



**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):**

*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):**

*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 OF ST. MARYS, GEORGIA  
SPECIAL CALLED CITY COUNCIL MEETING**

**June 10, 2015**

**5:00 p.m.**

**MINUTES**

The Mayor and City Council for the City of St. Marys, Georgia met for a Special Called City Council meeting on Wednesday, June 10, 2015 in the Council Chamber at City Hall.

**PRESENT WERE:**

Mayor John F. Morrissey  
Councilmember Sam L. Colville  
Councilmember Jim Gant  
Councilmember Robert L. Nutter  
Councilmember Dave Reilly  
Councilmember Linda P. Williams

**ABSENT WERE:**

Councilmember Elaine Powierski

**CITY OFFICIALS PRESENT:**

John J. Holman, City Manager  
Michele Wood, Assistant Planner

**CALL TO ORDER**

Mayor Pro Tem Jim Gant called the Special Called City Council meeting to order at 5:02 p.m. Councilmember Dave Reilly gave the invocation and led the audience in the pledge of allegiance. Council roll call indicated a quorum of council members present for the meeting.

**BUSINESS:**

**A. VARIANCE APPEAL (Marc & Angela Ottenger, 309 Mahan Street):**

*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.*

Councilmember Colville made a motion to open the Variance Appeal (Marc & Angela Ottenger) for discussion and accept documents for the record. Councilmember Reilly seconded the motion. The City Manager asked if all the documents listed could be accepted into the record. Councilmember Colville amended his motion to open the Variance Appeal (Marc & Angela Ottenger) for discussion and accept Exhibits 1- 12 into the record. Exhibits 1- 12 as accepted into the record:

- \*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

Councilmember Reilly seconded the motion. Voting was unanimous in favor of the motion.

Mr. Marc Ottenger (309 Mahan Street) gave an overview of his Planning Commission appeal request. Mr. Ottenger stated he pulled a permit with Planning & Building to renovate the front/garage roof hoping to also increase property value but once main supports were removed to replace the roof, the side wall fell. Mr. Ottenger stated he was notified that the "Grandfather Clause" was no longer in effect since the side wall had been removed. Mr. Ottenger stated he was not aware of the "Grandfather Clause" and applied for a variance. Mr. Ottenger stated he was trying to build a structure (garage) that would be acceptable to his family and the neighbors.

Councilmember Reilly stated the purpose of the Zoning Ordinance and asked Mr. Ottenger if he had tried to work with neighbors to see what would be acceptable to them. Mr. Ottenger stated the property next door was in a transition phase of being sold, he spoke with new owners and they were not opposed to it but the previous owners were opposed to it. Council spoke with Mr. Ottenger about the current slab uncovered, encroachment, status of agreement noted in paragraph 5 (exhibit 1, facts #5), reasons for keeping old garage versus building new garage and current standards for variance. Mr. Ottenger stated he was not opposed to trying to comply.

The Assistant Planner stated this issue is addressing the rear yard variance but there is also the side yard setback which requires setback of 25 feet because it faces a street (Conyers). Mr. Ottenger would like a zero side yard setback to keep it in line with existing homes (total of 50 foot setback). Mrs. Wood stated in R1 status you cannot build within 25 feet and Mr. Ottenger cannot add to the existing structures. Mayor Pro Tem Gant stated the 15 foot setback impacts the property owner behind Mr. Ottenger. Councilmember Reilly stated the Planning Commission followed the ordinance. Councilmember Colville stated Council would like to assist Mr. Ottenger but the ordinance was very clear as to variances.

Councilmember Colville made a motion to deny the application/request for a variance at 309 Mahan Street (Marc & Angela Ottenger) and adopt the opinion of the Planning Commission in support of the Planning Commission. Councilmember Reilly seconded the motion. Voting was unanimous in favor of the motion. The Mayor Pro Tem and Council suggested Mr. Ottenger speak with and get approval of neighbors and try to resolve the issues as the renovations to the home are very nice.

Mayor Morrissey arrived at 5:42 p.m.

**B. VARIANCE APPEAL (June Henry 1201 Shadowlawn Drive):**

*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.*

Councilmember Colville made a motion to accept into the record Exhibits 1- 8 into the record pertaining to the Variance Appeal from June Henry. Exhibits 1- 8 as accepted into the record:

- \*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

Councilmember Nutter seconded the motion. Voting was unanimous in favor of the motion.

Mr. Dean Privett (Planner Surveyor) and agent for June Henry apologized to Council for missing the Planning Commission meeting. Mayor Morrissey asked the City Manager and the Assistant Planner for procedure, if Mr. Privett was not at the meeting, wanted to attend, if Mr. Privett would be allowed to go back to the Planning Commission. The City Manager stated there would need to be a advertised again and the Planning Commission would decide whether they wanted to reopen it or not but it would up to the Planning Commission. The City Manager stated it would be up to Council to hold a meeting at a later time if they would like to allow Mr. Privett time to submit his request to the Planning Commission since they had already ruled. Mr. Privett stated he had a different perspective that he believes will strengthen the obligation of granting a variance.

The City Manager stated Council could make a motion to direct the Planning Commission to review data that was not received previously. Councilmember Colville gave a brief overview of procedures regarding acceptance of new evidence in Appeal Courts. The City Manager stated Council was not restricted to those rules and could accept new data that was not presented at the Planning Commission. The Assistant Planner stated she believed it was a six month waiting period before the Planning Commission would consider. Mayor Morrissey requested clarification on the six month waiting period from Mr. Holman. Mayor Morrissey asked Mr. Privett if he would like the opportunity to present to the Planning Commission and Mr. Privett stated yes.

Councilmember Reilly made a motion to refer the request for variance back to the Planning Commission to allow Mr. Dean Privett the opportunity to present new/additional data regarding 111 Wheeler Street (June Henry). Councilmember Colville seconded the motion. Councilmember Colville moved for discussion and stated the only way Council can get a full picture is for Mr. Privett to be able to present his data. Councilmember Gant asked if the data he would present to the Planning Commission would be overwhelming.

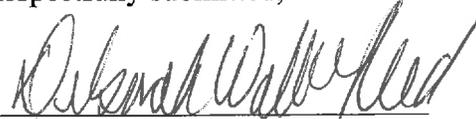
Mr. Privett stated the ordinance that is being adhered to for R1 references minimum lot width, minimum lot areas (standard lot sizes) which is fine as long as you are not dealing with substandard lot sizes which 111 Wheeler is a substandard lot. Mr. Privett stated when you try to apply the same zoning restrictions to a lot that is 67% the size of a standard lot, there should be some type of considerations/variance. Councilmember Gant asked Mr.

Privett why not center the garage in the lot and get close to the setbacks. Mr. Privett stated the further the garage is moved, it would be a hardship for Mrs. Henry (S curve) to maneuver the vehicle. Councilmember Nutter asked the Assistant Planner if there is standard lot size in the City. The Assistant Planner stated in R1 it would be consider 75 feet or 10,000 square feet per lot size. Voting was unanimous in favor of the motion.

**ADJOURNMENT:**

Councilmember Williams made a motion for adjournment. Councilmember Colville seconded the motion. Voting was unanimous in favor of the motion. Mayor Morrissey declared the meeting adjourned at 6:07 p.m.

Respectfully submitted,



Deborah Walker-Reed, City Clerk