

Board of Zoning Appeals/Planning Commission
January 10, 2024 - 6:00PM
Meeting Rescheduled Due to Inclement Weather

Opening: Vice-Chair Perry welcomed everyone and called the meeting to order.

Roll Call: Jenecia Perry; Vice-Chair, Michael Bruner; Parliamentarian, Jeff Ashley, Nancy Cox, Gary Monroe, Charlie Orrell and Misty Selph. Billy Jackson; Chair was absent.

Staff: Denise Grabowski (Planning Manager -Consultant), Jonathan Trego (Planning and Zoning Supervisor)

Visitors: Enclosed

Vice-Chair Perry stated due to dental work that I had today, the agenda will be amended to nominate a chair for tonight's meeting only. Commissioner Selph made a motion to nominate Michael Bruner as chair for the January 10, 2024 meeting only with the exception for Mr. Bruner to stepdown for PC01-24-1068. Commissioner Cox second the motion; the vote passes with no opposition.

Vice-Chair Perry asked for a motion to approve the December 12, 2023 minutes. Commissioner Cox made a motion to approve with second by Commissioner Selph; the vote passes with no opposition.

Board of Zoning Appeals

PC01-24-1067: Neil Sanders request a variance of Sec. 90-96(d)(4)(d) for 31 Minus Avenue; PIN 60016 02022 to erect a fence/screening for security purposes.

Acting Chair Bruner read the item. Planning Consultant Denise Grabowski gave an overview of the proposal. The City Staff recommended denial of the variance request to allow for use of a chain link fence.

Mr. Sanders said I sat in on a pre-meeting to clarify for the old fence to move 15ft and make a 25ft buffer because I can't get trucks and the trailers in; this will make three parking spots if the fence is moved farther in.

Commissioner Monroe said where are you looking to place the fence?

Mr. Sanders replied the other side of the Mulberry tree is where the fence will go; the original fence went up 3rd Street. He continued that when the property was cleaned up he was told the fence could be placed back in the same location – the fence was on the property in 1970.

Commissioner Monroe said does the ordinance allow fences on residential that adjoins industrial property?

Denise Grabowski; Planning Manager – Consultant stated that per the staff report the application is in reference to the material and the ordinance calls for the material to be brick, stone, slatted wood or a similar material.

Vice-Chair Perry asked Mr. Sanders what makes you opposed to a certain material?

Mr. Sanders said he is opposed to the upkeep of a wood fence, the proposal is priced with screening – for the site inspection it was to be cyclone and was notified by Staff to install wood. Mr. Sanders said he wants cyclone with screening.

Commissioner Monroe said how does the Board make a determination to have the correct material with what is in the area?

Denise Grabowski; Planning Manager – Consultant stated this is a legal non-conforming use and the ordinance says if it is in excess of 50% of the value then it must be brought into compliance of the current ordinance. The applicant across the street would have to meet current code. The Board's decision is whether to allow a chain-link fence.

Commissioner Ashley said what would you keep as a buffer to protect the area – we need to protect the citizens.

Mr. Sanders replied leave trees and install a new fence; I would be responsible to maintain the fence.

Commissioner Selph said is barbed wire proposed on top?

Mr. Sanders said I would like to add barbed wire because it provides security and keeps anyone from letting the product out on the yard.

Commissioner Selph asked Staff if barbed wire can go on any other material besides chain link fencing?

Denise Grabowski; Planning Manager – Consultant reads the code section and states it does not preclude anything from other material than a chain link fence. The Board may take action or discuss further with Staff – the code does not allow a chain link fence.

Mr. Sanders said the only choice is for chain-link with screening; do I need to do wood or cyclone fence?

Commissioner Selph asked Staff if Mr. Sanders can put up a cyclone fence?

Denise Grabowski; Planning Manager – Consultant said the applicant wants to install the fence on the corners and adjacent to residential.

Mr. Sanders said I want the fence to tie into an open building.

Denise Grabowski; Planning Manager – Consultant said no chain link fence is allowed in commercial; it must meet the provisions of front yard requirements.

Acting Chair Bruner asked for additional speakers from the public for the request.

Marcia Daniel said I am speaking as a resident of Garden City; it needs to be replaced – replace it with cyclone fencing and I ask to consider Mr. Sanders not have to pay for a wooden fence.

Acting Chair Bruner asked for additional comments; being none he called for those in opposition. With no opposition, Acting Chair called for a motion. Commissioner Selph made a motion to approve as requested with screening provided. Commission Cox second the motion; vote passes by majority with Commission Monroe voting in opposition.

PC01-24-1072: Global Investment Traders, LLC requests a variance of Sec. 90-12(reduction in lot size) to subdivide 4021 6th Street; PIN 60019 10016 into two substandard lots.

Acting Chair Bruner read the item. Planning Consultant Denise Grabowski gave an overview of the proposal. The City Staff recommended approval of the variance request to Mayor and Council to allow for the subdivision of the lot into two equal lots.

Naser Jaber stated he had plans to build a quadplex but that was impractical with the stormwater requirements.

Acting Chair Bruner said what are the exterior dimensions?

Mr. Jaber replied they will be 3 bedrooms, 2 bath homes.

Denise Grabowski; Planning Manager – Consultant said Staff anticipates bringing recommendations forward in keeping with neighborhoods.

Commissioner Monroe said we as a Board appreciate the applicant's due diligence.

Vice-Chair Perry said it is an asset to see affordable and suitable housing.

Acting Chair Bruner asked for additional comments; being none he called for those in opposition. With no opposition, Acting Chair Bruner called for a motion. Vice-Chair Perry made a motion to approve the request. Commissioner Cox second the motion; vote passes with no opposition.

Acting Chair Bruner called for a motion to adjourn the Board of Zoning Appeals meeting. Commissioner Selph made a motion to adjourn; Commissioner Cox seconded, vote passes with no opposition.

Planning Commission

Acting Chair Bruner called the Planning Commission meeting to order.

PC2338: Harold Yellin, representing 1143 & 1445 Dean Forest Road LLC request to rezone 5524 Silk Hope Road; PIN 10990 01011 from R-A to R-2.

Acting Chair Bruner gave a reading of the item. Planning Consultant Denise Grabowski gave an overview of the proposal and said there will be no decision on the GDP plan as it will be contingent on the annexation. The City Staff recommended approval of the rezoning request from Residential-Agricultural (R-A) to Residential (R-2) upon annexation into the City of Garden City.

Harold Yellin said the petitioner owns 18.67 acres that were rezoned 9/22 from R-A to R-2 for multi-family; the intention is to combine into one tract of land; it would be easily developed once combined; the parcel of 6.56 acres will be consistent with the proposed land use. There is a need for additional housing; this request is for zoning only and we are aware of coming back before the Board for GDP review.

Denise Grabowski; Planning Manager – Consultant said when this is annexed it will have a designation requesting R-2; one will have to be assigned with R-A being the most similar.

Mr. Yellin said we ask the Board to assign the parcel an appropriate Garden City zoning; there are structures on the property – a rehab center.

Denise Grabowski; Planning Manager – Consultant said the annexation is a separate process from the zoning and we want to clearly define what is in the Garden City ordinance. Planning Commission is a recommendation for this rezoning.

Acting Chair Bruner asked for additional comments; being none he called for those in opposition.

Steve Bishop presented an overview of concerns. Mr. Bishop said his address is the same as the Chatham County address for request; a petition or a variance to extend the buffer requirement is needed. How would zoning impact the cemetery? There is a probability of grave yards with 73 slaves and we ask to delay the request as death certificates were found.

Commissioner Monroe said we appreciate the information provided and the Board tries to always be courteous when citizens come before us.

Commissioner Selph said what are the buffers between multi-family and residential?

Denise Grabowski; Planning Manager – Consultant said the requirement for single family to multi-family is 10ft and the buffer can be trees, understory or landscaping. This is a rezoning – a condition can be imposed but this is not buffering a Garden City property; a property address will reference the PIN number.

Randy Brannen said I am a member of the Geological association and I believe this property is part of the Owens-Rice Plantation which is a significant area. The decision should be contingent upon further research; I thought we were protected by covenants.

Mr. Yellin said we will do an archeological study.

Acting Chair Bruner asked for additional comments; being none he called for a motion. Commissioner Selph made a motion to recommend to Council to approve as requested. Commissioner Ashely seconds; motion passes by majority with Vice-Chair Perry voting in opposition.

PC2333: Cathy Parlor and Brian Newberry request to rezone 1909 US Highway 80; PIN 60880 01006 from C-2 to I-1/C-2. This submittal is tabled at the petitioner's request.

Acting Chair Bruner called for a motion. Commissioner Selph made a motion to un-table the request. Commissioner Cox seconds the motion; vote passes with no opposition.

Commissioner Selph said there are concerns with the petitioner's request to continue to table – we should vote and the petitioner be able to be present.

Commissioner Monroe said there should be language put in place as this is a pattern. What are the requirements to how many times a tabling can be put into place?

Denise Grabowski; Planning Manager – Consultant said State law affects advertising.

Acting Chair Bruner asked for additional comments; being none he called for a motion. Commissioner Selph made a motion to table until the March agenda. Commissioner Ashley seconds the motion; vote passes with no opposition.

PC01-24-1072: Global Investment Traders, LLC requests a variance of Sec. 90-12(reduction in lot size) to subdivide 4021 6th Street; PIN 60019 10016 into two substandard lots. Due to Sec. 70-38 recommendation to be heard by Planning Commission.

Acting Chair Bruner read the item. Planning Consultant Denise Grabowski gave an overview of the proposal. The City Staff recommended approval of the variance request to Mayor and Council to allow for the subdivision of the lot into two equal lots.

Commissioner Monroe said we appreciate this request.

Acting Chair Bruner asked for additional comments; being none he called for those in opposition. With no opposition, he called for a motion. Commissioner Monroe made a motion to recommend approval to Council. Commissioner Orrel seconds the motion; vote passes with no opposition.

PC01-24-1068: Lou Ferrando request a sign application review to erect a billboard at 1398 Dean Forest Road; PIN 60989 01016A.

Vice-Chair Perry read the item. Planning Consultant Denise Grabowski gave an overview of the proposal. The City Staff recommended to table action on the Outdoor Advertising/Separate Use sign permit request until the outdoor advertising/separate use sign moratorium is lifted.

Michael Bruner said the billboard process started beforehand, the agreement was signed in August and previously approved in 2016. It was stated that GDOT approval is required and the process had to be restarted.

Commissioner Monroe said is this mixed use?

Denise Grabowski; Planning Manager – Consultant said the property is zoned as C2; the property across from this parcel is mixed-use.

Vice- Chair Perry said what consideration was given to Mr. Bruner?

Commissioner Selph said Robert Wellmaker signed off on the GDOT request authorizations.

Commissioner Ashley stated industrial property applications were accepted during the moratorium.

Denise Grabowski; Planning Manager – Consultant said in previous cases the Planning Commission Board did not want to hear cases without the GDOT permit approval.

Mr. Bruner said there is no policy in place.

Vice-Chair Perry said I am more inclined to agree with the petitioner; he has done his due diligence.

Commissioner Selph said I am not in favor of billboards; I'm in favor of the applicant who did his due diligence.

Vice-Chair Perry asked for additional comments; being none she called for those in opposition. With no opposition; she called for a motion. Commissioner Selph made a motion to approve. Commissioner Cox seconds the motion; the vote passes with no opposition.

PC01-24-1070: Scott Allison request a general development plan review of 1727 Old Dean Forest Road: PIN 60988 03006 for proposed use as gas station and convenience store with associated parking.

Acting Chair Bruner read the item. Planning Consultant Denise Grabowski gave an overview of the proposal. The City Staff recommended approval of the general development plan.

Mr. Allison said this is a triangle parcel – not much fits on it. There will be an 8- pump gas station that will accommodate the code standpoint and keeping with all ordinance requirements The access points will be off of Dean Forest Road; the parking will be adjusted to accommodate

traffic; there is not much space for tractor-trailers – the design is to accommodate standard vehicles.

Denise Grabowski; Planning Manager – Consultant said the traffic signal is existing; a corridor study was completed with a number of recommendations.

Commissioner Monroe said there is grave concern for this intersection; there have been serious accidents and two flipped cars.

Mr. Allison said there have been lots of calls from residents crossing the area – this will be less traffic than a Parkers.

Commissioner Selph said the proposal is modern and aesthetically pleasing.

Commissioner Monroe said this is a great idea.

Acting Chair Bruner asked for additional comments; being none he called for those in opposition. With no opposition, he called for a motion. Commissioner Monroe made a motion to approve. Commissioner Orrel seconds the motion; vote passes with no opposition

PC01-24-1071: Brett Smith request a general development plan review of Bryce Industrial Drive; PIN 60989 01060 and Bryce Industrial Drive; PIN 60989 01059 for proposed use as an autobody collision center with a tentative request for Sec. 90-262 for a reduction in buffer requirements allowed with a C-2 use.

Acting Chair Bruner read the item. Planning Consultant Denise Grabowski gave an overview of the proposal. The City Staff recommended approval of the general development plan

Commissioner Selph said what are the materials for the fence?

Mr. Smith said I am the owner of the collision center; I am looking to relocate the business, will provide a solid vinyl fence similar to wood color; the side and rear is gated and will work with the City regarding the material.

Commissioner Monroe said the parcel is zoned P-I-1; what is the buffer requirement?

Denise Grabowski; Planning Manager – Consultant said he can request a reduced buffer; there is a 500 ft. buffer between single-family and residential.

Commissioner Monroe said this area does not need to look like Highway 21; this is one the most prestigious areas of Garden City.

Mr. Smith said it will be a metal building with brick façade and look like any commercial building or doctor's office.

Denise Grabowski; Planning Manager – Consultant said the City does not want to penalize a commercial use within an industrial district.

Acting Chair Bruner asked for additional comments; being none he called for those in opposition. With no opposition, he called for a motion. Commissioner Orrel made a motion to approve. Commissioner Ashley seconds the motion; vote passes with Commissioner Monroe voting in opposition.

Acting Chair Bruner calls for a motion to adjourn. Commissioner Selph makes a motion to adjourn, Commissioner Cox seconds; motion passes with no opposition.

Respectfully submitted,
TTR