



AGENDA PLANNING COMMISSION January 10, 2022 at 6:30 PM

Call to Order

Consideration of Minutes

1. PC MINUTES - DECEMBER 20, 2021

Disclosures and Recusals

Old Business

New Business

2. SPECIAL REVIEW: EXTENSION OF EXISTING BOARDWALK-900 BUTLER AVE-40006 0500-ZONE R-2-KATHY ROSS, FRESH AIR HOME.
3. SUBDIVISION OF LAND: RECOMBINATION OF LOTS ON MORTAR AVE-ZONE R-1-CFK PROPERTIES-CHRIS KONCUL
4. ZONING VARIANCE: requesting to put a free-standing sea turtle pool in the undercroft of building-37 Meddin Drive-40001 03012-zone R-1/NEC-Tybee Island Marine Science Center.

Adjournment

Standing Items

Adjournment

PLANNING COMMISSION

Demery Bishop
 Ron Bossick
 Marie Gooding
 Susan Hill
 Elaine T. McGruder
 David McNaughton
 J. Whitley Reynolds



CITY MANAGER
 Shawn Gillen

COMMUNITY DEVELOPMENT DIRECTOR
 George Shaw

CITY ATTORNEY
 Edward M. Hughes

**Planning Commission Meeting
 MINUTES
 December 20, 2021**

Chair Demery Bishop called the December 20, 2021 Tybee Island Planning Commission meeting to order. Commissioners present were **Marie Gooding, Susan Hill, Elaine T. McGruder, David McNaughton J. Whitley Reynolds** and Vice Chair **Ron Bossick**.

Consideration of Minutes:

Chair Demery Bishop asked for consideration of the November 15, 2021 meeting minutes. **Susan Hill** made a motion to approve. **Ron Bossick** seconded. The vote to approve was unanimous.

Disclosures/Recusals:

Chair Demery Bishop asked if there were any Disclosures or Recusals. **Susan Hill** asked to recuse herself from item two, 214 Butler Ave.

Old Business:

Chair Demery Bishop asked if there were any old business. There was none.

New Business:

Variance: requesting to change setbacks – lot 4 Alger Ave. – Zone R-1 – 40020 04004 – Michael Lucas.

George Shaw stated the applicant Michael Lucas has a property on Alger Avenue that is a substandard R-1 lot. The lot is approximately 3,200square feet and R-1 requires 12,000square feet. This lot is smaller than most in that area. With the setbacks as required now he would have a 690square foot footprint to build. With the variance the footprint could be approximately 1,290square foot footprint. 690square foot is not fitting for the area. Staff recommends approval. **Elaine McGruder** stated we are not able to require that it is not used as an STVR. **Ron Bossick** asked if the pavers and driveways can be extended into the right of way. **George Shaw** stated yes that is allowed. **Susan Hill** asked if this will set a precedent for all the other substandard lots that are still available to be approved. **George Shaw** stated according to the City attorney there are no precedents especially in land use. Each property is looked at individually on a case by case basis. **Mack Kitchens** who lives at 6 Alger Avenue approached the planning commission and stated he would ask that this item gets approved. He lives next door to this property and he will build this home for his primary address. **Michael Lucas** the applicant approached the planning commission and stated he wants to build this home for his primary home. **Elaine McGruder** asked the applicant if he is going to be living in the

home full time and not renting it out. **Michael Lucas** stated yes this will be my primary home. **David McNaughton** ask the applicant if he will have one or two stories above the garage. **Michael Lucas** stated it will be two stories. **Ron Bossick** made a motion to approve. **Whitley Reynolds** seconded. The vote to approve was unanimous.

Special Review: requesting to build a crossover – 214 Butler Ave. – Zone C-2 – 40004 07004 – Desoto Beach Condo Association.

George Shaw stated the Desoto Beach Condos is between the Desoto Hotel and Third Street. This property is adjacent to the third street access that would be available to them to use. Staff recommends denial. **David McNaughton** asked if there is a path in the dunes already. **George Shaw** stated yes there is a path through the dunes there now. **Keith Gay** who is a managing partner for the condominiums said the owners of the property asked him to make this application on their behalf. The path that is there is approved by the DNR for the property to use. There is one place to put a gate at the back corner of the building, but it does require a ramp and a lot of the guest are older and have children to have to go around to the street. They feel it would be a safety problem. DNR declined a few other options we suggested or asked about. **Whitley Reynolds** made a motion to approve. **There was** no second. Motion died. **Elaine McGruder** made a motion to deny. **David McNaughton** seconded. The vote was three to two. **David McNaughton, Elaine McGruder** and **Marie Gooding** voted for the motion. **Whitley Reynolds** and **Ron Bossick** voted against the motion. The motion to deny passed.

Discussion: Change 2022 meeting dates for January, February and June. They fall on holidays.

George Shaw stated three of the 2022 month's meeting dates fall on holidays and the November meeting can be moved to accommodate anyone that would like to take the week of thanksgiving off. The decision was to move the four months meetings to the second Mondays.

Adjournment:
Lisa L. Schaaf



STAFF REPORT

PLANNING COMMISSION MEETING: January 10, 2022

CITY COUNCIL MEETING: February 10, 2022

LOCATION: 900 Butler Ave.

PIN: 40006 05007

APPLICANT: Kathy Ross

OWNER: Fresh Air Home, Inc.

EXISTING USE: Children's summer camp

PROPOSED USE: Add private crossover

ZONING: R-2
review

USE PERMITTED BY RIGHT: After special

COMMUNITY CHARACTER MAP: Beachfront Neighborhood

APPLICATION: Special review *Section 3-100 Beach, dune, or vegetation disturbance/crossover maintenance and construction.*

PROPOSAL: The applicant is requesting to construct an extension of their existing crossover to the beach.

ANALYSIS: The applicant is requesting to extend an existing crossover to the beach. The current crossover no longer makes it to the beach as the dune field has grown in that area. This crossover is needed for the many children who stay at the Fresh Air Home every year.

The Comprehensive Plan describes the Beachfront Neighborhood in which it lies as follows:

The beachfront neighborhood to the east of Butler Ave. is exclusively R-2 zoning, with single family and multifamily, and duplex housing types. The area is characterized by wide streets with on street parking and old growth trees supplemented by side alleys. Public and private beach access are available.

<i>Comprehensive Plan – Community Character Area Beachfront Neighborhood</i>		<i>Meets Strategy Y/N or N/A</i>
<i>Recommended Development Strategies</i>		
1.	Historic structures should be preserved whenever possible	Y
2.	Enhance the pedestrian environment where feasible	Y
3.	Preserve old growth trees	Y
4.	Preserve and maintain public beach access and enhance when necessary	Y
5.	Do not allow the intrusion of commercial uses	N/A
6.	Preserve the low density character of the area	N/A
7.	Encourage preservation of the large historic beach to Butler Ave. lots	N

STAFF FINDING

The existing crossover for this property no longer reaches the beach. Staff recommends approval.

This Staff Report was prepared by George Shaw.

ATTACHMENTS

- A. Special Review application (5 pages)
- B. Description (1 page)
- C. Construction drawings (1 page)
- D. Proposed subdivision plan (1 page)
- E. SAGIS map (1 page)



**CITY OF TYBEE ISLAND
SPECIAL REVIEW APPLICATION**

Fee \$500

Item #2.

Applicant's Name Kathy Ross

Address and location of subject property 900 Butler Av

PIN 40006 05007 Applicant's Telephone Number 901-262-5551

Applicant's Mailing Address 720 Bradley Point Rd Savannah, GA 31410

Brief description of the land development activity and use of the land thereafter to take place on the property:
extension of boardwalk for the Fresh Air Home

Property Owner's Name Fresh Air Home Inc Telephone Number 901-262-5551

Property Owner's Address 900 Butler Ave

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 R-2 Current Use Children's Summer Camp

Names and addresses of all adjacent property owners are attached: Yes
As per George Shaw

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.

Kathy Ross Signature of Applicant 23 Dec 2021 Date

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

Fee Amount \$ _____ Check Number _____ Date _____

City Official _____

NOTE: This application must be accompanied by following information:

- NO A detailed description of the proposed activities, hours of operation, or number of units.
- No 8 copies, no smaller than 11 x 17, of the proposed site plan and architectural renderings.
- NO Disclosure of Campaign Contributions form *As per George Shaw*

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

K.H. D'Amico
Signature of Applicant

23 Dec 2021
Date



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 X

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 Katherine D Ross

Printed Name Katherine D Ross

Date 23 Dec 2021

an administrative procedure prior to the issuance of any land development permit.

Item #2.

(A) *Review criteria.* The planning commission shall hear and make recommendation upon such uses in a district that are permitted after special review. The application to establish such use shall be approved by the mayor and council on a finding that:

- (1) The proposed use will not be contrary to the purpose of this Land Development Code;
- (2) The proposed use will not be contrary to the findings and recommendations of the master plan;
- (3) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood or adversely affect the health and safety of residents and workers;
- (4) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement associated with the use, noise or fumes generated by or as a result of the use, or type of physical activity associated with the land use;
- (5) The proposed use will not be affected adversely by the existing uses of adjacent properties;
- (6) The proposed use will be placed on a lot which is of sufficient size to satisfy the space requirements of said use;
- (7) The parking and all development standards set forth for each particular use for which a permit may be granted will be met.

(B) *Additional mitigation requirements.* The planning commission may suggest and the mayor and council may impose or require such additional restrictions and standards (i.e., increased setbacks, buffer strips, screening, etc.):

- (1) As may be necessary to protect the health and safety of workers and residents in the community; and
- (2) To protect the value and use of property in the general neighborhood.

(C) *Adherence to requirements.* Provided that wherever the mayor and council shall find in the case of any permit granted pursuant to the provisions of these regulations, noncompliance of any term, condition, or restrictions upon which such permit was granted, the mayor and council shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.

(D) *Permit longevity.* If a building permit or other preparations or conditions are required prior to implementing special review approval granted by the mayor and council such permitting or other preparations or conditions must occur within 12 months from the date of special review 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 planning commission and mayor and council. In the event of a hardship or other extenuating circumstance the permit holder may apply to the designated city official for a one-time extension of permit approval. Permit extensions may not be approved in extenuating circumstances for a period of no more than 180 days. Should the permit not be exercised in the extension period it will expire.

(Ord. No. 05-2013, 1-10-2013)

PARID: 40006 05007
FRESH AIR HOMES

900 BUTLER AVE

Tax Commissioner Summary

Status	ACTIVE
Alternate ID	2931857
Bill #	2931857
Tax District/Description	040-TYBEE
Legal Description	BEACH LOTS 57 AND 58 WARD 3 TYBE E
Appeal Status	

Parcel Status

Parcel Status	Deferral Exist	Years Support	Total Millage Rate
Active	No		33.6050

Parcel Information

Property Class	E3 - Exempt - Charities
Mortgage Company	
Exemptions	

Most Current Owner

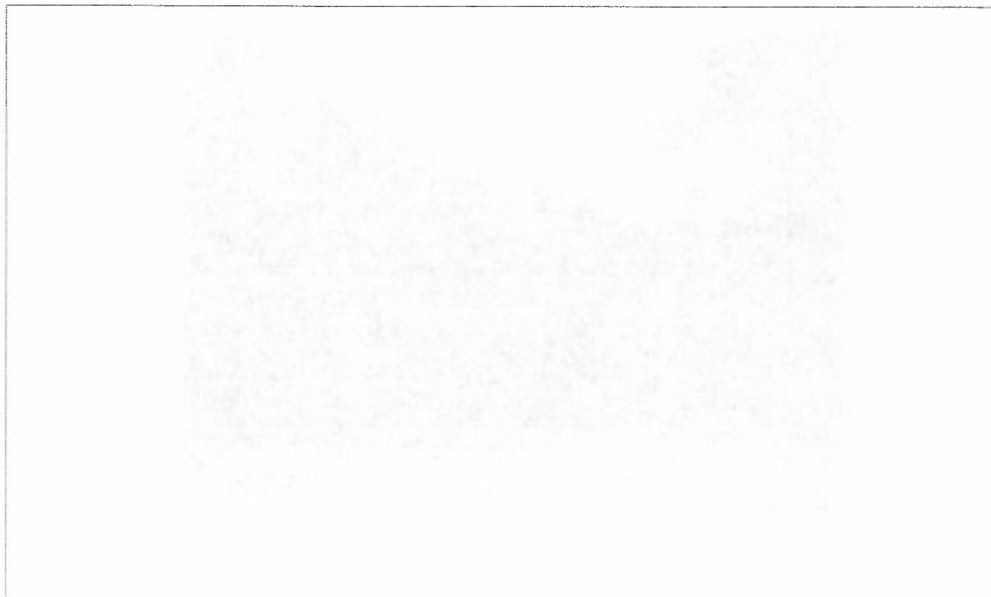
Current Owner	Co-Owner	Care Of	Mailing Address
FRESH AIR HOMES			PO BOX 14144 SAVANNAH GA 31416

Digest Owner (January 1)

Owner	Co-Owner	Care Of	Mailing Address
FRESH AIR HOMES			PO BOX 14144 SAVANNAH GA 31416

Tax (Penalties and Interest Included through Current Date)

Year	Cycle	Billed	Paid	Due
2021	1	0.00	0.00	0.00
	Total:	0.00	0.00	0.00



Item #2.



Item	Area
Group Care Home - 424:Group Care Home	5492
- 1243:CANOPY, WOOD FRAME, LIGHT FALSE MANSARD	2212
- 1243:CANOPY, WOOD FRAME, LIGHT FALSE MANSARD	70
- 1243:CANOPY, WOOD FRAME, LIGHT FALSE MANSARD	671
- 1721:BUILDING, CONCRETE FLOOR, PLAIN	600
- 1243:CANOPY, WOOD FRAME, LIGHT FALSE MANSARD	290
- 1243:CANOPY, WOOD FRAME, LIGHT FALSE MANSARD	488
- 9105:PAVING, CONCRETE	900





DEPARTMENT OF NATURAL RESOURCES
COASTAL RESOURCES DIVISION
 ONE CONSERVATION WAY • BRUNSWICK, GA 31520 • 912.264.7218
 COASTALGADNR.ORG

MARK WILLIAMS
 COMMISSIONER

DOUG HAYMANS
 DIRECTOR

DEC 7 2021

Ms. Vicki Hodges
 P.O. Box 14144
 Savannah, Georgia 31416

Re: Letter of Permission, Maintenance & Extension of Existing Private Dune Crosswalk in the State's Shore Protection Act (SPA) Jurisdiction, The Fresh Air Home, 900 Butler Avenue, Tybee Island, Atlantic Ocean, Chatham County, Georgia

Dear Ms. Hodges:

This Letter of Permission (LOP) is in response to your request to maintain an existing dune crosswalk located at 900 Butler Avenue. An LOP was previously issued March 25, 2020, but the authorized work has not been conducted due to project delays. **The purpose of the project is to protect the dune field and to facilitate safe ingress and egress to the dry sand beach for the hundreds of children attending camp at the Fresh Air Home during the camp sessions.** The project will begin no sooner than 15 days after the date on this letter and be completed within 6 months of issuance.

As proposed, the project scope includes replacement of the existing 415ft. X 4.66ft. crosswalk and construction of an approximately 172ft. X 4.66ft extension over the accreting dynamic dune field. The seaward terminus of the crosswalk shall be located immediately seaward of the seaward-most dune as marked by CRD Staff prior to commencing with construction. Portions of the existing structure will be removed in their entirety, while other portions will be cut at grade using hand tools only. To facilitate the replacement of pilings, stringers and decking, a 1ft. corridor of vegetation will be trimmed parallel to and immediately adjacent to the existing dune crosswalk. All trimmed vegetation and discarded crosswalk materials will be removed from the site daily and disposed of in an off-site disposal facility. Using hand tools only, any excavated sand will be collected and deposited seaward of the ordinary high-water line immediately seaward of the crosswalk. Clearing vegetation and grading of dunes in the footprint of the crosswalk is not authorized; stockpiling material in the dunes is also prohibited. No heavy equipment is authorized in connection with this project. All work must be accomplished using hand tools only.

Any change in the use, location, dimensions, or configuration of the approved project, without prior notification and approval from this office, could result in revocation of this LOP and the required removal of the materials and related structures. This project must comply with all other Federal, State, and local statutes, ordinances and regulations.

The Department authorizes the maintenance and extension of the dune crosswalk as depicted in the attached description and plans, subject to the Standard Permit Conditions for Dune Crosswalks (attached). This LOP is not meant to exempt the above referenced activity from future environmental laws. **No unauthorized equipment, materials or debris may be placed, disposed of, or stored in jurisdictional areas.** Any incidental impacts associated with this

project must be rectified by fully restoring areas to their pre-construction topographic and vegetative states. This LOP is valid for the above referenced project only.

If you have any further questions or concerns in regard to this or any other project, please feel free to contact Deb Barreiro at (912) 266.3695.

Sincerely,



Jill Andrews
Chief, Coastal Management Section

Enclosures: Project description, attachments and DNR's Dune Crossover Standard Conditions

cc: George Shaw
City of Tybee Island
P.O. Box 2749
Tybee Island, Georgia 31328

LOP20210127



17 February 2020

Georgia Department of Natural Resources
Coastal Resources Division
Attn: Ms. Deb Barreiro
One Conservation Way
Brunswick, Georgia 31520-8687

**RE: Fresh Air Home Dune Crosswalk Maintenance
Tybee Island, Chatham County, Georgia**

RLC#: 20-014

Dear Ms. Barreiro:

Resource & Land Consultants (RLC), on behalf of The Fresh Air Home, is requesting a letter of permission to perform maintenance of an existing serviceable dune crosswalk located at 900 Butler Avenue, Tybee Island, Georgia (32.001008, -80.843607°). The crosswalk consists 415 linear feet of 4'8" wooden deck with rails. Total outside width of the structure (including rails) is 5'3". The permittee is proposing to perform maintenance on the existing structure by removing and replacing the existing piles, decking and rails. While no modification to the corridor and width of the structure is proposed, the elevation of the walkway will be reconstructed at least 36" above the grade of the sand dune to allow for sand movement or accretion in the dynamic dune field. In addition, and because the existing walkway currently ends within the dune system, the walkway will be extended 172' so that the new crosswalk terminates seaward of the seaward most dune but not seaward of the ordinary high-water line in the active intertidal beach.

The applicant's contact information is:

The Fresh Air Home
Post Office Box 14144
Savannah, Georgia 31416
(912) 786-5746 – operational only during summer

For your review and use, the attached information includes the following:

- Site Location Exhibit
- Ortho Photograph
- Walkway Exhibit
- Walkway Photograph

We greatly appreciate your assistance with this project. If you have any questions or require additional information, please do not hesitate to contact us at (912) 443-5896.

Sincerely,

Alton Brown, Jr.
Principal
Resource & Land Consultants

Enclosures

cc: Vicki Hodges – The Fresh Air Home



MARK WILLIAMS
COMMISSIONER

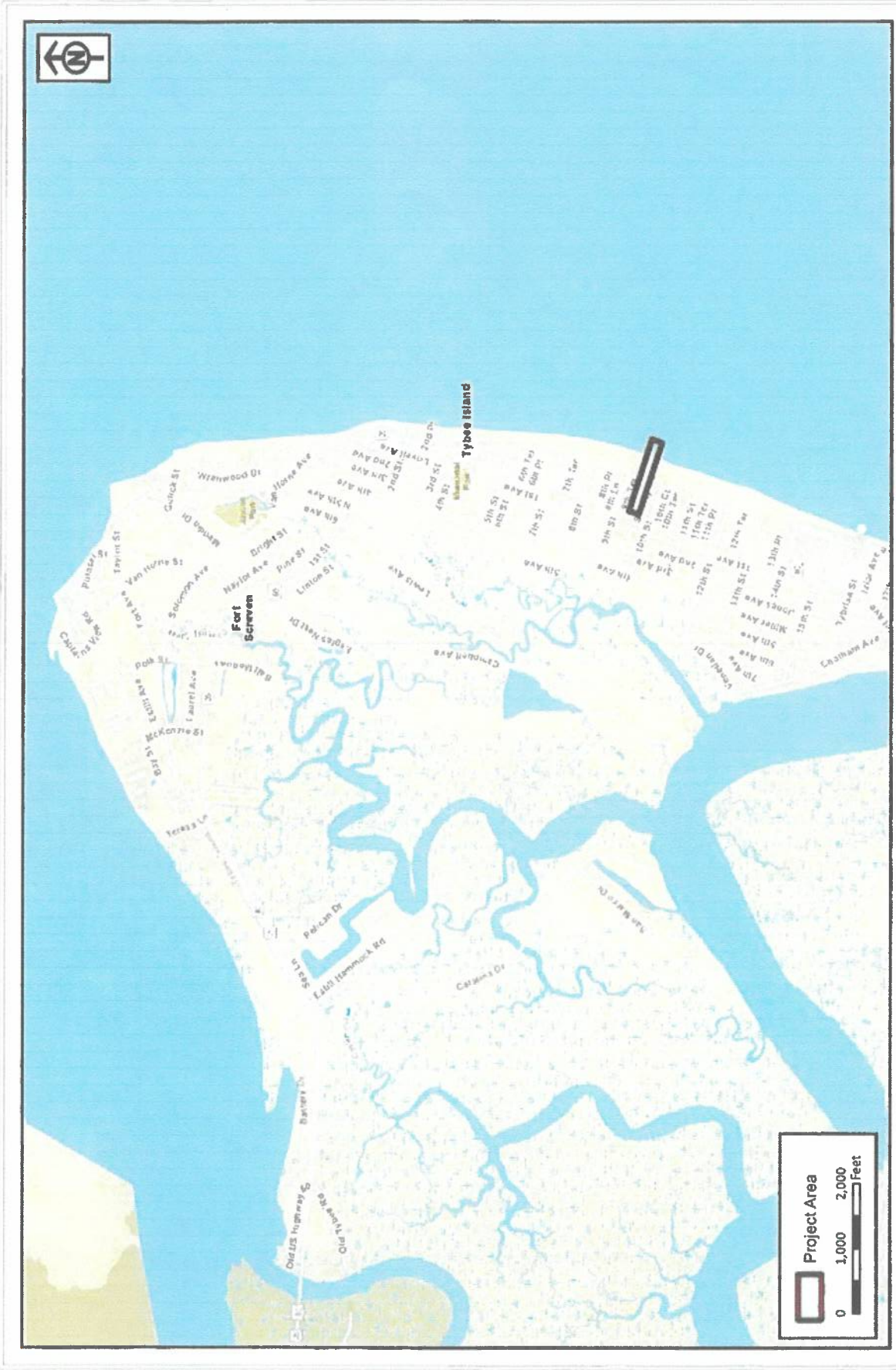
A.G. SPUD WOODWARD
DIRECTOR

Shore Protection Act O.C.G.A. 12-5-230 Standard Permit Conditions for Dune Crosswalks

Only one crosswalk structure shall be allowed on a parcel. In considering the design and routing of a crosswalk, the shortest route over the lowest area of the dunes shall be plotted to minimize impacts to the sand sharing system. For new construction, no decks or viewing platforms will be approved in the jurisdictional area. Previously permitted and grandfathered structures may be maintained provided they are serviceable. Additionally, the applicant requesting the structure must own 100% of the private lands through which the structure crosses or have the express written permission of the owner.

The following standard conditions shall apply to dune crosswalks:

1. The height of the structure shall be at least 36" above the grade of the sand dune and the width shall be no greater than 6' as measured from the outside posts, to allow for sand movement or accretion in the dynamic dune field.
2. The terminal point of the crosswalk shall be seaward of the seaward most dune but shall not encroach seaward of the ordinary high water line in the active intertidal beach.
3. If the shoreline erodes and the crosswalk extends seaward of the ordinary high water line, it will be the responsibility of the applicant to move the permitted improvements back to the dry sand beach, landward of the ordinary high water line.
4. The structure shall begin at the toe of the landward most dune.
5. Heavy equipment is prohibited in the Shore Protection Act jurisdiction. This project must be constructed using hand tools.
6. Clearing and grading of dunes is not authorized in conjunction with the construction of this project; stockpiling of materials in the dunes is prohibited.
7. Vegetation may be cleared only for the width of the permitted structure. The maintenance trimming of jurisdictional vegetation will only be allowed within 6" of the sides of the structure and 7' high over the structure.
8. No motorized vehicles are permitted on the crosswalk structure, except for motorized wheelchairs for handicapped persons.
9. Any sand needed to restore the site to pre-project vegetated and topographic conditions, or for backfilling, must be beach quality and obtained from an upland source and not from the beach.



**RESOURCE + LAND
CONSULTANTS**
41 Park of Commerce Way, Ste 101
Savannah, GA 31405
tel: 912.443.5896 fax: 912.443.5898



**Project Location
Map**
Prepared For: The Fresh Air Home

**Fresh Air Home
Dune Crossover**
Chatham County, Georgia

RLC Project No.:	20-014
Figure No.:	1
Prepared By:	MG
Sketch Date:	2/13/2020
Map Scale:	1 inch = 2,000 feet

Source: Esri, DeLorme, World Street Map



Project Area
 0 60 120 Feet

R.C Project No.: 20-014
 Figure No.: 2
 Prepared By: MG
 Sketch Date: 2/13/2020
 Map Scale : 1 inch = 120 feet

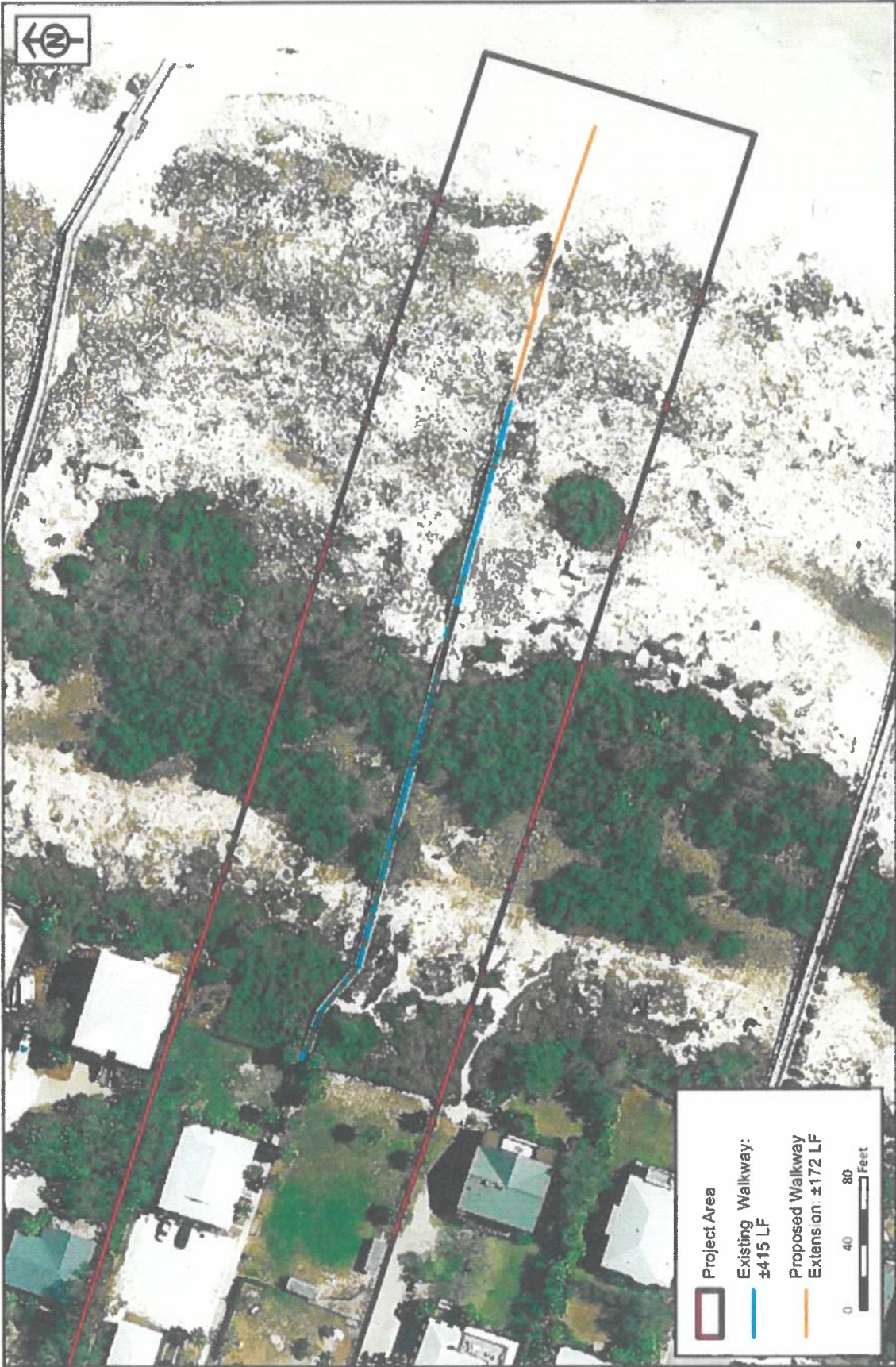
**Fresh Air Home
 Dune Crossover**
 Chatham County, Georgia

**Ortho Aerial
 Imagery**
 Prepared For: The Fresh Air Home

**RESOURCE+LAND
 CONSULTANTS**
 41 Park of Commerce Way, Ste 101
 Savannah, GA 31405
 tel: 912.443.5896 fax: 912.443.5898

RLC

Y:\2020 Projects\20-014 White Hedges Fresh Air Home Dune Crossover\graphics\Ortho.mxd Source(s): NOAA Digital Coast, 2018 Imagery



Project Area
 Existing Walkway:
 ±115 LF
 Proposed Walkway
 Extension: ±172 LF

0 40 80 Feet

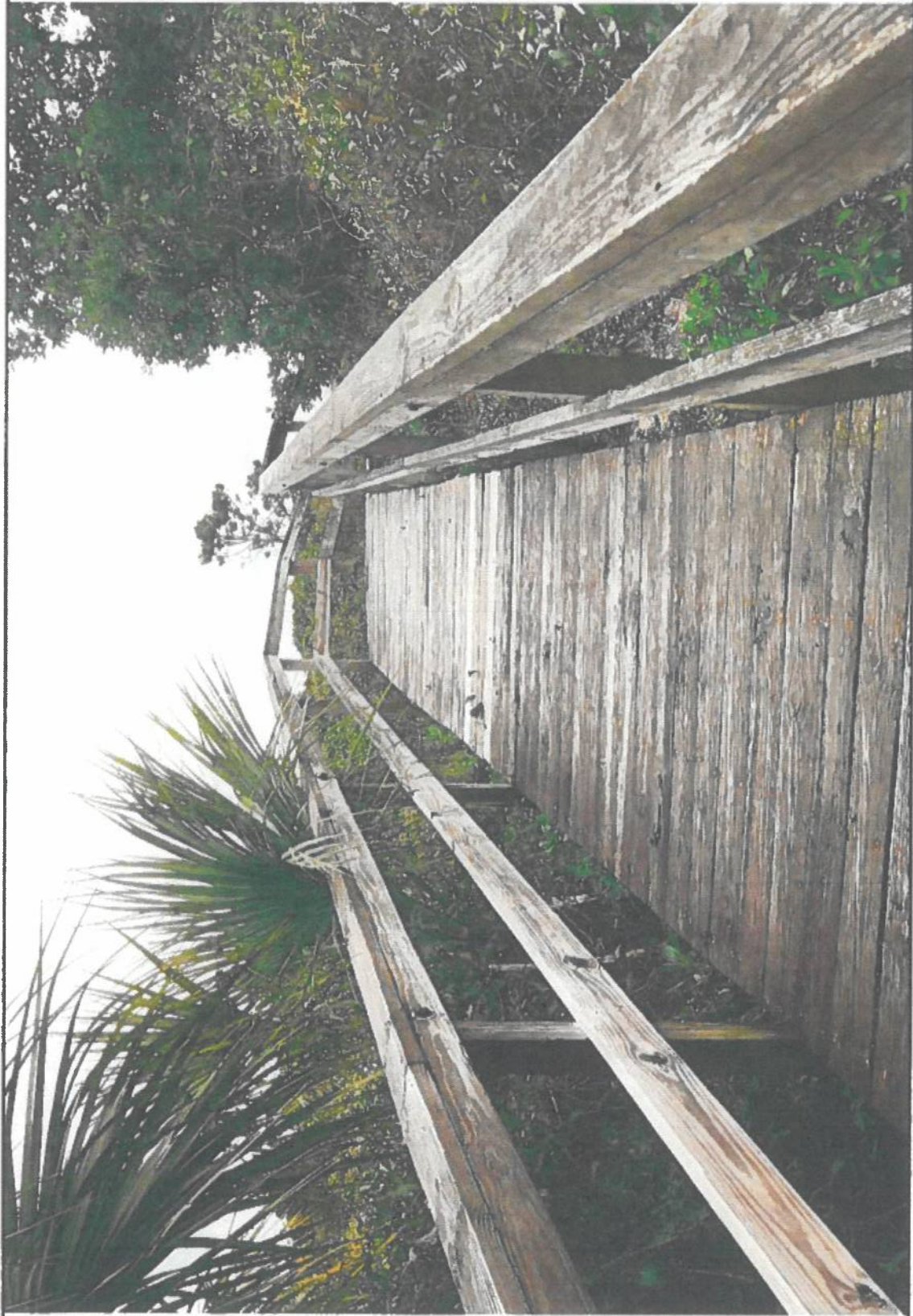
RLC Project No.:	20-014
Figure No.:	3
Prepared By:	MG
Sketch Date:	2/13/2020
Map Scale:	1 inch = 80 feet

**Fresh Air Home
 Dune Crossover**
 Chatham County, Georgia

**Walkway Extension
 Exhibit**
 Prepared For: The Fresh Air Home

RLC
**RESOURCE + LAND
 CONSULTANTS**
 41 Park of Commerce Way, Ste 101
 Savannah, GA 31405
 Tel: 912-443-5996 Fax: 912-443-5998

X:\2020 Projects\2014\14_Victor_Hedges_Fresh_Air_Home_Dune_Crossover\Graphics\1_Walkway.mxd Source: ESRI, DigitalGlobe, GeoEye, 2018 Imagery



R.C Project No.: 20-014
 Figure No.: 4
 Prepared By: AB
 Sketch Date: 2/17/2020
 Map Scale: NTS

**Fresh Air Home
 Dune Crossover**
 Chatham County, Georgia

Existing Walkway

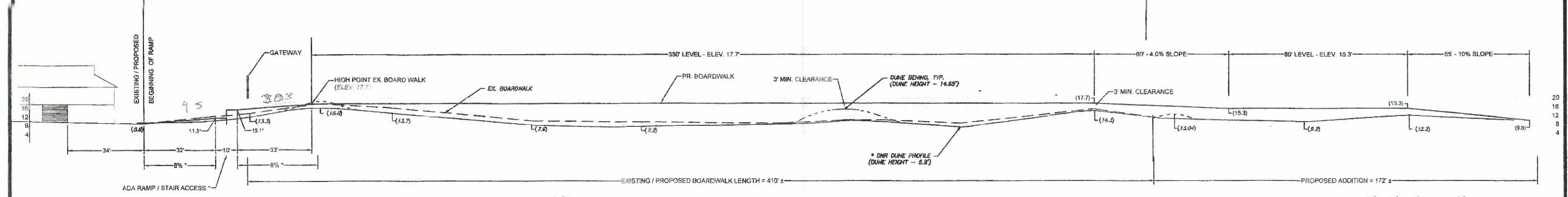
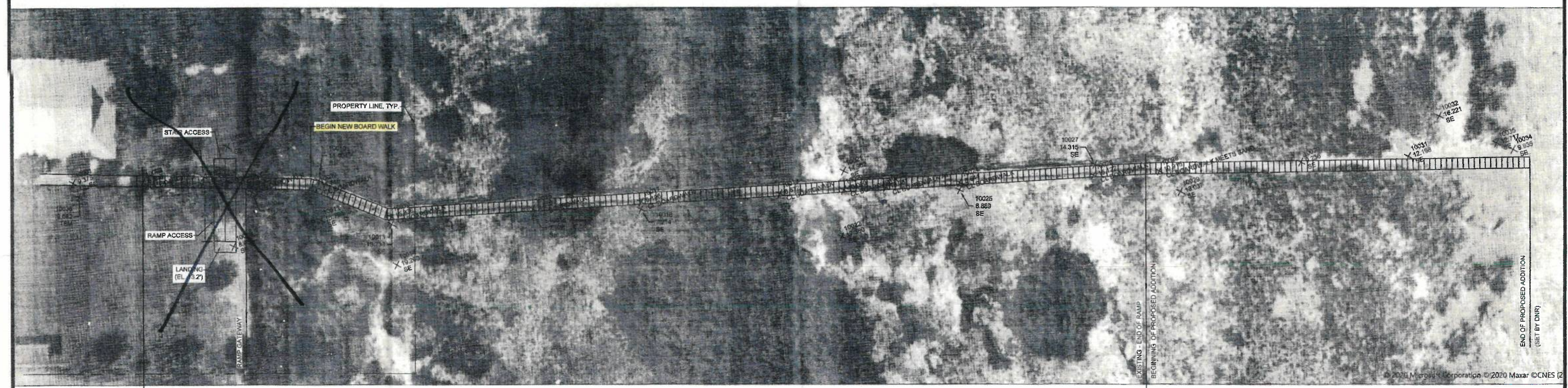
Prepared For: The Fresh Air Home



**RESOURCE+LAND
 CONSULTANTS**
 41 Park of Commerce Way, Ste 101
 Savannah, GA 31405
 tel: 912.443.5996 fax: 912.443.5998

FRESH AIR HOME BOARDWALK RENOVATION PLAN

TYBEE ISLAND, GEORGIA



* ACCESSIBLE ROUTE TO TOP OF RAMP @ 8% SLOPE.
ALTERNATE: REPLACE EXISTING RAMP @ 12% SLOPE.

BOARD WALK PROFILE:
VERT: 1" = 20'
HORIZ: 1" = 20'

emc EMC ENGINEERING SERVICES, INC.
10 CHATHAM CENTER SOUTH DR.
SUITE 100 (31402)
SAVANNAH, GA 31402
PHONE: (912) 344-3200
FAX: (912) 233-6900
WWW.EMC-ENG.COM

PREPARED BY: DAN FISHER, RLA
* EXISTING DUNE ELEVATIONS WERE FIELD SURVEYED



STAFF REPORT

PLANNING COMMISSION MEETING: January 10, 2022

CITY COUNCIL MEETING: February 10, 2022

LOCATION: Mortar Ave. lots 1-9, 11-16

PIN: 40020 02001

APPLICANT: CFK Properties, LLC.

OWNER: CFK Properties, LLC.

EXISTING USE: vacant lots

PROPOSED USE: recombination of lots

ZONING: R-1B

USE PERMITTED BY RIGHT: yes

COMMUNITY CHARACTER MAP: Ft. Screven Historic District

APPLICATION: Subdivision of land. Article 10 subdivision regulations

PROPOSAL: The applicant is requesting approval of a recombination of 15 lots into four lots.

ANALYSIS: The applicant has 15 adjacent parcels that are mostly marshland. To make good use of the land the applicant wishes to recombine the 15 lots into four lots as shown on attached plat. Existing lot lines will be eliminated but no new lot lines will be created.

The Comprehensive Plan describes the Ft. Screven Historic District as follows:

The Fort Screven Historic District includes Officers Row and all of Ft. Screven, which represents significant historic, cultural and natural resources. Varied uses include new, larger scale development, traditional cottages, townhomes/condominiums, public uses/parks, historic sites, narrow streets, street trees, public parking. Zoning includes R-1, R-2, R-T, R-1/NEC, P-C, and PUD.

<i>Comprehensive Plan – Community Character Area The Ft. Screven Historic District</i>		<i>Meets Strategy Y/N or N/A</i>
<i>Recommended Development Strategies</i>		
1.	Establish standards and guidelines for signage	N/A
2.	Provide signage for landmarks and historic businesses	N/A
3.	Preserve and restore historic structures whenever possible	N/A
4.	Provide appropriate incentives for historic restoration projects	N/A
5.	Ensure continued preservation of old growth trees, parks, and greenspace	N/A
6.	Support an improved bicycle and pedestrian environment with connected facilities	N/A
7.	Consider adoption of architectural standards for historic structures	N/A
8.		

STAFF FINDING

All lots to be created meet minimum lot size standards. All lots will have direct street access and be served by City water and sewer. Staff recommends approval

This Staff Report was prepared by George Shaw.

ATTACHMENTS

- A. Subdivision application
- B. SAGIS map (1 page)
- C. Plat of existing lots (1 page)
- D. Outline of proposed lots (1 page)



CITY OF TYBEE ISLAND
SUBDIVISION OF LAND APPLICATION

Fee
 Major Subdivision \$500
 Minor Subdivision \$125

Applicant's Name CFK Properties, LLC

Address and location of subject property Mortar Ave. Lots 1 thru 16

PIN 40020 02001 Applicant's Telephone Number 912-695-8925

Applicant's Mailing Address P.O. Box 13921, Savannah, Georgia, 31416

Brief description of the land development activity and use of the land thereafter to take place on the property:
Combine lots 1-9 & 11-16. Make less lots. Build four (4) single family homes.

Property Owner's Name CFK Properties, LLC Telephone Number 912-695-8925

Property Owner's Address 5600 Turner's Rock Road, Savannah, GA, 31416

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 R-1 Current Use Vacant Land

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 [Signature] Date 12/17/2021

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

Fee Amount \$ _____ Check Number _____ Date _____

City Official _____

NOTE: This application must be accompanied by following information:

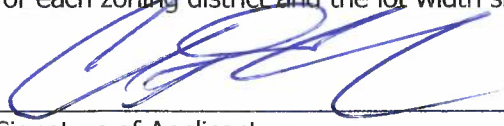
- 1 copies, no smaller than 11 x 17, of the proposed subdivision with the building setback lines.
- 4 copies, no smaller than 24 x 36, of the engineered drainage and infrastructure plan.
- The name(s) of all proposed new street(s) or private drive(s).
- 13 copies, no smaller than 11 x 17, of the existing tree survey and tree removal plan.

The Planning Commission may require elevations or other engineering drawings covering the proposed subdivision.

The Mayor and Council will not act upon a subdivision until the drainage and infrastructure plan has met the approval of the City's engineering consultant.

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

All new lots established within subdivisions shall conform to the lot area as set forth in the general provisions for each zoning district and the lot width shall be a minimum of 60 feet at the building line.

 _____ Date 12/17/2021

Signature of Applicant

I would like to do the following!

- A) combine lot 9 & 16 - 1 lot
- B) combine lot 8 & 15 - 1 lot
- C) combine lot 7 & 14 - 1 lot
- d) combine lots ~~1, 2, 3, 4, 5, 6, 11, 12, & 13~~ - 1 lot

4 total lots

Adjacent Property Owners

Please list all current owners of properties located immediately adjacent to or directly across the street from the subject property. This information may be obtained from the Chatham County Tax Assessor's office (912) 652-7271 or by using the website at www.boa.chathamcounty.org The accuracy and completeness of this information shall be the responsibility of the applicant.

Property owners name and mailing address:

1. 912 Mortar - CFK Properties, LLC - P.O. Box 13921
Savannah, GA 31416
2. 910 Mortar " " " "
3. 908 Mortar " " " "
4. 906 Mortar " " " "
5. 904 Mortar " " " "
6. 902 Mortar " " " "
7. Mortar Avenue 40020 02002 Rosalyn White Barnett Real
20 Premier Park Drive, Suite 205 Estate Development
Chamblee, GA 30341
8. " " " "
9. 0 Alger Avenue Brown, Jr. Walter Born Gail Laverne
P.O. Box 8341, Savannah, GA, 31412
10. " " " "
11. 73 Solomon Avenue - Gallowitch Michael Lee & Debbie H
8 Ramey Road
Savannah, GA 31411
12. " " " "
13. " " " "
14. " " " "
15. " " " "
16. " " " "
17. " " " "
18. " " " "
19. " " " "
20. " " " "
21. " " " "



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 Christopher F Korman

Date 12/17/12

Sec. 5-130. Major subdivision plat procedure.

It shall be the duty of the planning commission to inspect preliminary plans and to recommend approval or disapproval of such plans. It shall be the duty of the planning commission to inspect final plats and the information submitted with such final plats, and to recommend approval of such final plats when the requirements of this article have been met and to recommend disapproval of such final plats when the requirements of this article have not been met. When the planning commission acts on a plat, it shall forward it to the mayor and council with its recommendations.

(A) Action on preliminary plan. If the planning commission finds that the proposed design of the subdivision shown on the preliminary plan complies with the design requirements of these regulations, it shall recommend approval of such preliminary plan to the mayor and council. If the planning commission finds that the proposed design of the subdivision shown on the preliminary plan does not comply with the design requirements of these regulations, then the planning commission shall either recommend disapproval of such plan or shall recommend approval of such plan on the condition that specified violations are corrected prior to the submittal of the final plat. When the mayor and council disapprove of a preliminary plan, it shall give the developer the reasons for such disapproval in writing. Except where an extension of time is authorized by the applicant, the planning commission shall have up to 30 days from the date of the submission of a preliminary plan to act on such plan. Unless the planning commission makes a recommendation for approval or disapproval on an application within the 30-day period, it shall be deemed that a recommendation of approval has been issued by the planning commission. The mayor and council, following review by the planning commission, shall hold a public hearing in accordance with the procedures applicable thereto. Following the public hearing, the mayor and council may approve, disapprove or require modifications to the subdivision plat.

(B) When preliminary plan approved, work may proceed. When a developer receives approval of the preliminary plan showing the design of his proposed subdivision, he may proceed with the construction of the subdivision, such construction shall conform with the design submitted to and approved by the mayor and council.

(C) Time limit on preliminary approval. The mayor and council's approval of a preliminary plan shall be valid for one year. If work has not started on a subdivision which has been granted preliminary plan approval on or before the end of this one-year period, then the plan of such subdivision shall be resubmitted for preliminary approval; provided, however, that this time may be extended unless changes have occurred in this article, or in the character of the property surrounding the property of the proposed subdivision which make it necessary to revise the design of the proposed subdivision as determined by the mayor and council.

(D) Final plat. Before a plat of a subdivision is recorded with the clerk of the Superior Court of Chatham County and the lots thereon offered for sale, an original and four prints of a final plat showing the final design of the subdivision shall be submitted to the planning commission for review. Until a final plat of a subdivision has been submitted to and reviewed by the planning commission and approved and signed by the zoning administrator, mayor, and clerk of the city, the clerk of the Superior Court of Chatham County shall not record the plat of such subdivision, nor shall the owner or agent of such subdivision be authorized to transfer or sell any of the land within such subdivision by reference to a plat. For large subdivisions, the final plat may be submitted for approval progressively in contiguous sections satisfactory to the planning commission. The original copy of the final plat shall be drawn on 18" x 24" sheets of Mylar reproducible material at a scale of not less than 200 feet to the inch. Where necessary, the final plat may be several sheets accompanied by an index sheet showing the entire subdivision. The final plat shall contain the following information:

- (1) Primary control points to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
- (2) Tract boundary lines; right-of-way lines of streets; easements and other rights-of-way; property lines of all lots; and in all such cases with surveyed dimension, bearings or deflection angles, radii, arcs, and central angles of all curves shown.
- (3) Name and right-of-way width of each street or other right-of-way.

- (4) Location, dimensions, and purpose of any easement.
- (5) Number to identify each lot or site.
- (6) Purpose for which sites, other than residential lots, are dedicated or reserved.
- (7) Minimum building setback line on all lots and other sites.
- (8) Location and identification of monuments.
- (9) Names of record owners of adjoining unplatted land.
- (10) Reference to recorded subdivision plats of adjoining platted land by record name.
- (11) Certificate that all survey work was performed by a registered civil engineer or registered surveyor.
- (12) Statement by owner, on the plat, dedicating streets, rights-of-way, easements, and any sites for public use. This statement shall be signed by the owner, or his attorney as agent, and shall read as follows:

All streets, rights-of-way, easements, and any sites for public use as noted on this plat are hereby dedicated for the use intended.

(owner or attorney as agent)

Such dedications must be formally and specifically accepted by the mayor and council of the city before such dedications shall be binding on the city.

- (13) Title, scale, north arrow, and date.
- (14) Key map showing the location of the subdivision in the city.
- (15) All plats shall show the expected limits of the 100-year flood where appropriate.
- (16) Any further requirements as specified by O.C.G.A. § 15-6-67.

[(E) *Reserved.*]

(F) *Certificate from county health department.* If lots are to be served by neither public sewers nor public water, nor both then the final plat shall be accompanied by a certificate from the county health department certifying health department approval of the water supply system and/or waste disposal system to be used and health department approval of lot sizes and lot widths established in such subdivision.

(G) *Certificate from engineer.* At the time the final plat is submitted, it shall be accompanied by a certificate from the developer's engineer certifying that the subdivider has complied with either of the following conditions:

- (1) All improvements have been installed in accord with the requirements of this article and the flood damage prevention provisions for the city (article 8 of this Land Development Code) and in accord with the design approved by the mayor and council on the preliminary plan; and
- (2) A bond, escrow account or certified check has been posted, which is available to the city, and in sufficient amount to assure the completion of all required improvements, as well as to assure the maintenance thereof for a period of not more than 12 months after completion. The mayor and council may reduce the bond or escrow account 50 percent at the end of six months. At the end of the second six months, the developer shall request an inspection, and if no faults or failures have developed, the mayor and council shall release the bond or escrow. Such bond or escrow shall remain in force until released by the mayor and council after due inspection of said improvements and shall not automatically expire at the end of 12 months.

- (H) Filing the final plat.** The final plat shall be filed with the planning commission not less than 20 days prior to a regular meeting of the planning commission.
- (I) Action on final plat.** If the planning commission finds that all the requirements of this section have been met, it shall recommend approval of the final plat and submit such plat to the mayor and council. If the planning commission finds that all the requirements of this section have not been met, and after deficiencies have been discussed and reviewed with the sponsor, and the sponsor given a period of time which shall not exceed 90 days to take corrective action, then the planning commission shall recommend disapproval of the final plat to the mayor and council and shall set forth its reasons for such recommendations in writing. Except where an extension of time is authorized [stipulated] by the applicant for final plat review, the planning commission shall have 30 days from the date of the submission of a final plat to submit its recommendations on such plat to the mayor and council. Unless such action is taken within such 30-day period, then such plat shall be deemed to have received recommendation for approval from the planning commission, and the mayor and council may take final action on such plat without waiting further for the recommendations of the planning commission.
- (1) When the final plat has been approved, the city shall present the final plat to the clerk of the Superior Court of Chatham County to be recorded. The zoning administrator shall provide the subdivider with the subdivision map book number and page number in which the subdivision has been recorded by the clerk of the superior court. The cost of such recording shall be paid by the subdivider and shall be deposited with the city clerk prior to such recording.
- (2) After the final plat of the subdivision has been recorded, then all lots shown on such subdivision may be made available for sale and such subdivision shall be entitled to all privileges and services available to other subdivisions within the city.
- (J) Revisions to recorded plat.** If during the development process revisions must be made to either the preliminary or final plat as approved by the health department, engineer, planning commission or mayor and council, the following shall apply:
- (1) Major revisions. The subdivider shall file with the planning commission copies of the proposed revision to a recorded plat together with all supporting information as required by these regulations. Proposed revisions to a recorded plat which alter or change in any way the street and/or utility layout of said plat shall be submitted as a preliminary plan in accordance with subsection (A) of this section.
- (2) Minor revisions. Proposed revisions to a recorded plat which do not alter or change in any way the street and/or utility layout of said plat shall be submitted as follows: the subdivider shall file with the planning commission four copies of the original plat with all minor revisions shown in red. The plats shall be accompanied by a statement signed by all affected property owners acknowledging their awareness of and approval of the revisions. Proposed revisions shall be reviewed by the planning commission. Upon a finding that the revisions comply with all applicable regulations, the revised plats shall be submitted to the mayor and council for approval. One copy of the approved plat shall be recorded and one copy shall be attached to the originally recorded plat as part of the public record.

(Ord. No. 1999-28, 8-12-1999)

Sec. 5-140. Minor subdivision plat approval procedure.

Minor subdivisions may be submitted as final plats, and shall comply with the requirements of these regulations, including minimum finished floor elevation requirements, with the following exceptions:

- (A)** Setback and dead-end street regulations established in article 10 will not apply unless the streets' original development and the lots' original establishment was governed by this Land Development Code. Setback shall not be less than the average setback existing in the blocks on each end of the affected city block, in the street affected.

- (B) Topographic information shall be required.** (Ord. No. 2003-21, 10-9-2003)
- (C) Only one benchmark shall be required.** An existing accessible benchmark within 200 feet of petitioner's property, if shown on the plat, shall satisfy this requirement.
- (D) A drainage plan with supporting calculations is required.** The plan and calculations shall be prepared by a professional engineer licensed by the state to provide such services.
- (E) Provided that where a series of minor subdivisions are developed or proposed immediately adjacent to one another, the planning commission or mayor and council may require the developer to comply with the procedures for major subdivisions.**
- (F) Residential lots having peculiar shape or topography may be approved utilizing private driveway access easements, provided the purpose and intent of these regulations are met.**
Such easements shall have a minimum width of 20 feet. The following notation shall be placed on the subdivision plat: "The private driveway access easement is hereby dedicated perpetually for use by the owners and residents of all lots within this subdivision and will not be maintained by the city." This provision will only be applicable to minor subdivisions.
- (G) Duplexes separated by a firewall that extends at least three feet above the roofline.**
- (H) In the event the applicant has no present plans to construct on the property, an appropriate statement shall appear upon the plat to the effect that all drainage requirements must be met prior to the issuance of a building permit on any lot in the subdivision and that there will be compliance with article V, chapter 22 of the City Code except to the extent the requirements of that article may be inconsistent with this section.**
- (I) Time limit on minor subdivision plat approval.** The mayor and council's approval of a minor subdivision plat shall be valid for 60 calendar days from the date of approval. If the plat has not been recorded with the county superior court on or before the end of the 60-calendar-day period, then the plat shall be resubmitted for reconsideration.

(Ord. No. 2003-21, 10-9-2003; Ord. No. 2004-17, 8- -2004; Ord. No. 2004-17, 8- -2004; Ord. No. 2004-17, amended 1-12-2005; Ord. No. 2003-21 Minor Subdivision, amended 12-15-2003; Ord. No. 37-A-2014, § 1, 8-14-2014)

Sec. 5-150. Standards for subdivision proposals.

- (A) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (B) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (C) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (D) Base flood elevation data shall be provided for subdivision proposals and other proposed development.

Sec. 7-035. Tree protection during plat and plan approval.

During the subdivision plat approval process and also during the site plan approval process, the existing location of all significant trees shall be considered so as to preserve such trees unless no feasible alternative exists in order to make reasonable, beneficial economic use of the property. To be considered are the locations and the anticipated locations of drainage and utility structures, water and sewer lines, streets, sidewalks, driveways, final site contours, building footprints, and other impacts on existing significant trees. When no feasible alternative exists except to remove existing significant trees, their planned removal shall be noted on the plans, as well as the location, size and types of the trees planned to meet mitigation requirements as outlined in section 7-080.

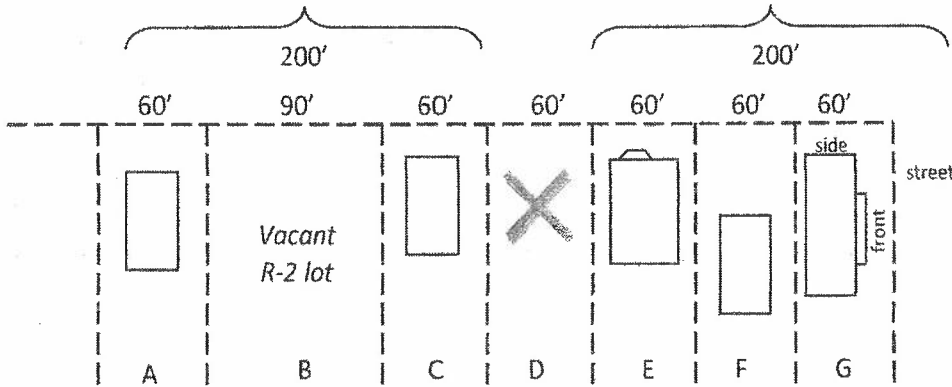
Sec. 3-090. Schedule of development regulations.

A. Schedule of residential district dimensional requirements.

Zoning District	Minimum Lot Area (square feet)			Minimum Yard Setback Distance (feet)			Maximum Structure Height (feet)
	Single-Family	Two-Family	Multi-Family	Front	Rear	Side	
—	Single-Family	Two-Family	Multi-Family	Front	Rear	Side	—
R-1	12,000	Not permitted	Not permitted	20	20	10	35
R-1-B	6,600	Not permitted	Not permitted	20	10	10	35
R-2	4,500	6,750	Not permitted	20	10	10	35
RT	7,000	8,000	8,000 buildable to 80% of the property exclusive of the setbacks	20	20	10	35

(1) In any residential district (R-1, R-1-B, R-2 and RT) where the average front setback distance for existing buildings on all lots located wholly or partly within 200 feet to each side of any lot, and within the same zoning district and fronting on the same side of the same street and on the same block as such lot, is less than the minimum setback required in such zoning district, the front setback on such lot may be less than the required setback but not less than the existing average setback distance for all lots within 200 feet to each side, provided that in no case shall the front setback on new construction be less than ten feet. When lots within 200 feet on each side are vacant such vacant lots shall be considered as having the minimum required setback for the purpose of computing an average setback distance. When existing structures on lots within 200 feet on each side exceed minimum front setback required in such zoning district, the required setback shall be used for the purpose of computing an average setback distance.

See illustration and table for visual clarification.



A	18'
A	18'
B	20'
B	20'
C	16'
C	16'
E	14'
E	16'
F	20'
F	20'
G	N/A
G	N/A
$178 \div 10 = 17.8'$	
front setback allowed on Lot D	

B. Schedule of other than residential districts (commercial, maritime & transitional business-residential) dimensional requirements*.

**Zone	Minimum Lot Area (square feet)	Front Yard	Rear (feet)	Side (feet)	Maximum Structure Height (feet)
C-1(A)***	(Not applicable to allowed uses)	0	None required except 15 feet if bordering residential use.	None required except 15 feet if bordering residential use.	35
C-1(B)	(Not applicable to allowed uses)	8	6	5	35
C-1(C)	4,500 Single-Family 6,750 Two-Family 1,125 per unit Multi-Family	20	10	10	35
C-2	(Not applicable to Commercial uses)	10	6	6	35
M-D	(Not applicable to allowed uses)	20	10	10	35
TBR	4,500 Single-Family 6,750 Two-Family	20	10	10	35

*When abutting public streets, any principal structure shall be located no nearer than five feet to that lot line.

**Where a commercial establishment abuts a residential zoning, a suitable screen will be required. See section 3-160. This screen shall be either natural (planting) or manmade and shall be maintained in good order and approved by the Zoning Administrator. Minimum height is six feet.

***C-1(A) Retail uses and food/beverage service uses.

C-1(B) Hotel and motel uses, with 80 percent maximum lot coverage.

C-1(C) Residential uses, including single-family, two-family, and multi-family (triplexes, quadraplexes, townhomes, apartments, tourist homes, condominiums, timeshares, and similar uses), bed and breakfast uses, and public structures.

C. *Structures above 35 feet.* If a variance is granted by the mayor and council for a building with a height in excess of 35 feet, in no event shall a building permit be granted without the following restrictions:

- (1) Structures greater than 35 feet in height shall be fully equipped with fire safe guards consisting of sprinkler systems, smoke detectors and any other fire protection measures deemed necessary at the time by the mayor and council.
- (2) Before a permit can be granted on said request, an affidavit of the builder and owner must be executed agreeing to same to be completed within an agreed upon reasonable time.

ARTICLE 10. SUBDIVISION REGULATIONS

Sec. 10-020. Authority.

The mayor and council of the city, pursuant to the authority conferred by the provisions of the Georgia Code, annotated, do ordain and enact into law the following articles and sections.

Sec.10-030.Areaembraced.

The jurisdiction of this article shall be all that area within the corporate limits of the city.

Sec. 10-040. Purpose.

The various sections of this article are adopted for the following purposes, among others:

- (A) To help conserve and protect the natural, economic, and scenic resources of the city.
- (B) To help prevent and reduce the traffic congestion and traffic hazards which result from narrow or poorly aligned Streets, and which result from excessive entrance and exit points along major traffic arteries.
- (C) To help eliminate the costly maintenance problems which develop when streets and lots are laid out without proper consideration being given to the drainage characteristics of the tract of land at the time the land is being subdivided into streets and lots.
- (D) To help prevent the spread of urban blight and slums.
- (E) To help ensure that residential lots will be of such design, area, and width as will prevent health and sanitation problems from developing in those subdivisions with lots to be served by individual water supply and waste disposal systems.
- (F) To help ensure that all building lots will be accessible to firefighting equipment, and other emergency and service vehicles.
- (G) To help protect the investments of the buyers of subdivision lots.
- (H) To help promote and protect the health, safety, prosperity, and welfare of the citizens of the city, and for other purposes.

Sec. 10-050. Minor subdivisions.

In the case of a minor subdivision which shall have lots fronting only on an existing, open, and public street and which does not require a new street and each new lot meets the minimum lot size requirements of section 3-090 for the current zoning district, the developer of such subdivision shall only be required to submit a final plat.

Sec. 10-060. Variance.

When a peculiar shape, or the topography of a tract of land, or other unusual condition, makes it impractical for a developer to comply with the literal interpretations of the design requirements of this article, the mayor and council, following a recommendation of the planning commission may approve variances to these regulations; provided, however, that in so doing, the intents and purposes of this article are not violated. For such a variance to be considered, the applicant must follow the variance requirements in section 5-090 as well as the subdivision approval procedures.

Sec. 10-070. Illegal land subdivision.

Unless a subdivision hereafter established shall be designed, developed, and recorded in accordance with the provisions of this article, then:

- (A) The city shall not accept the dedication of any street within such subdivision, nor shall the city improve, maintain, grade, pave, or light any street within such subdivision unless such street or streets shall have received the status of public streets prior to the adoption of the ordinance from which this article is derived.
- (B) The city shall not assume any responsibility for drainage problems within such subdivision unless city-owned and maintained drainage structures already exist in such subdivisions.
- (C) The city shall not issue a building permit within such subdivision.
- (D) No unit of local government shall be authorized to extend any publicly operated service or utility into such subdivision.

Sec. 10-080. Design standards.

(A) Minimum design standards and improvements. In order that various purposes of this article may be accomplished, all subdivisions hereafter established shall be developed and improved in accordance with

the minimum design standards set forth in this article. Provided, those parcels recorded prior to the effective date of these regulations which abut an unopened road shall not be developed until such road or portion thereof has been opened and paved according to city specifications or as certified to be paved in accordance with subsection (E) of these regulations. Final approval shall not be given a subdivision until all appropriate design standards have been met and until all appropriate required improvements have either been installed or an appropriate bond or certified check has been posted to secure the installation of such improvements.

- (B) Benchmarks. At least two benchmarks shall be established within a subdivision. Such benchmarks shall be at opposite corners of the property being subdivided.
- (C) Monuments. The sub-divider shall provide stone or concrete monuments four inches in diameter or square, 30 inches long, with a flat top, which shall be set at each street corner, and at all points of curvature in each street. The top of the monument shall contain a metal pin or be scored with an indented cross to properly identify the location. The sub-divider shall also provide all interior lot corners of subdivisions with concrete monuments, iron pins, or iron pipes. Iron pipes shall be at least one-half inch in diameter and 24 inches in length.
- (D) Streets. Except as hereinafter provided, all streets established in any subdivision shall comply with the following general provisions:
 - (1) Continuation of existing street pattern. The arrangement of streets in a subdivision shall provide for the alignment with, or the continuation of the appropriate projection of existing principle streets in surrounding areas.
 - (2) Street jogs. Street jogs or centerline offsets in the horizontal alignment of streets across intersection of less than 150 feet shall be prohibited.
 - (3) Intersections. The centerline of no more than two streets shall intersect at any one point. Streets shall be laid out so as to intersect as nearly as possible at right angles and no streets shall intersect any other street at less than 60 degrees. Curved streets shall have a minimum tangent of 100 feet at intersection.
 - (4) Streets intersecting with major arterials and secondary arterials. New street entrances on roads designated or classified as arterials shall be not less than 500 feet apart. However, the mayor and council may reduce these requirements whenever they determine that such action will not be contrary to the purpose of this article.
 - (5) Subdivisions on arterial streets. Where a subdivision abuts or contains an existing or proposed arterial street, the mayor and council may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service lanes, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
 - (6) Minimum curb and street radius. The lot line radius at intersecting streets shall be not less than 20 feet. The centerline radius of all curvilinear streets shall be not less than 75 feet.
 - (7) Permanent dead-end streets. Dead-end streets, designed to be such permanently, shall be provided at the closed end with a turnaround having an outside roadway diameter of not less than 80 feet, and a right-of-way diameter of not less than 100 feet.
 - (8) Temporary dead-end streets. Temporary dead-end streets shall be provided with a temporary turnaround area which shall meet the requirements for design, maintenance, and removal as approved by the mayor and council.
 - (9) Half streets. Half streets shall not be permitted within a subdivision.
 - (10) Interior streets. Interior streets within subdivisions shall be so laid out and designed that their use by through traffic and speeding traffic will be discouraged.
 - (11) Street names. All streets within a subdivision hereafter established shall be named. No name shall be used which will duplicate or be confused with existing street names.
 - (12) Additional right-of-way. A proposed subdivision that includes a platted street that does not conform to the minimum right-of-way requirements of this article shall provide for the dedication of additional right-of-way required by ordinance. If the proposed subdivision abuts only one side of said street then a minimum of one-half of the required extra right-of-way shall be dedicated by such subdivision.
 - (13) Street access to adjoining property. Whenever the mayor and council find that street access to adjoining property is needed, a street right-of-way shall be extended to the boundary of such property and such right-of-way shall be dedicated to the public as an unopened street. When such unopened street is required for access to property, then the developer of the property for which access is required shall be responsible for opening and improving the unopened street.
 - (14) Street name markers. Street name markers which shall be constructed to city specifications shall be installed at all street intersections.
 - (15) Major thoroughfare plan. When the major thoroughfare plan of the community shows proposed arterial

streets and collector streets within a proposed subdivision, the sub-divider shall design the street system within such subdivision to conform with the location and arrangement of such arterial streets and collector streets.

- (16) Sidewalk. Sidewalks may be installed on all major arterials for single-family and multifamily residential, and on major and secondary arterials for commercial.
- (E) Street design and construction specifications. Except as hereinafter provided, all streets established in any subdivision shall be designed and constructed in accordance with the following specifications:

List of Specifications	Type of Streets				
	Arterial streets	Collector streets	Minor streets	Marginal access street	Private drives
(1) Minimum right-of-way	60 ft.	60 ft.	60 ft.	40 ft.	20 ft.
			optional		optional
[(2)Reserved]					
(3) Width of shoulders (ditches)	8 ft.	8 ft.	8 ft.	8 ft.	optional
(4) Back slope (curb and gutter)	8 ft.	8 ft.	8 ft.	8 ft.	optional
(5a) Maximum slope of shoulders or back slope	One inch for every one foot				optional
(5b) Minimum slope of shoulders or back slope	One-half an inch per one foot				optional
(6) Pavement width	30 ft.	30 ft.	26 ft.	20 ft.	optional
(7) Percent base course or subbase compaction, modified proctor**	100%*	95%*	95%*	95%*	optional
(8) Type of paving	Asphalt or concrete installed to city specifications.				optional
(9) Distance between reverse curves	100 ft.	100 ft.	100 ft.	100 ft.	optional
(10) Minimum street centerline elevation	7.5 ft.	7.5 ft.	7.5 ft.	7.5 ft.	optional

*Field density check tests shall be taken at the rate of one test per 1,500 square yards of paving.

**Proctor tests shall be made from representative soil sands taken from the area to be paved.

- (11) Drainage. Developer's engineer shall certify that the subdivision will drain adequately.
Additional right-of-way for roadside ditches may be required when needed. In addition, all subdivisions and all expansions of old subdivisions shall be provided with drainage structures sufficient to accommodate a ten-year storm with immediate runoff; with outfall drainage and structures sufficient to accommodate a 50-year storm flood.
- (12) Storm drainage structures. No storm drainage system shall be allowed to discharge on the beach.
- (13) Sidewalks. All sidewalks are to be made of Portland cement concrete and meet or exceed the following lengths:
 - a. Single-family. four feet, four inches (not required on minor or private streets).
 - b. Multi family. six feet, four inches.
 - c. Commercial. Eight feet, four inches.

Notwithstanding any other specifications for streets contained in this subsection, any minor subdivisions which propose to have a private drive shall require a private drive of at least 20 feet in width. Major subdivisions which have marginal city streets must have a minimum right-of-way of 40 feet and an 80 foot cul-de-sac shall be required except on through streets. On subdivisions of nine or more lots there shall be a minor city street required of a 60-foot right-of-way with an 80-foot cul-de-sac on non-through streets. Subdivisions may not be staggered or developed in such a way so as to avoid or reduce the requirements of this provision.

- (F) Lots. All lots which shall hereafter be established within a subdivision shall comply with the following design standards:
- (1) Street access. Each lot shall abut on a public street or a private street which shall be dedicated as a public street that conforms to the design requirements of this article. However, a single-family lot which does not abut a public street may be served by a perpetual privately maintained drive.
 - (2) Lot lines. Side lot lines shall be as nearly as practical at right angles to straight street lines and radial to curved street lines.
 - (3) Corner lots. Corner lots for residential use shall be provided with sufficient width and depth to permit the establishment of front yard building setback lines from both streets.
 - (4) Double frontage lots. Double frontage lots shall only be permitted where it shall be found necessary to separate a development from major arterials or to overcome specific disadvantages of topography and orientation.
 - (5) Residential lots in floodplain. Residential subdivision lots shall be prohibited within floodplain areas where the cost of providing governmental services in the area would pose an unreasonable economic burden.
 - (6) Width and area requirements. Lots hereafter established within subdivisions shall conform to the lot area as set forth in the general provisions for each zoning district and the lot width shall be a minimum of 60 feet at the building line.
- (G) Blocks. All blocks hereafter established within a subdivision shall conform to the following design standards. In order that there may be convenient access between various parts of a subdivision and between the subdivision and surrounding areas and in order to help prevent traffic congestion and traffic hazards, the length of blocks hereafter established shall not exceed 1,800 feet.
- (H) Easement. The following kinds of easements shall be required within subdivisions:
- (1) Utility easements. Public utility easements shall be provided where necessary. Such easements shall be not less than 15 feet in width and shall be centered on side or rear property lines when possible. The location, elevation and construction of all public utilities and facilities, such as sewer, gas, electrical and water systems and streets, shall be in such a manner as to minimize or eliminate damage by flooding.
 - (2) Drainage. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way which shall conform substantially with the lines of such watercourse, drainage way, channel, or stream or shall be of such additional width or construction, or both, as will be adequate for the purpose.
 - (3) Maintenance easement. Where a drainage canal is such size that it requires mechanical means for cleaning, such as a dragline, there shall be a 12-foot access easement on either side of such canal for access purposes.
- (I) Water supply and sanitary sewage. Water and sewage facilities shall conform to the following requirements:
- (1) Public water and public sewer. When feasible every portion of a subdivision shall be served by public water; when feasible, as determined by the mayor and council, every portion of a subdivision shall be served by a sanitary sewer system. All such systems shall be designed to preclude infiltration of floodwater into the system and discharges from the system into floodwater.
 - (2) Private water and private sewerage. Where either public water or public sewers or both are not available to a subdivision as determined by the mayor and council and a subdivider shall decide to establish a private water supply system and a private sewer system, then the plans and specifications for such private water system and sewer shall be so located as to avoid impairment of them, or contamination from them, during times of flooding.
 - (3) Publicly owned water and sewer systems. Water and sewer systems must be constructed in accordance with Chatham County Health Department specifications; sewer systems must connect to an existing publicly owned treatment plant, where practical, and both water and sewer systems and trunk lines shall be conveyed to the city.
- (J) Preservation of noteworthy features.
- (1) In all subdivisions, to the maximum degree reasonably practicable, efforts shall be made to preserve historic sites, scenic points, large trees and other desirable natural growths, watercourses and other water areas, and other features worthy of preservation, either as portions of public sites and open spaces, or in such other forms as to provide amenity to the neighborhood.
 - (2) Large trees or other desirable natural growths located in public or private street rights-of-way or public or private easements shall not be removed unless such removal is necessary for the installation of utilities or drainage structures or for other purposes in the public interest and approved by the mayor and council.
 - (3) Such removal may be prohibited if the amenity of adjacent property or the amenity of the general neighborhood is adversely affected.

RECORD AND RETURN TO:
Klein Law Group, LLC
15 Lake Street, Suite 210
Savannah, GA 31411

Type: QCD
Kind: QUIT CLAIM DEED
Recorded: 10/23/2020 12:54:00 PM
Fee Amt: \$25.00 Page 1 of 3
Chatham, Ga. Clerk Superior Court
Tammie Mosley Clerk Superior Court

STATE OF GEORGIA)
)
COUNTY OF CHATHAM)

Participant ID(s): 6758095320,
7067927936

BK 2111 PG 66 - 68

QUIT CLAIM DEED

THIS INDENTURE made and entered into this 2 day of October, 2020, between **Chris Koncul Construction, LLC**, as Party of the First Part, and **CFK Properties, LLC**, as Party of the Second Part;

WITNESSETH:

THAT the said Party of the First Part, for and in consideration of the sum of Ten (\$10.00) Dollars and other valuable consideration to it in hand paid by the said Party of the Second Part, at and before the sealing and delivery of these presents, the receipt and sufficiency of which is hereby acknowledged, has remised, released and quit claimed, and by these presents does remise, release and quit claim unto the said Party of the Second Part, its successors, representatives and assigns, all of its right, title and interest in and to the property located at and known as:

81 Solomon Avenue, Tybee Island, Chatham County, Georgia, as more particularly described on Exhibit "A" attached hereto.

TOGETHER WITH ALL AND SINGULAR the buildings, dwellings, houses, outhouses, improvements, easements, hereditaments, rights, members and appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, claim or demand whatsoever at law or in equity of the Parties of the First Part of, in or to the same, or any part thereof.

TO HAVE AND TO HOLD the above described and conveyed property and premises free and clear of any claim or claims by the Party of the First Part, or any person or persons claiming under or through it.

IN WITNESS WHEREOF, the said Party of the First Part has caused its name to be signed and sealed by its duly authorized Manager, on the day and year first above written as the date hereof.

Signed, Sealed and Delivered
in the presence of:

[Signature]
Witness

Chris Koncul Construction, LLC

By: [Signature]
Christopher Koncul, Managing Member

[Company Seal]

[Signature]
Notary Public

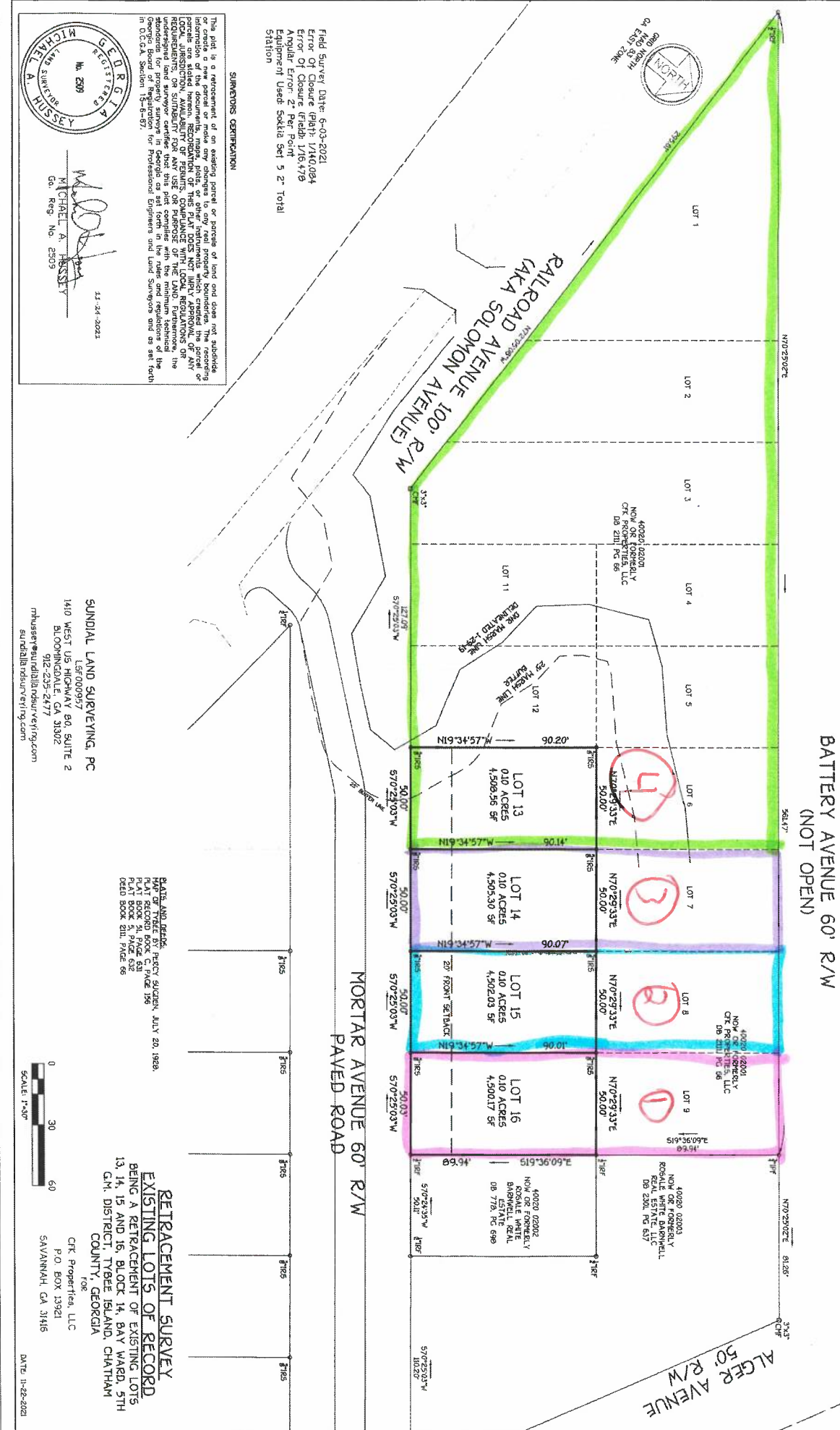
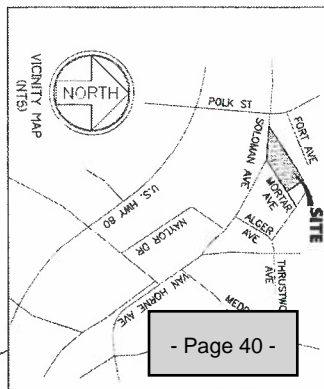


EXHIBIT "A"

ALL those certain lots, tracts or parcels of land situate, lying and being on Tybee Island, Chatham County, Georgia, and being known and designated as LOTS ONE (1) THROUGH NINE (9) AND LOTS ELEVEN (11) THROUGH SIXTEEN (16), INCLUSIVE, BLOCK 14, BAY WARD, as shown on the map or plan of the Town of Tybee, made by Percy Sugden, C.E., July 29, 1928. Together with improvements thereon, property more commonly known as 81 Solomon Avenue, Tybee Island, Georgia 31328 and having PIN 4-0020-02-001.

Subject, however, too all restrictions, easements and rights-of-way of record.

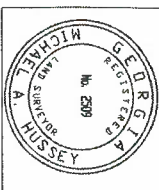
- GENERAL NOTES:**
1. The purpose of this survey is to retrace four (4) lots of record.
 2. All elevations are based NAD 1989 datum.
 3. In accordance with FLEM, Community Panel No. 13051C0213G, dated August 16, 2018, this property does fall within the limits of a designated flood hazard area, ZONE AE ELEV 3.0.
 4. All wetlands are under the jurisdiction of the U.S. Army Corps of Engineers. Lot owners and the developer are subject to penalty by law for disturbance to these protected areas without proper permit application and approval.
 5. The horizontal datum of this plot is based on state plane coordinates, Georgia East Zone, NAD 83.
 6. Building setbacks: FRONT 20' SIDE 10' REAR 20'



Field Survey Date: 6-03-2021
 Error Of Closure (Elev): 1/10,024
 Error Of Closure (Elev): 1/16,479
 Angular Error: 2" Per Point
 Equipment Used: Sokkia Set 5 2" Total Station

SURVEYOR'S CERTIFICATION

This plat is a representation of an existing parcel or parcels of land and does not constitute a warranty of title. The surveyor has examined the records and has determined that the information of the documents, maps, plats, or other instruments which created the parcel or parcels are correct. The surveyor has also examined the plat and has determined that the information of the documents, maps, plats, or other instruments which created the parcel or parcels are correct. The surveyor has also examined the plat and has determined that the information of the documents, maps, plats, or other instruments which created the parcel or parcels are correct. The surveyor has also examined the plat and has determined that the information of the documents, maps, plats, or other instruments which created the parcel or parcels are correct.



Michael A. Hisssey
 Professional Engineer
 No. 2509
 State of Georgia

21-341-2022

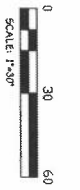
BATTERY AVENUE 60' R/W
 (NOT OPEN)

MORTAR AVENUE 60' R/W
 PAVED ROAD

ALGER AVENUE 50' R/W

RETRACEMENT SURVEY
 EXISTING LOTS OF RECORD
 BEING A RETRACEMENT OF EXISTING LOTS
 13, 14, 15 AND 16, BLOCK 14, BAY WARD, 5TH
 GM. DISTRICT, TYBEE ISLAND, CHATHAM
 COUNTY, GEORGIA

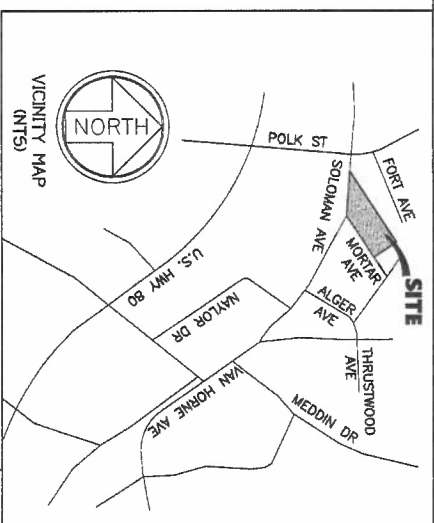
SUNDIAL LAND SURVEYING, PC
 157009957
 1410 WEST US HIGHWAY 80, SUITE 2
 BLOOMINGDALE, GA 31302
 912-235-5477
 mhussay@sundiallandsurveying.com
 sundiallandsurveying.com



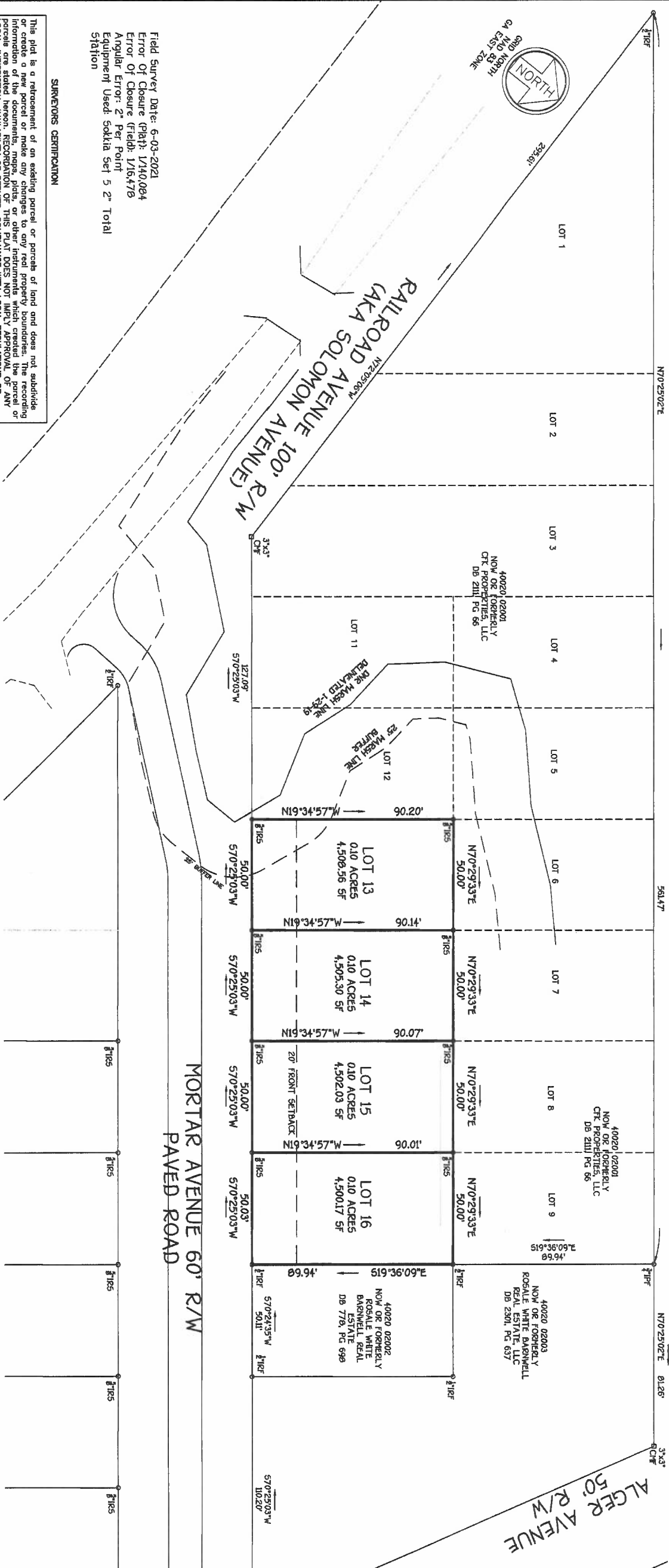
SCALE: 1"=30'
 DATE: 11-28-2021

Type: PLAT
 Recorded: 1/12/2021 8:38:00 AM
 Fee: \$10.00 Page 9 of 11
 Chatham, Ga. Chief Superior Court
 Terrie Mosley Clerk Superior Court
 Participant ID: 1068802587
BK 53 PG 223

- GENERAL NOTES:**
1. The purpose of this survey is to retrace four (4) existing lots of record.
 2. All elevations are based NAVD 1988 Datum.
 3. In accordance with F.L.R.M. Community Parcel No. 13051C0213G dated August 16, 2018, this property does fall within the limits of a designated flood hazard area, ZONE AE ELEV 9.0.
 4. All wetlands are under the jurisdiction of the U.S. Army Corps of Engineers. Lot owners and the developer are subject to penalty by law for disturbance to these protected areas without proper permit application and approval.
 5. The horizontal datum of this plat is based on state plane coordinates, Georgia East Zone, NAD 83.
 6. Building setbacks:
 FRONT 20'
 SIDE 10'
 REAR 20'



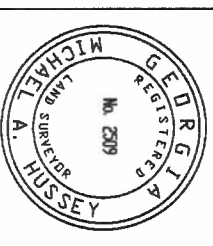
BATTERY AVENUE 60' R/W
 (NOT OPEN)



Field Survey Date: 6-03-2021
 Error of Closure (Plat): 1/140,084
 Error of Closure (Field): 1/16,478
 Angular Error: 2" Per Point
 Equipment Used: Sokkia Set 5 2" Total Station

SURVEYORS CERTIFICATION

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated herein. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY PROFESSIONAL SURVEYOR'S REVISIONS OR PLACEMENT OF THE LAND SURVEYORS OF ANY RECORDATION. SURVEYORS FOR ANY PURPOSE OF THE LAND SURVEYORS OF ANY RECORDATION shall be held liable for any errors or omissions in this plat. The minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.



Michael A. Hussey
 MICHAEL A. HUSSEY
 Ga. Reg. No. 2509

11-24-2021

PLAT AND DEEDS:
 PLAT RECORD BOOK PAGE 156
 PLAT BOOK 51, PAGE 511
 PLAT BOOK 51, PAGE 632
 DEED BOOK 211, PAGE 66

RETRACEMENT SURVEY
 EXISTING LOTS OF RECORD
 BEING A RETRACEMENT OF EXISTING LOTS
 13, 14, 15 AND 16, BLOCK 14, BAY WARD, 5TH
 G.M. DISTRICT, TYBEE ISLAND, CHATHAM
 COUNTY, GEORGIA

for
 CFK Properties, LLC
 P.O. BOX 13921
 SAVANNAH, GA 31416

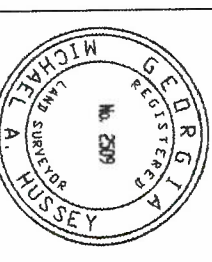
SUNDIAL LAND SURVEYING, PC
 LSF000957
 1410 WEST US HIGHWAY 80, SUITE 2
 BLOOMINGDALE, GA 31302
 912-235-2477
 mhussay@sundiallandsurveying.com
 sundiallandsurveying.com



DATE: 11-22-2021

Type: PLAT
 Recorded: 11/29/2021 6:36:00 AM
 Fee Amt: \$10.00 Page 1 of 1
 Chatham, Ga. Clerk Superior Court
 Tammie Moseley, Clerk Superior Court
 Participant ID: 1066902587
BK 53 PG 223

- GENERAL NOTES:**
1. The purpose of this survey is to retrace four (4) existing lots of record.
 2. All elevations are based NAVD 1989 Datum.
 3. In accordance with F.I.R.M. Community Parcel No. 13051C0213G dated August 16, 2018, this property does fall within the limits of a designated flood hazard area, ZONE AE ELEV 9.0.
 4. All wetlands are under the jurisdiction of the U.S. Army Corps of Engineers. Lot owners and the developer are subject to penalty by law for disturbance to these protected areas without proper permit application and approval.
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 6. Building setbacks: FRONT 20' SIDE 10' REAR 20'



This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated herein. **RECORDATION OF THIS PLAT DOES NOT IMPLY REPROVISIONS OF LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND SURVEYOR.** The undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-07.

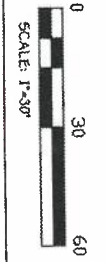
Field Survey Date: 6-03-2021
 Error of Closure (Plat): 1/140,094
 Error of Closure (Field): 1/16,478
 Angular Error: 2" Per Point
 Equipment Used: Sokkia Set 5 2" Total Station

SURVEYORS CERTIFICATION

Michael A. Hussey
 MICHAEL A. HUSSEY
 Ga. Reg. No. 2509
 11-24-2021

SUNDIAL LAND SURVEYING, PC
 LSF000957
 1410 WEST US HIGHWAY 80, SUITE 2
 BLOOMINGDALE, GA 31302
 912-235-2477
 mhusey@sundialandsurveying.com
 sundialandsurveying.com

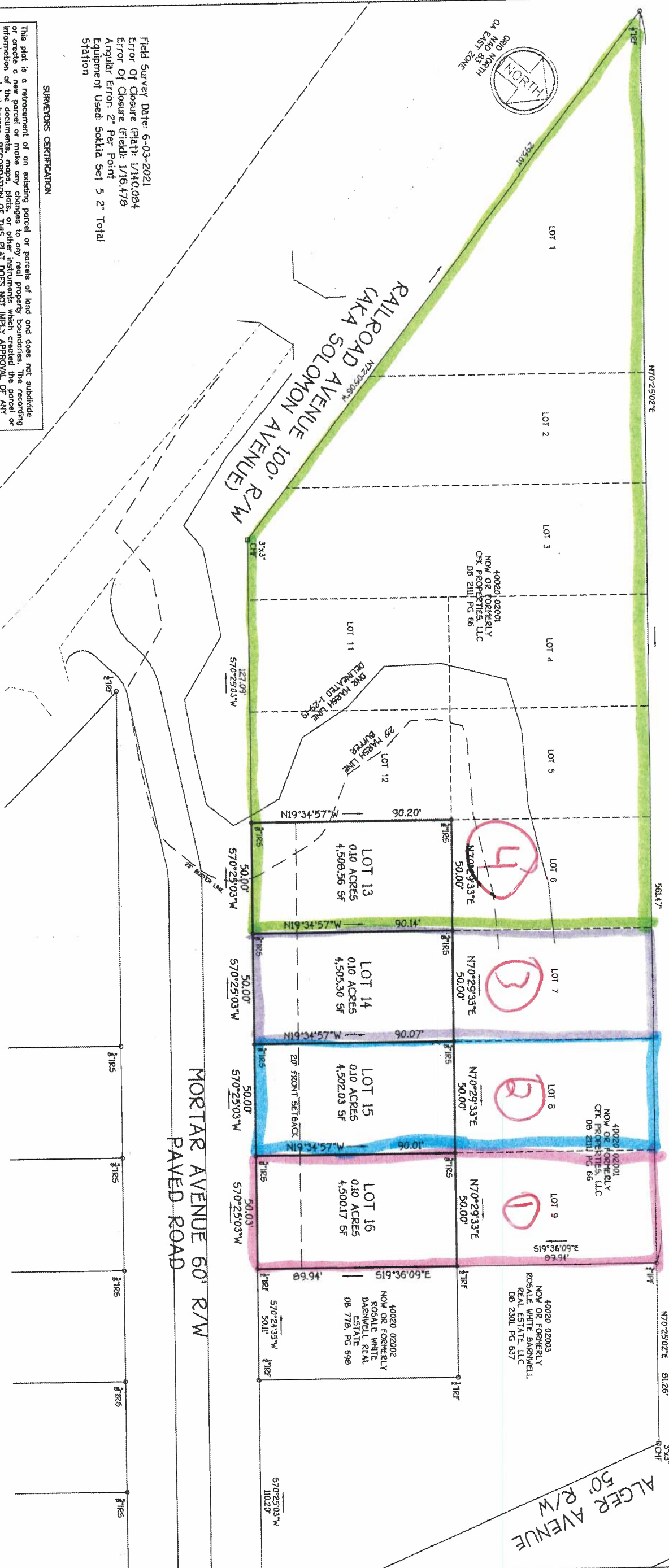
PLATS AND DEEDS:
 MAP OF TYBEE BY PERCY GUYER, JULY 20, 1929.
 PLAT RECORDED BOOK C, PAGE 156
 PLAT BOOK 31, PAGE 631
 PLAT BOOK 31, PAGE 632
 DEED BOOK 211, PAGE 66



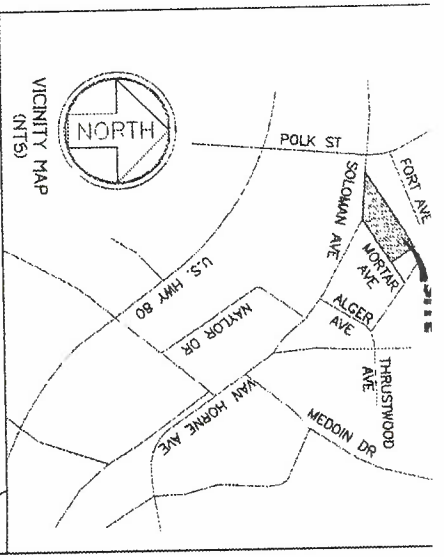
FOR
 CFK Properties, LLC
 P.O. BOX 13921
 SAVANNAH, GA 31415

DATE: 11-22-2021

RETRACEMENT SURVEY
 EXISTING LOTS OF RECORD
 BEING A RETRACEMENT OF EXISTING LOTS
 13, 14, 15 AND 16, BLOCK 14, BAY WARD, 5TH
 GM. DISTRICT, TYBEE ISLAND, CHATHAM
 COUNTY, GEORGIA



BATTERY AVENUE 60' R/W
 (NOT OPEN)





STAFF REPORT

PLANNING COMMISSION MEETING: January 10, 2022

CITY COUNCIL MEETING: February 10, 2022

LOCATION: 37 Meddin Drive

PIN: 40001 03012

APPLICANT: Tybee Island Marine Science Foundation

OWNER: City of Tybee Island

EXISTING USE: Marine Science Center

PROPOSED USE: Marine Science Center

ZONING: R-1/NEC

USE PERMITTED BY RIGHT: Yes

COMMUNITY CHARACTER MAP: Ft. Screven Historic District

APPLICATION: Variance from Article 8-Flood Damage Prevention, 8-180 General standards.

PROPOSAL: The applicant is requesting a variance from the requirement of 8-180 4b. So as not to violate the "lowest floor" criteria of this article, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area.

The variance is requested so that a permanent display, a sea turtle tank, be allowed to remain below base flood.

ANALYSIS: The building was designed and built to the specifications of the Marine Science Center knowing that no permanent displays were to be located below flood. The turtle tank was donated after the building was constructed and it was discovered that the building was not designed to support the weight of the tank. Other solutions that would meet the requirements of the City's Flood Damage Prevention ordinance, such as a flood proofed room or an elevated area to the rear of the building could be constructed to house this tank. If viewing charismatic megafauna is the best way to educate visitors about these animals and our coast the building should have been designed to house them or retrofitted to support this tank above base flood.

The Fort Screven Historic District includes Officers Row and all of Ft. Screven, which represents significant historic, cultural and natural resources. Varied uses include new, larger scale development, traditional cottages, townhomes/condominiums, public uses/parks, historic sites, narrow streets, street trees, public parking. Zoning includes R-1, R-2, R-T, R-1/NEC, P-C, and PUD.

<i>Comprehensive Plan – Community Character Area The Ft. Screven Historic District</i>		<i>Meets Strategy Y/N or N/A</i>
<i>Recommended Development Strategies</i>		
1.	Establish standards and guidelines for signage	N/A
2.	Provide signage for landmarks and historic businesses	N/A
3.	Preserve and restore historic structures whenever possible	N/A
4.	Provide appropriate incentives for historic restoration projects	N/A
5.	Ensure continued preservation of old growth trees, parks, and greenspace	N/A
6.	Support an improved bicycle and pedestrian environment with connected facilities	N/A

7. Consider adoption of architectural standards for historic structures

N/A

STAFF FINDING
Staff recommends denial.

This Staff Report was prepared by George Shaw.

- ATTACHMENTS
- A. Site plan application
 - B. Site plan
 - C. Elevations
 - D. Survey



CITY OF TYBEE ISLAND ZONING VARIANCE APPLICATION

Item #4.

Fee
Commercial \$500
Residential \$200

Applicant's Name: Tybee Island Marine Science Center & Foundation (TIMSC&F) _____

Address and location of subject property: 37 Meddin Drive – Tybee Island, Georgia 31328 _____

PIN: _____ Applicant's Telephone Number: 912.660.7164 _____

Applicant's Mailing Address: P.O. Box 1879 – Tybee Island, Georgia 31328 _____

Brief description of the land development activity and use of the land thereafter to take place on the property:
The Center requests a variance for use of the free-standing sea turtle pool located in the undercroft of the Tybee Island Marine Science Center. The base of the pool is at 11' above sea level. If the pool were raised to the 15' level as prescribed by FEMA to be above flood level, the top of the pool would be 6" from the ceiling and essentially staff would be unable to manage the pool and therefore the sea turtle(s) located within it. Structural Engineer Hunter Saussy of Saussy Engineering determined that after careful measurements and calculations, a protective encompassing wall as suggested by FEMA would be superfluous and serve no additional purpose than the pool walls already provide against an unusual flooding event. The Center therefore requests a variance for use of the sea turtle pool in its current location with no further action. _____

Explain the hardship:
If the variance is not granted, our current sea turtle on display in a much smaller aquarium located in the West Gallery on the first floor of the Center, will have to be released in cold water temperatures since he is nearing the Georgia Department of Natural Resources' size limit for his current aquarium. Resident sea turtles are the primary exhibit for the Center and without a sea turtle on display our education and stewardship programs will have no charismatic mega fauna to educate visitors. Observing a Loggerhead Sea Turtle in person is the most impactful way to teach the natural history of and instill stewardship for sea turtles in general, specifically Loggerhead Sea Turtles, Georgia's coast most common sea turtle, and concomitantly, for our fragile coast. _____

Property Owner's Name: City of Tybee Island (under management of Maria Theresa Procopio, Executive Director of TIMSC and Cathy J. Sakas, President, TIMSF) _____
Telephone Number: 912.272.5008 (Maria Procopio); 912.660.7164 (Cathy J. Sakas) _____

Property Owner's Address: 37 Meddin Drive – Tybee Island, Georgia 31328 _____

Is Applicant the Property Owner? ___ Yes __X__ 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 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.

REFERENCE **DESCRIPTION**

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 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;

5-090 (A) (2) That 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.

NOTE: Provide attachments illustrating conditions on surrounding properties and on the subject property, indicating uniqueness, etc.

5-090 (B) If this variance application is for a Height Variance, No part of any structure shall project beyond 35-feet above the average finished grade of a property except:
chimneys, flues, stacks, heating units, ventilation ducts, air conditioning units, gas holders, elevators, and similar appurtenances needed to operate and maintain the building on which they are located.
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.

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



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 item (1) below.

- (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 finished grade of a property except:

- (1) chimneys, flues, stacks, heating units, ventilation ducts, air conditioning units, gas holders, elevators, 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 the 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 of 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.

If the staff of the building and zoning department finds that the request needs or should have additional review for any reason, it may request review by the planning commission and if the request is approved or rejected by the planning commission then the planning commission's determination shall control. For purposes of this section, a public hearing before the planning commission shall not be necessary. If the staff of the building and zoning department declines an applicant's request the applicant may apply for the granting of a variance which will follow the procedures applicable to variances in general specifically, those procedures described in sections 3-020 and 3-090 as well as the public hearing requirements referred to in section 5-060. In the event the staff request review by the planning commission and the planning commission rejects the request, the applicant may apply for the granting of a variance and follow the procedure applicable to such request before mayor and council.

(F) ***Compliance with ordinances.*** Notwithstanding any other provision of the 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 Ordinance does not excuse prior violations including those that have resulted or may result in enforcement action by the City of Tybee Island.







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Page 1 of 2

November 9, 2021

Tybee Island Marine Science Foundation
37 Meddin Drive
Tybee Island GA 31328

Attn: Cathy J. Sakes
President

Re: Tybee Island Marine Science Center
Project No. 21112

Dear Cathy:

I recently visited the Marine Science Center at the request of Maria Procopio to review the feasibility of installing a concrete flood wall around the turtle tank located in the basement of the building on the lowest level.

The tank is a low profile fiberglass structure with inside dimensions of 12'x12'x4.5' deep sitting directly on the brick paver and will be filled with salt water.

It is our understanding the City of Tybee wants a concrete flood wall constructed around the perimeter of the tank with a sliding floodgate in order to prevent the tank from receiving any lateral flood loads during a flood event which might cause the tank to be displaced and possibly come in contact with the concrete columns supporting the main building structure.

After considering the nature of the use of the tank (i.e. filled with salt water) and the nature of the loads which might be applied to this structure during a flooding event, it is my opinion that a flood wall will not be necessary and that the lateral loads induced on the tank during a flood are not sufficient to cause displacement of the tank from its current location.

I performed an analysis of the loads which would be imparted against the tank during a flooding event. Basically, the types of loads which the tank would receive are a **hydrostatic load** and a **hydrodynamic load**. Since the interior of the tank will be full of water, the effects of the hydrostatic load, or that load which is applied to the face of the tank due to the depth of the water and not considering any movement of the water, would not be applicable since water would be on all four sides of the tank including the interior. The loads would cancel each other out resulting in a zero net lateral load against the tank due to hydrostatic loads.

Therefore, the only load which could be imparted against the tank would be a hydrodynamic load, which is a lateral load resulting from the movement of the water at a certain speed against the face of the tank on one side. Based on our calculations, a total hydrodynamic load against one face of the tank of 5700 pounds would be applied. Resisting this load would be the weight of the tank and contents (41,618 pounds) multiplied by a coefficient of friction between the bottom surface of the fiberglass and the brick pavers. Based on our research, this is a difficult value to obtain between these two different surfaces, however, based on our review of other



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coefficients of friction for various materials, we conclude that a reasonable coefficient of friction would be 0.30. This would result in a load resistance capability of 12,485 pounds which is over twice the calculated lateral load of 5700 pounds.

Our conclusion is therefore that the tank cannot be displaced simply by the loads imparted on it by hydrodynamic loads and that a flood wall is not necessary.

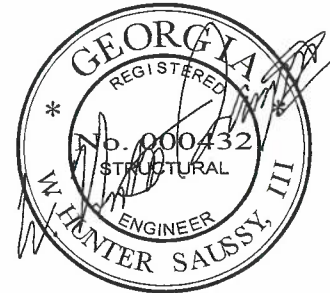
Should the flooding occur when the tank is empty, it is reasonable to assume that the tank would float and therefore no lateral load against the main building structure could occur.

We hope this conclusion is helpful and if we can be of any additional assistance, please do not hesitate to contact me.

Yours truly,

A handwritten signature in black ink, appearing to read 'W. Hunter Saussy III'. The signature is fluid and cursive.

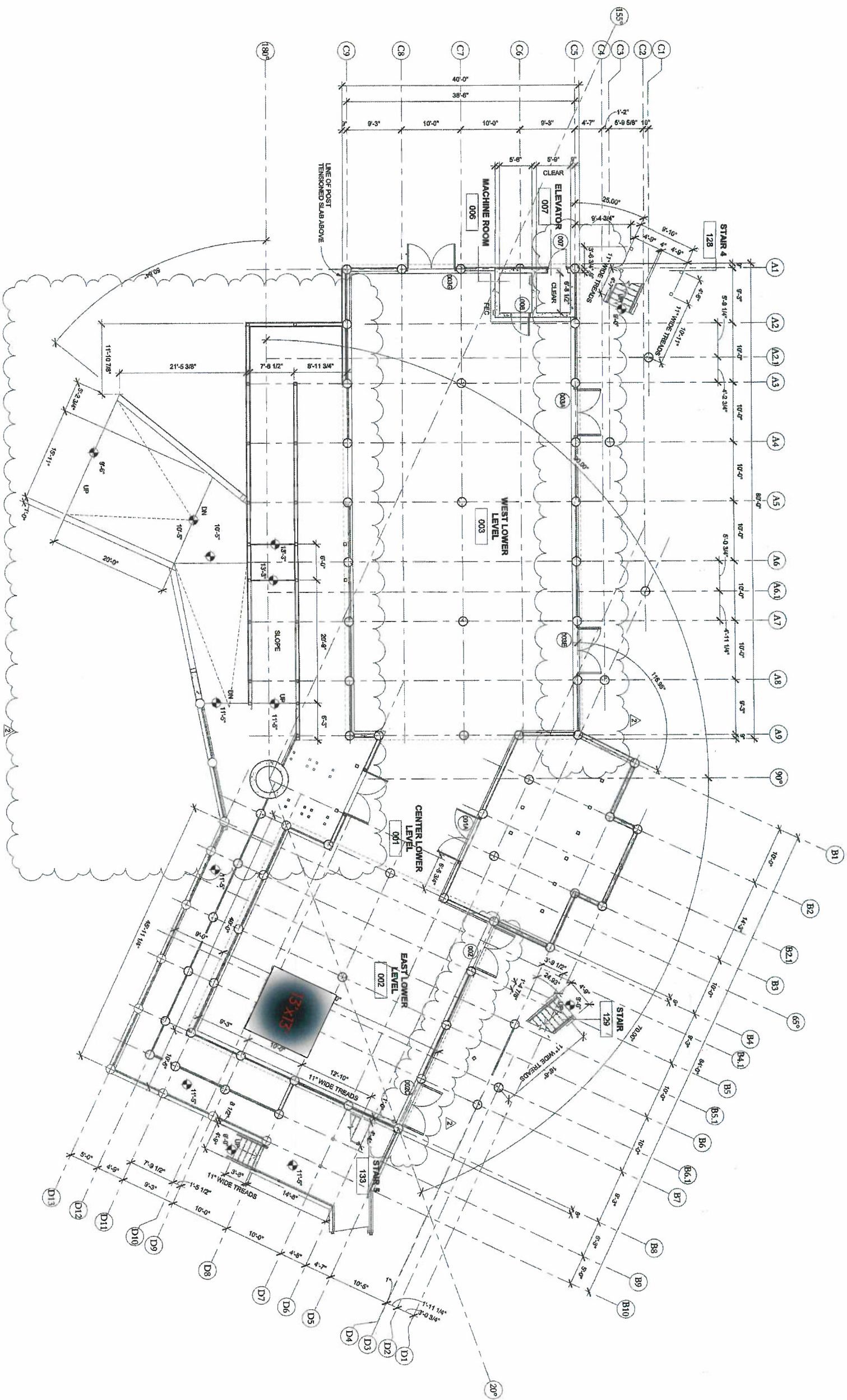
W. Hunter Saussy III, P.E./S.E.
WHS/rlm



Not Valid Unless Signed

C:\Robin\WPWIN\Letters\2021\21Nov09_21112 Tybee Isl Marine Science Ctr.wpd

1 (+9.0) Lower Level Floor Plan / Dimensions
A1.0 SCALE 1/8" = 1'-0"



- GENERAL NOTES:**
1. ALL DIMENSIONS ARE FACE OF STUD TO FACE OF STUD OR CENTER LINE UNLESS NOTED OTHERWISE.
 2. DIMENSIONS SHOWN ARE FINISH FLOOR LEVELS UNLESS NOTED OTHERWISE.
 3. REFER TO STRUCTURAL FOR ALL FRAMING MEMBER SIZES AND CONNECTIONS.
 4. COORDINATE WITH CIVIL PLAN FOR CONNECTION TO SITEWORKS.

SCALE: 1/8" = 1'-0"
 0 2 4 8 16
 NOT FOR CONSTRUCTION
 RELEASED FOR CONSTRUCTION
 DATE: 04/29/19

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A1.0
 CHECKED BY: TDJ/C
 SHEET NO.

PROPOSED DRAWINGS FOR TYBEE MARINE SCIENCE CENTER
 37 MEDDIN DRIVE, TYBEE ISLAND, GEORGIA

NO.	DATE	REVISION
1	03/19/19	PERMIT SET
2	04/29/19	REVISION 3
3	02/19/19	BLDG. PRICING SET



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