

DRAFT/MINUTES

**GLYNN COUNTY BOARD OF APPEALS
DECEMBER 13, 2018 - 10:00 A.M.
Historic Courthouse, 701 G Street**

- MEMBERS PRESENT:** Paul Fisher, Vice Chairman
Philip Viviani
Eugene Williams
- ABSENT:** Betty Keller
Walter Rafolski, Chairman
- STAFF PRESENT:** Stefanie Leif, Planning Manager
Ely Yokley-Zarka, Planner I
Mickey Milton, Code Enforcement
Janet Loving, Admin/Recording Secretary

In the absence of the Chairman, Vice Chairman Paul Fisher called the meeting to order at 10:00 a.m.

MINUTES

November 8, 2018 - Regular Meeting

Upon a motion made by Mr. Eugene Williams, and seconded by Mr. Philip Viviani, the Minutes of the *November 8th Regular Meeting* were approved and unanimously adopted.

Approval of 2019 Meeting Schedule

Upon a motion made by Mr. Philip Viviani and seconded by Mr. Eugene Williams, the *2019 BOA Meeting Schedule* was approved and unanimously adopted.

Election of 2019 BOA Officers

Upon a motion made by Mr. Eugene Williams and seconded by Mr. Philip Viviani, *Election of 2019 BOA Officers* was deferred until the January 2019 BOA Meeting.

DRAFT MINUTES; DO NOT DISTRIBUTE

ZV3917 - 148 Shore Rush Drive, St. Simons Island: Consider a request for a variance to the required front and side yard setbacks set forth in the Planned Development Text (Sea Palms East, GC-05-67) to allow the encroachment of a detached garage into the front and side yard setbacks in order to preserve a tree. The property is zoned Planned Development (PD) and is located at 148 Shore Rush Drive, St. Simons Island. Parcel ID: 04-00625. Ray and Cathy Gable, owners and applicants.

Mr. Mike Boyle was present for discussion.

The following report from staff was included in the packages for review and was presented by Ms. Stefanie Leif:

The property is zoned Planned Development (PD) and the lot is 0.45 acres (19,602 sq. ft.). The minimum lot size for a one-family dwelling in the PD Zoning District (as referenced in the Zoning Ordinance under R-12 regulations) is 12,000 sq. ft.

A stop work order was issued for the garage construction of the existing one-family dwelling due to the setback violation. This violation was discovered by county staff and the applicant while completing inspections at the property.

The detached garage has been constructed 0.2 ft. into the required front yard setback of 20 ft. and 0.3 ft. into the required side yard setback of 7 ft. The applicant indicated that the garage needed to be moved to preserve a large oak tree. The garage is constructed a few inches from the location indicated on the approved building permit plans (permit number RAB90139, issued October 16, 2018).

As noted during Ms. Leif's presentation, the staff's report also contained factors to be considered (along with staff's comment) on whether to grant a variance in accordance with Section 1005.3.1 of the Glynn County Zoning Ordinance. She stated that staff's recommendation is for **approval of application ZV3917** in order to preserve a large 40 in. oak tree that is located on the property. Ms. Leif pointed out that preservation of trees is a high priority on St. Simons Island.

During discussion, several BOA members expressed dissatisfaction with contractors making countless errors during construction and coming to this body for forgiveness after the fact. They also suggested that perhaps the county should implement some type of educational program to try and avoid these repeated occurrences.

At this time, Mr. Mike Boyle, representing the contractor, Mr. Ray Gable, elaborated on how the errors were made during construction and the fact that they wanted to save the specimen tree located on the applicant's property. Mr. Boyle stated that the garage was shortened significantly in an effort to save the oak tree. The contractor thought that this would not pose a problem.

DRAFT MINUTES; DO NOT DISTRIBUTE

At the end of Mr. Boyle's presentation, the floor was opened for public comments. Mr. Julian Smith was present to speak in favor of this request. He also submitted a memo critiquing the staff's report, the agenda, the survey and the application submitted for this variance request.

For the record, this application contained signatures of approval from the following adjacent residents: Richard Burton, 145 Shore Rush Drive; Brooke Budd, 146 Shore Rush Drive; Frank Cullen, 149 Shore Rush Drive; Judy Spencer, 153 Shore Rush Drive; and Urania Spencer, 144 Shore Rush Drive.

The following residents were present to oppose this request: Mr. David Jordan on behalf of Sea Palms Homeowners Association and Mr. Jeff Kilgore. Concerns were expressed about standards not being met in accordance with County Ordinances, and a constant betrayal of public trust.

There being no other comments, the Public Hearing was closed. A motion was then made by Mr. Philip Viviani to approve application **ZV3917**; however, the motion failed for lack of a second. Following additional discussion, a motion was made by Mr. Eugene Williams to defer this application for additional information. The motion was seconded by Mr. Philip Viviani. Voting Aye: Mr. Philip Viviani and Mr. Eugene Williams. Voting Nay: Mr. Paul Fisher. However, the motion did not carry for lack of a majority vote. (Two board members were absent.)

There being no further business to discuss, the meeting was adjourned at 10:50 a.m.