



**A G E N D A**  
**PLANNING COMMISSION MEETING**  
**September 16, 2019 at 7:00 PM**

Call to Order

Consideration of Minutes

Disclosures and Recusals

Old Business

New Business

1 PLANNING COMMISSION PACKET

Adjournment

Standing Items

Adjournment

Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities are required to contact Jan LeViner at 912.472.5080 promptly to allow the City to make reasonable accommodations for those persons.

**PLANNING COMMISSION**

Demery Bishop  
Ron Bossick  
Marianne Bramble  
Tina Gann  
Charles Matlock  
David McNaughton  
Alan Robertson



**CITY MANAGER**  
Shawn Gillen

**COMMUNITY DEVELOPMENT DIRECTOR**  
George Shaw

**CITY ATTORNEY**  
Edward M. Hughes

**Planning Commission Meeting  
AGENDA**

**September 16, 2019 – 7:00 p.m.**

*For City Council Meeting October 10, 2019 – 7:00 p.m.*

**A. Call to order:**

**B. Consideration of Minutes:**

1. Minutes of August 19, 2019

**C. Disclosures/Recusals:**

**D. Old Business:**

1. Discussion on changing Tybee's Variance application fee and looking into changing the application based on the Valdosta application.

**E. New Business:**

1. Text Amendment to Article 3, Section 3-170 Home occupations and home business offices

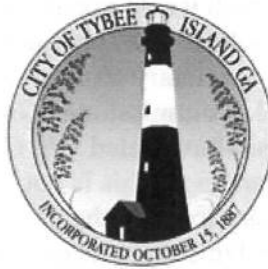
**Adjournment:**

*Lisa L. Schaaf*

Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities are required to contact Jan LeViner at 912.472.5080 promptly to allow the City to make reasonable accommodations for those persons.

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**Planning Commission Meeting**  
**MINUTES**  
**August 19, 2019**

**Chair Bishop** called the August 19, 2019 Tybee Island Planning Commission meeting to order. Commissioners present were **David McNaughton, Alan Robertson, Charles Matlock, Tina Gann** and **Marianne Bramble**. **Ron Bossick** was absent.

**Consideration of Minutes:**

**Chair Bishop** asked for consideration of the July 15, 2019 and July 23, 2019 special meeting minutes. **Commissioner Robertson** stated there was a typo in the July 15, 2019 meeting minutes and Lisa has that correction and will change it. **Commissioner Matlock** asked if the July 23, 2019 minutes should have the reason why we had that special meeting. **Commissioner Robertson** stated that is in the July 15, 2019 meeting minutes and he is not sure it is needed. **Chair Bishop** stated maybe putting that it is a continuation from the July 15, 2019 meeting. **Commissioner Matlock** stated that would be good. **Commissioner Robertson** made a motion to approve. **Commissioner Matlock** seconded. The vote to approve was unanimous.

**Disclosures/Recusals:**

**Chair Bishop** asked if there were any Disclosures or Recusals. **Commissioner McNaughton** asked to recuse himself from item two, Site Plan Approval/Variance for 302 Tenth Street. He stated his wife works for the vacation rental company that manages that property.

**Old Business:**

**Chair Bishop** asked if there was any old business. **Commissioner Bramble** asked if there was any information on the Business License discussion. **George Shaw** stated he would have the information at the next Planning Commission meeting. **Commissioner McNaughton** asked if someone from the State would be able to come in and explain how the change in the State Shore Protection Act would affect Tybee. **George Shaw** stated he has asked the local DNR representative and she said that would be a possibility but he has not heard from them. He will ask again. **Commissioner McNaughton** also asked about the discussion on changing Tybee's Variance application fee and looking into changing the application based on the Valdosta application. **Commissioner Robertson** recommended putting this on the agenda for next month as an old business item.

**New Business:**

**Zoning Variance: requesting 3 ½ feet on side and rear setbacks -9 Moore Ave- Zone R-1-B-4-0002-02-012 – owner RHR Properties, LLC applicant Thomas J. Mahoney III.**

**George Shaw** approached the Planning Commission and stated the applicant is requesting a rear and side setback variance of approximately three and a half feet. This structure was going to be a garage, when the plans were submitted they showed a two-story building but this was not noticed during the plan review. And the plans were approved. Then a complaint came in so we visited the site and saw

that it was a two-story accessory structure, which we do not allow. There was a stop work order put on the construction and that is where it sat for a while. The applicant is now going to attach the structure to the primary structure so it will be part of the primary structure, which is why they are requesting the variance. Staff does not recommend approval. **Commissioner Gann** asked if the plans showed that this was elevated and we missed that. **George Shaw** stated yes. **Chair Bishop** asked is a bonus room inhabitable. **George Shaw** stated his understanding is this is not intended as a separate dwelling unit. **Commissioner Matlock** asked if it is necessary to solve the problem by joining the two. **George Shaw** stated they were given three options and this was one of them. **Commissioner Gann** asked what the other options were. **George Shaw** stated to move the structure within the setbacks or remove the top floor. **Thomas Mahoney** who lives at 337 Commercial Drive, Suite 500, Savannah Georgia, approached the Planning Commission and stated he represents the applicants, Wesley and Patsy Hargrave. **Thomas Mahoney** stated the Hargraves purchased 9 Moore Avenue and it was a dilapidated Fort Screven cottage at the time. They have turned it into a beautiful renovation and an improvement to the neighborhood. The City approved it originally as a detached structure. They chose to lift the structure eight feet to be able to store kayaks, bicycles and cars in the unfinished breakaway space. The City, after receiving a complaint, came along and determined that it was a two-story structure. We disagree that it is a two-story structure. It had to be lifted out of the flood plain so that space underneath the structure is being used as open space. We decided to join the structures and ask for the Variance. **Commissioner McNaughton** made a motion to approve and forward to City Council. **Commissioner Bramble** seconded. Vote to approve was unanimous.

**Site Plan approval with Variance: requesting to rebuild structure with 3 foot rear and 2 foot side setbacks – 302 Tenth Street – Zone R-2 – 40006 09003 – owner Anthony P. Russo applicant Natalie Aiken.**

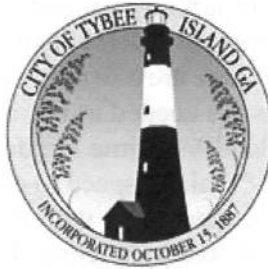
**George Shaw** approached the Planning Commission and stated the applicant is requesting a variance for an accessory structure that he believes it was intended to be, but at some point became a dwelling unit which it currently is. This structure currently is non conforming and below flood. They would like to remove that structure and build a similar size structure within the property lines but not within the setbacks. They would also attach the two structures to make a duplex, this is in the R-2 which would allow for a duplex. Staff does not recommend approval. **Michael Johnson**, who is a Principal at Shaw Architecture, apologized that Natalie Aiken could not be here and he was sent to represent Mr. Russo. **Michael Johnson** stated this is not a full site development package, this is a small project. The intent is that this is currently an additional living unit sitting on the back of the property, it is in bad condition and it sits over the property line. The owner would also like to save the tree. **Chair Bishop** asked what prohibits you from building within the current setbacks and protecting the tree. **Michael Johnson** stated the footprint would be two small to have an additional living area. **Chair Bishop** asked what if you went up. **Michael Johnson** stated that would get into the character of the house and it would not be appropriate. **Commissioner Robertson** made a motion to deny. **Commissioner Gann** seconded. The vote to deny was unanimous.

**Meeting adjourned 8:00pm**

***Lisa L. Schaaf***

**PLANNING COMMISSION**

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Marianne Bramble  
Tina Gann  
Charles Matlock  
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Alan Robertson



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**CITY ATTORNEY**  
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**Planning Commission Meeting  
MINUTES  
July 15, 2019**

**Chair Bishop** called the July 15, 2019, Tybee Island Planning Commission meeting to order. Commissioners present were **Marianne Bramble, David McNaughton, Alan Robertson, Charles Matlock** and **Tina Gann**. **Ron Bossick** was absent.

**Consideration of Minutes:**

**Chair Bishop** asked for consideration of the June 17, 2019, meeting minutes. **Commissioner Robertson** made a motion to approve. **Tina Gann** seconded. The vote to approve was unanimous.

**Disclosures/Recusals:**

**Chair Bishop** asked if there were any disclosures or recusals. **Commissioner Bramble** disclosed she has a grandchild that attends the Maritime Academy and that would not prevent her from making a fair decision on this item.

**Old Business:**

**Chair Demery Bishop** asked if there was any old business. **Commissioner Robertson** asked if the discussion last month on short-term vacation rental licenses was finished or does it need to be discussed more. **Chair Bishop** stated that this body does not need to continue that item.

**New Business:**

**Site Plan approval/Special review: modular building added to the lot – 714 Lovell Avenue – Zone R-2 – 40005-19001 – Tybee Island Charter School dba Tybee Island Maritime Academy.** **George Shaw** approached the Planning Commission and stated the Tybee Island Maritime Academy wants to add a four classroom modular building. The applicant did not submit a site plan with the packet. **Perb Fortner**, CFO of the Tybee Island Maritime Academy and the applicant, told him that was not required the last time they did an expansion. **George Shaw** stated he spoke to the City Manager **Shawn Gillen** about that and he asked him to please put this on the agenda because there is a time constraint to get them built. There is also a letter we gave you tonight that did not make it in the packet from **The City Engineer Downer Davis**, who did review what was in the packet. Staff cannot recommend approval because it is not a complete application. **Commissioner Robertson** stated in the instance of their urgency to get started before this school year he would like to hear from the petitioner. **Commissioner Matlock** stated this packet should have been done right, the process is not complete. **Chair Bishop** stated he would like to hear from the petitioner. **Perb Fortner** approached the Planning Commission and stated he is the CFO for the Tybee Island Maritime Academy and he lives at 1 Beachwood Court, Tybee Island. **Perb Fortner** stated they have come here with an incomplete package to not spend the Governments money until we know that there is an end. He stated they are trying to get the modular classrooms installed and available for use by the first of the

year. He also stated they would only need four parking spaces for the new building. **Carolyn Jurick**, who is a Chairman for the Tybee Island Maritime Academy, approached the Planning Commission and stated that the building will be raised and they are a locally approved Charter school and this year there are 296 kids enrolled. These classrooms are needed to accommodate our growing school. **Peter Ulrich**, who is the principal for the Tybee Island Maritime Academy, approached the Planning Commission and stated that they want to add “Maker” space to enervate and create and a “Coding” class that would be with robots. This would connect them with the maritime industries and also stem (Science, Technology, Engineering, Math) and steam (Science, Technology, Engineering, Art, Math) opportunities. **Jason Ball** approached the Planning Commission and stated he is the engineer for this project and the drainage and parking will be handled the same way the other buildings on the property were done. He also stated that they will provide a survey and drainage plans when they finish them. **Commissioner McNaughton** asked which square footage is the correct one that they are proposing. In addition, can the dumpster be moved out of the City Right of way? **Perb Fortner** stated the correct one is 4,500 square feet. Moreover, they will look at moving the dumpster. **Commissioner Bramble** asked if they could get the Drainage plan done and added to the packet before the City Council meeting in August. **Perb Fortner** stated yes they could. **Karen Gilbert** who lives at 113 Jones Avenue approached the Planning Commission and asked if there were any trees where this building will be going and stated that they should have submitted a complete packet for this submittal. **Jason Ball** approached the Planning Commission and stated they will have the mitigation of the trees on the survey they submit. **Jason Ball** approached the Planning Commission and stated he would have the drainage plan and survey done by Monday July 22, 2019 for the packet. **Commissioner McNaughton** made a motion to continue to July 23, 2019 at 8:00am with a complete packet. **Commissioner Gann** seconded. The vote to continue to special meeting was unanimous.

#### **Discussion only:**

##### **Changing R2 minimum lot size to 9,000 square feet.**

**George Shaw** approached the Planning Commission and stated this is a continuation from the last meeting. The 9,000 square feet came up at our workshop. Currently the R-2 minimum lot size is 4,500 square feet for a single-family dwelling and 6,750 square feet for a two family dwelling.

**Commissioner McNaughton** made a motion to recommend City Council increase the minimum lot size on the R-2 zone to 9,000 square feet for two family dwellings. **Commissioner Robertson** seconded. The vote was four to one. Motion carries.

##### **Increasing variance application fee.**

**Commissioner McNaughton** made a motion to recommend City Council increase the variance application fee to \$1,000.00 for both residential and commercial. Alternatively, raise the variance application fee to 500.00 for residential and commercial and adopt as a model the Valdosta variance application. **Commissioner Bramble** stated she would have to read the Valdosta application before she could even vote on it. **Commissioner McNaughton** stated he would like to continue this to another meeting and send everyone a copy of the Valdosta application.

Meeting adjourned 8:30pm.

**Lisa L. Schaaf**



# CITY OF TYBEE ISLAND ZONING VARIANCE APPLICATION

*Fee*  
**Commercial \$500**  
**Residential \$200**

Applicant's Name \_\_\_\_\_

Address and location of subject property \_\_\_\_\_

PIN \_\_\_\_\_ Applicant's Telephone Number \_\_\_\_\_

Applicant's Mailing Address \_\_\_\_\_

Brief description of the land development activity and use of the land thereafter to take place on the property:

\_\_\_\_\_

Property Owner's Name \_\_\_\_\_ Telephone Number \_\_\_\_\_

Property Owner's Address \_\_\_\_\_

Is Applicant the Property Owner?     \_\_\_ Yes     \_\_\_ No

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 \_\_\_\_\_

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

\_\_\_\_\_  
Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

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)    | Narrative describing the hardship and the reason for the variance request.<br>Explain the hardship: _____<br><br>_____   |
| 5-040 (D) (3)    | 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:<br>____ irregularity;<br>____ narrowness; or,<br>____ shallowness of the lot shape; or,<br>____ exceptional topographical or other physical circumstances, conditions, or considerations related to the environment, or the safety, or to historical significance, that is peculiar to the particular property; and;  |
| 5-090 (A) (2)    | 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.<br><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:<br>____ Add two feet to each side yard setback for each one foot above 35 feet in height, and,<br>____ Have safeguards consisting of sprinkler systems, smoke detectors and other fire protection equipment deemed necessary at the time by the Mayor and Council, and,<br>____ 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

\_\_\_\_\_  
Date

5-090(C) *Variance longevity.* After a variance has been granted by the mayor and council it shall be valid for a period of 12 months from date of approval. Such approval is based on information provided in the application. Building permits may only be granted for plans consistent with the approved application. Any deviation from the information submitted will require separate approval by the mayor and council.





CITY OF TYBEE ISLAND

CONFLICT OF INTEREST IN ZONING ACTIONS  
DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you within the past two (2) years made campaign contributions or gave gifts having an aggregate value of \$250.00 or more to a member of the City of Tybee Island Planning Commission, or Mayor and Council or any local government official who will be considering the rezoning application?

YES \_\_\_\_\_ NO \_\_\_\_\_

IF YES, PLEASE COMPLETE THE FOLLOWING SECTION:

NAME OF GOVERNMENT OFFICIAL	CONTRIBUTIONS OF \$250.00 OR MORE	GIFTS OF \$250.00 OR MORE	DATE OF CONTRIBUTION

IF YOU WISH TO SPEAK CONCERNING THE ATTACHED REZONING APPLICATION, THIS FORM MUST BE FILED WITH THE ZONING ADMINISTRATOR FIVE (5) DAYS PRIOR TO PLANNING COMMISSION MEETING IF CAMPAIGN CONTRIBUTIONS OR GIFTS IN EXCESS OF \$250.00 HAVE BEEN MADE TO ANY MEMBER OF THE PLANNING COMMISSION OR MAYOR AND COUNCIL.

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Date \_\_\_\_\_

## Sec. 5-090. - Variances.

(A) **Standards.** After an application has been submitted to the designated city official, reviewed by the planning commission, and a public hearing has been held by the mayor and council, the mayor and council may grant a variance from the strict application of the provisions in this Land Development Code only if a physical circumstance, condition, or consideration exists as described in subsection (1).

- (1) There are unique physical circumstances or conditions or considerations beyond that of surrounding properties, including a substandard lot of record that existed prior to March 24, 1971 (see section 3-040); irregularity; narrowness; or shallowness of the lot shape; or exceptional topographical or other physical circumstances, conditions, or considerations related to the environment, or to safety, or to historical significance, that is peculiar to the particular property; and;
- (2) Because of such physical circumstances or conditions or considerations, the property cannot be developed in strict conformity with the provisions of this Land Development Code, without undue hardship to the property.
- (3) A nonconforming use or structure does not constitute a unique physical circumstance, condition, or consideration.

(B) **Height.** No part of any structure shall project beyond 35-feet above the average adjacent grade of a property except:

- (1) Chimneys, flues, stacks, heating units, ventilation ducts, air conditioning units, gas holders, elevators, solar panels and similar appurtenances needed to operate and maintain the building on which they are located.
- (2) The following items that were existing on the date of the adoption of this ordinance: flag poles, television aerials, water towers and tanks, steeples and bell towers, broadcasting and relay towers, transmission line towers, and electric substation structures.

(C) **Variance longevity.** After a variance has been granted by the mayor and council it shall be valid for a period of 12 months from date of approval. Such approval is based on information provided in the application. Building permits may only be granted for plans consistent with the approved application. Any deviation from the information submitted will require separate approval by the mayor and council.

(D) **Reviewing variance applications.** The designated city official, planning commission, and governing body, shall consider the factors stated herein in reviewing variance applications in taking action on a particular variance. In exercising the powers to grant variances, the mayor and council may attach any conditions to its approval which it finds necessary to accomplish the reasonable application of the requirements of these regulations.

(E) **Application approval.** Notwithstanding any other provisions of this Code of Ordinances, the designated city official may approve applications for variances without the need of public hearings and without the need of review by the planning commission or the mayor and council as follows:

- (1) When either of the following circumstances exists:
  - a. The proposed improvement or alteration will not result in an expansion of the existing footprint of the existing structure; or
  - b. No additional encroachment into any setback shall be created by the proposed improvement, construction or addition.
- (2) When each of the following circumstances also exists:
  - a. No encroachment or construction of habitable space or other prohibited improvements will exist below one foot above the base flood elevation; and
  - b. The requested improvements or construction will not violate existing zoning provisions.

This subsection shall have specific application to existing nonconforming structures as referred to in section 3-020.

(F) ***Compliance with ordinances.*** Notwithstanding any other provision of this Code of Ordinances, no application for a variance may be accepted nor may any variance be granted with respect to any property that is then not in compliance with the requirements of ordinances for the condition on which the variance is sought, unless the applicant files with the application a detailed written explanation of how, when, and by whom the need for a variance was created. In such a case, the planning commission shall make a recommendation to the mayor and council as to whether the variance should be approved or rejected or modified and the mayor and council, following a public hearing, may approve, reject or modify the variance request. In the event property is constructed in violation of the ordinances, the violation status remains until such time as the condition is rectified and placed in conformity with the ordinances. Violations of the ordinances may be subject to the enforcement provisions of this Code and all penalties permissible by law. A variance that is granted under this section does not excuse prior violations including those that have resulted or may result in enforcement action by the city.

(Ord. No. 1999-27, 8-12-1999; Ord. No. 2002-08, 5-9-2002; Ord. No. 2002-08 Variances, amended 8-29-2002; Ord. of 8-11-2005; Ord. No. 14-2010, 8-26-2010; Ord. No. 57-A-2014, § 1, 12-11-2014)



# Application for Variance

## CITY OF VALDOSTA PLANNING AND ZONING DIVISION

APP-2018-\_\_\_\_\_

This is an application for a Variance from the City of Valdosta Land Development Regulations.  
All properties listed in a single application must be contiguous and under a single local government jurisdiction.

\*Applicant \_\_\_\_\_

Telephone Number \_\_\_\_\_ Email Address \_\_\_\_\_

Mailing Address \_\_\_\_\_

\*Note: If applicant is not the owner as listed on the Property Deed, a notarized letter from the owner(s), including phone number and address, authorizing the applicant to act on their behalf must be included.

### PROCEDURE

#### Application Requirements

All Applications must be complete and include required supporting documents. Incomplete applications will not be accepted.

#### Application Deadline

Applications are due by 5:00 p.m. on the 25th day of the month. When the 25th falls on a weekend or holiday, applications are due the next business day. Complete Applications submitted by the deadline will be heard by the Zoning Board of Appeals (ZBOA) approximately five weeks following the application deadline. For example, an application submitted on March 25th will be heard at the May ZBOA meeting. The ZBOA makes the final decision on all cases.

#### Application Submission

Return one copy of this completed application and all supporting documents to:

City of Valdosta Planning & Zoning Division  
City Hall Annex  
300 N. Lee Street | P.O. Box 1125  
Valdosta, GA 31603-1125

#### Application Public Hearings

Applications will be heard at a public hearing by ZBOA for a final decision at their regular meeting held the first Tuesday of each month at 2:30 p.m. in the Multi-Purpose Room of the City Hall Annex (300 N. Lee Street).

#### Application Representation

The applicant or authorized representative should attend the public hearing to support the Application and answer any questions.

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PROPERTY ADDRESS (OR GENERAL LOCATION DESCRIPTION IF NO ADDRESS ASSIGNED):  
\_\_\_\_\_

TAX MAP/PARCEL ID#: \_\_\_\_\_ ACREAGE: \_\_\_\_\_

CURRENT ZONING: \_\_\_\_\_

FUTURE DEVELOPMENT MAP CHARACTER AREA DESIGNATION:  
\_\_\_\_\_

EXISTING USE: \_\_\_\_\_

PROPOSED USE: \_\_\_\_\_

DATE OF OPTIONAL PRE-APPLICATION MEETING: \_\_\_\_\_

DOES THE PROPOSED USE TRIGGER A DEVELOPMENT OF REGIONAL IMPACT?

YES  NO

HAS THE PROPERTY BEEN DENIED A VARIANCE IN THE PAST 12 MONTHS?

YES  NO

HAS ANY PUBLIC HEARING BEEN HELD REGARDING THE PROPERTY IN THE PAST 3 YEARS?

YES  NO IF YES, DESCRIBE: \_\_\_\_\_

### Variance Questionnaire

The Valdosta Land Development Regulations state that in order to promote the public health, safety, morality and general welfare of citizens against the unrestricted use of property, certain "Standards for the Exercise of Zoning Powers" may be used by the governing body when making zoning decisions. The applicant is encouraged to respond to these questions to gain understanding as to why rezoning requests may or may not be approved. *(Attach additional sheets as necessary.)*

- 1) Please explain the purpose of the requested variance and the intended development of the subject property if the variance is granted.

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- 2) Please indicate the specific provision from Title 2 of the Valdosta LDR from which the variance is requested.

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- 3) Per Section 242-9(i) of the City of Valdosta LDR the Zoning Board of Appeals shall not approve a variance from the terms of the LDR unless it has, in each case, made specific findings of fact based directly up on the particular evidence presented and supporting written conclusions that the variance meets each of the criteria listed below. Please explain how the requested variance meets each of the following:

- A. The need for the variance arises from a condition that is unique and peculiar to the land, structures, and buildings involved.

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- B. The variance is necessary because the particular physical surroundings, the size, shape or topographical condition of the specific property involved would result in unnecessary hardship for the owner, lessee or occupants; as distinguished from a mere inconvenience, if the provisions of Title 2 of the LDR are literally enforced.

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C. The condition requiring the requested relief is not ordinarily found in properties of the same zoning district as the subject property.

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D. The condition is created by the regulations of **Title 2 of the LDR** and not by an action or actions of the property owner or the applicant.

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E. The granting of the variance will not impair or injure other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, create a hazard to air navigation, endanger the public safety or substantially diminish or impair property values within the neighborhood.

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F. The variance requested is the minimum variance that will make possible the reasonable use of the land, building or structures.

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4) Please explain how the proposed variance is consistent with the general spirit of **Title 2 of the Valdosta LDR** and the policies and guidance of the **City of Valdosta Comprehensive Plan**.

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**Adjacent Property Owners**

*Attach Additional Pages as Necessary*

List all current owners of properties located immediately adjacent to, or directly across the street or railroad right-of-way from, the subject property. This information may be obtained from the Lowndes County Tax Assessor's office (229.671.2540 or <http://qpublic.net/ga/lowndes/>). The accuracy and completeness of this information shall be the responsibility of the applicant.

Map and Parcel Number	Property Owner Name and Mailing Address
1)	
2)	
3)	
4)	
5)	
6)	
7)	
8)	
9)	
10)	



**APPLICATION CHECKLIST**

**Supporting Documents:** The following list of supporting documents must be submitted with this application. Only one (1) copy of each supporting document is necessary. Only *complete* applications will be accepted.

- Letter of Authorization:** If Applicant is not the current Property Owner or is one of multiple Owners, a notarized Letter from the Owner(s), including their phone number and address, authorizing the applicant to act on their behalf.
- Conceptual Site Plan:** (No larger than 11 X 17) mechanically drawn and prepared by an architect, engineer, landscape architect, or land surveyor whose state registration is current and valid. Drawing shall be at a scale of 1" = 100' and include the following:
  - o Applicant name, date of drawing and revision dates if applicable.
  - o Inset map showing location relative to major roads, government boundaries, landmarks, etc.
  - o Dimensions along all property lines.
  - o Existing and proposed site improvements including all buildings and structures with usages, roadways with right-of-way dimensions and names, and other improvements relative to the development.
  - o Location and use of any existing buildings on adjacent lots, and their distance from property lines as applicable.
  - o Existing and proposed natural features, including streams and other water resources.
  - o Any additional information necessary to allow understanding of the proposed use and development of the property as related to LDR Section 242-9(i) and 242-10.

*Questions may be directed to Tracy Tolley, Zoning Coordinator at:*

Email: [ttolley@valdostacity.com](mailto:ttolley@valdostacity.com) | Phone: (229) 259-3563 | Fax: (229) 259-5450  
P.O. Box 1125 | 300 N. Lee Street | Valdosta, GA 31603-1125

**Variance Restrictions:** Per LDR Section 242-9(i)(2) no variance shall:

- Allow a structure or use not authorized in the applicable zoning district or a density of development that is not authorized within such district.
- Allow an increase in maximum height of building.
- Allow any variance that conflicts with, reduces, waives, or modifies any requirement enacted as a condition of zoning approval or of Conditional Use Permit approval by the City Council.
- Reduce, waive or modify in any manner the minimum lot area established by the Valdosta LDR in any zoning district.
- Permit the expansion or enlargement of any non-conforming use of land, non-conforming use of land and buildings in combination, non-conforming use of land and structures in combination unless a PELUC certificate has been issued pursuant to LDR Section 234-14 or non-conforming use requiring a Conditional Use Permit.
- Permit the re-establishment of any non-conforming use of land, non-conforming use of land and buildings in combination, non-conforming use of land and structures in combination, unless a PELUC certificate has been issued pursuant to LDR Section 234-14 or non-conforming use requiring a Conditional Use Permit where such use has lapsed.

**CERTIFICATION AND AUTHORIZATION**

I hereby certify that, to the best of my knowledge and belief, the above listed information and all attached supporting documents are complete and accurate. I understand that this application will require a public hearing by the Valdosta-Lowndes County Zoning Board of Appeals (ZBOA). I have been made aware and I hereby acknowledge this scheduled hearing date/time and location where this Application will be considered, and I promise the either myself or my authorized representative will be in attendance at this hearing. I also understand that review of this application will require a site visit, and I hereby authorize City staff and members of the ZBOA to enter and inspect the premises which are the subject of this application.

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

**FOR STAFF USE ONLY**

Date Received: \_\_\_\_\_ Received By: \_\_\_\_\_

**FEES:**

Application Charge: \$ 450

Certified Mail (\$7.00 X Each Adjacent Property Owner): \$ \_\_\_\_\_

\$20 per sign (per street frontage): \$ \_\_\_\_\_

**TOTAL FEE:** \$ \_\_\_\_\_

**PUBLIC HEARING DATES:**

ZBOA \_\_\_\_\_

**PUBLIC NOTICE DATES:**

Property Posted \_\_\_\_\_ Legal Ad Run \_\_\_\_\_

Letters Mailed: \_\_\_\_\_

**DECISION:**

(Circle One)      **Approved**      **Denied**

Approved with Conditions: \_\_\_\_\_



# STAFF REPORT

PLANNING COMMISSION MEETING: September 16, 2019

CITY COUNCIL MEETING: October 10, 2019

LOCATION: N/A

APPLICANT: City of Tybee Island

OWNER: N/A

EXISTING USE: N/A

PROPOSED USE: N/A

ZONING: N/A

USE PERMITTED BY RIGHT: N/A

COMMUNITY CHARACTER MAP: N/A

APPLICATION: Amendment to Article 3, Section 3-170 Home occupations and home business offices.

PROPOSAL: To make it clear what is allowed as a home business office, which is allowed by right in residential districts and what reaches the threshold of home occupation, which requires approval via special review.

ANALYSIS: This amendment should make it clearer for residents and staff to clearly differentiate between home business office and home occupations.

## STAFF FINDING

Staff recommends approval

*This Staff Report was prepared by George Shaw.*

## ATTACHMENTS

- A. Amendment

## Sec. 3-170. - Home occupations and home business offices.

Profit-making activities conducted in homes fall into two classes: home occupations and home business offices.

- (A) *Home occupation.* If permitted in a land use district, it must comply with the following requirements. It shall be allowed, provided that it:
- (1) Is carried on by a member(s) of the family residing in the dwelling unit only. One employee who is not part of the family is permitted;
  - (2) Is conducted entirely within the principle structure;
  - (3) Utilizes not more than 25 percent of the total floor area of the principle structure;
  - (4) Produces no alteration or change in the character or exterior or change in the principle structure from that of a dwelling;
  - (5) Involves no sale or offering for sale of any article not produced or assembled by members of the family, or any service not entirely performed by members of the family, residing on the premises;
  - (6) Creates no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, unhealthy or unsightly condition;
  - (7) There shall be no sign or external indication of the business.
- (B) *Home business office.* If permitted in a land use district, it must comply with the following requirements:
- (1) There shall be no sign or external indication of the business office.
  - (2) No more than two vehicles and/or trailers used in the conduction of the business may be parked at the home location.
  - (3) The office may occupy no more than 25 percent of the floor area of the principle structure.
  - (4) The office must be located in the principle structure.
  - (5) Only residents of the dwelling may engage in work at the office.

(Ord. Correction to dates, amended 4-14-2005; Ord. No. 17-2011, 6-9-2011; Ord. No. 18-2014, § 1, 2-27-2014)

## Home business office and home occupation proposed amendments

Sec. 3-170 – Home occupations and home business offices.

Profit-making activities conducted in homes fall into two classes: home occupations and home business offices.

(A) Home occupation. If permitted in a land use district, means an occupation customarily carried on within a home for gain or support, conducted entirely within a dwelling unit or accessory structure and conducted by persons residing in that dwelling unit and up to one employee, involving no display of articles or products. The following conditions must be met:

- Home occupations must go through the Special Review process and be approved by City Council
- Home occupation shall not include the repair and/or maintenance of motor vehicles or large scale manufacturing, or any use which will create noise, noxious odors, or any hazard to the health, safety or welfare of the neighborhood.
- Home occupation shall not involve group instruction or group assembly.
- The area used for the business must be completely enclosed in a manner that the business is not visible from surrounding properties
- There shall be no exterior evidence of the business. No outside storage or display including signs shall be allowed.
- No customers or clients shall be permitted at the site unless sufficient off street parking is provided and the location thereof is approved by the community development director
- Days of operation permitting customers or clients shall be Monday through Saturday, daylight hours only.

(B) Home business office means an office use that is conducted entirely within the dwelling which is carried on by the occupant thereof and no other individual, and which is clearly incidental and secondary to the use of the dwelling for residential dwelling purposes. The following conditions must be met:

- All business related activity must be entirely within the home. Activity outside of the home or in an accessory structure are not permitted.
- The business shall not create noise, dust, vibration, odor, smoke or electrical interference that is detectable outside of the home
- No customers may come to the home

- There shall be no exterior evidence of the business. No outside display including signs shall be allowed.
- Pick up and deliveries for the business will be restricted to vehicles having no more than two axles and shall be restricted to no more than two pick-ups or deliveries per day.