

City of Guyton, Georgia  
**PLANNING AND ZONING PUBLIC HEARING  
AND SPECIAL CALLED MEETING**  
**October 4, 2022 at 6:00 P.M.**



**C.D. Dean, Jr., Public Safety Complex**  
**GUYTON GYMNASIUM**  
**505 Magnolia Street**  
**Guyton, GA 31312**

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## **AGENDA**

1. **Call to Order**
2. **Public Hearing for Request for Special Use Permit - Parcel No. G0080005 requesting a special use permit for the purpose of Distilled Package Sales. This property is approximately 1.34 acres located at 97 Springfield Ave., Guyton, GA 31312**
3. **Consideration of approving Special Use Permit - Parcel No. G0080005 requesting a special use permit for the purpose of Distilled Package Sales. This property is approximately 1.34 acres located at 97 Springfield Ave., Guyton, GA 31312**
4. **Consideration to Adjourn**



# CITY OF GUYTON

PO Box 99 Guyton, Georgia 31312  
Telephone – 912.772.3353 Fax – 912.772.3152  
www.cityofguyton.com  
*Working Together to Make a Difference*

## Special Permit Use Application

Applicant Name: Chirag Patel

Applicant Mailing Address: 230 Tanzinia Trail, Pooler, GA 31322

Phone Number: 770-905-5876 Email Address: patel563@gmail.com

Street Address of Property: 97 Springfield Ave. Guyton, GA 31312

Describe the requested special use: Liquor Store

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(continue on back of page if needed)

I am the owner of the property: YES NO  X  
(If you are not the property owner, written permission from the owner stating approval for this special permit use request must be attached)

C. M. Paul  
Applicants Signature

9/29/22  
Date

The Zoning Official or City Clerk will review this application and confirm if special permit use is required for requested use. If required, the applicant will initial below, acknowledging the public hearing dates and process needed for approval. Fee will be required at this time.

### To be completed by Zoning Official:

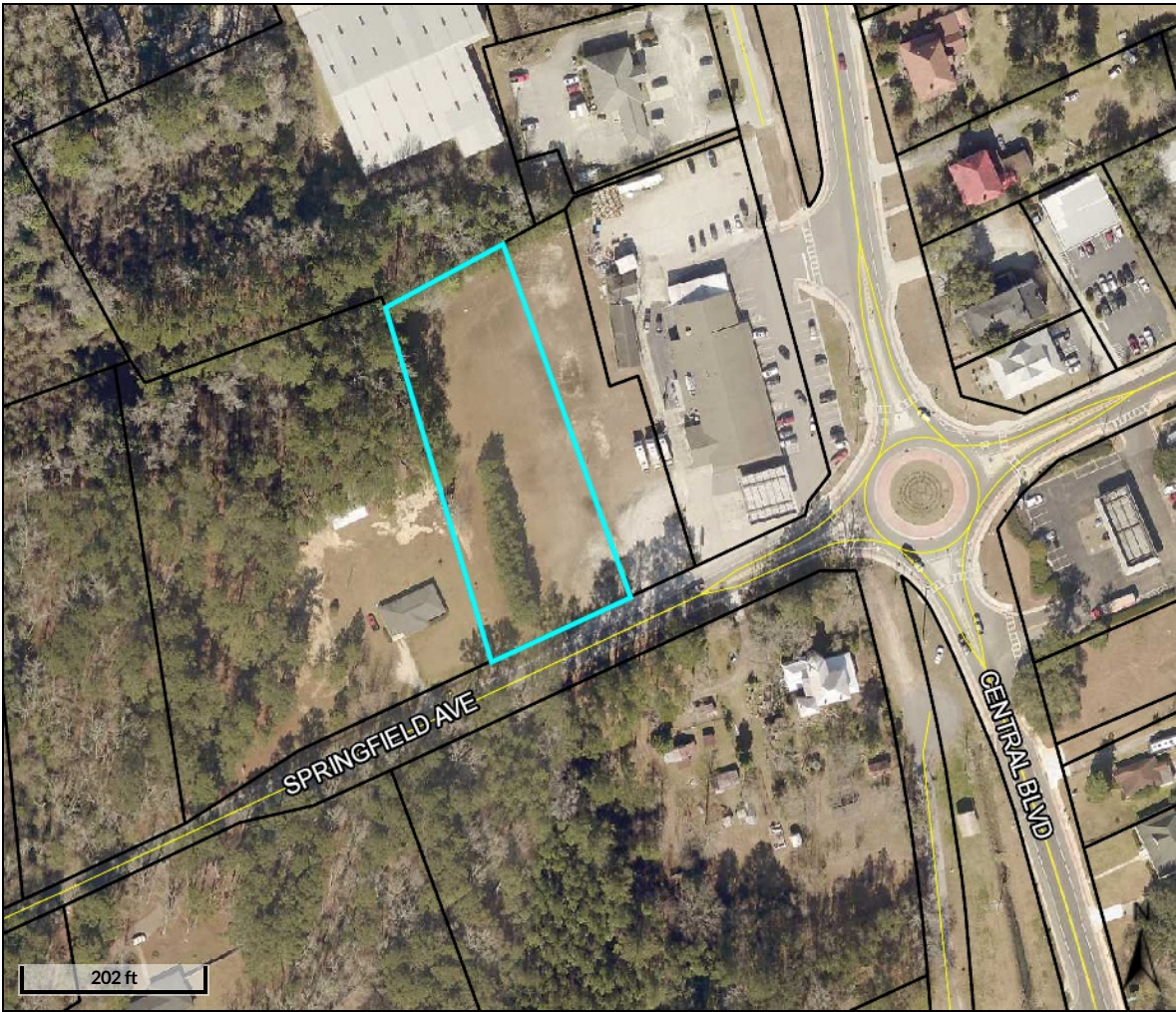
Parcel ID: G0080005 Current Zoning: C- 2

Code Section Affected: \_\_\_\_\_

Invoice Number: \_\_\_\_\_ Amount: \$120 Date Paid: 9/29/22

Planning & Zoning Public Hearing Date: 10/4/2022 CP

Notification sent: 9/9/2022 Planning and Zoning Decision: \_\_\_\_\_



Overview



Legend

- Parcels
- Roads

<b>Parcel ID</b>	G0080005	<b>Owner</b>	ANDRIK PROPERTIES LLC	<b>Last 2 Sales</b>			
<b>Class Code</b>	Residential		3639 WINFIELD LANE NW	<b>Date</b>	<b>Price</b>	<b>Reason</b>	<b>Qual</b>
<b>Taxing District</b>	02-Guyton		WASHINGTON, DC 20007	3/18/2015	0	U	U
	Guyton	<b>Physical Address</b>	97 SPRINGFIELD AVE	11/7/2005	\$250000	LM	Q
<b>Acres</b>	1.34	<b>Assessed Value</b>	Value \$53600				

(Note: Not to be used on legal documents)

Date created: 9/29/2022  
 Last Data Uploaded: 9/29/2022 12:49:41 AM

Developed by Schneider  
 GEOSPATIAL

### Section 1004 Temporary Permit

The Planning and Zoning Director is authorized to exercise his discretion to grant temporary permits for the uses listed below—upon finding there exists a substantial need for a limited period of time, that the temporary permit is necessary for the owner to enjoy reasonable and substantial property rights, and that the temporary permit will not create an adverse impact on other properties or persons within the vicinity, subject to the applicable conditions for each individual temporary use and provided it is determined such uses will cause no traffic congestion. Any application for a permit for a temporary use not allowed for in this ordinance shall be requested of the City Council. Applications for temporary permits will be made on substantially the same form as shall be available at City Hall, and the action taken on such application shall be noted on the same form. Each application for temporary permit shall be filed with the Planning and Zoning Director and shall be have the notation of the Planning and Zoning Director that the appropriate fee has been paid to the city by applicant.

- (1) Carnival or circus, in approved open areas, for a period not to exceed three weeks, and subject to approval by the City Council.
- (2) Religious meeting in a tent or other temporary structure, in an approved open area, for a period not to exceed forty days and forty nights.
- (3) Open lot sale of Christmas trees, in an approved area, for a period not to exceed forty-five days.
- (4) Contractor's office and equipment sheds, for a period of twelve months, provided that such office is placed on the property to which it is appurtenant.

### Section 1005 Special Permit Uses

The uses listed under the various land use districts (Article Six) as "special permit uses" are so classified because they more intensely dominate the area in which they are located than do other uses, which are called permitted uses. Special permit uses are uses which would not normally be appropriate in a district unless strictly controlled as to size, lot coverage, impact on public services, visibility, traffic and other such characteristics. The following procedure is established to integrate the special permit uses with other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedure:

- (1) When applying for a building permit, the applicant shall be informed by the Planning and Zoning Director that the proposed use is a Special Permit Use. The matter will then be referred to the Planning and Zoning Commission;
- (2) An application for special permit use shall be filed with the Building and Zoning Clerk at least thirty (30) days prior to the next regularly scheduled meeting of the City Planning and Zoning Commission. Such application shall be in substantially the same form as shall be available at City Hall, shall contain all information requested thereon and any other material or information pertinent to the request which the Planning and Zoning Commission may require, and shall contain the notation of the Planning and Zoning Clerk that the appropriate fee has been paid to the City of Guyton.
- (3) Public Hearings, Public Hearing Procedures, and Standards for Special Use Permits

(A) Required Public Hearings

No official action shall be taken on any proposed Special Permit unless one (1) public hearing has been held. The public hearing shall be conducted by the Planning and Zoning Commission.

(B) Procedure for Calling a Public Hearing

1. Prior to scheduling required public hearings, applicants shall complete all submission requirements provided by the Planning and Zoning Director (e.g., forms, fees, deeds, maps, etc).
2. The Planning and Zoning Director shall then notify the applicant of the date, time, and place of the required public hearing.
3. 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.
4. 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 Special Permit; specifically, the date, time, place, and purpose of the public hearing.
5. The primary goal of conducting public hearings on a proposed special permit shall be to solicit pertinent factual information which will be beneficial in helping the Planning and Zoning Commission judge the merits of each specific proposed special permit.
  - a. **Notice to Property Owners.** The Planning and Zoning Director shall give notice of the date, time, place, and purpose of public hearings to be held by the Commission on proposed special permits or supplements by mail to the owners of all properties abutting any part of the property variances proposed to be changed. The failure to notify as provided in this section, shall not invalidate any recommendations or action adopted hereunder.
  - b. **Action of Planning and Zoning Commission.** The Planning and Zoning Commission may approve the application as requested, or it may require conditions for approval, or it may deny the application.
  - c. **Denial of Special Permits.** If the decision of the Planning and Zoning Commission is to deny the Special Permit, then the same property may not again be considered for a Special Permit until the expiration of at least six ( 6 ) months immediately following denial of the Special Permit by the Planning and Zoning Commission.
  - d. **Appeals of Decision.** Appeals of the Planning and Zoning Commission decision shall go to the City Council. A written appeal must be submitted to the Planning and Zoning Director within fifteen (15) days of the decision from which appeal is taken.

(C) Procedure for Conducting a Public Hearing

Public hearings on special permits shall be conducted in the same manner as described in Section 1205 for zoning amendments.

(D) Standards for Special Use Permits

A Special Use Permit may be granted by the Planning and Zoning Commission only if the applicant establishes to the satisfaction of the Planning and Zoning Commission that:

1. Neither the proposed use nor the proposed site upon which the use will be located will have significant adverse impact upon the value or quiet possession of surrounding properties greater than would normally occur from generally permitted uses in the zoning district. In reaching a determination on this standard, the Planning and Zoning Commission (or City Council if applicable) shall consider:
  - a. The size of the proposed use compared with the surrounding uses;
  - b. The intensity of the proposed use including amount to be generated, hours of operation, expanse of pavement, and similar measures of intensity of use, compared with surrounding uses.
  - c. The potential generation of noise, dust, odor, vibration, glare, smoke, litter and other nuisances;
  - d. Unusual physical characteristics of the site, including size of the lot, shape of the lot, topography, and soils, which may tend to aggravate adverse impacts upon surrounding properties;
  - e. The degree to which landscaping, fencing and other design elements have been incorporated to mitigate adverse impacts on surrounding properties.
2. City or other facilities serving the proposed use will not be overburdened or hazards created because of inadequate facilities. In reaching a determination on this standard, the commission shall consider:
  - a. The ability of the traffic to safely move into and out of the site at the proposed location;
  - b. The presence of facilities to assure the safety of pedestrians passing by or through the site;
  - c. The capacity of the street network to accommodate the proposed use;
  - d. The capacity of the sewerage and water supply systems to accommodate the proposed use;
  - e. The capacity of the storm drainage system to accommodate the proposed use;
  - f. The ability of the fire department to provide necessary protection services to the site and development.
3. The natural characteristics of the site, including topography, drainage, and relationship to ground and surface waters and floodplain shall not be such that the proposed use when applied on the site will cause undue harm to the environment or to neighboring properties.

(E) Conditions of Special Permit Uses

Upon consideration of the standards listed in section (D) above, the Planning and Zoning Commission and/or the City Council may require such conditions, in addition to those required by other provisions of the Ordinance, as it finds necessary to ensure compliance with those standards and all other applicable requirements of this Ordinance. Violation of any of those conditions shall be a

violation of this Ordinance. Such conditions may include, but are not limited to, specifications for: type of landscaping/vegetation, increased setbacks and yards, specified sewage disposal and water supply facilities, hours of operation, operational controls, professional inspection and maintenance, sureties, location of piers, docks, parking and signs, and types of construction.

### Section 1006 Variances

The Planning and Zoning Commission may authorize a variance from the requirements of this ordinance where it can be shown that owing to special and unusual circumstances related to a specific lot strict application of the ordinance 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 zoning district in which the proposed use would be located. In granting a variance, the Planning and Zoning 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 ordinance.

#### A. Conditions Governing the Granting of a Variance

A variance may be granted by the Planning and Zoning 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 ordinance 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 property in the same zoning district or vicinity possess.
- (3) The variance would not materially be detrimental to the purposes of this ordinance 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 and Zoning Commission. Public Hearings on Variances shall be conducted in the same manner as described in Section 1205 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