

PLANNING COMMISSION CHAIR

Lawanna Tsoulos

PLANNING COMMISSION

Barry Brown, Vice
Susan Hill, Vice Vice
Charlie Brewer
Sandy Chandler
Bill Garbett
Honor Hutton
Gene Kindrick
Chuck Powell



CITY MANAGER

Diane Schleicher

CITY ATTORNEY

Edward M. Hughes

**MINUTES
Planning Commission Meeting
December 19, 2006 – 7:00 p.m.**

Vice Chair Barry Brown called the December 19th Planning Commission meeting to order. Other Commissioners present were: Charlie Brewer, Sandy Chandler, Bill Garbett, Honor Hutton, Gene Kindrick, and Chuck Powell. Absent was Planning Commission Chair Lawanna Tsoulos.

Gene Kindrick motioned to approve the Minutes of the November 13th agenda meeting. Chuck Powell seconded. The vote was unanimous. Gene Kindrick motioned to approve the Minutes of the November 21st meeting. Chuck Powell seconded. The vote was unanimous.

Harold Yellin represented Chris Chandler’s petitions for a Text Amendment and for Site Plan Approval at **1126 Highway 80**, PIN 4-0026-11-023, Zone C-2. Sandy Chandler recused himself. Yellin said that two meetings ago they were before the Planning Commission and it was determined that there are assembly halls on Tybee Island but there was not anything called assembly hall in the definitions or in the use schedule. He said they came back a second time with a Text Amendment modeled after the City of Savannah ordinance, and they were asked specifically to address certain impacts, and they did. Yellin said they are back a third time with one more modified Text Amendment. He said the only two uses in C-2 that require both Site Plan and Special Review are lounges and package stores. He said they are putting themselves into that category. Yellin discussed that a restaurant and a grocery store can go into C-2 as a matter of right. He talked about a language change from “assembly hall” in the previous version to “dwellings or structures rented for special events” in the most recent version of the proposed Text Amendment. He said there was a typo: “Special Approval” should be changed to “Special Review.” After Yellin talked further about the proposed Text Amendment, Vice Chair Barry Brown said they asked Maryann Dudley, Chandler’s representative at the agenda meeting, to have the DNR buffer noted on the plan. Yellin said he does not think they had time to do it; they can try between now and Council. Brown said the reason was that some of the parking spaces appeared to be in the 25-foot buffer. The group discussed parking. Bill Garbett read from the Minutes of the November 21st Planning Commission meeting a list of issues, and he said none of them have been addressed. Yellin said because the use will require Site Plan Approval, the Planning Commission and Council can tell Chandler what will be required. He said there seems to be fear of creating this use, and he talked further about Zone C-2. Gene Kindrick asked if a capacity had been determined by the Fire Marshal. Chris Chandler said he met with the City Marshal and the Chatham County Fire Inspector and he has a list of recommendations from the Fire Inspector. Kindrick again asked Chandler if the Fire Inspector determined the capacity. Chandler said the Fire Inspector had not addressed that, and he asked Kindrick why he was asking. Kindrick said it would help determine the parking that is needed. Chandler said he has an overflow parking plan. Chandler asked how many people have been to his place to look at it. All the Commissioners raised their hands. Yellin said the overflow parking area across Highway 80 has 40 spaces. City Attorney Bubba Hughes pointed out that there are two things before the Planning Commission: the Text Amendment for the C-2 Zone and the applicant’s Site Plan. He said they do not want to create a Text Amendment that would only apply to Chandler. Hughes said because it is Special Review it is a legislative component where they can impose conditions on granting the Special Review that would deal with the specifics. He discussed some specifics such as hours of operation, parking and noise. Hughes said it would be easier for the Planning Commission to deal with the Text Amendment first. Hughes said they have had problems with uses in the commercial zone that abut residential

areas. Chuck Powell clarified with Hughes that they should deal with the Text Amendment first. Hughes said yes, and that he may have some language changes that he would prefer. Yellin said they are doing their best to be patient, and he would encourage the Planning Commission to at least get the Text Amendment to Council. Brown asked if there was anyone in the audience to speak in favor or in opposition. Bill Dowell said he owns the property to the west of Chandler. He recommended a verbiage change. Dowell said he concurred that the best thing to do was to send the Text Amendment to Council and hold the Site Plan. He said there is a committee looking into wedding rentals. Brown closed the Public Hearing and asked for a motion. Garbett moved to approve the Text Amendment with the addition of "...special approval shall consider but not be limited to the availability of..." to section (2)b. Kindrick seconded. Honor Hutton reminded them of the change of the last word of paragraph 2 from "Approval" to "Review." The motion was amended to include that change. Brown asked Hughes about the definitions that would need to be added to the code. Hughes said the specifics of the Site Plan would have to come back before them and then go to Council. The **motion to approve the Text Amendment with verbiage changes passed** unanimously. Kindrick motioned to table the Site Plan until the Text Amendment has been handled by Council. Powell seconded. The vote was unanimous so the **motion to table the Site Plan until the Text Amendment has been handled by Council passed**. Both votes excluded Sandy Chandler who had recused himself.

Hubert Ellzey represented an after-the-fact Zoning Variance from Section 3-090 of the Land Development Code, Schedule of Development Regulations, for **1 Shipwatch Circle**, PIN 4-0021-17-017, Zone R-1-B. This was for stairs built in the setback and on City property. Gene Kindrick recused himself. Ellzey talked about a plat drawn by Whitley Reynolds that showed how the stairs would be reconstructed to be inside the property line, but he said that the plat did not show that the stairs would go to the left side as well as the right side. He said the reconstruction would eliminate a current safety landing. Ellzey further described the proposed changes to the existing stairs, and he said the stairs would be 2- or 3-inches inside the 10-foot setback. Bill Garbett said the changes would not put the stairs within the 10-foot setback; it would put the stairs within the property line. Ellzey agreed. Vice Chair Barry Brown said Ellzey is asking for a zero side setback. Charlie Brewer said there is a set of stairs off the back of the house. He asked why Ellzey was having a second set of stairs. Ellzey said the first stairs were poorly built and took up two parking spaces. He said the back stairs go to an outdoor shower and his wife has a garden there. He said they had nothing on the front of the house that would allow them to go in the double doors and be more convenient. He talked about a tree by the drive that prevented the stairs being put there. Brown said it is a pine tree and there was enough room to put the stairs there. He asked if there was another set of stairs inside the house. Ellzey said inside the door between the garage doors there is an elevator and stairs to the first floor. He said the house was originally built for a rental property. Brown said stairs at the front would take up a parking space but would not conflict with the garages. He talked again about the tree not being in the way and that Ellzey would not have to have a variance to come off the front with the stairs. Ellzey said they put the stairs on the side for convenience and mostly for aesthetics. He said there was nothing on the side and it looked like a great big box. He said all the neighborhood agreed that it added to the looks and added to the values of the properties. He said the stairs go to the front door. Brown asked if the doors were relocated when he relocated the stairs. Ellzey said no. Brown asked if anyone in the audience wished to speak in favor of or opposed to the variance. Ellzey said he has a petition from the Community signed by most of the inhabitants. The Commissioners asked him to submit the petition, which he did. Brown asked Ellzey if he was going to reuse the stair materials. Ellzey said as much as he could. Brown closed the Public Hearing. Chuck Powell said Ellzey has been through quite a bit and the City made mistakes and Ellzey made mistakes. He motioned to approve for zero setback as designed on the Whitley Reynolds plat dated 12/18/06. Susan Hill seconded. She said she was reluctant, that Ellzey has been through the wringer, the City has been through the wringer, but here they are with another site plan that is not exactly the way it is going to be portrayed in the end. Referring to the community petition, Susan Hill said something was scratched out and something was added, and they do not know if that was before or after people signed it. Hill said there has been discrepancy after discrepancy. Ellzey recounted the events prior to and after the building permit was issued. Vianne Ellzey rose to speak but Brown said the Public Hearing was closed. Hill said she wished the Planning Commission had the proper site plan and she really hopes that by the time it gets to City Council that they have that. Vianne Ellzey asked to speak and Brown told her she could. Vianne Ellzey said they did not know the neighbors did the petition until they got to a meeting, and they knew there were things on it that were not right, but somebody at City Hall has the original. She said the neighbors were in good conscience trying to help them. Referring to the latest survey from Whitley Reynolds, she said they just got it, they were lucky to get it, he left it in their mailbox, and she is sorry he did not put the steps on it. She said they could take the survey back to Reynolds. Vianne Ellzey said if they have to keep going through this because of all these little picky things, they would do it. Powell said he normally does not vote

in favor of variances unless there is really a hardship that has been proven. Referring to the Ellzey situation, he said the hardship has been created by the City and by all that has been going on. He amended his motion to include that the stairs be drawn correctly on the plat before it goes to City Council. Hill seconded the amended motion. Brown stated that **the motion was to approve with a zero setback on the side yard with the amendment that it have the proper drawing before it goes to City Council.** Brewer said he agreed with Powell that Ellzey had been through a long ordeal, some of it self-inflicted but some of it with the City's input. He talked about if they were seeing a new request that asked to go to a zero side setback whether they would approve it when some alternatives were possible, but with what Ellzey had been through this was probably the way to resolve it. The vote to the **motion to approve passed** with four in favor (Brewer, Hill, Hutton, Powell) and three opposed (Brown, Chandler, Garbett). Gene Kindrick did not vote as he had recused himself.

Bart Skaggs represented a Minor Subdivision of Land petition and a petition for a Zoning Variance from Section 3-090 of the Land Development Code, Schedule of Development Regulations. These petitions were for property located at **24 Pulaski Street**, PIN 4-0001-09-006, Zone R-1. Skaggs said they are proposing to subdivide and have not changed any footprints or dimensions since they purchased it. He said like everybody else on Tybee they are trying to get some relief from taxes and insurance so they are subdividing to get rid of one of their pieces of property. Skaggs said in the area most of the lots are substandard. Comparing the lot to others in the area, Skaggs said if they subdivide square footage wise they are still pretty much within what everybody else is. He talked about the larger lots across the street being in the dunes and on the beach. Skaggs talked about houses shown in pictures he provided that were projected on the screen. He said the hardship is an existing situation that they purchased. Sandy Chandler asked if Skaggs made improvements to the house like the roofline. Skaggs said when he remodeled he did not change the footprint or roofline. Chandler said his concern was the overhang on the roof which was apparently new construction. Skaggs said it was an existing roofline. He said to improve the drainage pavers were installed to funnel the water to the back of the property onto Dogwood. Chandler said it looked like the roof would shoot the water in a heavy rain over to the other building. Chandler asked if that was against the law. City Attorney Bubba Hughes said it was against the Stormwater Management Ordinance to throw off your water onto any other property. Chandler said it is currently one property but with Skaggs' plan it would be two properties. Vice Chair Barry Brown asked if there was a front picture of the house. Skaggs said he did not provide that because he was trying to show the other stuff. He said there is a 30-inch roof overhang and Chandler was right; the water does come down the roof on that side and that was why he installed the pavers. Skaggs said if this was an issue he could install a gutter system on the white house to direct the water down and away. He said the larger house has fireproof insulation. He said the white house that they did not do anything to has cinderblock walls; the only thing combustible is the roof. Skaggs said they have no issues with water standing. Hughes said running off onto another's property is a problem if you improve your property and create the runoff. He said if Skaggs has already created the improvements on the property and is seeking to split them, that is in place so it would not be in violation of that. Hughes said what the law prohibits is building a new structure that is going to throw additional water. Brown asked about the roof overhangs. Skaggs said he did not build it or take the time to measure it. He said he measured the roof overhang from the cinderblock wall to the white house: it is 30 inches and they are trying to put the new line 3 feet off of the building. He said on that building there is no access to the outside on that side. He said on the larger house, which is his residence, they allowed 6 feet. Skaggs said if anybody has any suggestions about where to move the line he would be more than happy to listen to that. Charlie Brewer asked about PVC pipes in the paver area. Skaggs said those were plumbing cleanouts. Brown asked if there was anybody in the audience to speak for or against the variance. Chandler motioned to approve. He said when he first looked at it that was not his view but based on the historical development patterns in that particular area the property does warrant a variance. Brown asked if they should handle the subdivision and variance together. Hughes said in order to get approval Skaggs needed both. Chandler asked Skaggs the reason why the line was closer to the one building. Skaggs said there is an exterior entrance on the larger pink house and also a courtyard and deck, and the white house does not have any exterior openings except for two windows on that side. He said it would also allow more adequate access to the larger house. Skaggs said they are going to move the existing fence over. He said they are trying to provide maintenance access for the white house and still give plenty of access and comfort for the larger house. He said they balanced the two properties within a couple hundred square feet of each other. Gene Kindrick seconded the motion. Brown said **the motion was to approve the subdivision and the two side yard setbacks.** Susan Hill said because the lots there are so funky it is okay to provide these two pieces of property. She said they are not giving permission to build because anything would have to come back for Special Review. Bill Garbett said it is a tremendous reduction in lot size for that zoning district, setbacks are inadequate, and the current use was an existing use. He said down the road there would be two new residences that are 3 feet off the property line on

substandard lots of record and it would be ill advised for them to approve it. Brown said what makes this so unusual it that there is not a common party wall. He said he does not know how they would get in between the two buildings to fight a fire. Skaggs said they are not creating any other problems for the Fire Department. He said they have more access all the way around than probably 70% of the properties in the area. Skaggs said he understands they are creating two substandard lots but it is already existing. He talked further about other properties in the area. Brown asked for the vote. The **motion to approve passed** with five in favor (Chandler, Hill, Hutton, Kindrick, Powell) and three opposed (Brewer, Brown, Garbett).

Jack Hogan represented a Zoning Variance petition for **Lot 8 / 1605 Chatham Avenue vicinity**, PIN 4-0010-04-012, Zone R-2. The request was for front and side setback variances of 5 feet, Section 3-090 of the Land Development Code, Schedule of Development Regulations. Hogan said it was a substandard lot and due to the size and irregularity, the size of the house is limited. Charlie Brewer asked if lot 9 had a house on it. Hogan said yes. Vice Chair Barry Brown said variances for lot 7 were approved last month by Council. Hogan said on the north side of lot 8, the structure on the next lot is on it's property line but it is off it's property line along lot 7 so it leaves about 10 feet between the structures, which is kind of what is standard in the neighborhood. He said the front is still fairly substantial at 15 feet. Bill Garbett said the property line is the center of the road. Hogan said that was correct. Garbett said so the house would be 10 feet off the road. Hogan said that is right. He said all abutting properties are family members. Garbett asked about lot 7 versus lot 8. Hogan said he had intended to start with lot 8. He said there was a miscommunication between him and the designer. Garbett asked what could be built within the setbacks. Hogan said it would be 26 feet wide and less than 18 feet deep. He said it would be one room per floor and not something to live in. Brown asked if anyone in the audience wished to speak. Brown closed the Public Hearing and asked for a motion. Gene Kindrick motioned to approve and Brewer seconded. The square footage of a house built within the setbacks was further discussed. Susan Hill said they cannot do anything about what already exists on Tybee but it is important to try to protect the integrity that they have some power over. The vote to the **motion to approve passed** with four voting in favor (Brewer, Brown, Garbett, Kindrick) and three opposed (Chandler, Hill, Hutton). Chuck Powell abstained.

Vice Chair Barry Brown said the next item was the **Recodification of the Land Development Code**. City Attorney Bubba Hughes said it was the Land Development Code through December 2005. He said their vote would not change ordinances adopted after that date. Hughes suggested they vote on the Standards and Procedures first and the remainder of the Land Development Code second. He said the most successful attacks on zoning ordinances are over procedural irregularities. He said since they are readopting the Code the more cautious approach was to have it go back through the channels again. He said they are not changing any of the rules. Brown commented that the Section numbers have changed. Brown called for a **motion on the Standards for Making Zoning Decisions and the Procedures for Conducting Public Hearings**. Gene Kindrick motioned to approve. Chuck Powell seconded. The vote was unanimous; the **motion passed**. Kindrick made a **motion to approve the remainder of the Land Development Code**. Powell seconded. The **motion passed** unanimously. Charlie Brewer asked Hughes to summarize the recodification. Hughes said it started probably two years ago with a publishing company, and they compile the codes and put them on the Internet and in book form. He said when he got to Tybee in 1993 it was all being maintained by the Clerk of Council as opposed to being published in book form. He said the Council before the current Council approved going forward with a recodification with the company Municode who under a contract with the City went through all of the ordinances looking for things that were out of date or inconsistent with State or Federal laws. Hughes said Municode sent a working version to the City which they went through. He said some provisions are numbered differently now and there is a cross-reference table in the book. He said it is a lot easier to keep up with a book that has an index and that was one of the main benefits of the recodification, plus the benefit of having our Code on Municode's website. He said now when the City adopts an ordinance it would be sent to Municode.

Vice Chair Barry Brown reminded the Commissioners and the audience of the January 4th deadline for submitting resumes for Planning Commission openings. The terms will begin February 1st. Brown also confirmed that the Commissioners had received the calendar of Planning Commission meetings for 2007.

Gene Kindrick motioned to adjourn. Chuck Powell seconded. The vote was unanimous.