

MINUTES
GLYNN COUNTY BOARD OF APPEALS
FEBRUARY 14, 2019 - 10:00 A.M.
Historic Courthouse, 701 G Street

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

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

MINUTES

January 10, 2019 - Regular Meeting

Upon a motion made by Mr. Philip Viviani and seconded by Mr. Eugene Williams, the Minutes of the *January 10th Regular Meeting* were approved and unanimously adopted.

ZV3953 – Appeal of a Decision by the Planning Manager (135 Sinclair Plantation Drive, St. Simons Island): Consider an appeal of a decision made by the Director of Community Development pertaining to an application for a variance for a detached garage/barn at 135 Sinclair Plantation Drive, St. Simons Island (parcel number 04-10329). The Planning Manager, a designee of the Director of Community Development, found that it was not possible for the Board of Appeals to find that the application meets the terms of Glynn County Zoning Ordinance Section 1005.3, subsections a through d, and did not process the application. The property owner is appealing that decision. Robert Shupe, Shupe Surveying Company, P.C., agent for The Betty MacDonald Jones Revocable Trust, applicant and owner.

Mr. Bobby Shupe was present for discussion.

Ms. Stefanie Lief presented the following background history of this application, as outlined in the staff's report:

The applicant applied for a variance on December 3, 2018 for an existing detached garage that was constructed 1.8 ft. into the required 7 ft. side yard setback in the Forest Agricultural (FA) Zoning District. According to county records, the garage was constructed in 2000, and the building permit plans had indicated an approximate 10 ft. side yard setback. The garage was subsequently constructed with a 5.2 ft. side yard setback. The building has remained in this location since 2000, and the applicant is not currently proposing any changes to the structure that would warrant a need for a variance.

The Planning Manager issued a letter to Mr. Robert Shupe, the applicant's agent, on December 20, 2018 that she was not processing the variance request as it was not possible for the application to meet Glynn County Zoning Ordinance Section 1005.3, subsections a) through d). In addition to the Planning Manager finding that the application did not meet the criteria outlined in Section 1005.3, the Planning Manager determined that a variance was not warranted because no changes are being proposed to the structure.

Following the issuance of the December 20, 2018 letter, the applicant asked if the county could issue a zoning letter in respect to the continued allowance of the 19 year-old garage. The Planning Manager issued a letter to Mr. Shupe on January 4, 2019. The letter stated that "[T]he barn/garage building that does not conform to the code can remain as it is currently constructed; but, if the property owner intends to remodel the exterior or change the use of the building, the owner would need to apply for a variance at that time."

The applicant has appealed the Planning Manager's decision, as outlined in the December 20, 2018 and January 4, 2019 letters to Mr. Shupe. The appeal is in accordance with Glynn County Zoning Ordinance Section 1004.

The Board of Appeals is being asked to affirm, reverse, or modify the Planning Manager's decision. If the decision is to affirm, then the Board of Appeals will not hear the application for a variance, and the Planning Manager's decision and the zoning letter will stand. If the decision is to reverse, then county staff will notice the variance application for the next available Board of Appeals meeting, and the Board will hear the variance request at that time.

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 of the Glynn County Zoning Ordinance.

Ms. Leif noted that as of the date of this report, staff has received one question and no comments regarding this application.

During a brief presentation, Mr. Bobby Shupe stated that the applicants, who are Trustees, are trying to sell the property and are seeking guidance from the Board at this time. He also stated that he does not agree with the Planning Manager's decision.

At this time, Board Members asked for the procedures pertaining to the Board's decision. Ms. Leif explained that if the BOA denies this request, the applicant can appeal to the Board of Commissioners. However, if the BOA goes along with the Planning Manager's decision, the applicant can then appeal to Superior Court (not the Board of Commissioners). She also outlined the possible motions for clarification.

Chairman Rafolski opened the floor for public comments; however, there was no one present to speak in favor of or against this request. Therefore, the Public Hearing was closed.

Following a brief in-depth question/answer discussion among staff and the Board Members for additional clarification, a motion was made by Mr. Philip Viviani, seconded by Mr. Paul Fisher and unanimously adopted to reverse the Planning Manager's decision and direct staff to notice the variance application for the March 14th Board of Appeals Meeting.

ELECTION OF 2019 OFFICERS

- **Chairman**
- **Vice Chairman**
- **Recording Secretary**

A motion was made by Mr. Philip Viviani and seconded by Mr. Eugene Williams to retain Mr. Walter Rafolski as *Chairman of the BOA for 2019* and Ms. Janet Loving as *Recording Secretary for 2019*. There being no other nominations, nominations were closed, and the motion was unanimously adopted.

A motion was made by Mr. Rafolski to elect Mr. Philip Viviani as *Vice Chairman of the BOA for 2019*. The motion was seconded by Mr. Eugene Williams. There being no other nominations, nominations were closed, and the motion was unanimously adopted.

In other business, Chairman Rafolski read into the record, a letter of explanation from Ms. Betty Keller concerning her absence from the BOA Meetings and her willingness to continue serving. Chairman Rafolski advised that Ms. Keller is excused and will continue serving on the BOA upon her return.

There being no other business to discuss, the meeting was adjourned at 10:35 a.m.