



PLANNING COMMISSION STAFF REPORT

FOR THE PLANNING COMMISSION MEETING OF: May 18, 2010

FOR THE CITY COUNCIL MEETING OF: June 10, 2010

LOCATION: 1619 Chatham Ave., Lot 5-D

PIN: 4-0010-05-016

APPLICANT: George Hammond

OWNER: same

EXISTING USE: Vacant

PROPOSED USE: Single Family Residence

ZONING: R-2

USE PERMITTED BY RIGHT: Yes

COMMUNITY CHARACTER MAP: Back River Neighborhood

APPLICATION:

This is a request seeking a setback variance at this property.

PROPOSAL:

The applicant is seeking to obtain a front setback variance to reduce the required minimum front yard setback to 10'. This request is seeking relief from Land Development Code Section 3-090.

ANALYSIS:

The general character of the area is along Chatham Avenue consists of single family residences throughout the area. The Master Plan for the City of Tybee Island depicts this area as part of the Back River Neighborhood.

The applicant is seeking approval of a front yard setback variance to reduce the required minimum front yard setback from 20' to 10' and thus making the setback 10' on all sides of the property as the rear and both side yard setbacks are a minimum of 10'.

The applicant is proposing to construct a new single family residence at this location similar to what is on the survey by J. Whitley Reynolds (in packet) which was part of the original request in 2004. The necessity for the variance comes from the awkward shape of this lot that was created due to the need for an access easement that runs along the west side of the property. This easement appears to have caused a physical hardship as defined in Section 5-090 (A) (1-2) of the Land Development Code where it states:

- (1) That there are unique physical circumstances or conditions beyond that of surrounding properties, including irregularity, narrowness, or shallowness of the lot size or shape, or exceptional topographical or other physical conditions, peculiar to the particular property; and,
- (2) That because of such physical circumstances or conditions, the property cannot be developed in strict conformity with the provisions of this Land Development Code, without undue hardship to the property.

There was a previous variance granted for this request in the reduction of the setback. This variance was granted by City Council on October 14, 2004 and was for the reduction to a 10' front yard setback. The variance longevity period expires after 12 months if not acted upon during that time frame and thus the request for another variance.

The following table shows how the project fits in with the Recommended Development Strategies outlined in Section 1.2.2 of the Master Plan.

<i>Master Plan Section 1.2.2 Recommended Development Strategies</i>		
Strategy		Meets Strategy Y/N or N/A
1.	Allowed uses in the R-2 category need to be strictly enforced to protect the character of this neighborhood by ensuring new development is consistent and desirable.	Y
2.	The City should evaluate whether R-2 zoning is compatible with the desired development patterns, since it allows for both single-family and duplex style development.	Y
3.	Residential zoning categories need to be expanded to include maximum lot coverage standards consistent with existing development and the character of the area.	N/A
4.	There may be several commercial-scale businesses that are non-conforming with current zoning. The City should consider rezoning these neighborhood scale properties, amending the N-M category to allow for restaurants and bed & breakfasts.	N/A

The proposed use is in keeping with the R-2 District as outlined in the Land Development Code Sec. 4-050(C):

“The purpose of this district is to provide for affordable development of single-family and duplex style development. This district is intended for medium density residential neighborhoods which are quiet and livable. This district includes a mixture of one and two-family homes with compatible educational, religious, and public institutions as well as limited home occupations.”

STAFF FINDING:

Staff finds that the request for a variance meets the physical hardship requirements as stated in the Land Development Code.

ATTACHMENTS:

- A. Application (2 pages)
- B. Subdivision plat showing access easement (1 page)
- C. Property Survey showing proposed building (1 Page)
- D. Council Meeting minutes from 10/14/04 (2 pages)
- E. SAGIS (1 page)



CITY OF TYBEE ISLAND ZONING VARIANCE APPLICATION

Fee \$125

Applicant's Name George A.M. HAMMOND

Address and location of subject property 1619 CHATHAM AVENUE, LOT 5-D

PIN 4-0010-05-016 Applicant's Telephone Number 404-218-8210

Applicant's Mailing Address 38-28th STREET, NW, ATLANTA, GA, 30309

Brief description of the land development activity and use of the land thereafter to take place on the property:
Single family residence - new construction

Explain the hardship See ATTACHMENT explanation, Driveway irregularity

Property Owner's Name George Hammond Telephone Number 404-218-8210

Property Owner's Address 38 28th ST. N.W. ATLANTA, GA 30309

Is Applicant the Property Owner? Yes No Tax bill

If Applicant is the Property Owner, Proof of Ownership is attached: Yes

If Applicant is other than the Property Owner, a signed affidavit from the Property Owner granting the Applicant permission to conduct such land development is attached hereto. Yes

Current Zoning of Property _____ Current Use VACANT LOT

Names and addresses of all adjacent property owners are attached: Yes

If within two (2) years immediately preceding the filing of the Applicant's application for a zoning action, the Applicant has made campaign contributions aggregating to more than \$250 to the Mayor and any member of Council or any member of the Planning Commission, the Applicant and the Attorney representing the Applicant must disclose the following:

- a. The name of the local government official to whom the campaign contribution or gift was made;
- b. The dollar amount of each campaign contribution made by the applicant to the local government official during the two (2) years immediately preceding the filing of the application for this zoning action, and the date of each contribution;
- c. An enumeration and description of each gift having a value of \$250 or more made by the Applicant to the local government official during the two (2) years immediately preceding the filing of the application for this zoning action.

Disclosure of Campaign Contributions form attachment hereto: Yes

George Hammond
Signature of Applicant _____ Date 05/04/2010

NOTE: Other specific data is required for each type of Variance.

Fee Amount \$ _____ Check Number _____ Date _____

City Official _____

NOTE: This application must be accompanied by additional documentation, including drawings that include or illustrate the information outlined below.

<u>REFERENCE</u>	<u>DESCRIPTION</u>
5-040 (D) (1)	Site plan and/or architectural rendering of the proposed development depicting the location of lot restrictions.
5-040 (D) (2)	A survey of the property signed and stamped by a State of Georgia certified land surveyor.
5-090 (A) (1)	That there are unique physical circumstances or conditions beyond that of surrounding properties, including: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> irregularity, <input checked="" type="checkbox"/> narrowness, or, <input checked="" type="checkbox"/> shallowness of the lot size or shape, or, <input type="checkbox"/> exceptional topographical or other physical conditions peculiar to the particular property.
5-090 (A) (2)	That because of such physical circumstances or conditions, the property cannot be developed in strict conformity with the provisions of the Land Development Code, without undue hardship to the property. <u>NOTE: Provide attachments illustrating conditions on surrounding properties and on the subject property, indicating uniqueness, etc.</u>
5-090 (B)	If this variance application is for a Height Variance, in addition to other requirements, the petitioner shall be required to: <ul style="list-style-type: none"> <input type="checkbox"/> Add two feet to each side yard setback for each one foot above 35 feet in height, and, <input type="checkbox"/> Have safeguards consisting of sprinkler systems, smoke detectors and other fire protection equipment deemed necessary at the time by the Mayor and Council, and, <input type="checkbox"/> Where a rear yard abuts a side yard of the adjacent lot, the petitioner shall be required to add two feet to the rear setback for each foot above 35 feet height.

The Applicant certifies that he/she has read the requirements for Variances and has provided the required information to the best of his/her ability in a truthful and honest manner.



Signature of Applicant

05/04/2010

Date

RE: 1619 Chatham Avenue Lot 5-D
Tybee Island, Georgia 31328
Lot 5-D, Re-SUB of Lot 5, Ward 6, Tybee Island

Owners: George A.M. Hammond
Dena B. Hammond

Date: 05/04/2010

Please find attached engineering drawings of Lot 5-D. There is a private road easement that cuts a corner off of Lot 5-D. Being a small, awkwardly shaped lot, building a home of reasonable and aesthetically pleasing proportions would be difficult given the existing setback requirements.

The front setback on the lot at 20 feet is also different than the front setback of the two adjoining homes (1619-A & 1619-B Chatham Avenue) which are at 10 feet, further leading to difficulty in maintaining a consistent appearance of the adjoining homes on this driveway.

In 2004, a variance was granted to allow a 10 foot distance from the incoming driveway to the building site (See Tybee Council Minutes 2004). I did not realize that this variance was only good for 12 months and would like to request from the Planning Commission that permission be granted for this allowance again.

In conclusion, I would like to request a setback variance of 10 feet around the entire perimeter of the property in order to build a home of reasonable and pleasing proportions while preserving a consistent look to the homes on the 1619 Chatham Avenue driveway.

10/14/04
CC

Council Minutes

Price said the representative from the Best of America on Horseback would like to shoot some scenes on the beach with the horses. She said CNN is filming the group as it travels across America and will be here to film the ending.

Mayor Parker opened the meeting, asked for comments, and closed the following public hearings according to law.

Dick Smith, Chairman of the Planning Commission, presented the variance request for 10 feet in the front setback for 1619 D Chatham Avenue, PIN 4-0010-05-016, for Gail O' Meara. Smith said because of the size and shape of the lot and the way the driveway is laid out, it would be difficult to build a house other than a box. Smith said the PC approved this request. Several of the neighboring resident, citing that O' Meara created the hardship when she subdivided the property, spoke against the variance. One resident said that O' Meara did not plan to build on the property but planned to sell. Bonnie Gaster, agent for Ms. O' Meara, said that she did plan on selling and had a potential buyer. The buyer had made an offer contingent on approval of this variance for a small deck. Sessions asked what could be built on the property without the variance, and Gaster said an ugly box. Pearce suggested relocating the driveway, and Gaster said the Carls owned the driveway so that was not an option.

Smith presented a variance request for 6 15th Street, PIN 4-0008-02-010, the Hurty Group, petitioner. The request was for 4 feet in the rear, 5 feet on the left side, and 2 feet in the front. Smith said this was a conceptual site plan for 3 condos. Smith said there would parking under the condos. He said the PC approved the request. Sessions asked what would be built here without the variance. Smith said it would be residential and much smaller. Wolff asked what the size would be of the new structure. The architect said that the existing structure is 1694 square feet, is on the property line on the West side, and 1 foot from the property line in the front. He said the plan is for 1634 square feet, and to move it back from the property lines on all sides. Sessions asked why they used the hotel standard setbacks for a residential structure. He said that the small size of the lot is the hardship; they could go in and build a small hotel with the standard setbacks.

Smith presented the variance request for the American Legion at 10 Veterans Drive, PIN 4-0002-05-008, Gene Kindrick, agent. Smith said it was a request for an after the fact variance into all setbacks and for a continuance of a non-conforming structure in the R1 District. Smith said the rear setback is 3 feet, the side setback on the West side is 1 foot, and the East side is 1 foot. Smith said the PC approved the request. Sessions asked about the ownership of the building. Smith said the American Legion holds the deed to the property. He said there is a provision in the deed that if the American Legion gives up the property, it would revert to the City of Tybee. Smith said they to stop work because there was no permit or plans. Sessions questioned the safety of the deck. Smith said the deck is complete and has been inspected and approved. Rusty Fleetwood said he owned the 2 lots West of the American Legion. He said if the Legion can raise the money, they would buy both lots. Gene Kindrick said they would use the lots for parking. Kindrick said everything is ready and has been approved by the County and a structural engineer.

Smith said the next request was for a conceptual sketch plan for Gary Sanders at 211 Butler Avenue, PIN 4-0004-08-004. Mayor Parker said Sanders had requested this hearing be postponed, but Hughes said it had been advertised and the neighbors had been notified so that it has to be heard. Smith said Sanders was taking the hotel out of the previous plans, have two buildings instead of one. Smith said the number of condos had increased to 33 units. Smith said he has enough parking spaces but some of the spaces for the retail area are not located in the correct area. He said the plan meets the green space requirement but they have not finalized the placement of the dumpster. Sessions asked if the first plan wasn't approved last year, Smith answered yes. Hughes said to be aware that there is only one principal structure allowed on a lot except in the C1 District. Anderson said he was aware and would check into it. George Weeks

Council Minutes

an issue of the variance to be considered also. Keith Gay said when this project first started a number of variances were requested and there was an issue of bringing in fill dirt. He said the reason for this variance is to save an old Tybee beach cottage. Gay said Reeve is only asking for four feet in order to save an old historic house. He said this would still leave plenty of room between the structures. David Dericott spoke in favor of the project and gave a brief history of the problems with drainage. He said at one time the storm water drained through the broken dune line, but over time, the dunes filled in and there was no outlet for the water. He said he thought it was cooperative project between the developer and the neighbors, and everybody would benefit. Jim Miller who lives on 11th Street said he has two concerns. He said one is the moving of the old house next to another house, and would that pose a fire hazard. He said the other concern is the drainage plan for 10th Place and what that would mean for 11th Street. Miller questioned the application, which indicated that the developer wanted to build up the lot, and if that were allowed, the water would drain on his property. Hughes said our code does not permit anyone to allow runoff onto someone else's property. Hughes said the original application asked for a height variance to allow them to raise the property but that has been dropped. The architect for the project said the two houses would be 15 feet apart so that the fire hazard would be at minimum. He said the water would stay on their property. He said their plan includes pipes sized to take the water from all the adjacent property to Butler Avenue and not just the water from Reeve's property.

Mayor Parker opened the meeting for business legally presented.

Sessions motioned to approve the variance of 10 feet in the front setback for 1619 D Chatham Avenue, contingent on it would only be used for a deck and heating or cooling not be allowed, Crone seconded. Vote was 4, Wolff, Youmans, Sessions, and Crone, in favor. Pearce had stepped out of the room.

Sessions motioned for approval of the site plan for 6 15th Street, Crone seconded. Vote was unanimous.

Wolff motioned for approval for the variance at 10 Veterans Drive for the American Legion, Crone seconded. Sessions said she would like to make sure that all of the requirements would be met. Anderson said everything was in place and had been approved waiting on approval from Council. Vote was unanimous.

Wolff motioned to table the Text Amendment to increase the lot sizes in R2 and C2 Districts, pending outcome of review of who is allowed to participate in the process, Pearce seconded. Vote was unanimous.

Hughes advised to let these minutes reflect that Gary Sanders had requested his request for a Conceptual sketch plan approval for 211 Butler Avenue be tabled. Hughes said this would have to be readvertised at Sanders' expense.

Wolff motioned for approval of the Text Amendment for changing access requirements for new subdivisions, Pearce seconded. Hughes said the current requirement is for minor subdivisions to have access of 20 feet wide, which is not a change. There was some discussion as to the need for change for minor subdivisions as this was already a requirement. Hughes said the original intent was for subdivision of four or more lots. Parker said he thought there should be some amending on this before it is approved. Sessions asked what should be amended. Parker said he thought the turnarounds should be reduced. He said he felt too much property was being taken. Sessions asked about the safety issue and Parker said we had heard from the Chief. Sessions said she heard the chief say it would be better for the Fire Department. Parker said he thought he said it would be more convenient but not absolutely necessary. Parker asked Wolff to restate his motion. Wolff said he moved to approve the Text Amendment as written, that is, 20 feet private drive in a minor subdivision of 3 lots, in major subdivisions of four to eight lots, a marginal street of 40 feet 20 of which is to be surfaced, with a cul de sac of 80 feet for turn around,



1619 Chatham

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Parcel ID: 4-0010 -05-016
 Owner Name: HAMMOND GEORGE A & DENA B