

**DRAFT MINUTES: DO NOT DISTRIBUTE**

**DRAFT/MINUTES**

**GLYNN COUNTY BOARD OF APPEALS**

**JANUARY 10, 2019 - 10:00 A.M.**

**Historic Courthouse, 701 G Street**

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**MEMBERS PRESENT:** Walter Rafolski, Chairman  
Paul Fisher, Vice Chairman  
Philip Viviani  
Eugene Williams

**ABSENT:** Betty Keller

**STAFF PRESENT:** Stefanie Leif, Planning Manager  
Ely Yokley-Zarka, Planner I  
Dave Carver, Plans Examiner  
Mickey Milton, Code Enforcement  
Janet Loving, Admin/Recording Secretary

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Chairman Walter Rafolski called the meeting to order at 10:00 a.m.

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**MINUTES**

**December 13, 2018 - Regular Meeting**

A motion was made by Mr. Philip Viviani to approve the Minutes of the *December 13<sup>th</sup> Regular Meeting*. The motion was seconded by Mr. Eugene Williams. Voting Aye: Messrs. Fisher, Viviani and Williams. Mr. Rafolski did not attend the December 13<sup>th</sup> Meeting and therefore abstained from voting.

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**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. The property is zoned Planned Development and is located at 148 Shore Rush Drive, St. Simons Island. Parcel ID: 04-00625. Ray and Cathy Gable, owners and applicants.

Mr. Ray Gable was present for discussion.

Ms. Leif explained that this application was presented at the December 13<sup>th</sup> BOA Meeting where there were only three board members present. Action taken at that time did not receive a majority vote. Therefore, the application was re-advertised for today's BOA meeting for additional information and discussion.

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According to the staff's report, 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).

The staff's report also contained factors to be considered (along with staff's comments) on whether to grant a variance in accordance with Section 1005.3.1 of the Glynn County Zoning Ordinance. Ms. Leif stated that staff's recommendation is for ***approval of application ZV3917.***

During an extensive presentation, Mr. Ray Gable elaborated on the work that had been done in an effort to save the large specimen tree. At the end of his presentation, the floor was opened for public comments. The following residents were present to speak in favor of this request: Ms. Miriam Lancaster and Mr. Frank Cullen. Mr. Julian Smith was also in favor of this request but critiqued the staff's report. Ms. Lancaster commented that this request does not pose a hardship on any adjacent property and it is consistent with the new county tree regulations. (Ms. Lancaster was the chairman of the Glynn County Tree Ordinance Review Board.)

Mr. David Jordan was present to oppose this request on behalf of the Board of Directors Homeowners Association who has a responsibility to enforce covenants and restrictions in the Sea Palms area.

There being no further comments, the Public Hearing was closed. Discussion continued among the BOA members and the applicant. Mr. Paul Fisher complimented the applicant on his presentation and pointed out that this second review could have been avoided had he attended the December BOA meeting. Mr. Gable apologized for his absence, but he was misinformed by his contractor who advised that this process was merely routine. Mr. Gable also stated that he is willing to meet with the Sea Palms Board of Directors to appease their concerns. Mr. Philip Viviani expressed dissatisfaction with county staff and the inspection process. Ms. Leif stated that staff will re-evaluate the internal process for inspections.

There being no further discussion, a motion was made by Mr. Philip Viviani, seconded by Mr. Paul Fisher and unanimously adopted to ***approve the variance for the front and side yard setbacks of application ZV3917.***

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**ZV3936 - 112 Fish Fever Lane, St. Simons Island:** Consider a request for a variance to the required front yard setback set forth in section 700.05 of the Glynn County Zoning Ordinance to allow the encroachment of a new porch and addition to the existing residence. This property is zoned Village Residential (VR) and Island Preservation and is located at 112 Fish Fever Lane, St. Simons Island. Parcel ID: 04-14844. Jay and Anna Adair, owners and applicants.

Mr. Anthony Coody was present for discussion. Ms. Anna Adair was also on hand to answer questions.

In presenting the staff's report, Ms. Stefanie Lief explained that the existing house, which was built in 1980 according to county records, is setback 3.4 ft. from the front property line on Fish Fever Lane (formerly 11<sup>th</sup> Street). The required front yard setback in the VR District is 20 ft., so the majority of the existing residence is within the entirety of the front yard setback.

The applicant is proposing to attach a new screen porch along with an addition to the rear of the existing residence. In order for the screen porch to be flush with the wall of the existing building, it would encroach 11 inches into the required front yard setback. The applicant has also applied for Village Preservation Design Review approval (**VP3909**) which is scheduled to be heard by the Islands Planning Commission on January 15, 2019.

The former right-of-way of Magnolia Avenue, which has been abandoned, exists on a portion of this property. Prior to issuance of a building permit, the former ROW and Lot 29 should be combined to remove the property line dividing the two parcels.

The staff's report also contained factors to be considered (along with staff's comments) on whether to grant a variance in accordance with Section 1005.3.1 of the Glynn County Zoning Ordinance.

Ms. Leif stated that staff's recommendation is for approval of application **ZV3936**.

At this time, Ms. Adair introduced her architect, Mr. Anthony Coody, who gave a brief presentation and answered questions from board members about the number of access doors to the new porch as well as entrances and exits on to the property. At the end of a brief discussion, the floor was opened for public comments. Mr. Julian Smith and Mr. Ken Jacobson were present to speak in favor of this request. There was no one present to oppose and no other comments. Thereupon, a motion was made by Mr. Paul Fisher, seconded by Mr. Eugene Williams and unanimously adopted to approve application **ZV3936**.

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**Election of 2019 BOA Officers**

Upon a motion made by Mr. Philip Viviani and seconded by Mr. Eugene Williams, **Election of 2019 BOA Officers** was deferred until the February 14, 2019 BOA Meeting.

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The meeting was adjourned at 10:45 a.m.