

**PLANNING COMMISSION**

Demery Bishop  
Marianne Bramble  
Randi Bryan  
Jay Burke, Chair  
Rob Callahan  
John Major, Vice Chair  
Monty Parks



**CITY MANAGER**

Diane Schleicher

**PLANNING AND ZONING MANAGER**

Jonathan H. Lynn

**CITY ATTORNEY**

Edward M. Hughes

**MINUTES**  
**Planning Commission Meeting**  
**March 16, 2010 – 7:00 p.m.**

Vice Chair John Major called the March 16, 2010, Planning Commission meeting to order. Other Planning Commission members present were Marianne Bramble, Rob Callahan, and Monty Parks. Absent were Demery Bishop, Randi Bryan, and Jay Burke.

Vice Chair John Major asked for a motion on the Minutes of the February 16, 2010, meeting. Monty Parks moved to approve and Rob Callahan seconded. The vote was unanimous.

Vice Chair John Major asked if there were any Disclosures. Monty Parks said that he would be recusing himself from the discussion of the tent as there was a financial interest.

Vice Chair John Major opened a Public Hearing for Site Plan at **2101 Highway 80**, PIN 4-0024-02-001, Zone M-D. The petitioner was Derek Brown. The request was for a temporary building. Jonathan Lynn said that Patrick Mathews owns the property. He explained that the request was for a temporary ticket booth for dolphin tours. He said that the booth was an old City parking booth that Brown had acquired. He said that the building would be on a skid system and all electrical hookups would be above base flood elevation. Lynn said that there would be two required parking spots and the driveway would remain as-is. He said that he was under the impression that they had gotten DNR approval. Major asked about the DNR approval. Mark Boswell, representative for the owner, said that John Wynne [DNR] had deferred it to Tybee. Lynn said that the DNR had no consideration for this project. Rob Callahan asked the definition of temporary for the purposes of this issue. Lynn said that if they went with the International Building Code definition of temporary, it means anything in place not to exceed 180 days. He said that another requirement with any temporary structures was that they were required to be moved within 90 minutes for any sort of disaster, that was a FEMA rule, and this building would be subject to that as well. Callahan asked if the building would come and go. Lynn said maybe not come and go, but not be in use. Callahan asked if it would be limited to 180 days. Lynn said that was correct; unless Planning Commission and City Council decided otherwise, that would be the International Building Code definition of temporary. Major said that it would be good to have an understanding of what they were going to require of the owner after 180 days; if “not in use” met the definition that was different than Brown having to haul it away. Lynn said something as simple as tarping it to make it where it couldn’t be used for that period of time and then letting Staff know when it was going to be used; he did not want to ask him to move it. Major verified with Lynn that current ordinances do not deal with temporary buildings. Major asked where the requirement for two parking spaces came from. Lynn said that was with any sort of business: that was required for the employees of a business and it was a minimum of two parking spots. He said that there was only going to be one person in the building at a time but they had provided the two parking spots that were required. Major asked Lynn to define a temporary electrical hookup. Boswell said that Ray Hord, Tybee’s inspector, recommended going underground with the power to a receptacle. Major

asked if the building would be setting where the umbrella was now on the site. The proposed location of the temporary building was discussed. Major asked if when the City gifted the building to Brown was it implicit that he would be able to use it. Lynn said that it was an old City booth but he believed that Brown got it from the Historical Society and they had gotten it from the City. He said that the City did not know about the building being used until it was already in place, and that was when Brown was contacted that it needed Site Plan. He explained that Brown removed the building and started the process. Major said that this was a Site Plan and according to ordinance there were a number of things that were required, for example, something in writing from the county engineer. He asked if the requirements had been waived. Downer Davis, Tybee Island's consulting engineer, said that the ordinance was dated; the Chatham County engineer's office had not provided plan review services here since the 1990s, and Davis Engineering had been providing them since 2003 or 2004. Davis said that this was a unique Site Plan in that there was no land disturbing activity proposed. He said that Lynn would make sure that DNR was okay with it. Davis spoke briefly about the proposal. Callahan commented on the bearings being incorrect in a letter from property owner Patrick Mathews. Major asked who owned the dock. Lynn replied Bill Walsh. Marianne Bramble asked if every 180 days Brown would need to go through this process or pay a fee. Lynn said no. Bramble asked if the building would have to be removed after 180 days. Lynn said no, it could be tarped. Major asked for public input. Bill Walsh said that the building would be a benefit for Brown and would be a great help to the people that work for him. Major closed the Public Hearing. He recommended that a motion should be clear about anything they wished to stipulate such as DNR approval and if it was a building that was going to stay there without having to be removed. Monty Parks moved to accept as presented. Bramble seconded the motion. She asked if every temporary structure that came before them now did not have to be moved after 180 days. Lynn said that was correct but a temporary structure had to be less than 120 square feet. The **motion to approve passed** with a 4-0 vote. Lynn said that it would go to City Council on April 8. Major said that although it was not in the motion it should be clear when it goes to City Council that it was not something that was going to be going away in 180 days and it was subject to DNR approval.

Vice Chair John Major opened a Public Hearing for Site Plan at **704 First Street**, PIN 4-0003-05-013, Zone C-2. The petitioner was Silver Waves, Inc. The request was for a tent. Monty Park recused. Jonathan Lynn said that what the applicant was seeking stemmed from a conversation he had with all property and business owners that had tents in October of last year. He said that none of the tents had gotten Site Plan approval or had any sort of permits associated with them. Lynn explained that the owners were told that if they wanted to keep their tents they could go through a less-detailed Site Plan with the fees waived. He said that this applicant was seeking utilization of a tent that was out of the 120 square foot temporary rule. He said that the tent was 11 feet by 20 feet, 220 square feet. Referencing the International Building Code, Lynn said that the applicant would be required to secure a normal building permit. He described the proposed tent, the location, and stated that it was closer than what was allowed to the Lewis Avenue right-of-way so they would have to move it back. Referring to photographs being shown on the projection screen, Lynn said that all of the signs would have to go. Marianne Bramble asked if the tent would be enclosed. Lynn said that it should just have a canvas over the top. Bramble asked if the signs could be displayed. Lynn said that they were temporary signs and under the current Sign Ordinance they could have one. Major asked if they could have a sign incorporated into the tent itself. Lynn said that they could seek a permit to get that. Signage was discussed. Major asked how long the tent had been there. Paul Theron, a partner of the owner, said that the tent had been there for five or six years. He discussed the history and stability of the tent. Major asked if five or six years ago any permit was required or sought. Theron said he was not sure but he could find out from the owner. Lynn said that he did not believe there was anything required at the time. He said that the same ordinance was in effect but he did not believe it had been enforced. He explained that pending revisions to Article 3 would incorporate language to address temporary structures and tents. Major asked about grandfathering rights. Lynn said that they were

technically called legal nonconforming uses that were there before the zoning was in place and they were allowed to stay in their current state. Major asked if that would be applicable in this case. Lynn said yes, it would. The two discussed that. Major asked if there was any public input. There was none. Major closed the Public Hearing. Bramble moved to approve as presented including it being wholly on private property. Callahan seconded. The **motion to approve passed** with a 3-0 vote. Parks had recused. Lynn said that it would go to City Council on April 8.

Vice Chair John Major opened a Public Hearing for a Text Amendment to **Article 15, Soil Erosion and Sedimentation Control**. The petitioner was the City of Tybee Island. Jonathan Lynn said that it was a state requirement that all Local Issuing Authorities update this ordinance by June 30, 2010, and, after consultation with Downer Davis and the City Attorney, they both recommended that Tybee continue with the state model ordinance, and any other areas that might need to be addressed in terms of soil erosion or buffers be addressed separately in other places in the Land Development Code and that way Tybee could maintain consistency with the state model ordinance. Major said it appeared that the changes were administrative in emphasis and clarification. He and Lynn discussed. Davis, the City's consulting engineer, said that there was some reference to general permits which had to do with the NPDES rules, which was a separate law, but they were both under the jurisdiction of the EPD. Major said that we would be subject to that, with or without this ordinance. He and Davis discussed. Davis said that what was unique was that the only reason Tybee had this particular ordinance was because it is the license issuing authority for the EPD. Davis, Major and Lynn discussed. Major asked for public input. There was none. Referring to page 12, section 6, of the ordinance, Monty Parks asked about recordkeeping of violations. Lynn said that Staff does keep records. He and Lynn discussed. Parks asked who inspects for Tybee. Lynn explained that there were four people who have Level IA inspection certifications [blue cards]: Dianne Otto, himself, Downer Davis, and Joe Wilson. After Lynn and Parks discussed inspections, Parks asked about the exemption for single-family housing and if that was covered in another part of the Code. Davis said that single-family residential that was not part of a common development was not required to get a permit. He said that if they were within 200 feet of state waters and they were commercial, they were not exempt. Referring to the exempt single-family projects, Davis explained that Tybee was still required, as the licensed issuing authority, to monitor land disturbing activities and if it found that there was any discrepancy or violation, ask for documentation that they had designed, installed and maintained all of the BMPs [best management practices] properly. Davis commented further on the processes. Major asked if the City had adopted a buffer ordinance. Lynn said no, but a buffer ordinance was being developed. Davis said that when Tybee determined that there was a buffer encroachment or a variance was needed, it was sent to the DNR for review. Rob Callahan asked if those with blue cards were Certified Personnel. Davis said that red cards were, and two people have those. He said that Tybee was covered. Major declared the Public Hearing closed. Parks moved to accept as presented. Callahan seconded. The vote was unanimous. The **motion to approve passed** with a 4-0 vote. Lynn said that it would go to City Council on April 8 and would require two readings.

Major asked about a workshop for the Shore Protection Ordinance. Lynn said that a meeting with the DNR had not taken place yet.

Vice Chair John Major asked for a motion to adjourn. Rob Callahan so moved. Marianne Bramble seconded. The vote was unanimous and the meeting adjourned.