

BRUNSWICK - GLYNN COUNTY  
JOINT PLANNING COMMISSION  
APRIL 3, 1979 9:00 A.M.

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Present: Billy R. Gibson, Chairman  
S. Gerald Atkinson  
Johnie O. Boatright  
Margaret A. Brown  
Harry I. Driggers  
Bill Hicks

Absent: Andy Haman

Also Present: Edward H. Stelle, Executive Director  
Frank Kurchinski, Planner  
Deborah B. Chapman, Administrative Assistant

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Chairman Gibson called the meeting to order and gave the invocation.

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GC - 13 - 79

Request to rezone from R-9 One-Family Residential to HC Highway Commercial, approximately 21,500 square feet located 944.43 feet north from the north east corner of the intersection of Georgia 303 and U.S. Highway 341

Mr. Robert G. Boone, applicant, was present for discussion.

Mr. Harry I. Driggers abstained from discussion of the above matter.

Mr. Stelle pointed out the location of the subject property and stated that the proposed use of the property is to convert the existing single-family residence into a commercial office.

The site plan for the property was submitted and reviewed. Mr. Stelle pointed out that the site plan meets the necessary requirements such as access, parking, etc., for a commercial rezoning request.

Mr. Stelle then explained that in 1973 the Planning Commission made a study of this area and subsequently to that time 4 commercial rezonings have been granted. He stated that conclusion of the study was that due to the nature of the surrounding area and the existing heavy commercial areas on this strip between Georgia 303 and I-5 that the area is highway commercial oriented. He stated that based on the previous recommendation and the study, the staff recommends approval.

It was noted that a petition of objectors was submitted.

Mr. Lovett, property owner in the area, stated that he signed the petition, however he did not know about this study and that if the whole area is going commercial than he does not object to this request.

After review of this application and the 1973 policy adopted by the Planning Commission, that this area is recommended for commercial zoning uses if no adverse conditions exist, motion was made by Mr. Hicks and seconded by Mr. Boatright to recommend approval of this request.

Voting Aye: Mrs. Brown, Messrs. Atkinson, Boatright and Hicks

Abstain from Voting: Mr. Driggers

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GC - 9 - 79

Request to rezone from R-9 One-Family Residential to HC Highway Commercial, a 28,000 square foot tract of property located on the west side of U. S. 341, approximately 750 feet north of the intersection of Highway 303 and Highway 341

Mr. C. Sessions was present for review of the above application submitted by Mr. Jesse Haynes.

It was noted that the proposed use of the subject property is for a residence and motorcycle repair shop.

Mr. Stelle pointed out that at the last JPC Meeting this request was postponed until such time as a complete site plan could be submitted. He stated that a site plan has been submitted and that all requirements have been met.

Mr. Stelle pointed out that this property is located in the same area as the above request, GC-13-79. He then stated that the staff recommends approval of this rezoning request.

Motion was made by Mr. Hicks, seconded by Mr. Atkinson and unanimously adopted to recommend approval of this rezoning request.

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GC - 15 - 79

Request to rezone from R-12 One-Family Residential to M-12 One-Family Residential, a tract approximately .435 acres located 160 feet south from the southeast corner of the intersection of 2nd Street and Blythe Island Drive, Blythe Island

Mrs. Annie M. Breeding, applicant, was present for review.

It was pointed out that this request is being sought in order that the existing mobile home can become conforming with the Zoning Ordinance.

Mr. Stelle pointed out that this is one of the properties that was included in the Blythe Island Study. He stated that Mrs. Breeding owns and lives in the adjacent house and has owned this property and used this as her income for a number of years. He stated that in the staff evaluation, the neighborhood and the surrounding area was considered and the staff recommends approval.

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

After review of the above application and the Planning Commission's review of their recommendation outlined in the Mobile Home Study, motion was made by Mr. Haman, seconded by Mrs. Brown and unanimously adopted to recommend approval of this request in that the mobile home is owned by a Blythe Island resident on the lot which it is located.

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GC - 7 - 79

Request to rezone from R-6 One-Family Residential to GC General Commercial, a .46 acre tract located on the northeast corner of the intersection of Beach Drive and Demere Road, presently the existing location for the Southern Bell Service Center

Chairman Gibson pointed out that this matter was postponed at an earlier JPC meeting due to a legal interpretation.

Mr. Stelle stated that since the last JPC meeting, Mr. Vernon Lewis, County Building Official, Attorney Tom Lee and himself have met and corresponded with Southern Bell.

Attorney Tom Lee then brought the Planning Commission up-to-date on this matter. He pointed out that his intent is not to express an opinion either way on the desirability of this rezoning request. He stated that his comments should be interpreted strictly to the question as to whether or not this is a non-conforming use or is in violation of the Zoning Ordinance, non-conforming from the stand point that it is a use that has existed in and which is continuing to exist. If so, a certain portion of the property could continue to be used in the future the same way, on the contrary, has Southern Bell changed the use of the property and accordingly be in violation of the Ordinance and would not be allowed to continue in the future.

Attorney Lee explained that Mr. Vernon Lewis, County Building Official, interprets the Ordinance in such a manner that Southern Bell has changed the use of the property since 1977 and is in violation of the Zoning Ordinance. He pointed out Southern Bell has submitted information as to how the property has been used in the past and how they intent to use the property in the future. He stated that he has been asked to render a legal opinion to the Building Official as to whether he agrees with him that Southern Bell has changed the use, he then stated that he does agree with Mr. Lewis. He stated that depending on the action taken today, that if Mr. Lewis wishes to pursue this matter the County will have to request an injunction against Southern Bell asking that they be restrained from continued occupancy of the building.

Attorney Lee further pointed out that the Zoning Ordinance does not define the word "use" so therefore, what we are talking about is a 1946-47 period of time that Southern Bell got a variance from the Ordinance and was allowed to install an unmanned switching center, in an area that was zoned single-family residential. He pointed out that the switching center at the present time has been moved to Southern Bell's new location on Frederica Road. He stated that this matter is a closed question, a question of law and a question of fact. He

pointed out that Southern Bell states that the operation of the building was for administrative office garage not just a unmanned switching center. He stated that Southern Bell also feels their use today is consistent with the uses that were granted by the Board in 1947, it is the opinion of Mr. Lewis and himself however that Southern Bell has changed the use. Therefore, he stated that he is of the opinion that when the switching center was moved to Frederica Road in 1977, the use became a non-conforming use, however, Southern Bell disagrees with the interpretation.

Attorney James B. Gilbert, Jr., attorney for Southern Bell, stated that it is Southern Bell's position that there were more operations going on in the building in 1947 when variance was granted than just a unmanned switching center. Service and switching were both located there, switching has moved however the service is still located there.

Mr. Lee pointed out that the variance of 1947 states that the use would be for an unmanned switching center. However, diagrams show that it could possibly have been used as a administrative garage and office also. He pointed out that running of the unmanned switching center started with one employee and that was the purpose of it being granted a variance in a residential area, since that time employment has increased. Mr. Lee stated that his conclusion is that the present use is inconsistent with the residential area.

Mr. Gilbert pointed out that a letter from Attorney Ray, Southern Bell, was submitted stating what the operation of Southern Bell has been in the past. He stated that Southern Bell feels that the use has continued to be used over the years, and that they should be able to continue to use it even if the rezoning is turned down.

Chairman Gibson pointed out that the request involved is for two parcels, one parcel being used for Southern Bell's operation in the past and the other parcel that parking is on, that is being requested for rezoning for such use.

Mr. Stelle then pointed out that the staff's recommendation on this request. He stated that the staff recommends that this request be denied for the following reasons:

- 1) The area is solid residential with R-6 One-Family Residential zoning;
- 2) Rezoning of this parcel of land would consist of a spot zoning;
- 3) Would be a commercial encroachment into a residential area;
- 4) The owner has operated for approximately two years with the knowledge that the operation was in violation of the Zoning Ordinance and operates this day with such knowledge;
- 5) The residents have continually complained about the existance of the illegal uses;
- 6) The requested rezoning, if granted, could encourage other commercial rezonings in the immediate area;
- 7) That portion of Demere Road has inadequate right-of-way (30 feet) and has been identified as being over capacity by the transportation study;
- 8) Potential introduction of crime as a result of commercial activity within a generally safe neighborhood;
- 9) Introduction of lighting creating adverse conditions in the neighborhood;
- 10) Introduction of noise as a result of commercial activity;

- 11) Potential adverse conditions that may be caused to the adjacent church activities;
- 12) Commercial traffic generation creating unsafe conditions in an area with a large percentage of elderly and young children;
- 13) There is available property already zoned for such activity located on the Island where detrimental effects would not be caused to Island residents; and
- 14) The property retains reasonable value as residential property.

Mr. Boatright then stated that this matter is a legal matter that the Courts may have to decide and further that he feels that the Southern Bell Service Center is not the type use compatible with the residential area, thereupon he made a motion to recommend denial of this request, including the above stated 14 reasons. Motion was seconded by Mr. Driggers and unaimously adopted.

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Upon a motion made by Mr. Haman and seconded by Mr. Boatright the following memorandum was unaimously adopted:

MEMORANDUM OF UNDERSTANDING BETWEEN THE  
BRUNSWICK - GLYNN COUNTY JOINT PLANNING COMMISSION,  
COASTAL AREA PLANNING AND DEVELOPMENT COMMISSION,  
BRUNSWICK PORT AUTHORITY, AND THE CITY OF BRUNSWICK

WHEREAS, the Coastal Area Planning and Development Commission has approved the Second Phase of the Seafood Industrial Harbor Study, funded by the Coastal Plains Regional Commission, United States Department of Commerce; and

WHEREAS, the feasibility of a Seafood Industrial Harbor for Coastal Georgia, undertaken in Phase One of the Project, recommended Brunswick as the preferred site for the Seafood Industrial Harbor and confirmed the economic feasibility of the Project; and

WHEREAS, the Brunswick Port Authority owns the Andrews Island site being considered for location of the Seafood Industrial Harbor facility and has responsibility for and experience in Brunswick's harbor development; and

WHEREAS, it is in the interests of the City of Brunswick and its citizens to assure coordination of the Engineering Study (Phase Two) for the Seafood Industrial Harbor with other economic planning and development objectives;

NOW THEREFORE, the Executive Director of the Coastal Area Planning and Development Commission, the Executive Director of the Brunswick - Glynn County Joint Planning Commission, the Executive Director of the Brunswick Port Authority and the City Manager of Brunswick hereby agree: 1) that they will establish and be represented in a Technical Committee for the purpose of selecting the consultant(s) to be retained by the Coastal Area Planning and Development Commission in undertaking Phase Two of the Seafood Industrial Harbor Project, and that such Technical Committee shall also consist of representatives of the Marine Extension Service, University of Georgia, the State Department of Natural Resources, and the Brunswick Golden Isles Chamber of Commerce; 2) that they will establish a Waterfront Steering Committee for the purpose of coordinating studies and actions undertaken which affect the development of the Brunswick Waterfront, and that such Waterfront Steering Committee shall include, in addition to the members of the Technical Committee, the representatives of the seafood processing industry, the fishing industry, and other appropriate interests at the descretion of the four parties entering into this agreement; 3) that they will assure close coordination between the ongoing Brunswick Port and Waterfront Plan Study and the Engineering Study under Phase Two of the Seafood Industrial Harbor Project, particularly in reference to sections II and III of the former study, namely Needs, Projections and Waterfront Development, and Port Expansion Opportunities; and, 4) that they will assure through the Water-

front Steering Committee close coordination of both the preliminary and final site selection for the Seafood Industrial Harbor among all interested parties, subject to final approval by the owner of the property selected for the site.

To be signed by: Mr. Ed Hulse, City Manager, City of Brunswick  
Mr. Edward H. Stelle, Executive Director, Brunswick - Glynn  
County Joint Planning Commission  
Mr. Vernon D. Martin, Executive Director, Coastal Area  
Planning & Development Commission  
Mr. John Raulerson, Executive Director, Brunswick Ports  
Authority

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Meeting Adjourned at 10:00 A.M.

  
Deborah B. Chapman

April 3rd, 1979