



**CITY OF ST. MARYS, GEORGIA**  
**418 Osborne Road**  
**St. Marys, GA 31558**

**June 10, 2015**

**SPECIAL CITY COUNCIL MEETING**

**5:00 p.m.**

**AGENDA**

**I. CALL TO ORDER**

**II. INVOCATION: Councilmember Dave Reilly**

**III. PLEDGE OF ALLEGIANCE**

**IV. ROLL CALL**

**QUORUM: YES \_\_\_ NO \_\_\_**

**V. BUSINESS:**

**A. VARIANCE APPEAL (Marc & Angela Ottenger, 309 Mahan Street): ..TAB "A"**  
*Michele Wood (Assistant Planner)* The Ottenger's are requesting a rear yard variance and a side yard setback to replace an existing garage at 309 Mahan Street, St. Marys, Georgia. The property is zoned R-1, Tax Parcel S36 09 004.

**B. VARIANCE APPEAL (June Henry 1201 Shadowlawn Drive): .....TAB "B"**  
*Michele Wood (Assistant Planner)* Dean Privett, on behalf of June Henry, 1201 Shadowlawn Drive, St. Marys, GA 31558 is requesting a side yard variance and a rear yard variance to construct a new garage at 111 Wheeler Street. The property is zoned R-1, Tax Parcel S40-04-012.

**VI. EXECUTIVE SESSION:**

**VII. ADJOURNMENT:**

**This is a tentative agenda and is subject to change. Please check with City Hall prior to the Meeting for any revisions.**

# CITY COUNCIL MEETING

## Marc & Angela Ottenger – Variance Appeal – 309 Mahan Street June 10, 2015

**NEW BUSINESS:** Appeal of a decision of the Planning Commission to deny a variance.

**PURPOSE:** To hear an appeal by the applicant of a decision of the Planning Commission to deny a request for a variance for their property at 309 Mahan Street.

**RECOMMENDATION:** The Planning Department recommends that Council support the Planning Commission's denial of the request for variance.

**HISTORY/ANALYSIS:** The applicant had removed part of the wall of the non-conforming structure. When the building permit application was submitted for review, the only change requested was to change the roof and add new garage doors. If the Planning Department had known one of the walls were going to be removed, the applicant would have been advised, prior to the issuance of a building permit, that the structure would then be required to meeting current zoning requirements.

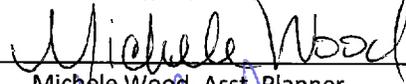
Once the wall was removed, the adjoining property owner, Mr. Sheffield, contacted the Planning Department regarding the removal of the wall and provided a document between Mr. Sheffield and the former owner of Mr. Ottenger's property. The document stated if the structure was ever removed, any new structure would no longer encroach on the Sheffield's property. The removed structure had previously encroached a couple of inches onto Mr. Sheffield's property. The St. Marys Code of Ordinances states if the structure was removed by the property owner, the structure would no longer be considered non-conforming and would be required to comply with current zoning ordinances. Once Mr. Ottenger was contacted and advised of the situation, he then requested to apply for a variance.

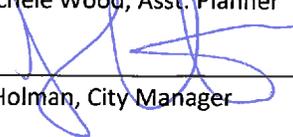
The Planning Commission met on April 28, 2015. The Planning Commission voted unanimously to deny the request. The following items were discussed in regard to denying the request:

- Removal of the structure required the new structure to be built in compliance with current zoning requirements.
- The adjoining property owner, Mr. Sheffield, stated that he has a potential buyer for the property and has been advised, should the variance be approved, the potential exists that the sale will not go through resulting in a financial setback for him and his wife.
- Terry Stover, contractor for the potential buyer of Mr. Sheffield's property, stated he has come before the Planning Commission for variances and has at times been denied. The applicant was requesting a 0' side yard setback (side street facing Conyers Street) which requires a 25' side yard setback. Mr. Stover stated he has never seen a variance of this size approved especially when it is going to affect other people. Mr. Stover questioned if the Planning Commission grants the variance, would the adjoining property owner be able to come back to the Planning Commission and request to a 5' side yard setback or no front yard setback. He stated the lot is small and they are having a difficult time trying to keep the structure in compliance with present zoning ordinances. Mr. Stover stated when the buyers placed a contract on the home, the structure had already been removed and it was prior to the Public Hearing sign being placed on the property. At the time of the contract on the home, they were unaware of the variance request. Mr. Stover stated approval of the variance could result in him losing the contract on the house. He stated it would create a hardship for him and Mr. Sheffield.

The applicant requested the current appeal, and this request was made within the time limits specified in the ordinance. As noted, planning staff recommends that City Council concur with the PC recommendation for denial.

**ATTACHMENTS:** Report from the Planning Commission; DRAFT minutes of the Planning Commission Public Hearing and Regular Meeting minutes; letter of denial; staff report and related documents; and all data as submitted to the Planning Commission.

Department Director:   
Michele Wood, Asst. Planner

City Manager:   
John J. Holman, City Manager



**CITY OF ST. MARYS**  
418 OSBORNE STREET  
ST. MARYS, GEORGIA 31558  
PLANNING AND ZONING DEPARTMENT  
TELEPHONE: 912-510-4032 FAX: 912-510-4014

## **LIST OF EXHIBITS FOR THE PLANNING COMMISSION APPEAL REQUESTED BY MARK OTTENGER**

- EXHIBIT 1. Planning Commission Report Prepared for City Council
- EXHIBIT 2: April 28, 2015 Planning Commission Meeting Minutes
- EXHIBIT 3: Staff Report from the Planning Department
- EXHIBIT 4: Letter from Property Owner Submitted with Application
- EXHIBIT 5: Variance Application
- EXHIBIT 6: Photo of Structure Prior to Removal
- EXHIBIT 7: Photo of Property After Removal of Structure
- EXHIBIT 8: Building Permit Application Submitted by Mr. Ottenger
- EXHIBIT 9: Survey of Property Belonging to Steven & Kim Sheffield
- EXHIBIT 10: Documents Mr. Ottenger submitted at the April 28, 2015 PC Meeting
- EXHIBIT 11: Map of Property
- EXHIBIT 12: Section 110-146. Variances from St. Marys Code of Ordinances

BEFORE THE PLANNING COMMISSION  
FOR THE CITY OF ST. MARYS

IN RE: :  
 :  
 Marc and Angela Ottenger :

Report and Recommendations of the Planning Commission to the City Council

On March 24, 2015, Marc and Angela Ottenger (“Applicants”) filed a variance request with the Planning Commission for the City of St. Marys (“Commission”).<sup>1</sup> In accordance with Section 110-146(b) of the Ordinances of St. Marys (“Ordinance”), public notice of the application was given and a public hearing was scheduled. The Commission conducted a public hearing upon the application in open session on April 28, 2015 at which time a quorum of the Commission was present. During the regular meeting of the Commission following the public hearing, upon motion made and duly seconded, the application was unanimously denied. This is the Commission’s report and recommendations as required by City Ordinance 110-164.

FACTS

1. The property for which the variance was sought is located at 309 Mahan Street in St. Marys. The property is located in an R-1 district.<sup>2</sup> The Applicants sought a rear yard setback of five feet (fifteen feet required by law) and side yard setback of zero feet (twenty-five feet required by law). The side yard adjoins Conyers Street and the rear yard abuts lands owned by Applicants’ neighbors, Steven and Kim Sheffield.

2. Applicants obtained a building permit on March 11, 2015 to replace existing garage doors and the roof on the garage. After obtaining the permit, Applicants demolished a part of the structure which had not been included as part of the building permit.

3. As a result of the partial demolition of the structure, the Applicants were notified by the City that any rebuild of the garage would have to meet the current zoning requirements.

4. The survey attached to the variance application shows that the garage, before its partial demolition, encroached onto Conyers Street (owned by the City) and also encroached onto the Sheffield property in the rear.

5. The Sheffields supplemented their argument by producing a notarized but unrecorded document between the Applicants’ predecessor in interest, Thomas G. Olsen, and the Sheffields dated April 30, 2010. The document stated that should the encroachment be removed at a later date, any new

<sup>1</sup> A copy of the application and related documents is attached and incorporated by reference. Also incorporated by reference are the minutes of the meeting of the Planning Commission of April 28, 2015, approved by the Commission on May 26, 2015.

<sup>2</sup> It is noted that the handwritten application in this matter states that the property is located in an R-3 district. The property is actually located in an R-1 district and the Commission will consider the application modified to reflect the correct zoning district.

replacement structure would not encroach on lot 2. Since the document was unrecorded and otherwise silent on any setback for a replacement structure, the document had no probative value with respect to the application for a variance.

6. The Commission received comments during the public hearing from Marc Ottenger, Steven Sheffield, and Terry Stover. The minutes from the Commission's meeting of April 28, 2015 are contained in the attachment and set forth the statements made for and against the grant of a variance.

7. Essentially, the Applicants believe that there are safety issues that can be resolved by approving the variance and that since they are willing to have a ten foot setback instead of the required fifteen foot setback, the issue of the encroachment would be resolved as well. Mr. Ottenger stated that if the variance were not granted, there would not be enough room to build even a one car garage.

8. Mr. Sheffield stated that he and his wife have a buyer for their property and if the variance is granted, the sale will fall through which will result in a financial hardship for them.

9. Mr. Stover, the builder for the prospective buyers of the Sheffield property, stated that the grant of the variance would be inconsistent with what the Commission has done in the past when he applied for similar variances.

## DISCUSSION

1. Section 110-146 of the City's ordinances sets forth the requirements that the Commission must consider when presented with a variance application. Section 110-146 reads as follows:

### **Sec. 110-146. Variances.**

The planning commission may authorize a variance from the requirements of this chapter where it can be shown that owing to special and unusual circumstances related to a specific lot, strict application of the chapter would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance the planning commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purpose of this chapter.

- (a) *Conditions governing the granting of a variance.* A variance may be granted by the planning commission only in the event that all of the following circumstances exist:
- (1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same vicinity, and result from lot size or shape, topography or other circumstances over which the owners of the property since enactment of this chapter have had no control.
  - (2) The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of their property in the same zone or vicinity possess.
  - (3) The variance would not materially be detrimental to the purposes of this chapter, or to property in the same zone or vicinity in which the property

is located, or otherwise conflict with the objective of any city plan or policy.

- (4) The variance requested is the minimum variance which would alleviate the hardship.
- (5) The lot in question cannot yield a reasonable return unless the variance is granted.
- (6) The need for a variance is not the result of the action of the owner or previous owner.

2. Section 110-100(b) of the Ordinance provides that:

If a nonconforming building is demolished or removed by or for its owner, it shall not be rebuilt or replaced except in conformity with the space and bulk requirements of this chapter unless a variance from such requirements is granted by the planning commission pursuant to section 110-145.<sup>3</sup>

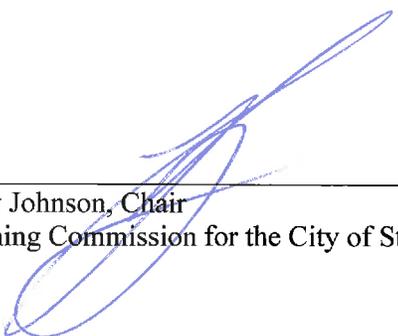
3. Accordingly, the law is clear that, absent a variance, when a building is demolished or removed by an owner, any rebuild must comply with the current setback requirements for a residential property in an R-1 district as set forth in Section 110-62.

4. Because a variance is an exception to the requirements of the zoning code, the Applicants bear the burden of establishing that “special and unusual circumstances” as defined in the Ordinance exist in relation to their lot that would cause them “an undue or unnecessary hardship” such that a variance would be required under the Ordinance. The Applicants did not present sufficient facts to address the requirements of the ordinance. The concerns they raised about vandalism and line of sight around Conyers Street are insufficient to meet the requirements of Section 110-146.

**FINDINGS AND RECOMMENDATION**

For the reasons set forth above, and by unanimous vote, the Commission rules that the Applicants’ request for a variance under Section 110-146 be denied. Further, the Commission recommends to the City Council that the appeal filed hereunder be denied for the reasons set forth in this ruling.

**IT IS SO ORDERED** this \_\_\_\_\_ day of May, 2015.

  
 \_\_\_\_\_  
 Larry Johnson, Chair  
 Planning Commission for the City of St. Marys

<sup>3</sup> The reference to Section 110-145 appears to be a typographical error since and it is presumed that Section 110-100(b) should have ended with a reference to Section 110-146.



CITY OF ST. MARYS  
418 OSBORNE STREET  
ST. MARYS, GEORGIA 31558

**MINUTES for PUBLIC HEARING and REGULAR MEETING**

St. Marys, Planning Commission

Tuesday, April 28, 2015

City Hall Council Chambers

**PUBLIC HEARING**

The meeting was called to order at 5:30PM.

It was determined there was a quorum present for the meeting. The following committee members were present: Nancy Stasinis, Mike Rich, Larry Johnson, Arlene Norris and Doug Cooper.

Michele Wood represented the Planning Department.

**The following items were heard in Public Session at a Public Hearing held Tuesday, April 28, 2015 at 5:30 PM at City Hall Council Chambers, 418 Osborne Street, St. Marys, GA 31558.**

1. **VARIANCE:** Marc & Angela Ottenger, 309 Mahan Street, St. Marys, GA 31558 is requesting a rear yard variance of 10'(15' required, 5' requested) and a side yard setback of 25' (25' required to 0' requested) to replace an existing garage at 309 Mahan Street. The property is zoned R-1, Tax Parcel S36 09 004.

*Marc Ottenger presented his variance request to the Planning Commission explaining that he had pulled a building permit to put on a new roof that would cover both garages to have both structures appear as one and replace the garage doors. Mr. Ottenger stated the existing garage that was there was not tall enough to park vehicles; they have had issues with vandalism from the garage and 2 police reports filed due to individuals breaking into their vehicles. Mr. Ottenger stated the line of sight from Mahan entering Conyers is currently blocked due to having to park their vehicles outside the garage. Mr. Ottenger stated in the future their plans are to add a screened porch to the rear of the structure. Mr. Ottenger presented drawings to show the two garages on the property. One garage is 28'x14' and the other is 20'x14'. In the process of replacing the roof of the 20'x14' garage, the side wall of the garage collapsed. Mr. Ottenger stated if the variance was approved, the structure would no longer encroach on to the adjoining property but would be moved 5' back from the property line.*

*Steve Sheffield, adjoining property owner, addressed the Planning Commission requesting the variance for the Ottengers be denied. Mr. Sheffield stated he and his wife own the vacant adjacent lot west of the Ottengers. Mr. Sheffield stated that he has a potential buyer for the property and has been advised, should the variance be approved, the potential exists that the sale will not go through resulting in a financial setback for him and his wife. The loss would include losing the proceeds from the sale, continuing to pay monthly mortgage fees as well as property taxes. Mr. Sheffield stated not only he and his wife would suffer loss but the contractor by the loss of income from the project and jobs that would have been provided to the subcontractors. Mr. Sheffield stated the City would suffer loss through permit fees for construction and the ability to put taxes on a developed property. There was discussion about the document provided from Mr. Sheffield which stated there was an agreement between the previous owner of 309 Mahan Street and the Sheffield's that if the structure was ever removed, any new structure would not encroach on the Sheffield's property. Mr. Johnson stated the agreement stated it would not encroach not that it had to meet current zoning requirements. Mr. Rich questioned whether the document had ever been recorded. It did not note the deed book or page number. Mr. Sheffield stated he had been told by his attorney the document would be recorded. Mr. Rich questioned what would happen if the variance was denied. Mr. Ottenger stated if he complied with the current setback regulations he would not have enough room to build even a one car garage.*

Since the other two structures were already on the property line, Mr. Ottenger stated he did not see why constructing this garage 5' from the property line would make much of a difference.

Terry Stover requested to speak to the Planning Commission stating he is the contractor for the potential buyers. Mr. Stover stated when the buyers placed a contract on the home, the structure had already been removed and it was prior to the Public Hearing sign being placed on the property. Mr. Stover stated that not only is he requesting a 10' variance on the rear, he is also requesting a 25' variance on the front. Mr. Stover stated he has come before the Planning Commission for variances and has at times been denied. Mr. Stover stated he has never seen a variance of this size approved especially when it is going to affect other people. Mr. Stover questioned if the Planning Commission grants the variance, would the adjoining property owner be able to come back to the Planning Commission and request to a 5' side yard setback or no front yard setback. He stated the lot is small and they are having a difficult time trying to keep the structure in compliance with present zoning ordinances. Mr. Stover stated he would lose the contract on the house. He stated it would create a hardship for him and Mr. Sheffield. There were no further comments from the public.

2. **VARIANCE:** George Jaundoo, 731 Forestglen Drive, McDonough, GA 30252 is requesting an north side yard variance of 15' (25' required, 10' requested), south side yard variance of 5' (15' required, 10' requested). The property is zoned R-1, Tax Parcel S34 06 004.

George Juandoo presented his variance request to the Planning Commission stating there had been a structure on the lot which had recently been removed by the City as a dilapidated structure. Mr. Juandoo stated he would like to construct a 30' x 40' home on the now vacant 50' x 100' lot. Ms. Wood explained the lot is an existing lot of record. It does not meet the current zoning lot requirements and that is why the applicant is requesting a variance. Without the variance, it would only allow 10' for the width of the home. There were no comments from the public.

**Motion to Adjourn Public Hearing** - Motion was made by Mike Rich to adjourn the Public Hearing: Second by Nancy Stasinis. Voting was unanimous in favor of the motion.

## **REGULAR MEETING**

**Approval of Minutes of February 24, 2015 Planning Commission Meeting** - Doug Cooper was not in attendance of the February 24, 2015 Planning Commission meeting. Due to not having a quorum at the March meeting, the February 24, 2015 Planning Commission meeting minutes were not reviewed. Nancy Stasinis made a motion to approve the February 24, 2015 meeting minutes; second by Mike Rich. Doug Cooper abstained from voting. Voting was (4) to approve, (1) abstention and (0) to deny the motion.

**Approval of Minutes of March 17, 2015 Planning Commission Meeting** - Mike Rich made a motion to approve the minutes as submitted; second by Nancy Stasinis. Due to their absence, Larry Johnson & Arlene Norris abstained from voting. The vote was (3) to approve, (2) abstentions & (0) to deny the motion.

**Old Business:** None

1. **DESIGN GUIDELINES:** The review of property design on a vegetable/fruit stand located at 655 Charlie Smith Sr. Highway. The property is zoned R-1, Tax Parcel 135E 001C.

Michele Wood read the decision of the Planning Commission at the February 24, 2015 Planning Commission meeting which read - Ms. Stasinis made a motion to postpone this matter for sixty days and require Ms. King & Mr. Watson to file their design application to be in compliance with the St. Marys Design Guidelines to the Planning Director within 30 days. The design application has to comply with the Text Amendment approved at the August 26, 2014 Planning Commission meeting which included, "Fruit and vegetable sales facility shall be of coastal design and coloration." Item B.3.2 of the Design Guidelines state. "Steel clad (corrugated) buildings are not allowed unless covered with a façade that meets these guidelines." The application will be submitted to the Planning Commission for review within 60 days from the February 24, 2015 Planning Commission meeting. Ms. Norris seconded the motion; voting was unanimous in favor of the motion. Michele Wood informed the Planning Commission that Ms. King & Mr. Watson did submit the application within the noted time and they were present at the meeting for the purpose of the review of their application.

Mike Rich stated if he was reading the application correctly, no façade was being placed on the building. Ms. Wood stated they are showing a façade to be placed at the top front of the structure. Ms. King confirmed that to be correct. Ms. King stated the façade was to make the structure look more like a building and not like a flat roof area. Ms. King stated the remainder of the unit is covered with folk art murals. Nancy Stasinis questioned what the murals were painted on. Ms. King stated they were painted directly on the metal. Mike Rich stated that with the information submitted, the property is still in violation of the text amendment. Larry Johnson agreed that the mural is not a façade because it is painted on the actual metal shipping container.

Jim Stein, attorney, spoke on behalf of the applicants questioning where it stated the applicants were required to meet the requirements noted by the Planning Commission and stated they complied the only way they knew how to comply. Mike Rich explained that the Text Amendment, approved by City Council, stated as one of the requirements of the Text Amendment the applicants would have to apply with the Design Guidelines. Mike Rich stated if the applicants had discussed placing the shipping container on the property with the Planning Director prior to doing so, there would not be an application before the Planning Commission. Mr. Stein stated he has spent a lot of time reviewing the information and he has some real problems with it. Mr. Stein stated he could not find anywhere where it stated the Design Guidelines applied to their property. Ms. Wood read from the Text Amendment which areas the Text Amendment applied to which included the applicant's property.

Arlene Norris expressed her thoughts regarding as a City we encourage new businesses and how she has watched this business start up; larger communities may need more restrictive ordinances; however, sometimes common sense needs to be applied.

Doug Cooper expressed his concerns with the original application submitted in 2014. Larry Johnson stated he would like to have the information forwarded to the City attorney for his opinion and then the Planning Commission would review it and make a decision at the next Planning Commission meeting; if it is of the opinion of the attorney that the Planning Commission has gone too far, Mr. Johnson stated they would back off. Mike Rich made a motion to submit this application to the City attorney for guidance; second by Nancy Stasinis. Four of the members voted to approve the motion; Doug Cooper was not in favor of submitting the information to the City attorney.

Ann King requested to submit a petition to the Planning Commission of citizens in favor of their business, what they are doing and how it looks.

Ms. Stasinis commented to the applicants that she wants their business to flourish and hopes everything will get sorted out to the attorney's satisfaction. Ms. Stasinis wanted the applicants to know that it is nothing personal.

The Public Hearing was held at the original January 27, 2015 Planning Commission meeting. There were 10-15 people present in support of the applicants. After the vote, some wished to make comments. The Planning Commission allowed them the opportunity to do so.

### **New Business:**

1. **VARIANCE:** Marc & Angela Ottenger, 309 Mahan Street, St. Marys, GA 31558 is requesting a rear yard variance of 10'(15' required, 5' requested) and a side yard setback of 25' (25' required to 0' requested) to replace an existing garage at 309 Mahan Street. The property is zoned R-1, Tax Parcel S36 09 004.

Mr. Rich stated this situation is a real struggle for the Planning Commission to make a decision on. Mr. Rich stated it would appear logical to grant the variance; however, zoning codes are written, with respect to non-conforming uses, especially one that encroaches, so that you can get things into conformity as reasonably and as soon as possible. Mr. Rich stated the problem he saw with issuing the variance is the domino effect that would be created in the future with adjoining properties and in order to keep everything as much as possible that adjoins the property in compliance and without then having to rule by exception, he stated he would rule that it would be necessary to deny the variance request. Mr. Cooper stated the ordinances were adopted for a reason and should be upheld. They were created for the benefit of everyone and as seen today others would be greatly affected with the issuance of the variance. Ms. Stasinis stated she came in with an entirely different thought process; with understanding the domino effect and what could potentially be created just by making the

*exception it caused her to change her thoughts on the process. Doug Cooper made a motion to deny the request; second by Nancy Stasinis. Voting was unanimous in favor of the motion.*

2. **VARIANCE:** George Jaundoo, 731 Forestglen Drive, McDonough, GA 30252 is requesting an north side yard variance of 15' (25' required, 10' requested), south side yard variance of 5' (15' required, 10' requested). The property is zoned R-1, Tax Parcel S34 06 004.

*Mr. Cooper stated this situation is different from the previous variance request in that this is an existing lot of record that does not meet current lot requirements and could not be built upon without the variance. Ms. Stasinis stated by placing a structure on the lot it is the highest and best use for the lot otherwise it remains a vacant lot. Nancy Stasinis made a motion to approve the request; second by Mike Rich. Voting was unanimous in favor of the motion.*

**Discussion:** None

**Motion to Adjourn Regular Meeting** – *Motion was made by Nancy Stasinis to adjourn the meeting; Second by Mike Rich. Voting was unanimous in favor of the motion. The meeting adjourned at 7:14 PM.*

**REQUEST FOR A VARIANCE FOR MARC & ANGELA OTTENGER**  
**STAFF REPORT**

**APPLICANT:** Marc & Angela Ottenger  
 309 Mahan Street  
 St. Marys, GA 31558

**APPLICANT REQUEST and LOCATION OF PROPERTY:** Applicant requests **Approval** from the City of St. Marys for:

**VARIANCE:** Marc & Angela Ottenger, 309 Mahan Street, St. Marys, GA 31558 is requesting a rear yard variance of 10' (15' required, 5' requested) and a side yard setback of 25' (25' required to 0' requested) to replace an existing garage at 309 Mahan Street. The property is zoned R-1, Tax Parcel S36 09 004.

**MEETING DATES:** Planning Commission City Council (review only necessary if decision appealed)  
 April 28, 2015 May 18, 2015

**STAFF ANALYSIS:** The applicant submitted a building permit on March 11, 2015 to replace existing garage doors and the roof on the garage. After the approval and issuance of the building permit, the applicant proceeded to remove part of the structure which was not included as part of the approved building permit. If the City had been aware of the applicant's plans, the City would have reviewed the setbacks for compliance prior to issuing the permit.

The applicant was contacted regarding the partial demolition and informed the structure would be required to meet the current zoning requirements. The property pins were located and it was determined the existing garage encroached onto the City right-of-way and a couple of inches onto the adjoining property. The zoning ordinance states in Sec. 110-100(b) if a nonconforming building is demolished or removed by or for its owner, it shall not be rebuilt or replaced except in conformity with the space and bulk requirements unless a variance is granted by the planning commission pursuant to section 110-145. Also, the adjoining property owner did provide a letter to the Planning Department in which the previous property owner at 309 Mahan Street and the owner of Tax Parcel S36 09 004A had signed a letter stating they both understood a few inches of the garage had been built onto the adjacent lot, Tax Parcel S36 09 004A. The letter stated when the structure was removed the new structure would be required to meet the current setback regulations.

The applicant is requesting a rear yard variance of 10' (15' required, 5' requested) which abuts a residential lot to provide the space needed for a one car garage. One side of the property faces Conyers Street. The applicant is requesting a side yard setback of 25' (25' required to 0' requested) to allow the new addition to line up with the remaining existing structure.

There is no prior record of any variance being requested or approved.

**STAFF RECOMMENDATIONS:** Staff recommends approval of the Variance.

**PLANNING COMMISSION RECOMMENDATIONS:** The Planning Commission is scheduled to meet Tuesday, April 28, 2015 to consider this application.

Action taken:                      Approved ( )                      Denied (X)                      Postponed ( )

**CITY COUNCIL RECOMMENDATION:** The City Council is scheduled to meet on Wednesday, June 10, 2015 to consider the Planning Commission's recommendation, if required.

Action taken:                      Approved ( )                      Denied ( )                      Postponed ( )

**Variance Proposal Review Questions**  
**Marc & Angela Ottenger Variance**

**Conditions governing the granting of a variance.**

***A variance may be granted by the planning commission only in the event that all of the following circumstances exist:***

- 1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same vicinity, and result from lot size or shape, topography or other circumstances over which the owners of the property since enactment of this chapter have had no control.

***The property is located on a corner lot which requires the side setback (adjacent to the road) to be 25' instead of the standard 15'.***

- 2) The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of their property in the same zone or vicinity possess.

***The property owner would like to have the ability to place the front of the garage where it originally was which would allow it to be in line with the remaining part of the existing garage. To allow for at least one car, the 5' requested rear setback would be necessary.***

- 3) The variance would not materially be detrimental to the purposes of this chapter, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objective of any city plan or policy.

***This will not conflict with any plan of the city.***

- 4) The variance requested is the minimum variance which would alleviate the hardship.

***Based on representations of the applicant, this is the minimum to alleviate the proposed hardship.***

- 5) The lot in question cannot yield a reasonable return unless the variance is granted.

***The site utilization appears to be adequate to support the uses proposed.***

- 6) The need for a variance is not the result of the action of the owner or previous owner.

***To be determined.***

March 30, 2015

City of Saint Mary's Zoning Board

Dear Board,

We have been informed to continue with improving our property at 309 Mahan Street, Saint Marys, Ga 31558 we must go before the board and apply for variance.

On March 11, 2015 a permit was issued to rebuild the existing structure. At that time I was not informed of any zoning restrictions that would prevent me from renovating the structure to the existing footprint which was grandfathered in.

Because of the west wall not being structurally sound I was forced to remove it before I could continue with the renovation. The rear building attached to the west wall, concrete pad, well, and existing building facing Conyers Street still remain and was planned to be part of the overall improvement.

I was contacted by the Michele Wood and was told that the adjoining property owner submitted a letter stating that the building was encroaching on his property 0.2 ft. This was the first time we were aware of such letter between Tom Olsen and Steve Sheffield, and the encroachment.

After meeting with city officials we were informed the grandfather clause does not exist because of removing the structurally unsound wall and that we need to apply for a variance.

We have no problem with moving the rear wall in order not to encroach on neighbor's property.

To comply with the cities current zoning restrictions, this would create a tremendous hardship by prohibiting us from building a garage that would protect our vehicles, also remove them from blocking view of easterly bound traffic on Mahan street and prevent theft from vehicles. Not to mention diminishing the value of the property and improving the curb appeal on Conyers Street.

Best Regards,

Mr. and Mrs. Marc Ottinger

309 Mahan Street

Saint Marys, GA 31558

912-467-9221



# CITY OF ST. MARYS, GEORGIA

## VARIANCE APPLICATION



APPLICANT: READ PART A COMPLETELY, THEN ANSWER EACH ITEM IN PART B. PLEASE PRINT OR TYPE. DO NOT WRITE IN PART C. THE PLANNING DIRECTOR WILL HELP YOU, IF NECESSARY. YOU MUST FILE THIS APPLICATION AND ALL REQUIRED MATERIALS WITH THE PLANNING & ZONING DIRECTOR AT LEAST 25 DAYS BEFORE THE PLANNING COMMISSION MEETING AT WHICH IT WILL BE CONSIDERED.

### PART A GENERAL INFORMATION

YOU ARE ENCOURAGED TO READ APPLICABLE SECTIONS OF THE ZONING ORDINANCE IF YOU ARE REQUESTING A ZONING VARIANCE, AND THE SUBDIVISION REGULATIONS IF YOU ARE REQUESTING A VARIANCE. SINCE ZONING VARIANCES ARE MUCH MORE COMMON AND REQUIRE A PUBLIC HEARING, THEY ARE THE ONLY ONES DESCRIBED IN THIS PART.

A VARIANCE IS A "LOOSENING" OF THE REQUIREMENTS OF THE ZONING ORDINANCE TO RELIEVE A HARDSHIP. A VARIANCE CAN ONLY BE GRANTED BECAUSE A HARDSHIP BEYOND YOUR CONTROL IS BEING CAUSED BY A DIMENSIONAL REQUIREMENT, THAT IS, ONE DEALING WITH DISTANCE, AREA, HEIGHT OR SOME OTHER DIMENSION OF YOUR LAND OR BUILDING. PLEASE NOTE THAT A VARIANCE DOES NOT ALLOW YOU TO START A NEW USE IN A ZONING DISTRICT WHERE IT IS PRESENTLY NOT PERMITTED. IN OTHER WORDS, YOU COULD NOT PUT A GROCERY STORE IN A RESIDENTIAL NEIGHBORHOOD.

ONCE YOU HAVE FILED A COMPLETE APPLICATION WITH THE PLANNING DIRECTOR, YOUR REQUEST WILL BE ADVERTISED AND A LETTER WILL BE SENT TO THE ADJACENT PROPERTY OWNERS. THE PLANNING COMMISSION WILL THEN HOLD A PUBLIC HEARING. AT THE MEETING YOU WILL TELL THE PLANNING COMMISSION WHY YOU NEED THE VARIANCE AND YOUR NEIGHBORS MAY ASK QUESTIONS AND MAKE COMMENTS. THE PLANNING COMMISSION WILL THEN MAKE A DECISION ABOUT THE VARIANCE. THE VARIANCE IS GRANTED FOR ONE YEAR. IF YOU DISAGREE WITH THE DECISION, YOU HAVE 15 DAYS TO FILE AN APPEAL TO THE CITY COUNCIL. THE PLANNING DIRECTOR CAN PROVIDE YOU WITH THE INFORMATION AND FORMS FOR THIS STEP.

### PART-B APPLICANT ONLY

1. THIS IS AN APPLICATION ASKING THE ST. MARYS PLANNING COMMISSION TO GRANT A VARIANCE FROM THE REQUIREMENTS OF THE (CHECK ONE):  ZONING ORDINANCE  SUBDIVISION REGULATIONS

2. NAME: MARC & ANGELA OTTINGER PHONE: 912-4679221

3. ADDRESS: 309 MAHAN ST. ST MARYS GA 31558

4. LOCATION OF PROPERTY: STREET 309 MAHAN ST. & CONVERS ST

5. PARCEL NO. S36 09 004 LOT NO. \_\_\_\_\_ ZONING MAP NO. \_\_\_\_\_

6. THIS LAND IS ZONED:  R-1  R-2  R-3  R-4  R-5  MH  PD  C-1  C-2  C-3  H  I-L  I-G  I-A  CP  FH

7. PLEASE DESCRIBE THE TYPE OF VARIANCE YOU NEED. EXAMPLE: REDUCTION OF FRONT YARD SETBACK FROM 25 FT TO 18 FT.  
REDUCTION OF REAR & SIDE YARD SETBACK

8. ALL THE FOLLOWING POINTS MUST APPLY TO YOUR SITUATION FOR THE VARIANCE TO BE GRANTED. DESCRIBE HOW YOU MEET EACH "TEST."

A. SPECIAL CONDITIONS OR CIRCUMSTANCES OVER WHICH I HAVE NO CONTROL, AFFECT MY PROPERTY.  
BUILDINGS IN QUESTION WERE ERECTED WHEN I PURCHASED PROPERTY

B. BECAUSE OF THE SITUATION, I DO NOT HAVE THE SAME PROPERTY RIGHTS AS MY NEIGHBORS OR AS OTHER PROPERTY OWNERS IN THE SAME ZONING DISTRICT DO. \_\_\_\_\_

C. THE VARIANCE WOULD NOT SIGNIFICANTLY DEFEAT THE PURPOSES OF ANY CITY PLAN, POLICY ORDINANCE  
AS THE BUILDING/GARAGE WITH 2 OTHER BUILDINGS (STILL EXISTING) HAVE BEEN GRANDFATHERED IN. REMOVED WALL TO MAKE STRUCTURALLY SOUND.

D. THIS IS THE MINIMUM VARIANCE WHICH WOULD RELIEVE MY HARDSHIP. \_\_\_\_\_

9. IN THE CASE OF A ZONING VARIANCE, ATTACH THESE TO THIS APPLICATION:

A) A SIMPLE MAP SHOWING LOCATION OF THE PROPERTY, ITS DIMENSIONS, LOCATION OF EXISTING AND PROPOSED STRUCTURES, AND THE NEAREST PUBLIC ROAD.

B) A LIST OF NAMES AND ADDRESSES OF ALL ADJACENT PROPERTY OWNERS.

10. SIGNED: Marc S Ottinger DATE: 3-24-2015

1. DATE COMPLETE APPLICATION WAS FILED: 3/24/15

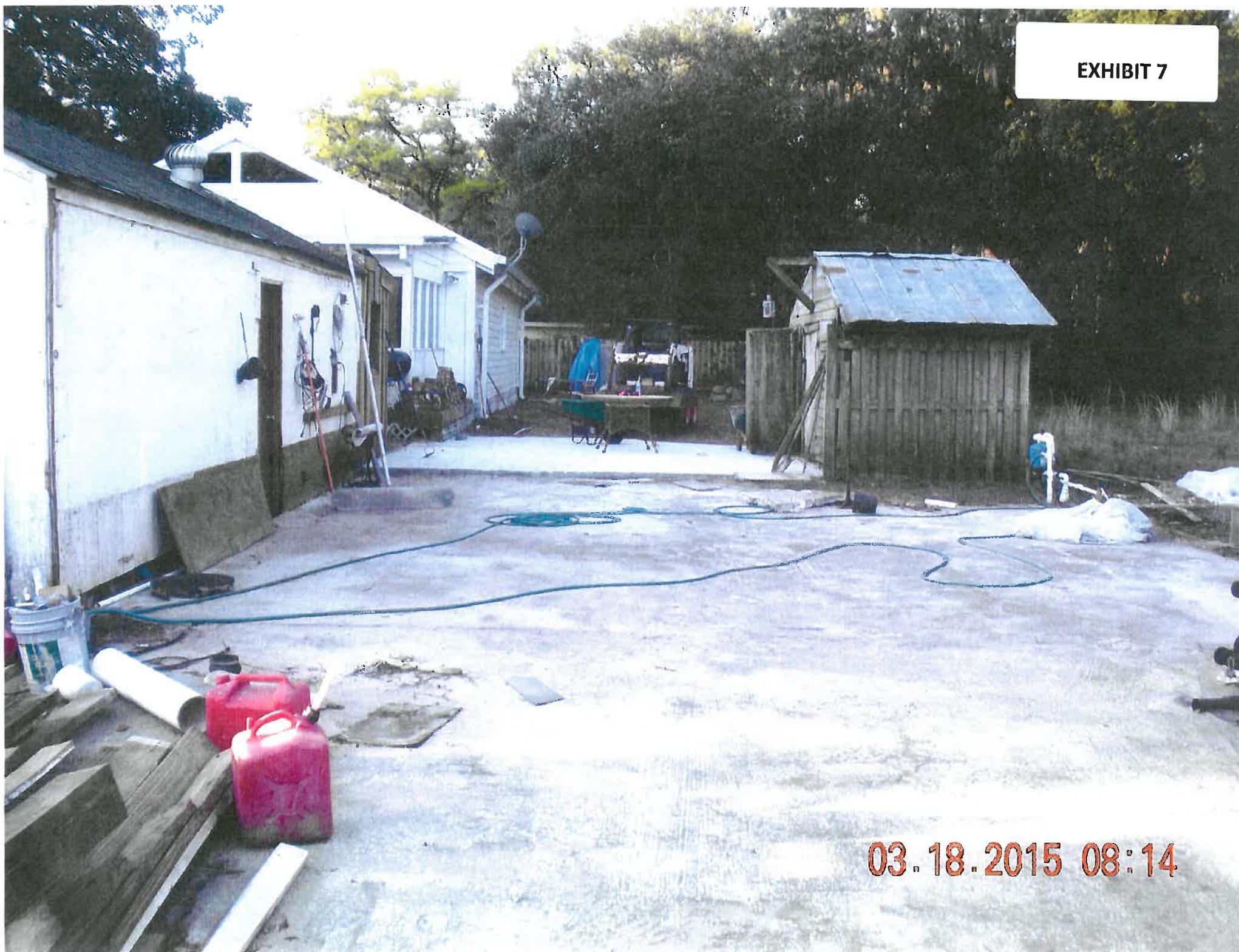
2. LIST OF ATTACHMENTS  SIMPLE MAP  NAMES/ADDRESSES OF ADJACENT PROPERTY OWNERS  FINAL PLAT  PRELIMINARY PLAT  OTHER \_\_\_\_\_

3. PUBLIC HEARING (IF ZONING VARIANCE) DATE APPLICANT WAS NOTIFIED: 4/21/15



**PHOTO PRIOR TO REMOVAL  
OF GARAGE WALL**

EXHIBIT 7



03.18.2015 08:14



# CITY OF ST. MARYS

## BUILDING PERMIT APPLICATION

BP

PERMIT NUMBER: 150053 DATE APPLIED: 3/2/15

PROJECT ADDRESS: 309 MAHAN ST. LOT #: \_\_\_\_\_

TAX PARCEL NUMBER: \_\_\_\_\_

SUBDIVISION: \_\_\_\_\_

OWNER'S NAME: MARC & ANGELA OHINGER PHONE: 912-467-9221

ADDRESS: 309 MAHAN ST

CITY: ST MARYS STATE: GA ZIP: 31558

CONTRACTOR'S NAME: MARC E. OHINGER PHONE: 912-467-9221

NAME OF BUSINESS: MARCO CONSTRUCTION ENT. INC

ADDRESS: 309 MAHAN ST

CITY: ST. MARYS STATE: GA ZIP: 31558

CONTRACTOR'S LICENSE NUMBER: GC RA004527 EXPIRATION: 6/30/2016

COUNTY/CITY OF OCCUPATIONAL TAX LICENSE & NUMBER: 1193

EXPIRATION DATE ON COUNTY/CITY LICENSE: 12/31/2015

PROPOSED USE: GARAGE RENOVATION

ACTUAL CONTRACT COST: 2300<sup>00</sup> COPY OF CONTRACT ATTACHED N/A  
 (GENERAL CONSTRUCTION WORK INCLUDING TRADES)

SPECIAL CONDITIONS: ADD 2 GARAGE DECKS SQUARE FOOTAGE: 720  
BUILD UP & REPLACE ROOF STRUCTURE OCCUPANCY TYPE: GARAGE  
& METAL ROOFING CONSTRUCTION TYPE: WOOD FRAME

\*\*\*\*\*NOTICE\*\*\*\*\*

THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN SIX MONTHS, OR IF CONSTRUCTION OR WORK IS SUSPENDED, OR ABANDONED FOR A PERIOD OF 6 MONTHS AT ANY TIME AFTER WORK IS STARTED. WORK MUST BE COMPLETED WITHIN 24 MONTHS FROM DATE OF PERMIT ISSUANCE.

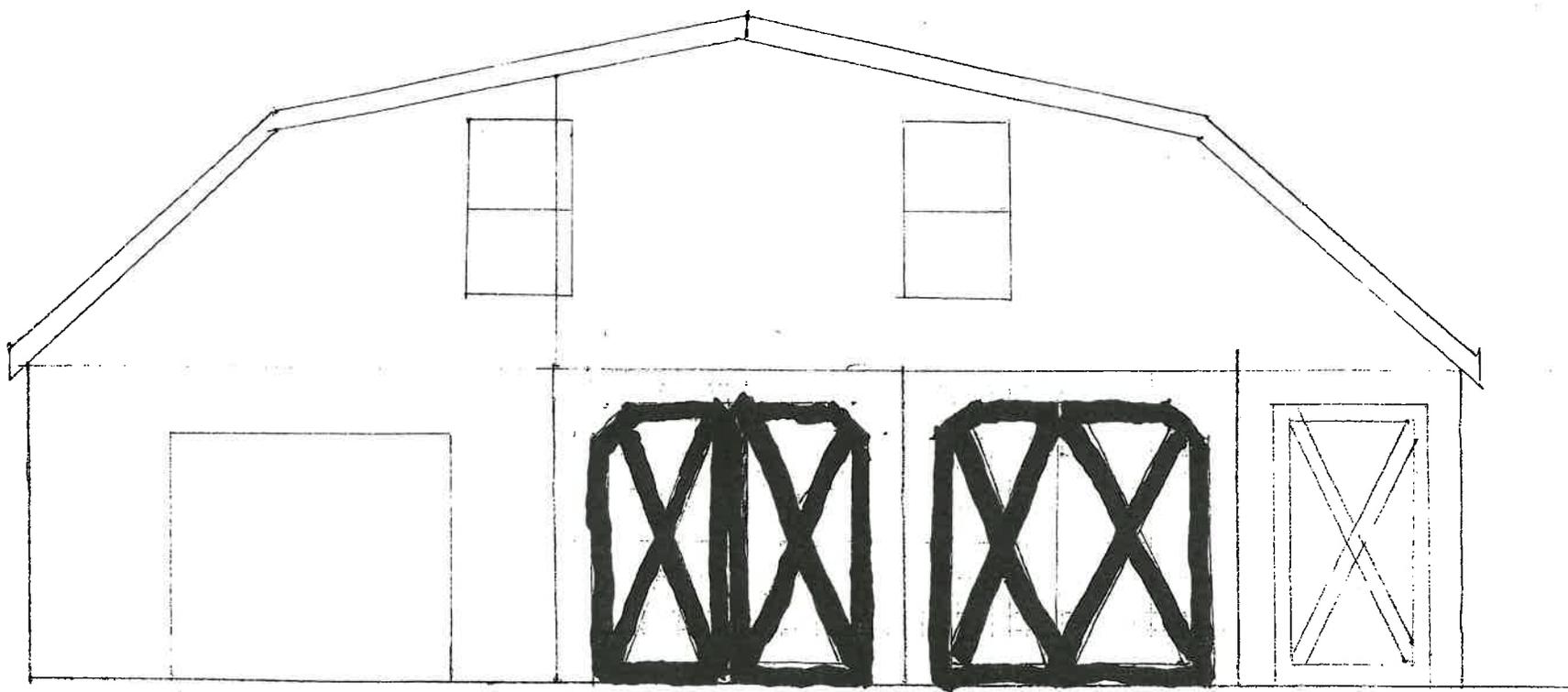
\*\*PERMIT FEES ARE NON REFUNDABLE\*\*

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS DOCUMENT AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

Marc E. Oinger  
 SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT

2/28/15  
 DATE

Customer \_\_\_\_\_ Date \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_  
Cabinet Style \_\_\_\_\_ Sheet # \_\_\_\_\_ Of \_\_\_\_\_ Sheets  
Salesman \_\_\_\_\_  
10 12 14 16 18 20 22 24 26





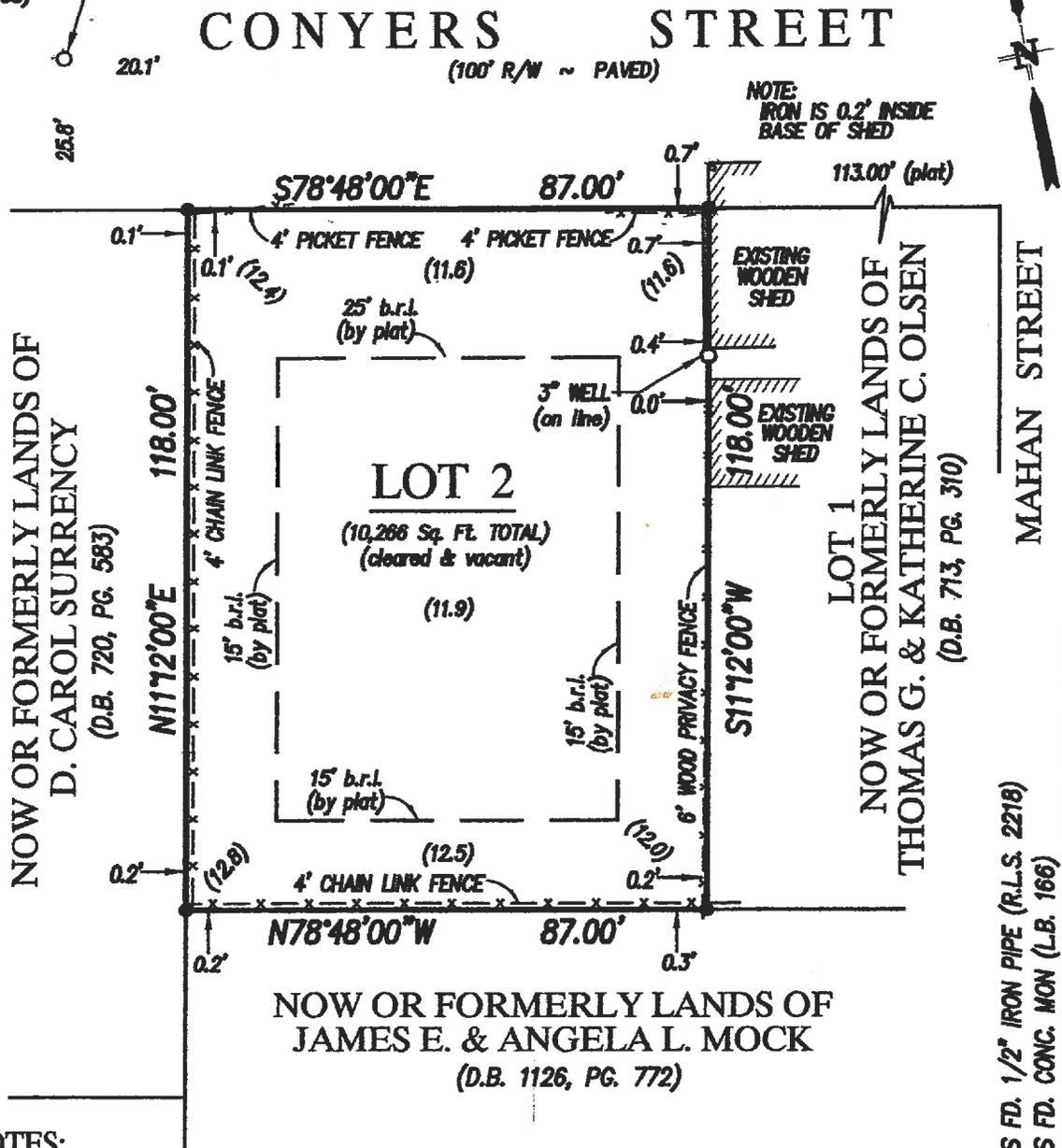
**CITY OF ST. MARYS**  
418 OSBORNE STREET  
ST. MARYS, GEORGIA 31558  
PLANNING AND ZONING DEPARTMENT  
TELEPHONE: 912-510-4032 FAX: 912-510-4014

## **SURVEY OF STEVEN G. & KIM K. SHEFFIELD**

The attached survey is for the adjoining property owner Steve Sheffield's property. Mr. Sheffield's property is lot 2 on the survey. The property to the right, shown as now or formerly lands of Thomas G. & Katherine C. Olsen, is currently owned by Mr. & Mrs. Ottenger, 309 Mahan Street. The survey shows where the previous shed was located on Mr. Ottenger's property. It also notes the shed is 0.2" inside Mr. Sheffield's property

**LOT 2, CONYERS COURT SUBDIVISION, CITY OF ST. MARYS, 29th G.M.D., CAMDEN COUNTY, GEORGIA**  
 (ACCORDING TO PLAT RECORDED IN P.C. 2, FILE No. 164-F, PUBLIC RECORDS OF CAMDEN COUNTY)  
**FOR: STEVEN G. SHEFFIELD & KIM K. SHEFFIELD**

**BENCHMARK:**  
 RAILROAD SPIKE IN WOOD POWER POLE ELEV. 13.62' (NAVD 88)



- NOTES:**
- 1.) BEARINGS SHOWN HEREON REFER TO THE BEARING OF S78°-48'-00" E FOR THE SOUTHERLY R/W LINE OF CONYERS STREET, ACCORDING TO SAID SUBMISSION PLAT.
  - 2.) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A FORMAL TITLE REVIEW.
  - 3.) THERE MAY EXIST ADDITIONAL RESTRICTIONS LYING OVER THE SUBJECT PROPERTY THAT ARE NOT SHOWN HEREON WHICH MAY BE FOUND IN THE PUBLIC RECORDS OF CAMDEN COUNTY.

**BENCHMARK NOTES:**

- 1.) REFERENCE BENCHMARK: USC & GS MONUMENT "R 199" AT THE NE CORNER OF CONYERS & DILWORTH STREET, ELEV. 10.48' (NAVD 88)
- 2.) EXISTING ELEVATIONS SHOWN THUS: (12.0)

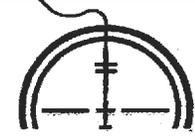
● DENOTES FD. 1/2" IRON PIPE (R.L.S. 2218)  
 ■ DENOTES FD. CONC. MON (L.B. 166)

**CERTIFICATION:** THIS IS TO CERTIFY TO THE CLERK OF SUPERIOR COURT OF CAMDEN COUNTY, GEORGIA, THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE PROVISIONS, RELATIVE TO THE ACT CREATED BY GEORGIA CODE SECTION 15-6-67 AMENDED (No. 1366-SENATE BILL No. 7.35), HAVE BEEN MET AND APPROVAL OF THIS PLAT BY THE APPROPRIATE LOCAL GOVERNING AUTHORITY IS NOT NECESSARY FOR RECORDING PURPOSES.

**FLOOD CERTIFICATE:** THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS SHOWN TO BE IN FLOOD HAZARD ZONE "X" (SHADED) AS PER F.I.R. MAP  
 No. 13039C0485F . COMM No. 130027 . PANEL No. 0485

DWN. BY:  
 G.D.

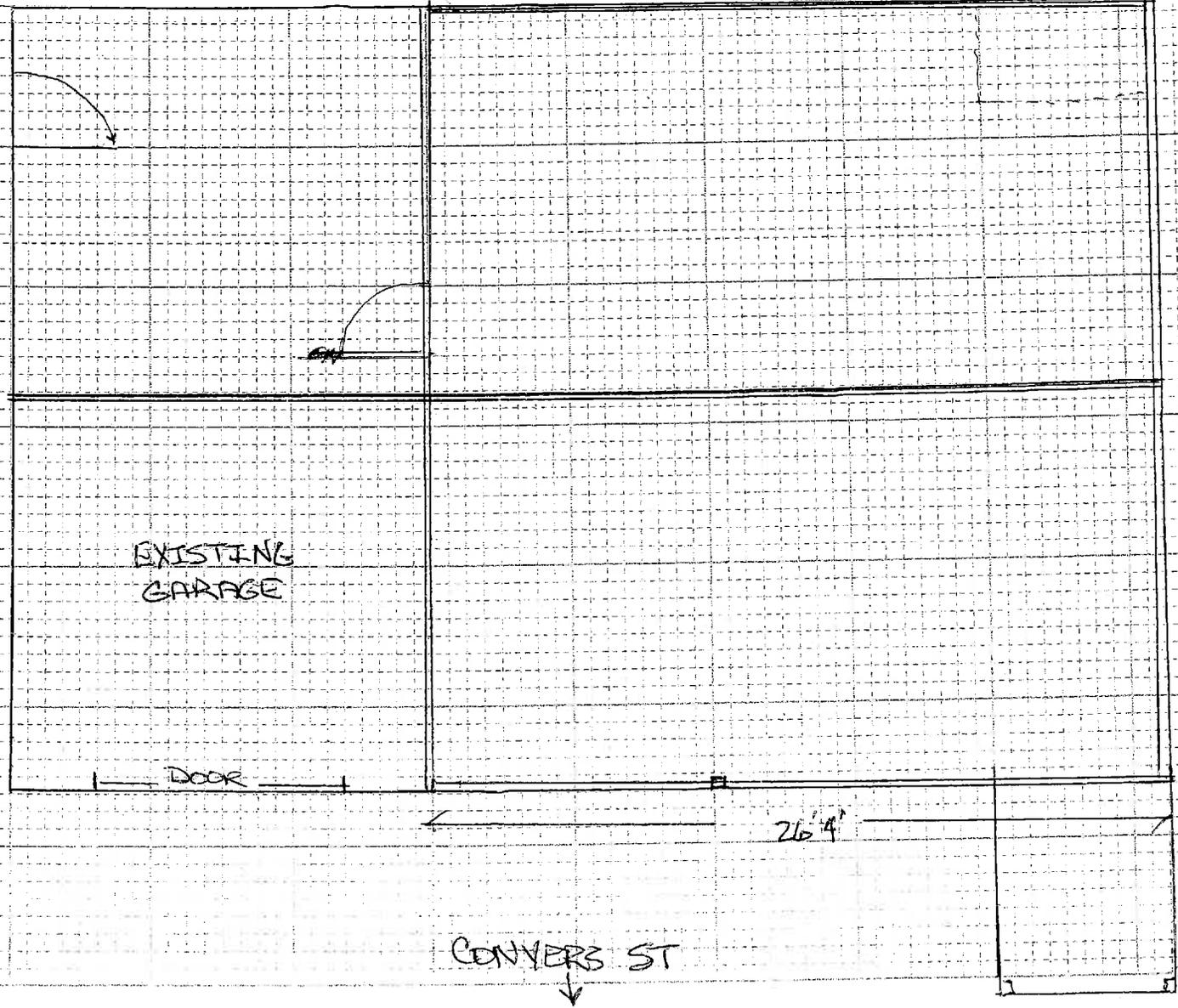
CKD. BY:  
 R.B.



Customer: MARL WITKOWSKI  
Address: 309 MAHAN ST  
Cabinet Style: \_\_\_\_\_  
Salesman: \_\_\_\_\_

EXISTING STORAGE

Phone: \_\_\_\_\_  
Sheet # \_\_\_\_\_ Of \_\_\_\_\_ Sheets  
10 12 14 16 18 20 22 24 26



ORIGINAL STORAGE BEING REMOVED 6.5' X 10'

# Quality Aluminum Booths

Custom Parking Booths, Guardhouses, Ticket Booths and Shelters



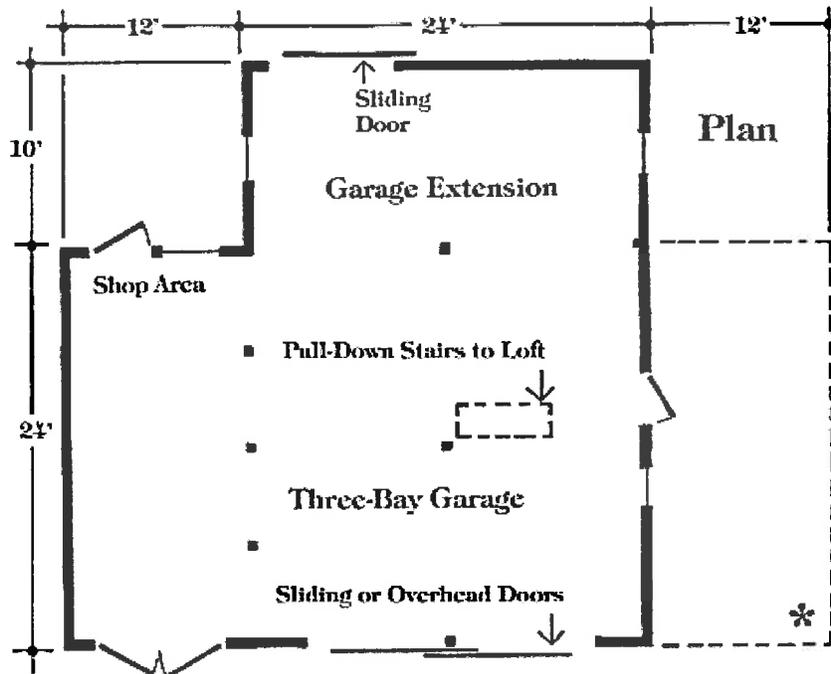
[More Barn, Garage, Shed and Workshop Plans](#)

*"We were pleasantly surprised when the plans arrived yesterday. They look great! Thanks for the quick response." - J.J., Hollis, NH*

## Walnut Extended Garage Pole Barn Plan Set #441



Floor Plan



\* Area of add-on shed, garage, shop, greenhouse or shelter

### About This Design

If you have a truck, boat or trailer that won't fit in a conventional garage, this is the building for you. It has three big parking bays. Two of them are a full 34' deep and one of those has doors at both ends so you can drive right through. This garage is built with pole frame construction for economy.

Floor Area: 1,104 Sq. Ft., Loft Area: 576 Sq. Ft.

[Read more about these plans](#)

### Your Order

Plans are \$59.00 plus \$5.00 for shipping, for three complete sets of drawings. The plans come with a complete money-back guarantee and include a variety of optional add-on sheds, shops, garages, greenhouses and carports that help you build any of fifteen standard layouts, including the one shown above. All fifteen of the standard layouts are shown on the plans you'll receive. You can build any of them, or you can use the main building plans and any of the add-ons to create your own custom design.

[Add to Cart](#)

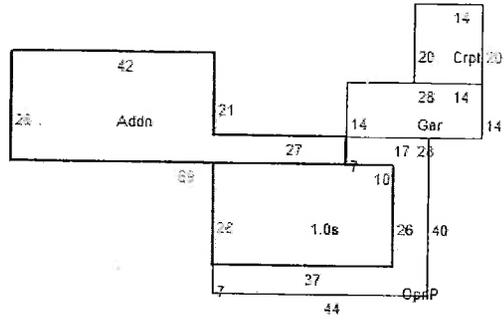
# Garage Carports

Design Your Own Carport Using Our Online Builder. Contact Us Today!





RESIDENTIAL IMPROVEMENT			
Impr Key	9627	Basement / Attic	Descriptive
Class / Strat	R1	Bsmt Coverage	0 / 0.00
Occupancy / Style	One Family	Bsmt Finish	0 / 0.00
Rooms	5		
Bedrooms	2	Attic	
Heated Area	2,327	Grade	1.10
Story Height		Year Built	1950
Foundation	Masonry	Eff Year Built	1980
Exterior Wall	CmpBd/Asb/Masonite	Condition	Average
Roofing	Asphalt Shingles	RCN	178,400
Roof Shape	Gable	Phy Depr	0.64
Floor Construction	Wood Joist	Phy OVR	0.00
Floor Finish	Carpet/Tile	Func Obsol	1.00
Interior Wall	Sheetrock	Econ Obsol	1.00
Interior Ceiling	Sheetrock	% Complete	1.00
Heat	Central Heat/AC	Neigh Adj	1.00
Plumbing: Std Comp	1	CD	1.00
Plumbing: Extra Fix	2	FMV	114,176
Full Baths	1	MAV	0
Half Baths	0	OVR FMV	0



Sketch Legend			Other Features
Code	Type	Area	
1.0s	1.0 Story	962	
OpnP	Open Porch	609	
Addn	Finished Addition	1365	
Gar	Attached Garage	392	
Crpt	Carport	280	



Dear Sirs;

I am writing in reference to the parking conditions in front of your house that is on the corner of Conyers and Mahan St. I and my wife pull out of Mahan St. each morning to take our children to school. The way your vehicles are parked on the edge of Conyers St. blocks the view of the oncoming traffic and both my wife and I ( and our children riding with us) have almost been hit by oncoming traffic numerous time due to the inability to see past your vehicles. I am not trying to demonize you but with the current situation I am deathly afraid that there is going to be an accident in which there may be a loss of life in the worst case and a horrible accident in the best case scenario. Please sir, as a concerned home owner and a Father of two, please move your vehicles farther from the road and help us with the sight line down Conyers St. I am also writing this for three other neighbors that have expressed the same concern.

Thank you for your time,

Robert Porter

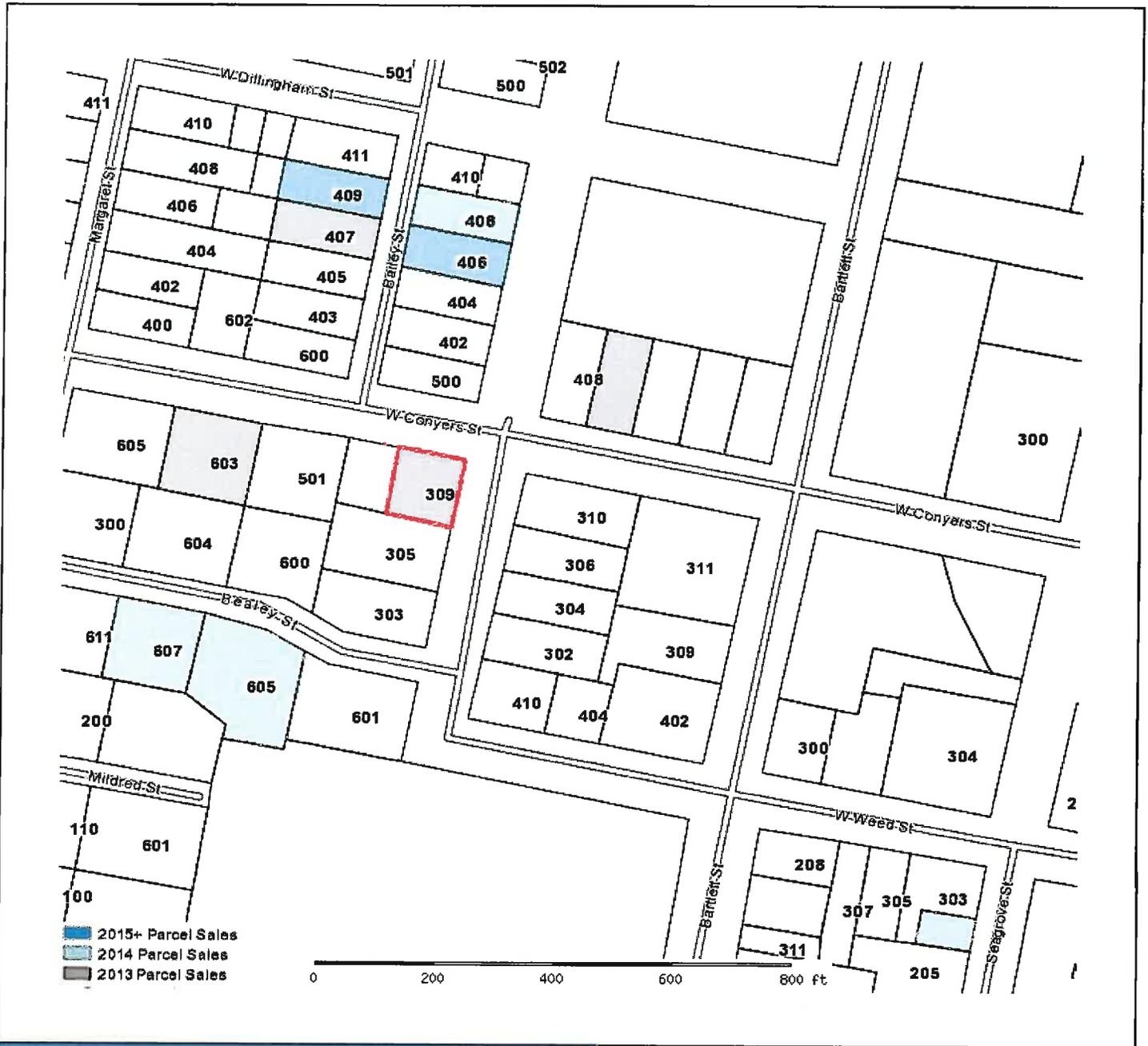
A handwritten signature in black ink that reads "Robert G. Porter". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

303 Mahan St.

St. Marys, GA 31558

912-729-6885

April 25, 2015



Camden County Assessor			
Parcel: S36 09 004 Acres: 0.31			
Name:	OTTINGER MARC E & ANGELA D	Land Value	\$46,500.00
Site:	309 MAHAN ST	Building Value	\$114,176.00
Sale:	\$78,700 on 11-2013 Reason=AL Qual=U	Misc Value	\$0.00
Mail:	309 MAHAN STREET	Total Value:	\$160,676.00
	SAINT MARYS, GA 31558		



The Camden County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER CAMDEN COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS ---THIS IS NOT A SURVEY---

Date printed: 06/05/15 : 18:11:01



**CITY OF ST. MARYS**  
 418 OSBORNE STREET  
 ST. MARYS, GEORGIA 31558  
 PLANNING AND ZONING DEPARTMENT  
 TELEPHONE: 912-510-4032 FAX: 912-510-4014

### **Sec. 110-146. - Variances.**

The planning commission may authorize a variance from the requirements of this chapter where it can be shown that owing to special and unusual circumstances related to a specific lot, strict application of the chapter would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance the planning commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purpose of this chapter.

(a) *Conditions governing the granting of a variance.* A variance may be granted by the planning commission only in the event that all of the following circumstances exist:

- (1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same vicinity, and result from lot size or shape, topography or other circumstances over which the owners of the property since enactment of this chapter have had no control.
- (2) The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of their property in the same zone or vicinity possess.
- (3) The variance would not materially be detrimental to the purposes of this chapter, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objective of any city plan or policy.
- (4) The variance requested is the minimum variance which would alleviate the hardship.
- (5) The lot in question cannot yield a reasonable return unless the variance is granted.
- (6) The need for a variance is not the result of the action of the owner or previous owner.

(b) *Public hearings, public hearing procedures, and procedures for taking action for variances.*

- (1) *Required public hearings.* No official action shall be taken on any proposed variance unless a public hearing has been held by the planning commission. Public hearings on variances shall be conducted in the same manner as described in [section 110-165](#) for zoning amendments.
- (2) *Procedure for calling a public hearing.*
  - a. Prior to scheduling the required public hearings, applicants shall first complete all submission requirements provided by the planning and zoning director (e.g., forms, fees, deeds, maps, etc.) A complete application must be filed 30 days prior to the planning commission meeting where the application will be heard. The application shall be accompanied by a list of names and addresses of all abutting property owners of the property for which the variance is requested, shown by the current City of St. Marys tax maps and indexes thereof. The failure to notify as provided in this section shall not invalidate any recommendations or actions adopted hereunder.
  - b. The planning and zoning director shall then notify the applicant of the date, time, and place of the required public hearing.
  - c. At least 16 but not more than 44 days prior to scheduled public hearings, the planning and zoning director shall publish in the newspaper of general circulation, notice of the date, time, place, and purpose of the public hearing.

- d. Not less than 15 days prior to the date of a public hearing, the planning and zoning director shall post in a conspicuous location on the property in question a sign which shall contain information regarding the proposed variance; specifically the date, time, place, and purpose of the public hearing.
- e. No official action shall be taken on a proposed variance by the planning commission until after the required public hearing has been conducted. The commission may conduct more than one hearing if the commission deems necessary.
- f. The primary goal of conducting public hearing on proposed variance shall be to solicit pertinent factual information which will be beneficial in helping the planning commission judge the need of the proposed variance.
  1. *Notice to property owners.* The planning and zoning director shall give notice of the date, time, place, and purpose of public hearing to be held by the planning commission on proposed variance by mail to the owners of all properties abutting any part of the property proposed to be changed. The failure to notify as provided in this section, shall not invalidate any recommendations adopted hereunder.
  2. *Action by planning commission.* The planning commission shall render its decision based on the variance criteria in (a) above. The planning and zoning director shall notify the applicant within five days of the decision by the planning commission.
  3. *Time limit on permit for variance.* Authorization of a variance shall be void after one year unless substantial construction has taken place. However, the planning commission may extend authorization for an additional period not to exceed one year, on request.
  4. *Denial of variances.* If the decision of the planning commission is to deny the variance, then the same property may not again be considered for a variance until the expiration of at least six months immediately following the defeat of the variance by the planning commission.
  5. *Appeals of decision.* Decisions of the planning commission may be appealed to the city council as described in [section 110-162](#) of this chapter.

(Ord. of 9-12-94, § 906)

**SPECIAL CALLED CITY COUNCIL MEETING**  
**June Henry – 111 Wheeler Street – Variance Appeal**  
**June 10, 2015**

**NEW BUSINESS:** Appeal of a decision of the Planning Commission to deny a variance request.

**PURPOSE:** To hear an appeal by the applicant of a decision of the Planning Commission to deny a request for variance for 111 Wheeler Street

**RECOMMENDATION:** The Planning Department recommends that Council support the Planning Commission's denial of the request for variance.

**HISTORY/ANALYSIS:** The property at 111 Wheeler Street is an existing lot of record with a lot width of 50'. Our current zoning ordinance requires a minimum of 75' for lot width. The applicant has an existing garage they wanted to remove and construct a new garage. The garage was located previously 3' from the north side property line. The applicant is requesting a north side yard variance of 8' (15' Required, 7' Requested) which is 4' further from the property line than the previous garage and a rear yard variance of 3' (15' Required, 12' Requested). The rear yard variance would allow the same 12' distance from the rear property line. After the two fifteen foot side yard setbacks (30' total) are deducted from the 50' lot width, this would allow 20' in the center of the yard for the 18' proposed garage.

The Historic Preservation Commission approved the demolition and design of the proposed garage at the April 21, 2015 Historic Preservation Commission meeting.

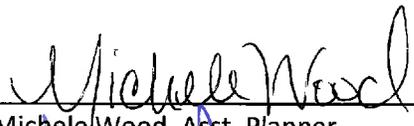
The Planning Commission discussed there was not a hardship proven. Mr. Rich stated this variance request was very similar to another variance request that was denied in the previous month. The property owner is removing a non-conforming structure which has to comply with current zoning requirements.

The Planning Commission voted to deny the request. The vote was (1) to approve (Arlene Norris) and (4) to deny.

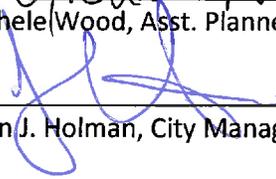
The appeal was submitted with the specified limits in the ordinance.

**ATTACHMENTS:** Report from the Planning Commission, *DRAFT Minutes of the Planning Commission Public Hearing and Regular Meeting minutes; staff report and related documents; and all data as submitted to the Planning Commission.*

**Department Director:** \_\_\_\_\_

  
Michele Wood, Asst. Planner

**City Manager:** \_\_\_\_\_

  
John J. Holman, City Manager



**CITY OF ST. MARYS**  
418 OSBORNE STREET  
ST. MARYS, GEORGIA 31558  
PLANNING AND ZONING DEPARTMENT  
TELEPHONE: 912-510-4032 FAX: 912-510-4014

**LIST OF EXHIBITS FOR THE PLANNING COMMISSION APPEAL  
REQUESTED BY JUNE HENRY**

- EXHIBIT 1. Planning Commission Report Prepared for City Council
- EXHIBIT 2: Request from Applicant to Appeal Planning Commission Decision
- EXHIBIT 3: May 26, 2015 Planning Commission Meeting Minutes
- EXHIBIT 4: Staff Report from the Planning Department
- EXHIBIT 5: Variance Application
- EXHIBIT 6: Survey for 111 Wheeler Street
- EXHIBIT 7: Map of Location
- EXHIBIT 8: Section 110-146. Variances from St. Marys Code of Ordinances



**Sec. 110-146. Variances.**

The planning commission may authorize a variance from the requirements of this chapter where it can be shown that owing to special and unusual circumstances related to a specific lot, strict application of the chapter would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance the planning commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purpose of this chapter.

- (a) *Conditions governing the granting of a variance.* A variance may be granted by the planning commission only in the event that all of the following circumstances exist:
- (1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same vicinity, and result from lot size or shape, topography or other circumstances over which the owners of the property since enactment of this chapter have had no control.
  - (2) The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of their property in the same zone or vicinity possess.
  - (3) The variance would not materially be detrimental to the purposes of this chapter, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objective of any city plan or policy.
  - (4) The variance requested is the minimum variance which would alleviate the hardship.
  - (5) The lot in question cannot yield a reasonable return unless the variance is granted.
  - (6) The need for a variance is not the result of the action of the owner or previous owner.

2. Section 110-100(b) of the Ordinance provides that:

If a nonconforming building is demolished or removed by or for its owner, it shall not be rebuilt or replaced except in conformity with the space and bulk requirements of this chapter unless a variance from such requirements is granted by the planning commission pursuant to section 110-145.<sup>3</sup>

3. Accordingly, the law is clear that, absent a variance, when a building is demolished or removed by an owner, any rebuild must comply with the current setback requirements for a residential property in an R-1 district as set forth in Section 110-62.

4. Because a variance is an exception to the requirements of the zoning code, the Applicant bears the burden of establishing that “special and unusual circumstances” as defined in the Ordinance exist in relation to Applicant’s lot that would cause Applicant “an undue or unnecessary hardship” such that a variance would be required under the Ordinance. Neither the Applicant nor anyone on Applicant’s behalf presented any evidence to support the application or to address the requirements of the ordinance.

<sup>3</sup> The reference to Section 110-145 appears to be a typographical error since and it is presumed that Section 110-100(b) should have ended with a reference to Section 110-146.

5. The Commission found that, based on the survey included in the file, there is sufficient room to build a garage to the specifications contained on the survey within the lot without the need for a variance on either side of the property.

**FINDINGS AND RECOMMENDATION**

For the reasons set forth above, the Commission rules that the Applicant's request for a variance under Section 110-146 be denied. Further, the Commission recommends to the City Council that the appeal filed hereunder be denied for the reasons set forth in this ruling.

**IT IS SO ORDERED** this \_\_\_\_\_ day of June, 2015.



---

Larry Johnson, Chair  
Planning Commission for the City of St. Marys



1201 Shadowlawn Drive  
St. Marys, GA 31558  
Phone: 912-882-3738  
Fax: 912-882-2729  
Email: dprivett@privett.net

EXHIBIT 2



2732 Townsend Boulevard  
Jacksonville, FL 32211  
Phone: 904-743-7658  
Fax: 912-882-2729  
Email: dprivett@privett.net

**PRIVETT & ASSOCIATES, INC.**  
SURVEYORS & LAND PLANNERS

June 4, 2015

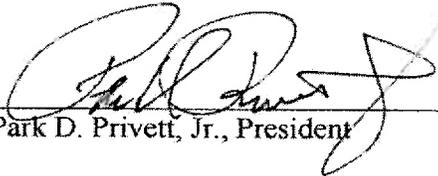
Michele Wood  
City of St. Marys  
418 Osborne Street  
St. Marys, GA 31558

Re: 111 Wheeler Street, St. Marys, Georgia

Good Morning Michele:

This is to request an appeal of the Planning Commission's decision regarding the variance request to reduce setbacks on the above referenced property to construct a new garage.

Sincerely,  
Privett & Associates, Inc.

  
\_\_\_\_\_  
Park D. Privett, Jr., President

PDP/kl  
Via: email  
Cc: Doyle Strickland via email



CITY OF ST. MARYS  
418 OSBORNE STREET  
ST. MARYS, GEORGIA 31558

## MINUTES for PUBLIC HEARING and REGULAR MEETING

St. Marys, Planning Commission  
Tuesday, May 26, 2015  
City Hall Council Chambers

### PUBLIC HEARING

The meeting was called to order at 5:30PM.

It was determined there was a quorum present for the meeting. The following committee members were present: Nancy Stasinis, Mike Rich, Larry Johnson, Arlene Norris and Doug Cooper.

Michele Wood represented the Planning Department.

The following items were heard in Public Session at a Public Hearing held Tuesday, May 26, 2015 at 5:30 PM at City Hall Council Chambers, 418 Osborne Street, St. Marys, GA 31558.

1. **REVERSE SUBDIVISION:** Frank D'Anna, 919 Larkspur Lane, St. Marys, GA, requests approval for a REVERSE SUBDIVISION for a two lot to one lot MINOR FINAL plat. Applicant wishes to combine Tax Parcels 122A 036 & 122A 037 creating one lot. The property is zoned PD R-1.

*Jeff Foster, AKM Surveying, addressed the Planning Commission on behalf of the applicant. Mr. Foster stated the applicant wants to add an addition to the left side of the house. The applicant would not be able to meet the setback requirements building on the one lot, but would meet the zoning requirements with two lots. There were no other questions or comments from the public.*

2. **VARIANCE:** Dean Privett, on behalf of June Henry, 1201 Shadowlawn Drive, St. Marys, GA 31558 is requesting a side yard variance of 8' (15' Required, 7' Requested) and a rear yard variance of 3' (15' Required, 12' Requested) to construct a new garage at 111 Wheeler Street. The property is zoned R-1, Tax Parcel S40-04-012.

*Mr. Privett was not in attendance. Ms. Wood shared the applicant would like to remove the existing garage and construct a new garage. Ms. Wood stated the applicant had received HPC approval at the April 21, 2015 Historic Preservation Commission meeting for the removal and design of the new garage. Ms. Wood stated the location of the existing garage does not meet the present R-1 setback requirements. The applicant was requesting to leave the rear of the structure where it was originally located which is 12' from the rear property line instead of the present 15' requirements. The applicant requested a 7' side yard setback instead of present 15' side yard requirements. The existing garage is presently 3' from the side property line. Ms. Stasinis stated she felt this variance request was not going to cause any harm to neighboring properties. The structure would actually be built further from the property line than the existing structure. Mr. Rich stated this variance request was very similar to another variance request that was denied in the previous month. The property owner is removing a non-conforming structure which has to comply with current zoning requirements. There were no questions or comments from the public.*

3. **SPECIAL USE PERMIT:** Billy Walker, 100 Lisa Lane, St. Marys, GA 31558 is requesting a Special Use permit for a Home Occupation at 100 Lisa Lane for a Graphics & Design Business. The property is zoned R-1, Tax Parcel 148A 007.

*Mr. Walker submitted his request to the Planning Commission explaining that he would like to have a home occupation to allow him to make signs in his garage. He stated there would be minimal traffic in and out of his home. He just wants to be sure that he is meeting all the City requirements.*

*Brian Klesat, resident of 102 Lisa Lane, stated he has no objections to Mr. Walker's request for a Special Use permit. There were no other comments or questions from the public.*

**Motion to Adjourn Public Hearing** - *Motion was made by Mike Rich to adjourn the Public Hearing; second by Doug Cooper. Voting was unanimous in favor of the motion.*

## **REGULAR MEETING**

**Approval of Minutes of April 28, 2015 Planning Commission Meeting** - *Mike Rich made a motion to approve the minutes as submitted; second by Nancy Stasinis. Voting was unanimous in favor of the motion.*

**Old Business:** None

1. **DESIGN GUIDELINES:** The review of property design on a vegetable/fruit stand located at 655 Charlie Smith Sr. Highway. The property is zoned R-1, Tax Parcel 135E 001C.

*Mr. Stein, attorney to the applicant, was unable to attend the meeting. The request was postponed until the June Planning Commission meeting.*

**New Business:**

1. **REVERSE SUBDIVISION:** Frank D'Anna, 919 Larkspur Lane, St. Marys, GA, requests approval for a REVERSE SUBDIVISION for a two lot to one lot MINOR FINAL plat. Applicant wishes to combine Tax Parcels 122A 036 & 122A 037 creating one lot. The property is zoned PD R-1.

*Doug Cooper made a motion to approve the request; second by Nancy Stasinis. Voting was unanimous in favor of the motion.*

2. **VARIANCE:** Dean Privett, on behalf of June Henry, 1201 Shadowlawn Drive, St. Marys, GA 31558 is requesting a side yard variance of 8' (15' Required, 7' Requested) and a rear yard variance of 3' (15' Required, 12' Requested) to construct a new garage at 111 Wheeler Street. The property is zoned R-1, Tax Parcel S40-04-012.

*Nancy Stasinis made a motion to approve the request for discussion; second by Arlene Norris. Mr. Rich questioned if the property owner would have room to build the garage with the current setbacks. The structure is 18' wide; deducting both side yard setbacks totaling 30' would allow room for 20' to build the garage upon on the 50' wide lot. Mr. Johnson requested a vote. The vote was (1) to approve (Arlene Norris) and (4) to deny.*

*There was discussion regarding the setbacks for the home that was constructed on the lot in 2014. Ms. Wood stated she would check the records to see whether a variance was issued for the home.*

3. **SPECIAL USE PERMIT:** Billy Walker, 100 Lisa Lane, St. Marys, GA 31558 is requesting a Special Use permit for a Home Occupation at 100 Lisa Lane for a Graphics & Design Business. The property is zoned R-1, Tax Parcel 148A 007.

Doug Cooper made a motion to approve the request; second by Mike Rich. Voting was unanimous in favor of the motion.

**Discussion:** None

**Motion to Adjourn Regular Meeting** – *Motion was made by Nancy Stasinis to adjourn the meeting; Second by Mike Rich. Voting was unanimous in favor of the motion. The meeting adjourned at 7:09 PM.*

**REQUEST FOR A VARIANCE FOR JUNE HENRY**

**APPLICANT:** June Henry  
91001 Fiddler Drive  
Fernandina Beach, FL 32034

**APPLICANT REQUEST and LOCATION OF PROPERTY:** Applicant requests **Approval** from the City of St. Marys for:

**VARIANCE:** June Henry, 111 Wheeler Street, St. Marys, GA 31558 is requesting a north side yard variance of 8' (15' Required, 7' Requested) and a rear yard variance of 3' (15' Required, 12' Requested) at 111 Wheeler Street. The property is zoned R-1, Tax Parcel S40 04 012.

**MEETING DATES:** Planning Commission May 26, 2015 City Council (review only necessary if decision appealed) June 15, 2015

**STAFF ANALYSIS:** Ms. Henry received approval from the Historic Preservation Commission on April 21, 2015 to demolish and rebuild a garage located at 111 Wheeler Street. With the removal of the garage, the applicant would be required to comply with current zoning requirements. The garage was located previously 3' from the north side property line. The applicant is requesting a north side yard variance of 8' (15' Required, 7' Requested) which is 4' further from the property line than the previous garage. The applicant will be locating the new garage on the rear lot at the same distance of 12' from the property line.

There is no prior record of any variance being requested or approved.

**STAFF RECOMMENDATIONS:** Staff recommends **APPROVAL** of the Variance.

**PLANNING COMMISSION RECOMMENDATIONS:** The Planning Commission is scheduled to meet Tuesday, May 26, 2015 to consider this application.

Action taken: Approved ( ) Denied (X) Postponed ( )

**CITY COUNCIL RECOMMENDATION:** The City Council is scheduled to meet on Monday, June 15, 2015 to consider the Planning Commission's recommendation, if required.

Action taken: Approved ( ) Denied ( ) Postponed ( )

**Variance Proposal Review Questions**  
**June Henry Variance**

**Conditions governing the granting of a variance.**

***A variance may be granted by the planning commission only in the event that all of the following circumstances exist:***

- 1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same vicinity, and result from lot size or shape, topography or other circumstances over which the owners of the property since enactment of this chapter have had no control.

***The previously existing garage was recently removed. With the removal of the structure, the new structure is required to meet current zoning regulations. The request of the property owner is not to build closer to property lines; the rear of the structure would be in the same location as the previous garage and the side yard would be 4' further from the property line..***

- 2) The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of their property in the same zone or vicinity possess.

***The property owner would like to have the ability to build their garage near to where the previous garage had existed for many years.***

- 3) The variance would not materially be detrimental to the purposes of this chapter, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objective of any city plan or policy.

***This will not conflict with any plan of the city.***

- 4) The variance requested is the minimum variance which would alleviate the hardship.

***Based on representations of the applicant, this is the minimum to alleviate the proposed hardship.***

- 5) The lot in question cannot yield a reasonable return unless the variance is granted.

***The site utilization appears to be adequate to support the uses proposed.***

- 6) The need for a variance is not the result of the action of the owner or previous owner.

***To be determined.***



# CITY OF ST. MARYS, GEORGIA

## VARIANCE APPLICATION

# V

APPLICANT: READ PART A COMPLETELY, THEN ANSWER EACH ITEM IN PART B. PLEASE PRINT OR TYPE. DO NOT WRITE IN PART A. THE PLANNING DIRECTOR WILL HELP YOU, IF NECESSARY. YOU MUST FILE THIS APPLICATION AND ALL REQUIRED MATERIALS WITH THE PLANNING & ZONING DIRECTOR AT LEAST 25 DAYS BEFORE THE PLANNING COMMISSION MEETING AT WHICH IT WILL BE CONSIDERED.

### PART A GENERAL INFORMATION

YOU ARE ENCOURAGED TO READ APPLICABLE SECTIONS OF THE ZONING ORDINANCE IF YOU ARE REQUESTING A ZONING VARIANCE, AND THE SUBDIVISION REGULATIONS IF YOU ARE REQUESTING A VARIANCE. SINCE ZONING VARIANCES ARE MUCH MORE COMMON AND REQUIRE A PUBLIC HEARING, THEY ARE THE ONLY ONES DESCRIBED IN THIS PART.

A VARIANCE IS A "LOOSENING" OF THE REQUIREMENTS OF THE ZONING ORDINANCE TO RELIEVE A HARDSHIP. A VARIANCE CAN ONLY BE GRANTED BECAUSE A HARDSHIP BEYOND YOUR CONTROL IS BEING CAUSED BY A DIMENSIONAL REQUIREMENT, THAT IS, ONE DEALING WITH DISTANCE, AREA, HEIGHT OR SOME OTHER DIMENSION OF YOUR LAND OR BUILDING. PLEASE NOTE THAT A VARIANCE DOES NOT ALLOW YOU TO START A NEW USE IN A ZONING DISTRICT WHERE IT IS PRESENTLY NOT PERMITTED. IN OTHER WORDS, YOU COULD NOT PUT A GROCERY STORE IN A RESIDENTIAL NEIGHBORHOOD.

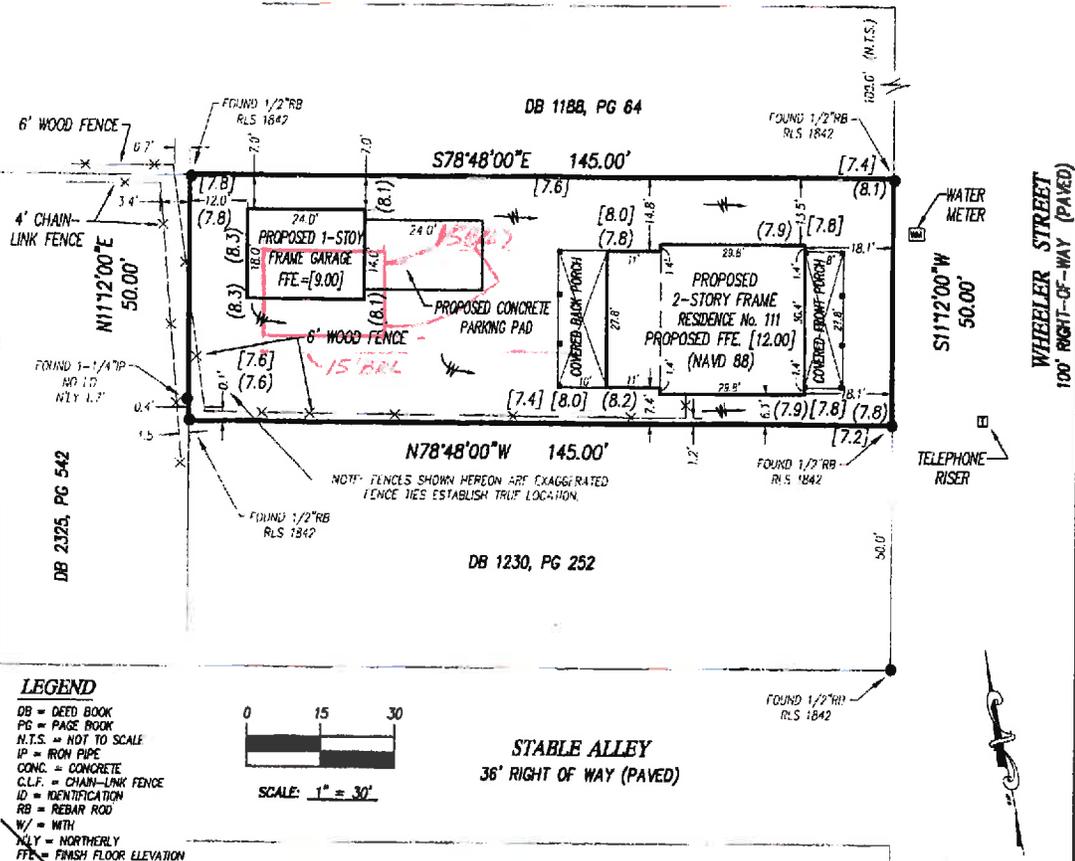
ONCE YOU HAVE FILED A COMPLETE APPLICATION WITH THE PLANNING DIRECTOR, YOUR REQUEST WILL BE ADVERTISED AND A LETTER WILL BE SENT TO THE ADJACENT PROPERTY OWNERS. THE PLANNING COMMISSION WILL THEN HOLD A PUBLIC HEARING. AT THE MEETING YOU WILL TELL THE PLANNING COMMISSION WHY YOU NEED THE VARIANCE AND YOUR NEIGHBORS MAY ASK QUESTIONS AND MAKE COMMENTS. THE PLANNING COMMISSION WILL THEN MAKE A DECISION ABOUT THE VARIANCE. THE VARIANCE IS VALID FOR ONE YEAR. IF YOU DISAGREE WITH THE DECISION, YOU HAVE 15 DAYS TO FILE AN APPEAL TO THE CITY COUNCIL. THE PLANNING DIRECTOR CAN PROVIDE YOU WITH THE INFORMATION AND FORMS FOR THIS STEP.

### PART-B APPLICANT ONLY

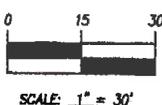
1. THIS IS AN APPLICATION ASKING THE ST. MARYS PLANNING COMMISSION TO GRANT A VARIANCE FROM THE REQUIREMENTS OF THE (CHECK ONE):  ZONING ORDINANCE  SUBDIVISION REGULATIONS
2. NAME: DEAN PRIVETT (AGENT) PHONE: (912) 882-3758  
ADDRESS: 1201 SHADOWLAWN DR., ST. MARYS, GA. 31558
3. LOCATION OF PROPERTY: STREET 111 WHEELER ST.  
PARCEL NO. 540-04-012 LOT NO. \_\_\_\_\_ ZONING MAP NO. 540
4. THIS LAND IS ZONED:  R-1  R-2  R-3  R-4  R-5  MH  PD  C-1  
 C-2  C-3  H  I-L  I-G  I-A  CP  FH
5. PLEASE DESCRIBE THE TYPE OF VARIANCE YOU NEED. EXAMPLE: REDUCTION OF FRONT YARD SETBACK FROM 25 FT TO 18 FT.  
FOR GARAGE: REDUCTION OF SIDE YARD SETBACK FROM 15' TO 7' and REAR FROM 15' TO 12'
6. ALL THE FOLLOWING POINTS MUST APPLY TO YOUR SITUATION FOR THE VARIANCE TO BE GRANTED. DESCRIBE HOW YOU MEET EACH "TEST."  
A. SPECIAL CONDITIONS OR CIRCUMSTANCES OVER WHICH I HAVE NO CONTROL, AFFECT MY PROPERTY.  
THE LOT IS SUBSTANDARD RELATIVE TO ZONING REQUIREMENTS. NEW CONSTRUCTION REQUIRES OLD  
B. BECAUSE OF THE SITUATION, I DO NOT HAVE THE SAME PROPERTY RIGHTS AS MY NEIGHBORS OR AS OTHER PROPERTY OWNERS IN THE SAME ZONING DISTRICT DO. THE NEW CONSTRUCTION IS A REPLACEMENT OF EXISTING STRUCTURES  
C. THE VARIANCE WOULD NOT SIGNIFICANTLY DEFEAT THE PURPOSES OF ANY CITY PLAN, POLICY ORDINANCE  
THE EXISTING STRUCTURES WERE PROBABLY BUILT BEFORE THE EXISTENCE OF A ZONING ORDINANCE. THE NEW CONSTRUCTION DOES NOT REDUCE THE INTEGRITY OF LOT  
D. THIS IS THE MINIMUM VARIANCE WHICH WOULD RELIEVE MY HARDSHIP. THE REQUESTED VARIANCE IS AT OR A LESS REDUCTION FROM WHERE EXISTING STRUCTURES LIVE
7. IN THE CASE OF A ZONING VARIANCE, ATTACH THESE TO THIS APPLICATION:  
 A) A SIMPLE MAP SHOWING LOCATION OF THE PROPERTY, ITS DIMENSIONS, LOCATION OF EXISTING AND PROPOSED STRUCTURES, AND THE NEAREST PUBLIC ROAD.  
 B) A LIST OF NAMES AND ADDRESSES OF ALL ADJACENT PROPERTY OWNERS.
8. SIGNED: [Signature] (AGENT) DATE: 4-3-15

1. DATE COMPLETE APPLICATION WAS FILED: 4-16-15
2. LIST OF ATTACHMENTS  SIMPLE MAP  NAMES/ADDRESSES OF ADJACENT PROPERTY OWNERS  FINAL PLAT  
 PRELIMINARY PLAT  OTHER \_\_\_\_\_
3. PUBLIC HEARING (IF ZONING VARIANCE) \_\_\_\_\_ DATE APPLICANT WAS NOTIFIED: \_\_\_\_\_

**MAP TO SHOW BOUNDARY SURVEY OF:**  
**A PORTION OF BLOCK 2, CITY OF ST. MARYS, 29th G.M.D., CAMDEN COUNTY, GEORGIA**  
 (SAID BLOCK 2 ACCORDING TO THE OFFICIAL PLAN OF THE CITY OF ST. MARYS, RECORDED AT P.B. 1, PAGE 94, PUBLIC RECORDS OF SAID COUNTY)  
 FOR: **JUNE R. HENRY AND RICHARD P. HENRY**  
**BRYANT STREET**  
**100' RIGHT-OF-WAY (PAVED)**



**LEGEND**  
 DB = DEED BOOK  
 PG = PAGE BOOK  
 N.T.S. = NOT TO SCALE  
 IP = IRON PIPE  
 CONC. = CONCRETE  
 C.L.F. = CHAIN-LINK FENCE  
 ID = IDENTIFICATION  
 RB = REBAR ROD  
 W/ = WITH  
 NLY = NORTHERLY  
 FFE = FINISH FLOOR ELEVATION



**NOTES:**

- 1.) BEARINGS SHOWN HEREON REFER TO THE BEARING OF SOUTH 11'-12' WEST FOR THE WESTERLY RIGHT-OF-WAY LINE OF WHEELER STREET ACCORDING TO PLAT BOOK 1, PAGE 94.
- 2.) SUBJECT PROPERTY IS FOUND TO BE IN FLOOD HAZARD ZONE "AE (EL 10)" ACCORDING TO F.I.R. MAP No. 13039C0485F, COMM. PANEL No. 0485, SUFFIX "F", COMM. No. 130027, DATED: DECEMBER 16, 2008, FOR ST. MARYS, GEORGIA. ST. MARYS REQUIRES THE FINISH FLOOR FOR NEW CONSTRUCTION TO BE 2' ABOVE THE BASE FLOOR ELEVATION.
- 3.) THIS LOT WAS SURVEYED WITHOUT THE BENEFIT OF ANY FORMAL TITLE WORK.
- 4.) SUBJECT PROPERTY IS ZONED "R-1"; WITHIN THE HISTORIC ORIGIN, FRONT-25', SIDES-15', & REAR-15'; SEE CITY OF ST. MARYS ZONING ORDINANCE FOR BUILDING SETBACK REQUIREMENTS.
- 5.) OBSERVED ELEVATIONS ARE NOTED THUS: (8.8) AND REFER TO NAVD-88. PROPOSED ELEVATIONS SHOWN THUS: [8.8]
- 6.) BENCHMARK REFERENCES THE TOP OF FIRE HYDRANT LOCATED AT THE NORTHEAST INTERSECTION OF SEAGROVE & ST. MARYS STREETS. ELEVATION 11.38 (NGVD 29).
- 7.) ELEVATIONS ARE CONVERTED TO NAVD-88 BY SUBTRACTING 1.18 FROM NGVD-29 ELEVATIONS IN THIS AREA.

*5-27-15 LOCATION OF PROPOSED GARAGE WITHIN SETBACKS SHOWN IN P.E.L.*

**SURVEYOR'S CERTIFICATE:**

I HEREBY CERTIFY THAT THE ABOVE LOT WAS SURVEYED UNDER MY DIRECT SUPERVISION AND THAT THE IMPROVEMENTS ARE LOCATED UPON SAME AS SHOWN AND THAT THERE ARE NO ENCROACHMENTS UPON SAID LOT, EXCEPT AS SHOWN HEREON.

BY: *[Signature]* DATE: **4-20-15**  
 PARK D. PRIVETT  
 GEORGIA REGISTERED SURVEYOR No. 2218  
 FLORIDA REGISTERED SURVEYOR No. 2841

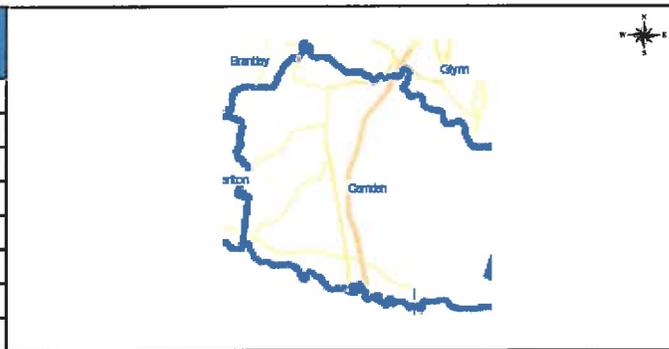
MAP AMENDED: APRIL 20, 2015 TO ADD CHANGE WHOM SURVEY IS FOR. MJC  
 MAP AMENDED: APRIL 6, 2015 TO ADD GARAGE TO SITE PLAN. MJC

 DRAWN BY: MJC	 CHECKED BY: P.D.P.
<b>PRIVETT &amp; ASSOCIATES, INC.</b> SURVEYORS & LAND PLANNERS	
LICENSED SURVEY FIRM No. 166, GA. 1201 SHADOWLAWN DRIVE ST. MARYS, GEORGIA 31558 (912) 882-3738	LICENSED BUSINESS No. 4204, FL. 2732 TOWNSEND BOULEVARD JACKSONVILLE, FLORIDA, 32211 (904) 743-7656
SURVEY DATE: <b>MAY 22, 2014</b> FIELD BOOK 389, PAGES 38 & 39	SHEET 1 OF 1

K:\Lot Surveys\Georgia\Notes and Bounds\12-186 111 Wheeler St St Marys.dwg



Camden County Assessor			
Parcel: S40 04 012 Acres: 0.17			
Name:	JUNE R HENRY LIVING TRUST	Land Value	\$76,500.00
Site:	111 WHEELER ST	Building Value	\$75,983.00
Sale:	\$110,000 on 05-2013 Reason=FM Qual=Q	Misc Value	\$0.00
Mail:	91001 FIDDLER DR	Total Value:	\$152,483.00
	FERNANDINA BEACH, FL 32034		



The Camden County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER CAMDEN COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS --THIS IS NOT A SURVEY--



**CITY OF ST. MARYS**  
 418 OSBORNE STREET  
 ST. MARYS, GEORGIA 31558  
 PLANNING AND ZONING DEPARTMENT  
 TELEPHONE: 912-510-4032 FAX: 912-510-4014

### **Sec. 110-146. - Variances.**

The planning commission may authorize a variance from the requirements of this chapter where it can be shown that owing to special and unusual circumstances related to a specific lot, strict application of the chapter would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance the planning commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purpose of this chapter.

- (a) *Conditions governing the granting of a variance.* A variance may be granted by the planning commission only in the event that all of the following circumstances exist:
- (1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same vicinity, and result from lot size or shape, topography or other circumstances over which the owners of the property since enactment of this chapter have had no control.
  - (2) The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of their property in the same zone or vicinity possess.
  - (3) The variance would not materially be detrimental to the purposes of this chapter, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objective of any city plan or policy.
  - (4) The variance requested is the minimum variance which would alleviate the hardship.
  - (5) The lot in question cannot yield a reasonable return unless the variance is granted.
  - (6) The need for a variance is not the result of the action of the owner or previous owner.
- (b) *Public hearings, public hearing procedures, and procedures for taking action for variances.*
- (1) *Required public hearings.* No official action shall be taken on any proposed variance unless a public hearing has been held by the planning commission. Public hearings on variances shall be conducted in the same manner as described in [section 110-165](#) for zoning amendments.
  - (2) *Procedure for calling a public hearing.*
    - a. Prior to scheduling the required public hearings, applicants shall first complete all submission requirements provided by the planning and zoning director (e.g., forms, fees, deeds, maps, etc.) A complete application must be filed 30 days prior to the planning commission meeting where the application will be heard. The application shall be accompanied by a list of names and addresses of all abutting property owners of the property for which the variance is requested, shown by the current City of St. Marys tax maps and indexes thereof. The failure to notify as provided in this section shall not invalidate any recommendations or actions adopted hereunder.
    - b. The planning and zoning director shall then notify the applicant of the date, time, and place of the required public hearing.
    - c. At least 16 but not more than 44 days prior to scheduled public hearings, the planning and zoning director shall publish in the newspaper of general circulation, notice of the date, time, place, and purpose of the public hearing.

- d. Not less than 15 days prior to the date of a public hearing, the planning and zoning director shall post in a conspicuous location on the property in question a sign which shall contain information regarding the proposed variance; specifically the date, time, place, and purpose of the public hearing.
- e. No official action shall be taken on a proposed variance by the planning commission until after the required public hearing has been conducted. The commission may conduct more than one hearing if the commission deems necessary.
- f. The primary goal of conducting public hearing on proposed variance shall be to solicit pertinent factual information which will be beneficial in helping the planning commission judge the need of the proposed variance.
  1. *Notice to property owners.* The planning and zoning director shall give notice of the date, time, place, and purpose of public hearing to be held by the planning commission on proposed variance by mail to the owners of all properties abutting any part of the property proposed to be changed. The failure to notify as provided in this section, shall not invalidate any recommendations adopted hereunder.
  2. *Action by planning commission.* The planning commission shall render its decision based on the variance criteria in (a) above. The planning and zoning director shall notify the applicant within five days of the decision by the planning commission.
  3. *Time limit on permit for variance.* Authorization of a variance shall be void after one year unless substantial construction has taken place. However, the planning commission may extend authorization for an additional period not to exceed one year, on request.
  4. *Denial of variances.* If the decision of the planning commission is to deny the variance, then the same property may not again be considered for a variance until the expiration of at least six months immediately following the defeat of the variance by the planning commission.
  5. *Appeals of decision.* Decisions of the planning commission may be appealed to the city council as described in [section 110-162](#) of this chapter.

(Ord. of 9-12-94, § 906)