

City of Guyton, Georgia
PLANNING AND ZONING PUBLIC HEARING
July 11, 2023 at 6:00 P.M.

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



AGENDA

1. Call to Order
2. Public Hearing regarding variance for 58 Del A Rae Circle, Guyton, GA 31312
3. Consideration to Adjourn this Public Hearing

Rules of Decorum for All Meetings

The purpose of the Rules of Decorum is to foster an atmosphere of civil and courteous discourse, even and especially when discussing contentious topics, at all meetings held by the City of Guyton.

(a) General rules applicable to all (Mayor and Council, Staff, Members of the Public)

1. Each speaker will direct his or her comments to the Mayor and or presiding officer and not to any other individual present.
2. Each speaker will refrain from personal attacks, foul or abusive language, and will maintain a civil and courteous manner and tone.
3. Each speaker will speak only about agenda items. Members of the public will be limited to 3:00 minutes speaking time.
4. Members of the audience will respect the rights of others and will not create noise or other disturbances that will disrupt or disturb persons who are addressing the Mayor and Council or Committee or Board or Commission, or members of those bodies who are speaking, or otherwise impede the orderly conduct of the meeting.

(b) Additional Rules for Members of Mayor and Council, Committees, Boards or Commissions

1. Members of Mayor and Council, Committees, Boards or Commissions will conduct themselves in a professional and respectful manner at all meetings.
2. Members of Mayor and Council, Committees, Boards or Commissions will not speak until recognized by the Mayor or presiding officer.
3. Remarks by members of Mayor and Council, Committees, Boards or Commissions will be directed to the Mayor or presiding officer and not to individuals, other Council, Committee, Board or Commission members, staff or Members of the public in attendance. Questions for staff or individuals or other Council, Committee, Board or Commission members will be directed to the Mayor or presiding officer, who will then direct the appropriate person to answer.
4. Members of Mayor and Council, Committees, Boards or Commissions are always free to criticize or question policies, positions, data or information presented. However, members of Mayor and Council, Committees, Boards or Commissions will not attack or impugn the person presenting.

(c) Enforcement

The Mayor or presiding officer has the authority to enforce each of the Rules of Decorum regarding members of the public. If any Rule is violated, the Mayor or presiding officer will give the speaker a warning, citing the Rule being violated, and telling the speaker that a second violation will result in a forfeiture of the right to speak further. The Mayor or presiding officer also may have the offending speaker removed from the meeting if the misconduct persists. The Mayor or presiding officer shall not have any power under this provision regarding a Council, Committee, Board or Commission member.

City of Guyton, Georgia

Established 1887

Working Together to Make a Difference

City of Guyton Variance Application

Applicant Name:

Joseph Russell Daughtrey

Address:

58 Del A Rae Circle

Phone:

912-655-7839

912-675-0319

Email:

Rusty.Daughtrey@eiiiaerospace.com

Address or Location of Property:

58 Del A Rae Circle

In order that the general health, safety and welfare of the citizens may be preserved, and substantial justice maintained, I/we the undersigned request in connection with the property hereinafter described:

Tax Map Parcel Number:

G14-38

Number of Acres

0.46

Present Use of Property:

Single family home

Proposed Use of Property:

Single family home with a separate garage

The subject property is described as follows:

VARIANCE: Describe the unusual conditions of the property pertaining to size, shape, location or topography, which justify the variance (attach additional pages if necessary):

See attached

City of Guyton, Georgia

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Working Together to Make a Difference

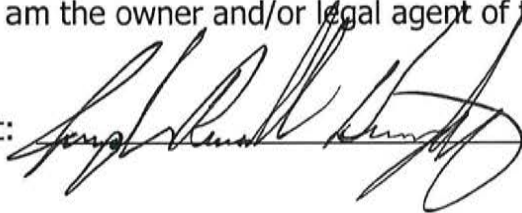
REQUIRED SUBMISSIONS

- Complete Variance Application
- Variance Application Fee of \$ _____
- Two (2) copies of the list of names and address of all abutting (adjacent) property owners of the property.
- Two (2) copies of a map or other accurate depiction of property, indicating property lines, structures, improvements, driveways and adjacent roadways.

DISCLOSURE

I hereby certify that I am the owner and/or legal agent of the owner, in fee simple, of the above-described property.

Signature of Applicant: _____



(L.S.)

Date: _____

June 6 2023

For Official City Use Only

Fee Paid: \$ 170.00 Date: 6.6.23

Received by (employee): JT

Planning and Zoning

Hello. I am graciously requesting a variance from the minimum side yard setback on my property located at 58 Del A Rae Circle. The city requires 15 feet here, I am asking to reduce this to 5 feet, which is the Effingham County setback from side. My projections put the garage around 7.5 feet from the property line that I share with Mr. and Mrs. Pride.

I have spoken with Mr. Pride at length about the project and variance, not only does he not object he is helping me with it and has expressed his support.

The primary reason for me submitting this request is if I use the 15 feet setback it would put the garage foundation on top of my septic drain field, I feel this meets 5f **"The need for a variance is not the result of the action of the owner or previous owner."**

I understand the need for these rules and believe they are in the best interest of our beloved city. Which brings me to my secondary reason, If I follow the 15 feet setback it will make the garage disproportionate to the side yard making it unsightly in my opinion. Also, the left hand garage door will be partially blocked behind the house making practical use awkward.

Thanks ahead for your consideration!

Rusty Daughtry

912-655-7839

912-675-0319



G1

54

G14-41

10

5 VS 15



G14-39

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G14-42

8

G14-38

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G14-43

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G14-37

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G14-61

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G14-44

4

G14-36

62

JASPER

JASPER

DEARBOR

DEARBOR

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

be filed (30) thirty days prior to the Planning and Zoning Commission meeting where the application will be heard. The application shall be substantially in the same form as shall be available at City Hall and shall contain the notation of the City Clerk or Finance Director that the appropriate fee has been paid and shall be accompanied by a list of names and addresses of all abutting property owners of the property for which the variance is requested, as shown by the current 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. The official action shall not be taken on a proposed variance by the Planning and Zoning 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 hearings on a proposed variance shall be to solicit pertinent factual information which will be beneficial in helping the Planning and Zoning 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 hearings to be held by the Planning and Zoning Commission on proposed variances or special permits 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 or action adopted hereunder.
 2. **Action By Planning and Zoning Commission.** The Planning and Zoning Commission shall render its decision based on the variance criteria in Section 1006(A) above. The Planning and Zoning Commission shall notify the applicant within five days of its decision.
 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 and Zoning Commission may extend authorization for an additional period not to exceed one year, on request.
 4. **Denial of Variances.** Decisions of the Planning and Zoning Commission may be appealed to the City Council as described in Section 1203 of this ordinance. If the decision of the Planning and Zoning Commission is to deny the Variance, then the same property

may not again be considered for a Variance the expiration of at least six (6) months immediately following the defeat of the Variance by the Planning and Zoning Commission.

Section 1007 Official Zoning Map Interpretation

The Planning and Zoning Commission shall provide interpretations of the Official Zoning Map. In case of any question as to the location of any boundary line between zoning districts, a request for interpretation of the Official Zoning Map may be made of the Planning and Zoning Commission, and a determination shall be made by the Planning and Zoning Commission. All decisions rendered in this regard by the Planning and Zoning Commission shall be based on criteria set forth in Section 502 of this Ordinance.

Section 1008 Penalties

Any person violating any provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not less than two dollars (\$2.00) and no more than fifty dollars (\$50.00) for each offense. Each day the violation continues, it constitutes a separate offense and will be treated as such. In case any building, structure, or land used, erected, repaired, converted, or maintained in violation of this ordinance, the building official or any other appropriate authority, or any city resident who would be damaged by such violation, may institute injunction, mandamus, or other appropriate action to prevent the use of the building, structure, or land.

ARTICLE ELEVEN

Appeals

Section 1101 Administrative Appeals

Appeals of Planning and Zoning Director decisions shall be made to the Planning and Zoning Commission.

Section 1102 Appeals of Planning and Zoning Commission Decision

Any appeal from a decision of the Planning and Zoning Commission shall be made to the City Council. Written notice of appeal shall be filed with the Planning and Zoning Director within 15 days of the decision of the Planning and Zoning Commission or such decision shall be final.

Section 1103 Powers of the Planning and Zoning Commission

To hear and decide appeals when an error is alleged in any order, requirement, decision, or determination made by the Building and Zoning Inspector, Building Official, or any other individual employee in the enforcement of any section or article adopted in this ordinance.

Section 1104 Powers of the City Council

To hear and decide appeals on any action or ruling of the Planning and Zoning Commission pursuant to this Ordinance, so long as any such appeal is filed within 15 days after the Planning and Zoning Commission has rendered its decision. Written notice of appeal shall be filed with the Planning and Zoning Director. If the appeal is not filed within the 15-day period, the decision of the Planning and Zoning Commission shall be