



AGENDA PLANNING COMMISSION May 20, 2024 at 6:30 PM

Call to Order

Consideration of Minutes

1. MINUTES OF APRIL 15, 2024

Disclosures and Recusals

Old Business

New Business

2. **Text Amendment: for further definition of recreational vehicles used on a temporary basis for dwelling purposes - City of Tybee.**
3. **Special Review: requesting to live in recreational vehicle on site while house is lifted – 118 Lewis Avenue – 40004 14002 – Zone R-1-B – Deanne & Jeff Cooper**
4. **Map Amendment: requesting to rezone from R-2 to C-1 – 301 Butler Avenue – 40004 19001A – Zone R-2 – Alicia Barrow.**

Adjournment

5. **Discussions:** Consider time limits for public speaking.

Standing Items

Adjournment

PLANNING COMMISSION

Anna Butler
 Beau Livingston
 Robert J. Matkowski
 Elaine McGruder
 S. Michelle Nooney
 David Roberts
 Marie Rodriguez

**ACTING CITY MANAGER**

Michelle Owens

COMMUNITY DEVELOPMENT DIRECTOR

George Shaw

CITY ATTORNEY

Edward M. Hughes
 Tracy O'Connell

Planning Commission Meeting MINUTES April 15, 2024

Vice Chair Michelle Nooney called the April 15, 2024, Tybee Island Planning Commission meeting to order. Commissioners present were **Anna Butler, Marie Rodriguez, Beau Livingston, David Roberts, Robert Matkowski** and **Michelle Nooney**. **Elaine McGruder** was absent.

Consideration of Minutes:

Vice Chair Michelle Nooney asked for consideration of the March 18, 2024, meeting minutes. **Marie Rodriguez** made a motion to approve. **Robert Matkowski** seconded. The vote to approve was unanimous.

Disclosures/Recusals:

Vice Chair Michelle Nooney asked if there were any Disclosures or Recusals. There were none.

Old Business:

Vice Chair Michelle Nooney asked if there was any old business. There was one.

New Business:

Site Plan: requesting to add roof to existing deck – 33 Meddin Dr. – 4001 13008 -Zone R-1/NEC – North Beach Bar & Grill/George Spriggs.

Walter Hattrich stated that the applicant would like to build a roof over the existing deck on the south side of the building. He stated it is a pole barn type construction which is consistent with the roof on the east side of the building that was previously constructed. It is in character with the remainder of the building. Staff recommends approval. **Robert Matkowski** stated it talked about the status of the project designer addressing the continued high moisture content beneath the area in depth. **Walter Hattrich** stated that he did speak to the drainage engineer that supplied the drainage letter and he stated the drainage run off for that side of the building currently goes on the existing wood deck, and that would be captured by a gutter system and down pipe that will then go into a planter. The water will be going to the same place it was previously. **David Roberts** stated he does not see any setbacks on this survey, and it looks like we would be enlarging the encroachment by allowing this roof. **Walter Hattrich** stated the City owns all of this property where you see the blue lines in the photo and there are no setbacks near this property's lines. **George Spriggs**, the applicant, approached the Planning Commission and stated that this proposal will be the same type of roof, work, and contractor as the roof that was added to the east side in 2019. **Anna Butler** asked if a structural engineer has reviewed these plans to make sure they conform to the codes for our high velocity winds area here? **Walter Hattrich** stated that all the plans do indicate they were reviewed by a professional engineer. **Anna Butler** stated yes, but there is no stamp from him on them. **David Roberts** stated following up on that I would add if there's a caveat and a request to come back that it would co

with an accurate site plan showing where the roof is going relative to the site. Also, I realize this is a plat map but it's not even for this project necessarily, and I agree there are other things besides which neighbor is impacted by a setback. It could be a wooden structure next to another building that you would have to have a certain amount of horizontal distance from the international building code requirements. **Beau Livingston** stated that I just want to clarify something. If you could go back to the overhead view of the property. The blue lines around the property represent the property lines, correct? **Walter Hattrich** stated yes that is correct. **Beau Livingston** stated so the setbacks would be off of those blue lines and this project would not be anywhere close to those lot lines, correct? He stated this roof would not impede any sidewalks, roadways or the showers and restrooms. **Walter Hattrich** stated that is my understanding, yes.

Beau Livingston made a motion to approve. **Marie Rodriguez** seconded. **Anna Butler, Marie Rodriguez, Beau Livingston,** and **Robert Matkowski** voted for the approval. **David Roberts** voted against the approval. The vote was 4 to 1. The motion was approved.

Text amendment: STR Proposed Ordinance – City of Tybee.

Acting City Manager Michelle Owens stated this is a proposed text amendment to the land development code and essentially this is going to be chapter 4 – sec. 4-050-1 the proposed text amendment states in residential districts this ordinance will prohibit the transfer of short-term rental permits upon a sale. And lays out the process by which that particular instance of property transfers for permits will be audited for compliance and determine the status of that permit. There will also be a hearing process by which property owners can appeal a decision of termination. City council has sent this to planning commission for a recommendation. Marie Rodriguez asked if this was only for R-1, R-1-B and R-2 only. **Acting City Manager Michelle Owens** stated yes that is correct. **Vice Chair Michelle Nooney** asked if other methods to reduce STRs in the residential zones, such as enforcing the existing ordinances and revoking permits for those in violation have been considered. She also asked has anyone looked at how the 748 commercial and R-T STR's support the number of tourists that visit Tybee. **Acting City Manager Michelle Owens** stated that has not been looked at. **David Roberts** asked when the renewals took place this year did staff review the history to make sure they have satisfied the ongoing and existing requirement that was placed in October of 2022. **Acting City Manager Michelle Owens** stated the STR coordinator did do some level of reviews, and some went through the normal audit process. *(This question was corrected after the meeting. The correct answer is no).*

Keith Gay, who lives at 117 Catalina Dr. Stated he wanted to clarification to the question about the audit and the applications. The applications had been put on hold until the first of this month. So many of us are just now getting our applications in. so there will be no practical way to do any kind of audit on the registrations. **Dale Williams** spoke for the ordinance. **Roger Huff** spoke against the ordinance, **Dee Matkowski** spoke for the ordinance. **Keith Gay** spoke against the ordinance. **Dawn Shay** spoke for the ordinance. **Carol Nathan** spoke for the ordinance. **Ron Rimawi** spoke against the ordinance. **Todd Norman** spoke against the ordinance. **Shirley Wright** spoke for the ordinance. **Jenny Rutherford** spoke against the ordinance. **Tommy Thompson** spoke against the ordinance. **Beau Livingston** stated he would like to see a clause that would keep people from losing their property that have been in the family for generations. **David Roberts** stated he wants to make it clear on the amount of thought and sincerity people have put on both side of this issue. He quoted this attachment.

“April 15, 2024

Before the Planning Commission, City of Tybee Island

In the matter of Planning Commission review of the proposed ordinance (_ 2024) that would terminate short-term rental ("STR") permits upon the sale or other specific disposition of properties in residential zoning districts R-1, R-1-B, and R-2-and that would preclude further or future assignment, transfer, or renewal of STR permits for those locations.

City Council has already enacted ordinances (Ord. 2022-04 and 2023-11 § 1) recognizing that STR's in residential zoning districts are, in fact, nonconforming uses. Therefore, Planning Commission's consideration of the proposed ordinance must be guided by these ten principles:

1. No quiet, peaceful, and entirely residential neighborhood will ever be a detriment to Tybee Island;
2. The proposed ordinance must not be judged based on conjecture. Although some voices have warned of the near-collapse of Tybee's economy if Council passes the proposed ordinance, not one person (of whom I am aware) has offered a single, specific example of a coastal island that has been abandoned or financially ruined by its elimination of STR's in favor of long-term rentals and/ or legitimate hotels;
3. There is simply no Constitutional right to conduct commerce within residential zoning districts in Georgia -a fact established by both the Georgia and U.S. Supreme Courts nearly 100 years ago;!
4. If additional STR's outside of commercial zoning districts are deemed desirable by the City, the City should create more conscientiously and purposefully designed zoning districts and district boundaries to allow them-rather than merely contorting the definitions of "use" of properties within existing residentially zoned districts;
5. It is legally incoherent to argue that the City must permit nonconforming STR commerce to be conducted in residential zoning districts because STR's are a source of tax revenues for the City-while simultaneously contending that the same city is somehow forbidden by law or policy from registering or listing the structures in which those nonconforming tax-revenue-generating commercial activities occur;
6. It is inconsistent to argue that the City must permit nonconforming SIR commerce to be conducted in residential zoning districts because SIR's are a source of tax revenues for the City-when City Administration is admittedly incapable of determining the exact sources and amounts of those alleged revenues -and is seemingly uninterested in ascertaining them;
7. The unlawful perpetuation of the inequities suffered by owners of conforming properties in residential zoning districts due to the City's failme to provide equal protection of the laws (guaranteed under the 14th Amendment of U.S. Constitution and Art. I, § 1, i II of the 1983 Georgia Constitution) can only be corrected if the City brings to an end over time all nonconforming commercial rental activities in those residentially zoned districts;
8. It is unjust for future purchasers of presently nonconforming STR properties in residential districts to possess STR rights superior to those that are entirely prohibited to current and future owners of conforming properties in those same districts;

See Village of Euclid, Ohio v. Ambler Realty Co., 272 U.S. 365, (U.S. Supreme Court, 1926); and Howden v. Mayor and Aldermen of Savannah, 172 Ga. 833 (Supreme Court of Ga. 1931).

9. Although the City is entitled by law to correct the current unequal application and protection of the laws by abruptly terminating nonconforming STR use in residential zoning districts,£ City Council has, instead, proposed an ordinance that gradually (i.e., over decades of transition) brings all residential properties into parity and conformance - allowing those who presently operate STR' sunder lawfully issued STR permits³ to continue to operate them as long as they continue to: (a) own the subject properties; and (b) adhere to Tybee's ordinances governing their operation as STR's; and
10. Among the strongest factors favoring passage of the proposed ordinance is that it begins, albeit incrementally, to counter the effect of the disregard shown to-date by the City's administration toward: (a) ordinances already passed by City Council; a the rights of owners of conforming residential properties, who suffer from the C

- a. *Refusal to insist (before issuing or renewing STR permits) that STR owners meet their initial burden under law of showing that their STR's are valid in the first place;*
- b. *Refusal to enforce capacity limits set out in the LDC for structures in one and two-family residential zoning districts;*
- c. *Refusal to apply enforcement remedies set out in the LDC against those who advertise for more STR guests than their property's STR permit allows (LDC§ 4-051.9(b));*
- d. *Refusal to enforce Tybee's island-wide parking regulations when it comes to right-of-way parking for STR properties west of Butler; and*
- e. *Willingness to impose on neighbors of offending STR's the burden of calling police to control violations of noise and STR-related ordinances-rather than the City's more-appropriate scheduling of patrols by Code Enforcement officers to control those violations (particularly violations that occur in hours in which noise is most jarring).*

Of course, all of these problems, when combined, unfairly diminish the quality of life for law-abiding citizens who happen to own conforming residential properties adjacent to or near nonconforming (often noisy and over-packed) STR properties-particularly those properties that are not entitled to STR permits in the first place.

Consequently, because the proposed ordinance prevents no person who presently and lawfully operates an STR in a residential zoning district from continuing otherwise-valid and ongoing STR rentals - and because the proposed ordinance is narrowly crafted to avoid continuing the City's unlawful, unequal enforcement and protection of our laws as presently applied-I support its passage.

Therefore, it is my opinion that, pursuant to its authority under LDC§ 11-110-and if the typo in§ 2 of the proposed ordinance is corrected from "40501.11" to read" 4-051.11" -the Planning Commission should favorably commend the proposed ordinance to City Council for passage.

*David A. Roberts, Member
Tybee Island Planning Commission*

See BBC Land & Development, Inc. v. Butts County, 281 Ga. 472,473 (2007) ("a governing authority can require a nonconforming use to be terminated in a reasonable time.").

See BBC Land, 281 Ga. at 473 ("a use which is merely contemplated for the future but is unrealized as of the effective date of the regulation [in this case October 13, 2022] does not constitute a nonconforming use."). Those properties should be forced to cease STR activities immediately."

David Roberts made a motion to approve with the correction of the typo. **Robert Matkowski** seconded. **Marie Rodriguez** abstained from voting, which counts as an affirmative vote. **Anna Butler, David Roberts,** and **Robert Matkowski** voted for the approval. **Beau Livingston** voted against the approval. The vote was 4 to 1. The motion was approved.

Vice Chair Michelle Nooney stated that the Planning Commission needs to consider time limits for public speaking and publishing those limits. She would like this on the next agenda to discuss.

Adjournment: 8:30pm
Lisa L. Schaaf



STAFF REPORT

PLANNING COMMISSION MEETING OF: May 20, 2024

CITY COUNCIL MEETING OF: June 13, 2024

LOCATION: City of Tybee Island

PIN: N/A

APPLICANT: City of Tybee Island

OWNER: City of Tybee Island

EXISTING USE: N/A

PROPOSED USE: N/A

ZONING: All Residential Districts

USE PERMITTED BY RIGHT: N/A

COMMUNITY CHARACTER MAP: N/A

APPLICATION: Text Amendment

PROPOSAL: The applicant has requested a text amendment to ordinance 3-110

ANALYSIS: The city recognizes citizens or visitors may for a limited time use a recreational vehicle and seeks to clarify the types of recreational vehicles which may be used on a temporary basis under the ordinance as well as the purposes for which a recreational vehicle may be used

STAFF FINDING: N/A

This Staff Report prepared by Walter Hattrich

ATTACHMENTS

ORDINANCE NO. 2024-

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF TYBEE ISLAND, GEORGIA, TO PROVIDE FURTHER
DEFINITION OF RECREATIONAL VEHICLES THAT MAY BE USED
ON A TEMPORARY BASIS AS WELL AS THE DEFINITION OF
DWELLING PURPOSES FOR THE ORDINANCE ON TEMPORARY USE
OF RECREATIONAL VEHICLES**

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, (the “City”) is authorized under Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, and welfare of the citizens of Tybee Island, Georgia, and

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is the Mayor and Council thereof; and

WHEREAS, the governing authority desires to adopt ordinances under its police and home rule powers; and

WHEREAS, the City recognizes citizens or visitors may for a limited time use a recreational vehicle; and

WHEREAS, the City seeks to clarify the types recreational vehicles which may be used on a temporary basis under the ordinance as well as the purposes for which a recreational vehicle may be used;

NOW THEREFORE, it is hereby ordained by the governing authority of the City of Tybee Island that the Code of Ordinances will be amended as follows:

SECTION 1

Section 3-110(c) is revised as follows:

- (C) *Temporary use of recreational vehicles on private property for dwelling purposes.* No recreational vehicle shall be used for dwelling purposes on any lot in a residential district unless a temporary permit is acquired. Such permit shall be valid for up to seven days and the lot is only eligible for a permit three times per calendar year except as set forth below. Only one

vehicle may be granted a permit for a lot during the duration of the permit. The temporary permit may be obtained from the zoning administrator during normal hours of operation at the city hall. There is no fee for this permit. However, violation of this clause will be subject to the same enforcement as all other regulations of this Land Development Code.

"Dwelling Purposes" means to "use for living space" and shall include, but not be limited to, acts of sleeping, cooking, bathing, occupying as a dwelling, or any stay within the recreational vehicle not directly related to its driving. The following factors may constitute acts to be considered indicative of "Dwelling Purposes":

1. Evidence of a person entering and exiting the vehicle;
2. Connection of the vehicle to sewer, water, or electrical systems;
3. Use of a power generator;
4. Accessory structures about the vehicle;
5. Illumination of the interior of the vehicle;
6. Window masking;
7. Expanded bays "pop-outs."

"Recreational vehicle" or "RV" means a vehicular-type unit primarily designed as temporary living quarters for recreational, camping, travel or seasonal use that either has its own motive power or is mounted on, or towed by, another vehicle.

(D) For purposes of facilitating the work associated with elevating homes a part of the FEMA sponsored Hazard Mitigation Grant, the restrictions contained in Section (C) above shall not apply to a homeowner who needs to reside in a recreational vehicle while they are actively engaged in construction under the Grant. This special exemption shall be permitted for a period of no longer than one year. Placement of the recreational vehicle must meet all setback requirements and be approved by the City's Planning and Zoning Department.

SECTION 2

If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance. It is hereby declared as the intent of the City of Tybee Island Mayor and Council that this ordinance would have been adopted had such invalid or unconstitutional portion not been included herein.

SECTION 3

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

SECTION 4

It is the intention of the governing body, and it is hereby ordained, that the provisions of this ordinance shall become effective and be made a part of the Code of Ordinances, City of Tybee Island, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

SECTION 5

This ordinance shall be effective upon its adoption by the Mayor and Council pursuant to The Code of the City of Tybee Island, Georgia.

This Ordinance shall become effective on _____ day of _____, 2024.

ADOPTED THIS ___ DAY OF _____, 2024.

MAYOR

ATTEST:

CLERK OF COUNCIL
FIRST READING: _____
SECOND READING: _____
ENACTED: _____



STAFF REPORT

PLANNING COMMISSION MEETING OF: May 20, 2024

CITY COUNCIL MEETING OF: June 13, 2024

LOCATION: 118 Lewis Avenue

PIN: 40004 14002

APPLICANT: Deanne and Jeff Cooper

OWNER: Deanne and Jeff Cooper

EXISTING USE: Residence

PROPOSED USE: Residence

ZONING: R-1-B

USE PERMITTED BY RIGHT: Yes

COMMUNITY CHARACTER MAP: Marshfront Neighborhood

APPLICATION: Special Review

PROPOSAL: The applicant has requested to reside in a camper on site during the house lifting process.

ANALYSIS: This was allowed previously on Lewis avenue at # 127 where the contractor was from out of town and lived in an RV on site.

STAFF FINDING: Staff recommends approval.

This Staff Report prepared by Walter Hattrich

ATTACHMENTS



**CITY OF TYBEE ISLAND
SPECIAL REVIEW APPLICATION**

Item #3.

Fee \$500

Address or location of subject property: 118 Lewis Ave

PIN# 4000414002 Applicant's Name: Deanne & Jeff Cooper

Applicant's Mailing Address: PO Box 2858 Tybee Is GA 31328

Phone/Email: 912-346-2326 deanne305@hotmail.com

Brief description of the land development activity and use of the land thereafter to take place on the property:
House is being lifted & need to live in camper on site.

Property Owner's Name: Deanne & Jeff Cooper

Phone/Email: 912-346-2326 deanne305@hotmail.com

Owner's Mailing Address: PO Box 2858 Tybee Is GA 31328

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-B Current Use: Residential - Full time

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.

[Signature]
Signature of Applicant

4-29-24
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:

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

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.

[Handwritten Signature]
Signature of Applicant

4-29-24
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 Deanne K Cooper

Printed Name Deanne K Cooper

Date 4-29-24

Stephen & Karla Knudsen
116 Lewis Ave
Tybee Island GA

Colette Cassidy
120 Lewis Ave
Tybee Island GA

American Land Title Association ALTA Settlement Statement - Combined
Adopted 08-01-2015

Rubnitz Thompson Ziblut, LLC
ALTA Universal ID: 1055246
617 Stephenson Avenue Suite 202
Savannah, GA 31405

File No / Escrow No	232158
Print Date & Time	January 31, 2024 1:36 pm
Officer / Escrow Officer	Elizabeth F. Thompson
Settlement Location	617 Stephenson Avenue Suite 202 Savannah, GA 31405
Property Address:	118 Lewis Avenue Tybee Island, GA 31328
Borrower	JMCooper LLC 4 Wallflower Cove Savannah, GA 31410
Seller	Rockhill Ventures LLC 1832 1st Ave. #20583 New York, NY 10028
Lender	Trophy Point Investment Group, LLC
Settlement Date	January 31, 2024
Disbursement Date	January 31, 2024



City of Tybee Island
 PO BOX 2749
 Tybee Island, GA 31328
 912-786-4573

SERVICE ADDRESS		
118 LEWIS AVE		
ACCOUNT NUMBER	DUE DATE	AMOUNT DUE
010640.02	4/25/2024	\$354.76

For Payment Options/Go Paperless:
 Go to: cityoftybee.org

DEANNE COOPER
 4 WALTHOUR CV
 SAVANNAH, GA 31410-2500

Service Dates	Account Number	Service Address						
3/1/2024 - 3/31/2024	010640.02	118 LEWIS AVE						
DESCRIPTION	AMOUNT	Meter Readings (Readings in 1000 gallons) <table border="1"> <thead> <tr> <th>Previous Read</th> <th>Current Read</th> <th>Current Usage</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> Deposit Water Base PREVIOUS YEAR USAGE	Previous Read	Current Read	Current Usage			
Previous Read	Current Read		Current Usage					
Previous Balance	\$294.88							
Payments	\$0.00							
Adjustments	\$0.00							
Penalty	\$0.00							
Deposit	\$0.00							
Water Base	\$16.69							
Solid Waste	\$26.50							
Sewer Base	\$16.69							
TOTAL AMOUNT DUE	\$354.76							

MESSAGE:

The following information may be helpful:

1. Bill are normally mailed by the first of the month and are due and payable by the 25th of each month.
2. Payments must be received prior to due date. Payments not received by the 25th will be considered delinquent and subject to disconnection.
3. A late fee of \$15.00 will be applied to unpaid amounts each month.
4. Failure to receive a bill does not exempt you from payment, late charges or disconnect.

Make payments using IVR (Interactive Voice Response) system call (866) 419-5305
 Online payments, auto pay and paperless bills are available at cityoftybee.org

PLEASE DETACH AND RETURN BOTTOM PORTION WITH YOUR PAYMENT

Please reference the account number on your check Please do not staple checks. Make payable to:

City of Tybee Island
 PO BOX 2749
 Tybee Island, GA 31328
 912-786-4573

SERVICE ADDRESS		
118 LEWIS AVE		
ACCOUNT NUMBER	DUE DATE	AMOUNT DUE
010640.02	4/25/2024	\$354.76

DEANNE COOPER
 4 WALTHOUR CV
 SAVANNAH, GA 31410-2500



PARID: 40004 14002
ROCKHILL VENTURES LLC

118 LEWIS AVE

Most Current Owner

Current Owner	Co-Owner	Care Of	Mailing Address
ROCKHILL VENTURES LLC			1632 1ST AVE, #20583 NEW YORK NY 10028

Digest Owner (January 1)

Owner	Co-Owner	Address 1	Address 2	City	State	Zip
EBRECHT JILL D		118 LEWIS AVE		TYBEE ISLAND	GA	31328

Parcel

Status	ACTIVE
Parcel ID	40004 14002
Category Code	RES - Residential
Bill #	2971961
Address	118 LEWIS AVE
Unit # / Suite	
City	TYBEE ISLAND
Zip Code	31328-
Neighborhood	20222.00 - T222 TYBEE HORSE PEN
Total Units	
Zoning	R-1-B
Class	R3 - Residential Lots
Appeal Status	

Legal Description

Legal Description	LT 63 PALM TERR SUB WD 1 TYBEE
Deed Book	289M
Deed Page	0683

Permits

Permit #	Permit Date	Status	Type	Amount
170119-2	02/06/2017	Complete	GM - GENERAL MAINT.	\$5,300.00
07-0305-1	07/16/2007	Complete	RF - ROOF	\$2,900.00

Inspection

Inspection Date	Reviewer ID
05/15/2023	RKRYZAK
12/10/2021	RKRYZAK
03/26/2019	KMMORENO

11/20/2017

FIRDAWSS

11/25/2015

MWITHOMAS

Appraised Values

Tax Year	Land	Building	Appraised Total	Reason
2023	285,300	124,700	410,000	
2022	285,300	132,600	417,900	
2021	157,900	114,300	272,200	
2020	157,900	114,300	272,200	
2019	157,500	76,100	233,600	
2018	157,500	75,500	233,000	
2017	157,500	65,500	223,000	
2016	157,500	49,700	207,200	
2015	175,200	47,500	222,700	

Sales

Sale Date	Sale Price	Sale Validity	Instrument Book - Page	Grantor	Grantee
08/23/2023	302,000	Q	LD 3178 - 0343	EBRECHT JILL D.	ROCKHILL VENTURES LLC
06/17/2005	315,000	U	WD 289M - 0683	KNIGHT LORA GRACE	EBRECHT JILL D
05/01/1997	80,000	Q	WD 186Q - 0331	SKINNER DOLORES F	KNIGHT LORA GRACE
03/04/1993	0	U	QC 159J - 0022	SKINNER JERRY C	SKINNER DELORES F
03/01/1985	35,900	U	-		

Land

Line Number	1
Land Type	U - UNIT
Land Code	119 - MARSH VIEW
Square Feet	0
Acres	0
Influence Factor 1	63
Influence Reason 1	
Influence Factor 2	
Influence Reason 2	

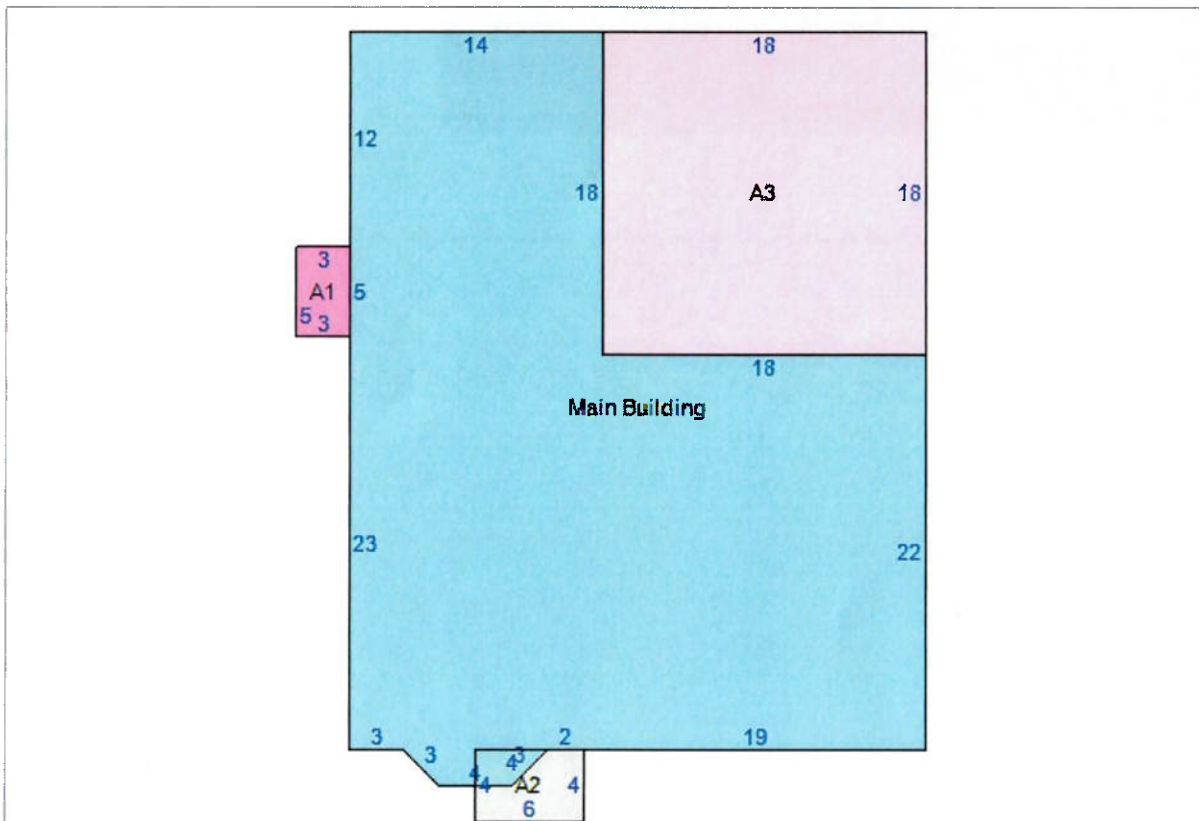
Residential Building

Card #	1
Actual Year Built	1985
Effective Year Built	
Type	1 - Single Family Residence
Style/Stories	1 - ONE STORY

Percent Complete 100
 Quality 200
 Condition AV - AVERAGE
 Living Area 968
 Basement Area 0
 Finished Basement Area No
 Bedrooms 2
 Full / Half Baths 1 / 0

OBJ

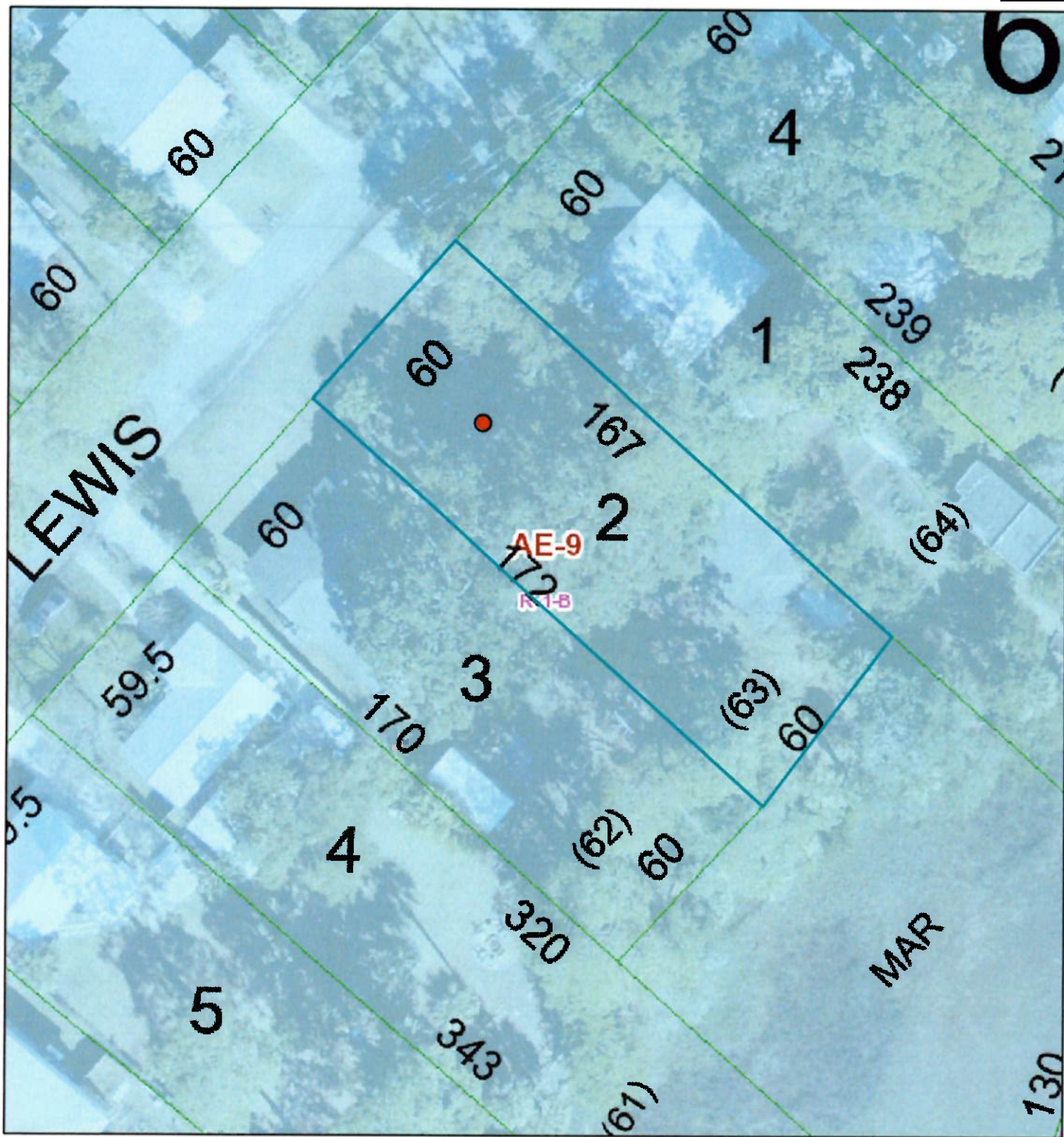
Card #	Description	Year Built:	Grade:	Units:	Override:	Area:
1	723 : CARPORT, GABLE ROOF	1990	E	1		476



Item	Area
Main Building	968
- 723:CARPORT, GABLE ROOF	476
A1 - 904:904-Slab Porch (SF) with Roof	15
A2 - 904:904-Slab Porch (SF) with Roof	24
A3 - 908:908-Enclosed Porch (SF), Knee	324

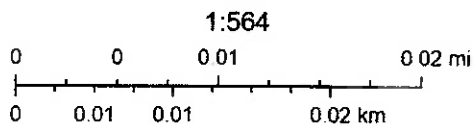
Item #3.





5/2/2024, 9:20:04 AM

- Effective Flood Zones (2018)
- AE - Inside the 100 year Flood Zone
 - A - Inside the 100 year Flood Zone
 - AE Floodway - Inside a Regulatory Floodway
 - VE - Inside the 100 year Flood Zone w/ Velocity Hazard
 - X_500 - Inside the 500 year Flood Zone
 - X - Outside the 500 year Flood Zone
 - Zoning
 - Property Boundaries (Parcels)



SAGIS



STAFF REPORT

PLANNING COMMISSION MEETING OF: May 20, 2024

CITY COUNCIL MEETING OF: June 13, 2024

LOCATION: 301 Butler Avenue

PIN: 40004 19001A

APPLICANT: Robert McCorcle as agent for Alicia Barrow

OWNER: Alicia Barrow

EXISTING USE: Residential

PROPOSED USE:

ZONING: R-2

USE PERMITTED BY RIGHT: Yes

COMMUNITY CHARACTER MAP: Commercial Gateway

APPLICATION: Map Amendment

PROPOSAL: Applicant requests to re-zone the property located at 301 Butler Avenue PIN number 40004 19001A from R2 to C1

ANALYSIS: The property in question is located within the Commercial Gateway Character Area. The rezoning would be consistent with the Character Area Map and Master Plan

STAFF FINDING:

Staff Recommends Approval

This Staff Report prepared by Walter Hattrich



**CITY OF TYBEE ISLAND
LAND DEVELOPMENT CODE
MAP AMENDMENT APPLICATION**

Fee \$500

Applicant's Name Robert McLarkhe as agent for Alicia Barrow

Applicant's Telephone Number 912-232-6141

Applicant's Mailing Address 319 Tattnall Street, Savannah, GA 31401

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

 4-30-24
 Signature of Applicant Date

NOTE: Other specific data is required for each proposed Map Amendment.

Property - 301 Butler Av. - 40004 19001 A
zone R-2

City Official _____

Date _____

NOTE: This application must be accompanied by additional documentation, including drawings and/or text that include or illustrate the information outlined below.

Indicate in the spaces provided whether or not the required information is provided.

<u>YES or NO</u>	<u>REFERENCE</u>	<u>DESCRIPTION</u>
<u>Y</u>	5-020 (D)	An amendment to the zoning map is considered to be an amendment of the Land Development Code. Such action requires a hearing by the Planning Commission and approval by the Mayor and Council at a scheduled public hearing.
<u>Y</u>	5-040 (E) (2) 5-040 (E) (2) (a)	An application for a map amendment shall include the following information: A map or plat of the land in question, and a description by metes and bounds, bearings, and distances of the land, or if the boundaries conform to the lot boundaries within a subdivision for which a plat is recorded in the land records of Chatham County then the lot, block, and subdivision designations with appropriate plat reference; and,
<u>.14</u>	5-040 (E) (2) (b) 5-110	The area of the land proposed to be reclassified stated in square feet if less than one acre, and in acres if greater than one acre. Section 5-110, Standards for Land Development Code or Zoning Map Amendment Approval, identifies standards and other factors to be considered by the Mayor and Council in making any zoning decision. The Applicant should provide written data addressing each of the below listed standards and factors to assure consideration of applicable information.
<u>Y</u>	5-110 (A)	The existing land use pattern;
<u>N</u>	5-110 (B)	The possible creation of an isolated district unrelated to adjacent and nearby districts;
<u>N</u>	5-110 (C)	The existing population density pattern and the possible increase or overtaxing of the load on public facilities;
<u>Y</u>	5-110 (D)	Whether changed or changing conditions make the passage of the proposed amendment reasonable;
<u>N</u>	5-110 (E)	Whether the proposed change will adversely influence existing conditions in the neighborhood or the city at large;
<u>N</u>	5-110 (F)	Potential impact on the environment, including but not limited to drainage, soil erosion and sedimentation, flooding, air quality, and water quality and quantity;
<u>Y</u>	5-110 (G)	The reasonableness of the costs required of the public in providing, improving, increasing or maintaining public utilities, schools, streets and public safety necessities when considering the proposed changes;
<u>N</u>	5-110 (H)	Whether the proposed change will be detrimental to the value or improvement or development of adjacent or nearby property in accordance with existing requirements;
<u>N</u>	5-110 (I)	Whether the proposed change is out of scale with the needs of the neighborhood or entire city;
<u>N</u>	5-110 (J)	Whether the proposed change will constitute a grant of special privilege to the individual owner as contrasted with the adjacent or nearby neighborhood or with the general public; and,
<u>Y</u>	5-110 (K)	The extent to which the zoning decision is consistent with the current city master plan or other local planning efforts, if any, of the city.

The Applicant certifies that he/she has read the requirements for Land Development Code Map Amendments and has provided the required information to the best of his/her ability in a truthful and honest manner.

Signature of Applicant

4-30-24

Date


STATEMENT OF AUTHORIZATION FROM PROPERTY OWNER

Application for Rezoning, Tybee Island, Georgia

The undersigned Owner does hereby swear that she is the owner of certain real property located at 301 Butler Avenue, Tybee Island, Georgia (the "Property").

The undersigned does hereby authorize the person named below to act as Petitioner/Applicant in the pursuit of the rezoning of the Property.

Name of Applicant: Robert L. McCorkle, III
McCorkle, Johnson & McCoy, LLP
319 Tattnall Street
Savannah, Georgia 31401
(912) 232-6141
rlm@mccorklejohnson.com


Alicia Barrow


NOTARY PUBLIC

My Commission Expires: 6-22-26



Narrative

301 Butler Avenue

PIN 4004 19001A

On behalf of Alicia Barrow, we request to rezone 301 Butler Avenue, PIN 40004 19001A from R-2 to C-1. The property to the north on the other side of 3rd Street is zoned C-1, as is the property to the east on the beach side of Butler. The property is located within the Commercial Gateway Character Area so the rezoning is consistent with the Character Area Map/Master Plan.

The rezoning of the property will not create an isolated district, will not tax existing infrastructure and will not change the development pattern in the area. The proposed change will not adversely impact the existing condition of the neighborhood or the City nor will it be detrimental to adjacent properties.

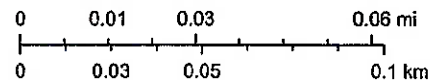
SAGIS Map Viewer



4/29/2024, 9:45:14 AM

1:2,257

- Zoning
- Property Boundaries (Parcels)



SAGIS, Esri Community Maps Contributors, Savannah Area GIS, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS



- Back River
- Inland Cottage Neighborhood
- Beaches
- Marshfront Neighborhood
- Coastal Marshlands
- North Beach/Maritime District
- Commercial Gateway
- South End Neighborhood
- Fort Screven Historic Neighborhood
- The Strand
- Historic Downtown

Character Areas
Tybee Island, Georgia



Adapted in 2021 by the Coastal Regional Commission GIS Department (CRCGIS). All information portrayed in this product is for reference use only. Therefore, CRCGIS will not be held liable for misinterpretation of the data provided herein. The data and used graphics are not legal documents and should not be utilized in such a manner. The information contained herein is considered dynamic and will change over time. It is the responsibility of the user to use the products appropriately. 2/23/2021 10:55:17

Clock# 1485031
FILED FOR RECORD
2/01/2013 09:28AM
PAID: 12.00
Daniel W. Massey, Clerk
Superior Court of Chatham County
Chatham County, Georgia

3849
149

Space above this line for recorder's use only

Inglesby, Fullgant, Horne,
Courington & Chisholm, P.C.
P.O. BOX 1368
Savannah, Georgia 31402-1368
Attn: J. Daniel Fullgant

GIFT DEED

BOOK
384 0
PAGE
149

THIS INDENTURE, made and entered into this 25th day of January, 2013, by and between

JOHN RICHARD BARROW, SR.

as party or parties of the first part (hereinafter referred to as the "Grantor"), and

ALICIA S. BARROW

(hereinafter referred to as "Grantee") (the words "Grantor" and "Grantee" to include their respective heirs, legal representatives, successors and assigns where the context requires or permits);

WITNESSETH that, Grantor, for and in consideration of LOVE AND AFFECTION, the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, aliened, conveyed and confirmed, and by these presents does grant, bargain, alien, convey and confirm unto said Grantee, all of his undivided interest in and to that tract or parcel of land described as follows, to-wit:

Said property is briefly described as Lot A, Resubdivision of Lots 19 and the Northern 46' of Lot 20, Ward One, Savannah Beach, Tybee Island, Chatham County, Georgia and more particularly described on Exhibit "A" attached hereto and made a part hereof by this reference.

THIS CONVEYANCE and the warranties herein contained are expressly made subject to those easements, covenants, restrictions and rights-of-way of record, and ad valorem taxes for the current year not yet due and payable.

TO HAVE AND TO HOLD the said described Property, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, only to the proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID GRANTOR will warrant and forever defend the right and title to the above described Property unto the said Grantee against the claims of all persons and entities whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed this Deed on the day and year first above written.

Signed, sealed and delivered this 25th day of January, 2013 in the presence of:

[Signature]
C. Daniel Fullgant
Notary Public

[Signature]
Notary Public
My Commission Expires:

[Signature]
JOHN RICHARD BARROW, SR.

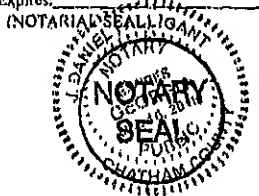


EXHIBIT "A"

ALL that certain lot, tract or parcel of land, situate, lying and being in the Town of Savannah Beach, Tybee Island, Chatham County, Georgia, and being known and designated as LOT "A" OF A RESUBDIVISION OF LOTS NINETEEN (19) AND THE NORTHERN FORTY-SIX (46) FEET OF LOT TWENTY (20), WARD ONE, SAVANNAH BEACH, said Lot having an Easterly frontage of sixty-three (63) feet on the west side of Butler Avenue and a depth of one hundred (100) feet, being bounded on the North by Third Street, on the West by Lot "C" of said resubdivision, on the South by Lot "B" of said resubdivision and on the East by Butler Avenue, all of which is more fully shown upon a plat or survey made by Robert D. Gignilliat, Chatham County Surveyor, for Charles P. Simon on April 2, 1969 and recorded in the Office of the Clerk of the Superior Court of said County in Plat Record Book T, Page 108.

384 0
BOOK

This being the same property conveyed to Alicia Melanie Strojny by Warranty Deed dated February 11, 1985, recorded in Deed Book 126-B, Page 731, aforesaid records.

Subject, however, to all valid restrictive covenants, easements and rights-of-way of record.

190
PAGE

Property more commonly known as 301 Butler Avenue, Tybee Island, Georgia 31328, Tax Parcel Number 4-4-19-1A.

Item #4.

PARID: 40004 19001A

BARROW ALICIA S

301 BUTLER AVE

Most Current Owner

Current Owner	Co-Owner	Care Of	Mailing Address
BARROW ALICIA S			PO BOX 2826 TYBEE ISLAND GA 31328-2826

Digest Owner (January 1)

Owner	Co-Owner	Address 1	Address 2	City	State	Zip
BARROW ALICIA S		PO BOX 2826		TYBEE ISLAND	GA	31328

Parcel

Status	ACTIVE
Parcel ID	40004 19001A
Category Code	RES - Residential
Bill #	2978427
Address	301 BUTLER AVE
Unit # / Suite	
City	TYBEE ISLAND
Zip Code	31328-
Neighborhood	20216.00 - T216 TYBEE BTL WEST
Total Units	
Zoning	R-2
Class	R3 - Residential Lots
Appeal Status	

Legal Description

Legal Description	LT A RESUB OF PTS LTS 19 + 20 WD 1 SAVH BEACH
Deed Book	3840
Deed Page	149

Permits

Permit #	Permit Date	Status	Type	Amount
170223-8	03/01/2017	Complete	HT - HEAT/FURN/HVAC	\$4,250.00
150570-7	10/06/2015	Complete	RF - ROOF	\$8,600.00
150538-6	09/21/2015	Complete	RN - RENOVATIONS	\$1,350.00
140461-4	06/25/2014	Complete	RN - RENOVATIONS	\$7,050.00
140344-5	05/15/2014	Complete	RF - ROOF	\$500.00

Inspection

Inspection Date	Reviewer ID

05/15/2023	RKRYZAK
08/10/2021	RKRYZAK
01/18/2018	WWROBERT
03/14/2017	MWTHOMAS
02/03/2016	MWTHOMAS

Appraised Values

Tax Year	Land	Building	Appraised Total	Reason
2023	420,000	511,000	931,000	
2022	420,000	460,100	880,100	
2021	210,100	507,700	717,800	
2020	210,100	428,200	638,300	
2019	210,100	461,400	671,500	
2018	210,100	451,500	661,600	
2017	210,100	415,200	625,300	
2016	207,800	425,300	633,100	
2015	207,800	425,300	633,100	

Sales

Sale Date	Sale Price	Sale Validity	Instrument	Book - Page	Grantor	Grantee
01/25/2013	0	U	GD	3840 - 149	BARROW JOHN RICHARD SR & ALICIA S*	BARROW ALICIA S
04/05/2010	0	U	WD	360G - 53	STROJNY ALICIA MELANIE	BARROW JOHN RICHARD SR & ALICIA S*

Land

Line Number	1
Land Type	U - UNIT
Land Code	01 - SINGLE FAMILY RES
Square Feet	0
Acres	.14
Influence Factor 1	20
Influence Reason 1	
Influence Factor 2	
Influence Reason 2	

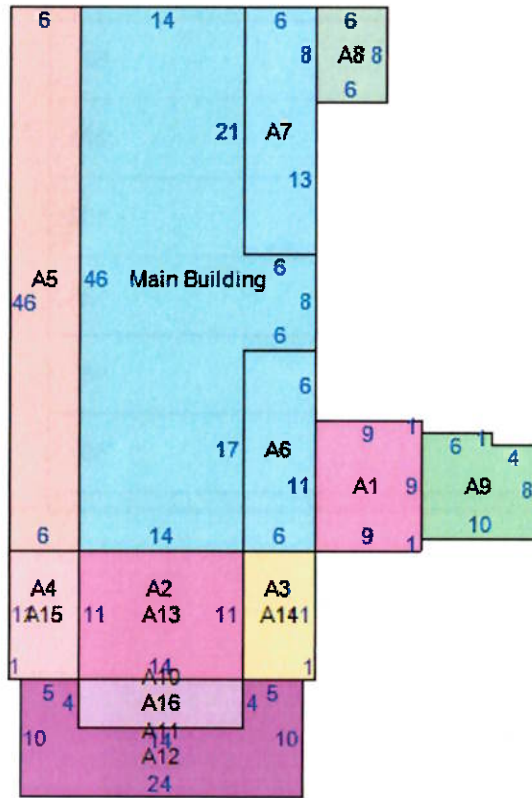
Residential Building

Card #	1
Actual Year Built	1993
Effective Year Built	

Type 1 - Single Family Residence
 Style/Stories 7 - THREE STORY PLUS
 Percent Complete 100
 Quality 400
 Condition AV - AVERAGE
 Living Area 3,623
 Basement Area 0
 Finished Basement Area No
 Bedrooms 3
 Full / Half Baths 2 / 0

OBY

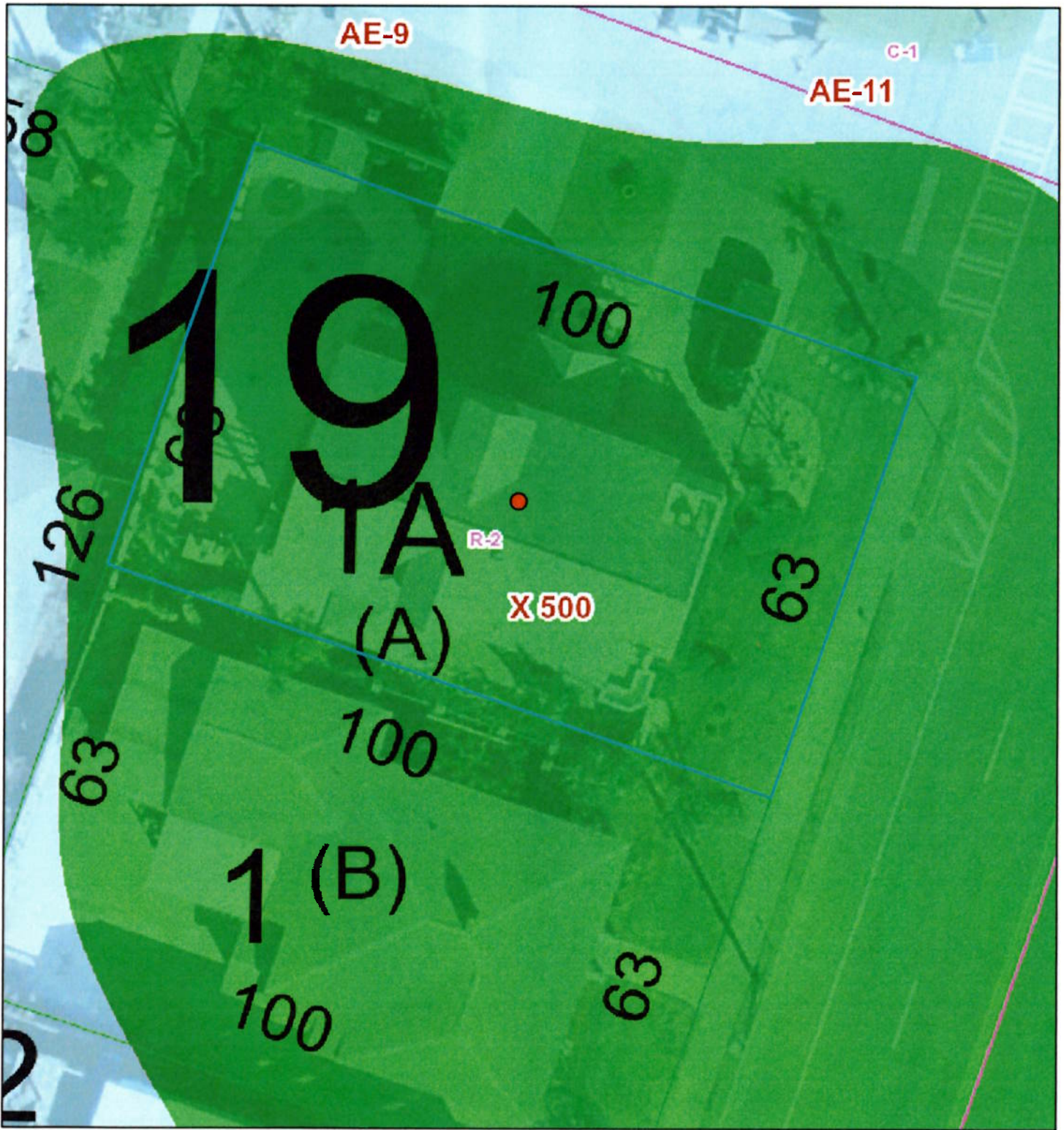
Card #	Description	Year Built:	Grade:	Units:	Override:	Area:
1	1625 : POOL, GUNITE	2010	C	1		64
1	1625 : POOL, GUNITE	2010	C	1		408



Item	Area
Main Building	692
- 1625:POOL, GUNITE	408
A1 - 100:100- LIVING SPACE	99
A10 - 904/904:904-Slab Porch (SF) with Roof/904-Slab Porch (SF) with Roof	56

A11 - 721:721-Carport, Flat Roof (SF)	184
A12 - 903:903-Wood Deck (SF)	184
A13 - 711:711-Built-in Garage (SF)	154
A14 - 711:711-Built-in Garage (SF)	66
A15 - 711:711-Built-in Garage (SF)	66
A16 - 904:904-Slab Porch (SF) with Roof	56
- 1625:POOL, GUNITE	64
A2 - 100/100:100- LIVING SPACE/100- LIVING SPACE	154
A3 - 100:100- LIVING SPACE	66
A4 - 100:100- LIVING SPACE	66
A5 - 100/100:100- LIVING SPACE/100- LIVING SPACE	276
A6 - 100/100:100- LIVING SPACE/100- LIVING SPACE	102
A7 - 100/100:100- LIVING SPACE/100- LIVING SPACE	126
A8 - 904:904-Slab Porch (SF) with Roof	48
A9 - 903:903-Wood Deck (SF)	86

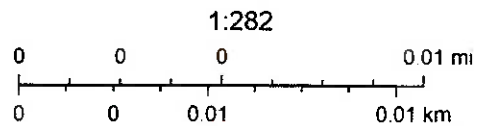




5/2/2024, 9:32:41 AM

Effective Flood Zones (2018)

- AE - Inside the 100 year Flood Zone
- A - Inside the 100 year Flood Zone
- AE Floodway - Inside a Regulatory Floodway
- VE - Inside the 100 year Flood Zone w/ Velocity Hazard
- X_500 - Inside the 500 year Flood Zone
- X - Outside the 500 year Flood Zone
- Zoning
- Property Boundaries (Parcels)



SAGIS

PLANNING COMMISSION

Anna Butler
Beau Livingston
Robert J. Matkowski
Elaine McGruder
S. Michelle Nooney
David Roberts
Marie Rodriguez



ACTING CITY MANAGER

Michelle Owens

COMMUNITY DEVELOPMENT DIRECTOR

George Shaw

CITY ATTORNEY

Edward M. Hughes
Tracy O'Connell

Planning Commission Meeting AGENDA

MAY 20, 2024 – 6:30 p.m.

For City Council Meeting June 13, 2024 – 6:30 p.m.

*Example
I can add
this
/*

A. Call to order:

B. Consideration of Minutes:

- 1. Minutes of April 15, 2024

C. Disclosures/Recusals:

D. If there is anyone wishing to speak to anything on the agenda, please approach the podium and limit your comments to 4 minutes.

E. Old Business:

F. New Business:

- 1. Text Amendment: for further definition of recreational vehicles used on a temporary basis for dwelling purposes - City of Tybee.
- 2. Special Review: requesting to live in recreational vehicle on site while house is lifted – 118 Lewis Avenue – 40004 14002 – Zone R-1-B – Deanne & Jeff Cooper
- 3. Map Amendment: requesting to rezone from R-2 to C-1 – 301 Butler Avenue – 40004 19001A – Zone R-2 – Alicia Barrow.

G. Discussions: Consider time limits for public speaking.

Adjournment:

Lisa L. Schaaf