback of twelve and one half (12.5) feet from the front property line, and thus meet does not meet the requirements allowed in Section 606 of the Glynn County Ordinance. The proposed twelve (12) feet wide front porch needs to be reduced in width by three (3) feet.

Building Height: There is no height change proposed. All added roofs will be below or not more than the height of the original building, as depicted in the accompanying drawings.

Conformity and Harmony of Plans with Neighboring Structures: A clear set of proposed elevations are included in the materials for review. Overall, the proposed structure appears to be harmonious with the existing and neighboring structures.

Exterior Materials, Color Schemes, Building Elements: The proposed materials, color schemes and building elements appear to be harmonious with neighboring structures.

Use of Landscaping, Buffering, and Conforming with Neighboring Sites: All trees and landscaping are to remain as existing.

The application proposes materials to match the existing structure, with the majority of change occurring in the form of the front porch proposed across the front of the structure, which demonstrates overall harmony with the existing neighboring structures. It appears the materials and lines are consistent with the original building design.

Staff recommends approval of this application subject to amending the request to show a front yard setback of twelve and one-half (12.5) feet by reducing the width of the porch accordingly.

During Mr. Clements' presentation, it was determined that he did not have an accurate survey or sketch of what was actually being proposed. However, he requested the Planning Commission's approval subject to submittal of a new survey. It was explained to Mr. Clements that as a requirement, an accurate survey must accompany the application for review by staff as well as the Planning Commission.

Following a brief discussion, a motion was made by Mr. John Dow to defer this request until an accurate survey is submitted for review. The motion was seconded by Ms. Joan Wilson. Voting Aye: Mr. John Dow, Mr. Robert Ussery, Ms. Desiree Watson and Ms. Joan Wilson. Voting Nay: Mr. Paul Sanders. Abstained From Voting: Mr. William Lawrence.

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There being no further business to discuss, the meeting was adjourned at 6:55 p.m.