

BRUNSWICK - GLYNN COUNTY JOINT PLANNING COMMISSION

MARCH 4th, 1980 9:00 A.M.

Present: Billy R. Gibson, Chairman
S. Gerald Atkinson
Johnie O. Boatright
Margaret A. Brown
W. W. Crosby
Harry I. Driggers
Andy Haman

Absent: Bill Hicks

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

Chairman Gibson called the meeting to order and invocation was given.

Discussion of Johns Laws Tract located on U.S. Highway 17 North

Mr. Stelle pointed out that the above referenced tract has been subdivided and sold as individual parcels since the adoption of the Glynn County Subdivision Regulations in 1976. He explained that when permits were first issued that it was the understanding that the dividing of the lots was for family members. He then stated that 8 homes have been built, with only 5 being of family connection.

Mr. Stelle then pointed out that access to the subject property is via a 40 foot unapproved easement, known as Osprey Road, which is described in each deed.

The problem now existing is that property owners within the area are wanting to sale their property but can not obtain building permits.

Powell McDonald was present for discussion. Mr. McDonald stated that he and his daughter owns 3 lots which they wish to sale individually. He stated that they are willing to dedicate a 50 foot easement on the back side of their property for access.

Mr. Driggers and Mr. Boatright stated that they feel we should work with the property owners and see if there is a solution to this problem.

Chairman Gibson stated that he does not feel that we should let the developer of the property have any variances. He stated that everyone else has to meet the requirements of the subdivision regulations and that this development should meet all the same requirements.

Mr. Stelle stated that Mr. Tom Lee, County Attorney, does not feel that the Planning Commission has the right to give a variance but can make recommendations. Mr. Stelle further stated that one alternative could be to obtain 5 feet from each of the adjoining property owners which would make the access road a 50 foot right-of-way. He further stated that also the property owners would have to be willing to note on their deeds that no county services such as road maintenance will be provided. He explained that fire and police would still be provided.

It was pointed out that if 5 feet from the property owners was obtained and the road has a 50 foot right-of-way that the road would be a private road not a County accepted road.

Mr. Driggers then made a motion that we recommend that if each of the property owners grant 5 feet additional right-of-way and Mr. Powell provide a 50 foot easment across the back of his property and come back to the Planning Commission at their next meeting so that the Planning Commission can make a recommendation to the County Commission for a variance to the Glynn County Subdivision Regulations. Motion was seconded by Mr. Atkinson. Voting Aye: Mr. Atkinson, Mr. Boatright, Mrs. Brown, Mr. Crosby and Mr. Driggers. Absent from Voting: Mr. Haman and Mr. Hicks.

Oslin Property on Ocean Boulevard, St. Simons Island

Chairman Gibson pointed out that the reason the above item is on the agenda is that complaints have been made by the neighbors as to Mrs. Oslin's Consignment Shop operation.

Mr. Stelle read a letter from Mr. Vernon Lewis, County Building Inspector, address to Mrs. Louise Oslin dated December 10th, 1979. The letter stated that the Building Inspection Department has received several complaints concerning the use of her property. The letter stated that the property is zoned R-6 Single-family Residential and the retail sales of articles taken in on a consignment basis is not a permitted land use in such a zoning district. Mr. Stelle then stated that he received correspondence from Mrs. Oslin asking for his assistance in this matter. Mr. Stelle then stated that on January 10th, 1980 Mr. Lewis wrote another letter stating that Mrs. Oslin had 11 days to initiate a request to be in compliance with the Zoning Ordinance.

Mr. Stelle pointed out that there are matters that go beyond the zoning question. He stated that today he is asking for guidance from the Planning Commission as to whether the Consignment Shop operated by Mrs. Oslin is a permitted use or in violation of the Zoning Ordinance.

Mr. Stelle stated that he, Vernon Lewis, Mr. Brogdon, and Commissioner Dusenbery went to look at the site and does not feel that the operation creates any hazards to the neighborhood. He further stated that Mrs. Oslin's operation utilizes less than 25% of her house.

Mr. Stelle pointed out that Mrs. Oslin operated her business at her other location as a home occupation for 15 years with a business license.

Mr. Stelle then read from the Glynn County Zoning Ordinance as to home occupation. He stated that the only requirement in question is item (e) which reads as follows: "(e) involves no sale or offering for sale of any article not produced or assembled by members of the family, or any service not entirely performed by members of the family residing on the premises;"

Attorney Dickey was present to object to this request. Mr. Dickey stated that he is representing himself, Mr. and Mrs. Don Hogan, and Mr. and Mrs. Mike Fitzgerald. He stated that he and the others own adjacent property with apartment rentals predating the Ordinance.

Mr. Dickey then stated that Mr. Fitzgerald has stated that the St. Simons Plan states that this area should be a residential area not commercial.

Mr. Dickey then stated that he has a petition with 48 names stating that they object. He stated that they feel that this business is in violation of the Zoning Ordinance. He further stated that they feel that it is a traffic hazard. Mr. Dickey then showed pictures taken by Mr. Fitzgerald, showing the cars parked around the house. Mr. Dickey stated that he has received a letter from the St. Simons PTA stating objection to this use in that it is a traffic hazard. It was noted that the so stated petition and letter from the PTA, which was unsigned, were not submitted for the records.

Mr. Fitzgerald stated that he lives adjacent to the subject property and feels that such an operation is a hardship to their residential home. He then stated that he has received a letter from the Citizens Coalition of Planned Growth stating that they support objection to this matter.

Mr. Dick Ludlow, member of the Citizens Coalition for Planned Growth, stated that their organization does not object to Mrs. Oslin's operation that they object to the rezoning for commercial within this area.

Mrs. Oslin stated that she is trying to provide for parking. She further stated that she does not feel that she creates any hazard effects. She then stated that the Consignment Shop is an interest to her and does not try to create any problems.

Mr. Stelle then stated that there are a number of non-conforming uses within this area. He stated that the area is zoned for single-family residents. He then stated however, that the area is mixed with many multi-family uses.

Mr. Stelle then stated that the only alternatives for Mrs. Oslin is to 1) submit a rezoning request, or 2) go before the Board of Appeals if it is further felt that her operation is in violation of the Zoning Ordinance. Mr. Stelle stated that he is seeking guidance from the Planning Commission in order to guide Mrs. Oslin.

Mr. Gibson stated that Mrs. Oslin is minding her own business and feels that she is in compliance with the requirements for a home occupation.

Mr. Gibson then stated that if everything is left as is, Mrs. Oslin would not be setting a precedent in the neighborhood and that she would not have to try to seek a variance, which would set a precedent, or a rezoning.

Mr. Stelle then stated that he feels Mrs. Oslin's Consignment Shop is a home occupation.

Motion was made by Mr. Boatright to go on record that the Planning Commission feels Mrs. Oslin is operating the Consignment Shop as a home occupation and that if further action is needed that she submit a request to the Board of Appeals and they be notified of the Planning Commission's opinion. Motion was seconded by Mr. Driggers and unanimously adopted.

B - 3 - 80

Request to rezone, from R-9 One-Family Residential to OC Office Commercial, Lot 7 in Block D of Goodyear Park Subdivision located on the southeast corner of the intersection of 4th Street and Altama Avenue, City of Brunswick

Mr. Wray Avera was present to present his request as stated above. Mr. Avera stated that he proposes to locate a real estate office on the subject property.

Mr. Stelle pointed out the location of the subject property. He stated that the property is located at the corner of 4th Street and Altama Avenue in the City of Brunswick. It was noted that Brunswick Jr. College is located to the north of the property, residential development to the south and east and to the west across Altama Avenue is a commercial establishment.

Mr. Stelle stated that Mr. Avera has submitted this request at two previous meetings in which his request was recommended for denial by the Planning Commission and further denied by the City Commission.

Mr. Avera stated that he will fence and buffer the development of his property from the adjacent residential development if this request is granted. He stated that he feels the best use of the property would be commercial not residential.

Mr. Don Bankston was present to object to this request. He stated that he has lived adjacent to the property for 15 years and feels that the property should remain residential. Also present to object were 2 other property owners within the area stating that they do not want such a commercial encroachment into their residential neighborhood.

Mrs. Brown then questioned as to whether any changes have taken place since the request was reviewed last time. Mr. Avera stated that no changes have been made.

Mr. Avera then stated that he does not feel that his proposed use will be detrimental to the residential neighborhood. Mr. Avera then stated that he would be willing to have it stipulated that the rezoning would only be for a real estate office. Mr. Stelle then stated that the City Attorney has previously stated that the City can not rezone property to allow a certain use, that if it is rezoned that all uses allowed in the zoning classification would be permitted.

Mr. Boatright pointed out that the property is located at an intersection of two heavily traveled streets and feels that such a rezoning would create a traffic hazard.

Mr. Avera stated that access would be via 4th Street. He further stated that adequate parking, access, etc. would be provided.

Mr. Crosby stated that the City Commission has denied this request twice and the Georgia Supreme Court has denied the request and that the conditions are still the same.

Mrs. Brown stated that her main objection is once a commercial rezoning is granted within the residential neighborhood a precedent has been set.

Motion was made by Mrs. Brown and seconded by Mr. Boatright to recommend denial of the above request in that conditions have not changed regarding this request and that encroachment into the residential neighborhood and traffic conditions are the same as at the time of the previous requests. Voting Aye: Mr. Atkinson, Mr. Boatright, Mrs. Brown and Mr. Crosby. Voting Nay: Mr. Driggers and Mr. Haman. Motion carried for the recommendation for denial.

GC - 49 - 79

Request for Site Plan Approval for mini-warehouses / office structures in a PD-G Planned Development - General District consisting of 3.1 acres located approximately 300 feet west of the intersection of Skyline Drive and Demere Road, McKinnon Airport Industrial Park, St. Simons Island

Mr. Norman Reu, developer for the above request, was present for review.

Mr. Stelle submitted the site plan. Mr. Stelle stated that Mr. Reu proposes to construct mini-warehouses on the back side of the development and offices on the side facing Demere Road. He pointed out that located to the west of this site is the location of mini-warehouses.

Mr. Stelle stated that he has checked with FAA regulations and everything is in order. Mr. Stelle stated that he will be working with Mr. Reu as to the drainage on the site.

Mr. Stelle pointed out that this property has been reviewed previously for development of this kind. He further stated that approval was granted, however the developer, Mr- Scott, never signed the lease for the property and the agreement was dropped.

Motion was made by Mr. Boatright, seconded by Mr. Atkinson and unanimously adopted to recommend approval subject to drainage being approved by the County Engineer.

GC - 10 - 80

Request to rezone, from R-9 One-Family Residential to HC Highway Commercial, a lot containing 14,259 square feet located at the intersection of Third Street and U.S. Highway 17 North

Mr. Ivan Nathan was present to represent the above request submitted by the property owner, Mr. Harold J. Altman.

Mr. Stelle stated that Mr. Altman proposes to sale his property for the development of a service station and convenience store. Mr. Stelle stated that adjacent property will be a portion of this development. He stated that the service station is already built on the adjacent property and that the property involved will be for the expansion of the development as for parking.

Mr. Stelle then stated that the house located on the subject property will be removed from the property.

Mr. Stelle then stated that he does not feel that the subject request will present any problems and recommended approval.

Motion was made by Mr. Haman, seconded by Mr. Atkinson and unanimously adopted to recommend approval.

GC - 11 - 80

Request to rezone, from R-9 One-Family Residential to M-12 One-Family Residential, a lot containing 18,979 square feet fronting 99 feet on Elizabeth Road west with ingress from Jenkins Lane in the Dock Junction Area

Mr. Billy Logue, applicant, was present for review. Mr. Logue stated that he wishes to locate a mobile home on the subject property.

Mr. Stelle stated that the subject property is located across from a trailer park located in the Dock Junction Area. He then stated that subject property abuts the Altamaha Canal. He pointed out that access to the property would be via Jenkins Lane.

Mr. Stelle then stated that in that the subject area contains mixed uses, mobile homes and conventional homes, and would not be an encroachment to the area he recommended approval.

Motion was made by Mr. Haman, seconded by Mrs. Brown and unanimously adopted to recommend approval for the location of a mobile home.

GC - 4 - 80

Reconsider a request to rezone, from R-9 One-Family Residential to M-20 One-Family Residential, a 20,000 square foot lot located on Old Jesup Road, 288 feet south of the intersection of Walker Road and Old Jesup Road

Mr. J. B. Thompson, applicant, was present for review.

Mr. Stelle stated that the request for the rezoning to M-20 to allow the location of a mobile home was recommended for denial by the Planning Commission at their meeting of January 22nd, 1980. He stated that the County Commission reviewed the request at their meeting of February 21st and has sent it back to the Planning Commission to determine if there is another way to allow Mr. Thompson to locate an additional unit on his property.

Mr. Gibson pointed out that the property contains 3 septic tanks and 5 structures.

Mr. Stelle stated that he and Mr. Vernon Lewis went back out to the subject property and reviewed the various uses and feels that there is no way to allow an additional unit on the property.

A petition from the neighbors was then submitted stating that they object to this request.

Following review, motion was made by Mr. Crosby, seconded by Mr. Boatright and unanimously adopted to again recommend denial in that already existing on the subject property are numerous non-conforming uses.

Cherith Community Estates Subdivision - J.M. McLurd, Developer

Mr. Stelle stated that the above subdivision is exempt from the procedural requirements of the Glynn County Subdivision Regulations in that all 7 lots front on an existing, open and public street known as Old Jesup Highway. He then stated however, the plat must be approved by the Commission as to drainage.

Mr. Stelle then stated that the Planning Commission reviewed this request about a month ago and deferred action in that the property was zoned FA Forest-Agricultural and would allow mobile homes. Mr. Stelle then stated that the developer wishes to leave the zoning as FA, however, deed restrictions do not allow mobile homes within the subdivision.

It was noted that the subdivision contains 3.62 acres.

Mr. Stelle stated that the developer will depict a 20 foot easement on the rear portion of these 7 lots with an easement going to the drainage outfall, Burnett Creek.

Motion was made by Mr. Driggers, seconded by Mr. Haman and unanimously adopted to approve the above request.

Motion was made by Mr. Haman, seconded by Mr. Crosby and unanimously adopted to adopt the Minutes of January 22nd, 1980, and February 5th, 1980.

Upon a motion made by Mr. Atkinson and seconded by Mr. Haman the February Expense Report was unanimously approved.

Mr. Gibson pointed out that there will be a special meeting with the Department of Transportation to discuss the causeway. Mr. Gibson stated that the meeting will be at 2:00 p.m. on Thursday, March 6th, 1980, and would like for the Planning Commission to attend.

Meeting Adjourned at 11:00 A.M.


Deborah B. Chapman