

PLANNING COMMISSION

James P. Boyle, Chair
Randi Bryan
Jay Burke
George Dausey
Lisa McKenzie
Anne Miller
Whitley Reynolds, Vice Chair



CITY MANAGER

Diane Schleicher

INTERIM ZONING ADMINISTRATOR

Dianne Otto

CITY ATTORNEY

Edward M. Hughes

MINUTES

Planning Commission Meeting March 16, 2009 – 7:00 p.m.

Chair James Boyle called the March 16, 2009, Planning Commission meeting to order. Other Commissioners present were Randi Bryan, George Dausey, Lisa McKenzie and Anne Miller. Absent were Jay Burke and Whitley Reynolds.

Chair James Boyle called for a motion on the Minutes of the February 17, 2009, Planning Commission meeting. George Dausey moved to approve. Anne Miller seconded. The vote in favor was unanimous.

Chair James Boyle asked if there were any Disclosures. Lisa McKenzie disclosed that she lived across the street from the 16 Meddin Drive property. It was confirmed that her recusal from hearing the petition was not appealable.

Chair James Boyle stated that a Zoning Variance (Section 5-090) from Section 3-020, Continuance of Nonconforming Uses/Structures, at **1212 Lovell Avenue**, PIN 4-0007-07-004, Zone R-2, had been withdrawn by the owner H.R. Shearouse. Boyle invited public input. There was none. **No action** was taken.

Chair James Boyle opened a Public Hearing for Special Review (Section 5-070) under Ordinance 40-2008, Bed and Breakfast Regulations, for **16 Meddin Drive**, PIN 4-0002-05-005, Zone R-1. The petitioners were Nancy Morris and Stuart Liles, owners of Lighthouse Inn. Lisa McKenzie recused herself. Dianne Otto explained that it was a request under an ordinance adopted in 2008, to have special events at the bed and breakfast for up to twenty people. George Dausey asked about parking. The parking requirements were explained by Otto as being one space for every four special event guests, one space for each of the three guest rooms, and two spaces for the owners, for a total of ten required spaces. Boyle spoke of the ordinance covering noise, hours of operation and bad weather weddings. Otto noted that the Fire Marshal had approved twenty guests being in the facility. There was no response to Boyle's request for public input. He called for a motion. Randi Bryan motioned to approve. Dausey seconded. Voting in favor of the motion to approve were Bryan and Dausey. Anne Miller voted in opposition. McKenzie had recused. The **motion to approve passed** with a 2-1 vote. The request would be heard by City Council on April 9.

James Boyle stated that Commissioners Whitley Reynolds and Jay Burke were excused from the meeting.

Chair James Boyle opened the Public Hearing for a Zoning Variance (Section 5-090) from Section 3-020, Continuance of Nonconforming Uses/Structures, at **1113 Butler Avenue**, PIN 4-0006-19-007,

Zone R-2, owned by Bill Lanier. The applicant, Thomas Beytagh, said that he would answer questions. Dianne Otto noted that the proposal would improve the front setback from 2.6-feet to 7.5-feet. Randi Bryan asked where a set of stairs on the plan were going. Beytagh said that when they arrive at the costs the client would decide whether he wants to up. He said that what they are asking for now was to go out to the side and the back. Bryan asked Otto how the 50% rule applied. Otto said that FEMA regulations do not allow substantial improvements if they exceed 50% of the value of the structure unless the entire structure is brought into compliance. Bryan said that she did not see a value. Beytagh said they were not at that step. Otto said that it would be addressed at permitting; affidavits from the owner and contractor would be compared to the value of the structure. Bryan asked about the stormwater issue with the freeboard that was approved where a foot has to be added to the base elevation. Otto said that would not apply to this project. The two discussed the proposal. Lisa McKenzie asked the square footage of the addition. Beytagh said that it would be 8-feet out on the side for the depth of the house, and a small addition across the back, which would go no further than the existing back porch in order to add a second bathroom. Otto calculated it to be roughly a 450 square foot addition. McKenzie said that she showed 660 square feet. Boyle asked for public input. There was none. George Dausey motioned to approve and Anne Miller seconded the motion. Dausey, McKenzie and Miller voted in favor of the motion to approve. Bryan voted against. The **motion to approve passed** with a 3-1 vote. City Council would hear the request on April 9.

George Dausey thanked Staff for the Planning Commission/City Council Vote Report that had been requested at the previous meeting and had been provided in the Planning Commissioners' packets.

The next item was a proposed Text Amendment (Section 5-110) to Section 3-100, **Beach, Dune or Vegetation Disturbance**. The proposal was number 04-2009. Dianne Otto said that the proposal was initiated at City Council's request, and that in October of 2008 Council action repealed the City of Tybee Island's Shore Protection Ordinance. She said that it has been policy, though not law, for DNR to establish a 10-foot setback from the landward-most toe of the dune. Otto said that the proposed ordinance they were considering would make that a Tybee ordinance so that rather than just relying on DNR's policy, Tybee's law would enforce that 10-foot setback. She explained that because it would be in jurisdictional area of the DNR, DNR permitting would still be required before Tybee would issue a permit. George Dausey asked if it ever ends. Otto said that, like the dunes, it seemed to be dynamic, but this might bring to rest some of the concerns. She said that it would enforce what was State policy. Chair James Boyle asked if it would give good guidance to petitioners. Otto said that it would require what DNR would probably give them anyway. Boyle asked if a variance from the setback could be asked for. Otto said certainly. Boyle asked for public input. There was none. Lisa McKenzie motioned to approve. Randi Bryan seconded. Voting in favor were Bryan, Dausey, McKenzie, and Anne Miller. The **motion to approve passed** 4-0. The Text Amendment would be heard by City Council on April 9.

The final item was a Text Amendment (Section 5-110) to amend Ordinance 3-100, **South End Business Overlay District**. The number was 09-2009. Chair James Boyle opened the Public Hearing. Dianne Otto explained that an ordinance adopted last year for the South End Business Overlay District had a sentence in it that vending machines were prohibited. She said that the ordinance before them would strike that sentence and move language related to vending machines, and when they would be allowed, to the South End Policies and Procedures document. Otto noted that the Commissioners were voting only on the striking of the sentence from the ordinance; the South End Policies and Procedures document did not require Planning Commission or City Council action to change. Boyle confirmed that the proposal would permit vending machines on the sidewalk area. Otto stated that the Commissioners had been given the South End Policies and Procedures as they would read and the conditions under which a vending machine at a business would be allowed were listed there. George Dausey asked if

anybody in particular, without naming names, was pushing this. Otto replied that more than one business had requested to be allowed to have vending machines. Dausey said that the City of Tybee spent hundreds of thousands of dollars improving that area. He said that he was not in favor of vending machines in that area. Lisa McKenzie asked why the sentence was dropped completely. Otto explained that the circumstances under which a vending machine could be allowed were included in the South End Policies and Procedures. McKenzie agreed with Dausey on not allowing vending machines. She and Otto discussed the proposal further. McKenzie suggested that those that wanted vending machines put them inside their businesses. Boyle asked the procedure a business would follow if vending machines were allowed. Otto explained the permitting procedures required by the South End Policies and Procedures. She responded that it would be handled at the Staff level, not at the Planning Commission or Council level. Randi Bryan asked if there was an issue with some of the businesses owners owning property in front of their businesses. Otto responded that Bryan might be referring to Christy's which was the only one that owned property with enough width to accommodate a vending machine. Bryan asked if any business could have a vending machine. Otto read the conditions listed on page 6 of the Policies and Procedures. Boyle called for public input. There was none. Bryan motioned to approve the proposed Text Amendment. Anne Miller seconded. Voting in favor of the motion to approve were Bryan and Miller. Voting in opposition were Dausey and McKenzie. To break the tie, Chair Boyle voted in opposition. The **motion to approve failed** with a 2-3 vote. The matter would be heard by City Council on April 9.

James Boyle read the announcements including a reminder to the Commissioners of an American Planning Association webinar scheduled for March 18, 2009, at City Hall. It was also announced that Jay Burke, George Dausey and Lisa McKenzie would be attending a Planning and Zoning Workshop at Port Wentworth on March 21.

George Dausey motioned to adjourn. Anne Miller seconded. The vote was unanimous and the meeting adjourned.