

M I N U T E S

GLYNN COUNTY PLANNING COMMISSION  
July 9, 1991 9:00 A.M.

---

PRESENT: Larry Evans, Chairman  
Carolyn Hill  
William Holland  
Benjamin Jaudon

ABSENT: Sidneye Henderson  
Lee Kicklighter  
Dennie McCrary

STAFF PRESENT: Edward Stelle, Community Development  
Larry Taylor, Development Review  
Deborah, Chapman, Zoning Administrator  
Jennifer Detloff, Planner  
Janet Loving, Administrative Secretary

---

Chairman Larry Evans called the meeting to order and the invocation was given.

---

Site Plan Review  
The Beach At Fourth Development  
Lots 46 and 47, St. Simons Beach Subdivision  
Beachview Drive, St. Simons Island

Edith W. Wrangofski, Ralph L. Rigler and Violet Rigler  
Attorney Ivan H. Nathan, Agent

Ms. Lynn Gleaton was present to represent this request. Mr. Ralph Rigler and Mrs. Violet Rigler were also present for discussion.

Mr. Larry Taylor presented the staff's report. He stated that this request is for site plan approval of an eight (8) unit multi-family residence. The property is zoned Resort Residential which allows multi-family at a density of 16 units per acre.

Mr. Taylor stated that the proposed plan would occupy two 50 ft. wide residential lots of St. Simons Beach Subdivision and a 50 ft. street easement for 4th Street between the two lots. He stated that in 1987 in the Georgia State Supreme Court, the owners of the adjoining lots of this easement contested the County's rights to the easement and lost. It was determined by the courts that this was a platted easement which had never been abandoned by the County. The County claims that this easement is a public beach access, the same as all similar streets accessing the beach in this Subdivision.

Mr. Taylor stated that based on these facts, staff feels that this site plan does not meet the requirements of the Glynn County Zoning Ordinance. The section of the Ordinance in which this plan violates is as follows:

1) Minimum Net Land Acre Per Dwelling Unit -

Multi-family requires 2,722 sq. ft. per unit. All of the property owned by the applicant is 15,000 sq. ft. If the property were contiguous this would only allow 5.5 units. Due to the property being divided by an easement, only 2.7 units would be allowed on each parcel.

2) Minimum Lot Width -

The minimum lot width for multi-family is 100 ft. Due to the lots being 50 ft. in width, divided by 4th Street easement, multi-family development would not be allowed on the lot.

3) Minimum Side Yard -

The minimum side yard is 15 ft. for multi-family. The proposed site plan shows a zero setback from the right-of-way of the 4th Street easement. The second floor of the building extends over the entire easement, which is also a violation.

4) Section 603 - Location Of Building On Zoning Lots -

"The principal building on the lot shall be located within the buildable area formed by the building lines."

Section 302 -

13) Building: Any structure having a roof supported by columns or walls intended for shelter, housing or enclosure of persons, animals, chattels or property of any kind.

17) Building Line: The rear edge of any required front yard or setback line for any building or structure measured from the property line platted, existing or required right-of-way line, whichever is closer. In all cases, the building lines shall run parallel to right-of-way lines or lot boundary lines.

Mr. Taylor stated that based on the above, staff feels that this site plan is in violation of several sections of the Glynn County Zoning Ordinance, and therefore recommends denial of this request.

Ms. Lynn Gleaton made the following presentation:

"The proposed plans for construction of an eight unit condominium complex, which is to be built upon both Lot 46 and Lot 47, with the second story to span the 50 foot street easement (4th Street) presupposes two positions -

1) Air Rights - The applicants have been informed that Glynn County may claim, by virtue of its easement, that it has air rights to the space above the land. In response, the applicants would merely state that air rights flow from ownership. Glynn County does not own the ground, only an easement. Should the County abandon the easement, the property reverts to the abutting owners, in this case the applicants. They are the only parties who may claim an ownership interest and thus are the only parties who may claim air rights. The applicants were advised by the former County Attorney, Mr. Tom Lee, that Col. and Mrs. Rigler and Mrs. Wrangofski owned the air rights above the easement.

2) Setback Requirements - It is the understanding of the applicants that current zoning would require a 15 foot setback on both sides. The Riglens bought their property (Lot 47) in 1978 and Mrs. Wrangofski bought Lot 46 in 1970. It is the position of the applicants that they should be entitled to utilize the zoning requirements in existence at the time of the most recent purchase (1978) which would require a 7 foot side setback. It is further the position of the applicants that to force them to use the current restrictions would be a taking of their property (inverse condemnation) without compensation which is violation of both the Federal Constitution and the Constitution of the State of Georgia."

Mr. Ed Stelle stated that in reference to the air rights, the County has not abandoned the easement which makes the air rights question a moot point. He then asked if there were any changes to the site plan. Ms. Gleaton stated that this is the same site plan that was previously submitted.

Mrs. Violet Rigler had questions concerning the Glynn County Zoning Ordinance. She stated that when the Ordinance changed it downgraded her property. She stated that according to the Supreme Court, if her property is downgraded due to a change in the Ordinance, she is entitled to some type of compensation. Mr. Stelle explained that compensation would be provided if the Supreme Court so directs, but it has not told Glynn County to do so at this time.

Mr. Taylor explained that according to the Ordinance in existence at the time the property was purchased in 1978, the easement requirement was 7 feet, but the current Ordinance states the easement requirement is 15 feet. He further stated that when developing property, the developer must comply with the current Ordinance in effect.

Mrs. Rigler then stated her concerns regarding air rights and setback requirements.

Mr. Stelle explained that the setback requirements go from the ground to the sky. They are provided to establish air, light, and open space. He again stressed that the easement and air rights are not valid points since the site plan violates the Zoning Ordinance.

Mr. Larry Evans pointed out that the Planning Commission is a recommending body, not a court of law. He stated that the ownership question still exists.

Mr. Ralph Rigler stated that he and his wife are the owners of the land that the easement is on. He stated that they have a warranty deed to the property.

Mr. Larry Taylor stated that this application was submitted to staff in June of 1990. At that time staff did not accept the application because it did not meet the requirements of the Ordinance. However, the attorney for the applicants resubmitted the application with a request that staff follow the Ordinance and have the plan reviewed by the Planning Commission at this meeting. Mr. Taylor then read the letter submitted by the applicants attorney, Mr. Ivan Nathan.

Mr. Henry T. Smith, property owner in the area, was present to object to this request.

Mrs. Mildred Frazier, property owner, stated that this development would be an eyesore in the neighborhood, therefore she is apposed to this request.

Following further discussion, a motion was made by Mr. Benjamin Jaudon to defer any action on this request until the site plan is modified to meet the requirements of the Glynn County Zoning Ordinance and the remaining legal questions resolved. Motion was seconded by Ms. Carolyn Hill and unanimously adopted.

---

Update on Pending Requests, Amendments and Activities -

Mr. Stelle briefed the Planning Commission on the status of the Sign Ordinance, the Beach Project and the St. Simons Village Ordinance and a general discussion followed.

It was the consensus of the Planning Commission to have a work session on Thursday, July 23, 1991 at 3:00 p.m. in Room 234 of the Office Park Building to further discuss the Glynn County Sign Ordinance.

---

Upon a motion made by Mr. Benjamin Jaudon and seconded by Mr. William Holland, the Minutes of the June 4, 1991 Planning Commission Meeting were approved and unanimously adopted.

---

Meeting Adjourned At 9:40 A.M.