

# **Rezoning Petition No. 22-01**

**(805 Egmont Street)**

**Staff Report**  
**John Hunter**  
*Director*  
*Planning, Development, & Codes*

**City of Brunswick**  
**Planning and Appeals Commission**  
**Public Hearing**  
**January 12, 2022**

## Table of Contents

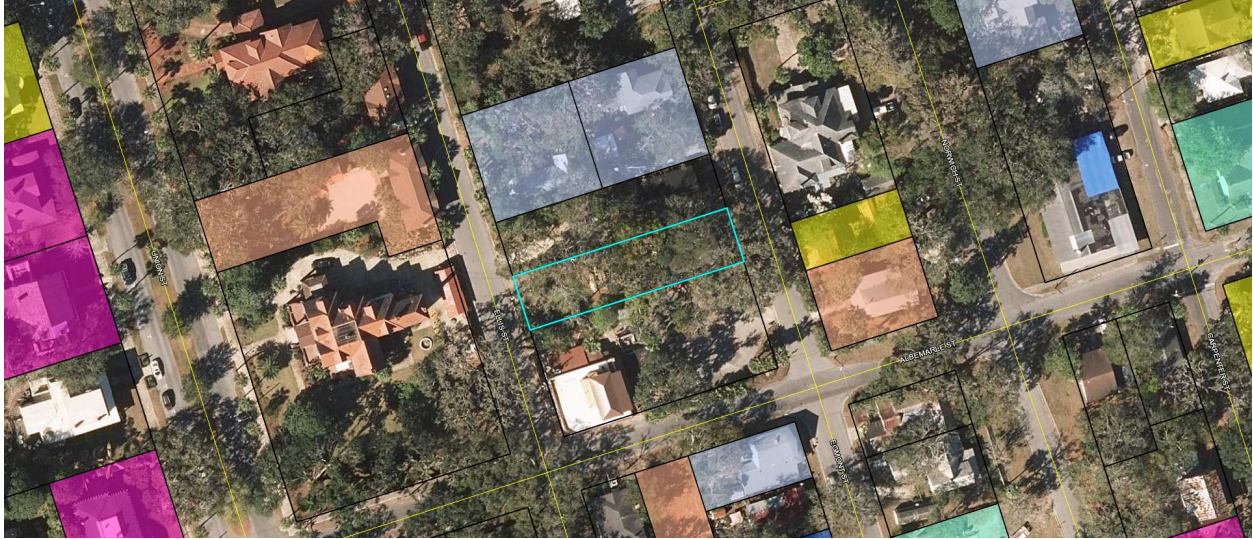
Requested Rezoning.....	1
Existing Conditions.....	1
Existing Zoning.....	1
Requested Zoning .....	2
Staff Analysis.....	2
Staff Recommendation.....	3
Appendix A – zoning standards and policies.....	A1
Appendix B – Local Commercial Code .....	B1
Appendix C –Application .....	<b>C2</b>
Appendix D – Correspondence from the Public .....	D1

## Requested Rezoning

Nehemiah Jayne, Commonwealth Construction of Georgia LLC, is petitioning to rezone the subject parcel to Local Commercial (LC) from General Residential (GR).

## Existing Conditions

The subject parcels comprise .19+/- acres. The parcel at 805 Egmont Street contains a home constructed in 1927.



Location map

## Existing Zoning

The subject parcel is zoned GR. The adjacent parcel immediately to the south is zone Local Commercial (LC), and contains the Yellow Deli which is owned and operated by the applicant. All the remaining surrounding parcels are zoned GR.



## Requested Zoning

The applicant has requested rezoning the parcels to Local Commercial (LC). This would facilitate the use of the property at 805 Egmont Street as a small retail store. The applicant states the store would be food oriented offering seasonal produce and specialty food products. Business would be operated Sunday-Friday during normal business hours. They have provided conceptual drawings of alterations to the building that would orient it toward the parking that exists at the Yellow Deli at 801 Egmont Street, and parking would be shared with that property.

## Staff Analysis

The applicant has asked for a rezoning to Local Commercial. The intent of Local Commercial zoning district is that it be developed and reserved for local or neighborhood oriented business purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy and compatible environment for uses that are located so as to provide nearby residential areas with convenient shopping and service facilities, reduce traffic and parking congestion, avoid the development of "strip" business districts and to discourage industrial and other encroachment capable of adversely affecting the localized commercial character of the district.

### Character Area: Old Town

The subject parcel is within the Old Town character area as outlined in the City of Brunswick Comprehensive Plan. Old Town is the oldest part of the City of Brunswick, planned from before the Revolutionary War. Old Town displays a regular block structure with small blocks. Some of its historic squares are still preserved as open space, while others have been disturbed by private development, institutional development, or intervening streets. The Old Town Character Area exhibits the widest mix of land uses of any part of the City, with civic and governmental structures, retail and business establishments, and a variety of historic and modern single-family homes. The downtown area has seen recent revitalization, with restored historic structures, new streetscapes, and a variety of new businesses opening on Newcastle Street. Most of Old Town is covered by the Old Town Historic District, within which new development and renovations are overseen by the City's Historic Preservation Board. Parts of the character area, particularly the Newcastle, Gloucester, Norwich, and MLK corridors, are covered by the Downtown Development Authority and are eligible for its programs.

### Recommended Development Patterns

- Mixed-use or hospitality developments of human scale with retail on the ground floor to activate the waterfront
- Commercial structures (shopping, warehouses, offices, etc) of human scale located near the street front with parking in the rear of buildings – making the community more attractive and pedestrian friendly
- Greyfield redevelopment that converts vacant or underutilized commercial areas to mixed-use assets
- Major institutions, such as government buildings, churches, and schools, particularly along major corridors

- Houses located near the street with front porches that encourage interaction with neighbors
- Accessory housing units that provide rental opportunities for small households and income generation for homeowners to increase affordability
- New residential development that matches the mix of housing types and styles in the community
- Redevelopment of existing multi-family developments into configurations that better support Brunswick's traditional urban form and block patterns
- Prohibition of land uses that have outdoor storage
- Prohibition of industrial uses in high value areas

## **Staff Recommendation**

Local Commercial is intended to blend and complement residential zoning and provide neighborhood scale services and historically have been located throughout the Old Town area. As this is adjacent to an existing Local Commercial zoned parcel, it does not represent the introduction of a new zoning category within the area. Staff recommends approval of the application for rezoning.

# Appendix A – zoning standards and policies

## ZONING STANDARDS AND POLICIES AND PROCEDURES FOR ZONING HEARINGS

Approved by the Commission City of Brunswick, Georgia  
April 5, 1989

### Part I. Standards

The current Georgia statutory law, O.C.G.A. ;s; 36-66-5(b) expressly mandates that each local government exercising zoning power establish and consider such factors in the form of substantive standards for zoning decisions. That subsection provides:

[E]ach local government shall adopt standards governing the exercise of the zoning power, and such standards may include any factors which the local government finds relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property. Such standards shall be printed and copies thereof shall be available for distribution to the general public.

In keeping with the foregoing statutory requirement, the City of Brunswick has adopted the following substantive standards to govern its zoning decisions:

**A. A PROPOSED ZONING CLASSIFICATION OR CONDITIONAL USE REQUEST SHOULD BE COMPATIBLE WITH EXISTING USES AND ZONING OF ADJACENT AND NEARBY PROPERTY, AND ``SPOT ZONING'' SHOULD ALMOST ALWAYS BE REJECTED.**

(1) Would the proposed rezoning create an isolated district unrelated to adjacent and nearby districts?

(2) Is the proposed rezoning a logical extension of a zoning boundary which would improve the pattern of uses in the general area?

**B. A PROPOSED ZONING CLASSIFICATION SHOULD NOT DESTABILIZE THE SURROUNDING NEIGHBORHOOD.**

(1) Is the proposed zoning classification one which would promote integrity of the neighborhood and preserve its general character?

(2) Would the proposed rezoning precipitate similar rezoning requests which would generate or accelerate adverse land use changes in the neighborhood?

**C. A PROPOSED ZONING CLASSIFICATION SHOULD MAXIMIZE THE ECONOMIC VALUE OF THE SUBJECT PROPERTY WITHOUT DEPRECIATING THE VALUE OF ADJACENT AND NEARBY PROPERTY.**

(1) To what extent does the existing zoning classification depress the value of the subject property?

(2) To what extent would the proposed zoning classification result in appreciation of the value of the property?

(3) What effect does the existing zoning classification have on the values of adjacent and nearby property?

(4) What effect would the proposed zoning classification have on the values of adjacent and nearby property?

**D. A PROPOSED ZONING CLASSIFICATION SHOULD NOT HAVE AN ADVERSE EFFECT ON TRAFFIC FLOW, TRAFFIC SAFETY OR POPULATION DENSITY.**

(1) Is there adequate public or private parking for the proposed use and other uses permitted within the classification?

(2) Would such uses create any problem of traffic congestion in the area?

(3) Would such uses create any traffic safety problem with regard to ingress and egress, visibility or otherwise?

(4) Would such uses necessitate changes in streets or sidewalks or traffic signage or signalization?

(5) Would such uses contribute to an undesirable level of population density?

(6) Would such uses substantially conflict with existing density patterns in the neighborhood?

**E. A PROPOSED ZONING CLASSIFICATION SHOULD NOT HAVE ADVERSE ENVIRONMENTAL IMPACT.**

(1) Would the proposed use or other uses permitted within the classification create noise, dust, smoke or odors?

(2) Would such uses affect air quality or water quality and quantity?

(3) Would such uses create problems with drainage or soil erosion and sedimentation?

(4) Would such uses aggravate problems with flood damage control?

(5) Would such uses aggravate waste disposal problems?

**F. A PROPOSED ZONING CLASSIFICATION SHOULD NOT HAVE ADVERSE AESTHETIC EFFECTS.**

(1) Would the proposed rezoning lead to removal of existing vegetation?

(2) Would the proposed use incorporate new planting?

(3) Would the proposed use necessitate unattractive structures or result in removal or alteration of historic structures?

(4) Would the proposed use be visually compatible with the surrounding neighborhood?

(5) Would the proposed use include machinery or work visible from the street or neighboring property?

(6) Would the proposed use be adequately separated from conflicting uses by an appropriate buffer?

**G. A REZONING SHOULD NOT RESULT IN COSTS TO THE PUBLIC DISPROPORTIONATE TO TAX REVENUES GENERATED BY THE PROPOSED USE.**

(1) Would the rezoning increase the cost of government in providing public utilities, schools, streets, police and fire protection, etc.?

(2) What additional public facilities would be required?

(3) To what extent would such increased costs be offset by increased tax revenues?

**H. THE SUBJECT PROPERTY SHOULD BE SUITABLE FOR THE ZONED PURPOSES.**

(1) Is the property suitable for uses within the existing zoning classification?

(2) Has the property been vacant as zoned, and if so, for what period or periods of time?

(3) Are there substantial reasons why the property cannot be economically used in accordance with existing zoning?

(4) Would the proposed rezoning benefit the general public in any way?

(5) Would the proposed rezoning conform to or diverge from the comprehensive land use plan?

\* \* \*

It is obvious that the foregoing standards are very general, not at all specific, and that the public and private interests cannot be balanced with mathematical certainty in a zoning decision. Moreover, particular zoning issues which may arise, considered in context, may suggest concerns in addition to the foregoing standards and further questions which will need to be addressed by the Commission. It can only be said that any zoning decision, to be lawful, must be based on a relative gain to the public, as compared to the hardship imposed upon private parties. Such decisions must never be based simply upon the numbers of supporters or opponents or other political factors without consideration of the standards.

*(excerpt from addendum that was added to the zoning ordinance by the City Commission on April 5, 1989)*



## Appendix B – Local Commercial Code

### Sec. 23-8-1. - Intent of district.

It is the intent of this section that the LC zoning district be developed and reserved for local or neighborhood oriented business purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy and compatible environment for uses that are located so as to provide nearby residential areas with convenient shopping and service facilities, reduce traffic and parking congestion, avoid the development of "strip" business districts and to discourage industrial and other encroachment capable of adversely affecting the localized commercial character of the district.

(Ord. No. 1006, § 1, 11-19-2008)

### Sec. 23-8-2. - Permitted uses.

The following uses shall be permitted in any LC zoning district:

- (a) Retail business involving the sale of merchandise on the premises, in stores having a size of under 6,000 feet, specifically including:
  - (1) Antique store.
  - (2) Appliance, radio, television store.
  - (3) Art supply store.
  - (4) Book, magazine, newspaper shop.
  - (5) Candy store.
  - (6) Clothing store.
  - (7) Drug store or pharmacy.
  - (8) Florist shop.
  - (9) Fruit, nut and/or vegetable store.
  - (10) Gift or curio shop.
  - (11) Grocery store.
  - (12) Hardware store.
  - (13) Hobby and/or toy shop.
  - (14) Household furnishings store.
  - (15) Millinery or hat store.
  - (16) Music store and/or record shop.
  - (17) Notion, general or variety store.
  - (18) Office supply and equipment store.
  - (19) Package liquor store.
  - (20) Paint store.
  - (21) Photographic and camera supply and service store and studio.
  - (22) Shoe store.
  - (23) Sporting goods store.
  - (24) Marina.

- (b) Business involving the rendering of a personal service or the repair and servicing of small equipment, specifically including:
  - (1) Appliance, radio.
  - (2) Bank, savings and loan association, personal loan agency, and branches.
  - (3) Barber shop, beauty shop, or combination thereof.
  - (4) Bicycle repair and sales shop.
  - (5) Dressmaker, seamstress, tailor.
  - (6) Dry cleaning self-service and/or laundry self-service facility.
  - (7) Furniture repair, upholstery.
  - (8) Insurance agency.
  - (9) Jewelry and watch repair shop.
  - (10) Medical, dental or chiropractic office, clinic and/or laboratory.
  - (11) Office for governmental, business, professional or general purposes.
  - (12) Photographic studio.
  - (13) Public utility business office.
  - (14) Real estate agency.
  - (15) School offering instruction in art, music, dancing, drama or similar cultural activity.
  - (16) Secretarial and/or telephone answering service.
  - (17) Shoe repair shop.
  - (18) Telephone office.
  - (19) Telephone exchange.
- (c) Radio and/or television station.
- (d) Private or semi-private club, lodge, union hall or social center.
- (e) Church.
- (f) Residential use lawfully existing within the district at the time of adoption of this chapter.
- (g) Off-street commercial parking lot.
- (h) Publicly owned and operated building, facility or land.
- (i) Accessory use in compliance with the provisions of section 23-3-17.
- (j) Any use permitted in any GR (General Residential) district, in compliance with the provisions of section 23-6-2 unless otherwise set forth herein.
- (k) Two-family dwelling, including patio dwelling in compliance with section 23-6-4.
- (l) Multi-family dwelling in compliance with section 23-6-4.
- (m) Townhouse dwelling in compliance with section 23-6-4.
- (n) Group dwelling in compliance with section 23-6-4.
- (o) Boarding house in compliance with section 23-6-4.
- (p) One-family dwelling, attached in compliance with section 23-6-4.

(Ord. No. 1006, § 1, 11-19-2008; Ord. No. 1012, § 1, 9-2-2009)

Sec. 23-8-3. - Conditional uses.

The following uses shall be permitted on a conditional basis in any LC zoning district, subject to the conditions set forth in section 23-25-4.

- (a) Auto accessory store, provided there is no storage of wrecked automobiles or scrapped or salvaged auto parts on the premises.
- (b) Automobile service station, provided that operations involving major repairs, body and fender work, painting or the sale or rental of new or used cars or trucks, trailers of any type, or boats, are not conducted on the premises, all pumps are set back at least 25 feet from the right-of-way line of all abutting streets and parking and/or service areas are separated from adjoining residential properties by a suitable planting screen, fence, or wall at least six feet in height above finished grade.
- (c) Bakery, provided that goods baked on the premises are sold only at retail on the premises.
- (d) Contractor's office, provided there is no storage of vehicles, equipment or materials on the premises.
- (e) Delicatessen, restaurant, soda fountain or other eating and/or drinking establishments (other than drive-in establishments), provided that no outside loud speaker systems are utilized, all lights or lighting arrangements used for purposes of advertising or night operations are directed away from adjoining or nearby residential properties, and parking and/or service areas are separated from adjoining residential properties by a suitable planting screen, fence or wall at least six feet in height above finished grade.
- (f) Dry cleaning or laundry pick up agency, provided that any laundering, cleaning or pressing done on the premises involves only articles delivered to the premises by individual customers.
- (g) Meat, fish, and/or poultry shop, provided that no slaughtering be permitted except the killing of fish or poultry and except that the cleaning of fish or poultry may be permitted provided that all permitted killing and cleaning activities are conducted within the principal building enclosure on the premises.
- (h) Pet shop, provided all animals are housed within the principal building so that no sound is perceptible beyond the premises.
- (i) Public utility substation or sub-installation, including water or fire towers, provided that such use is enclosed by a painted or chain-link fence or wall at least six feet in height above finished grade, there is neither office nor commercial operation nor storage of vehicles or equipment on the premises and a landscaped strip not less than five feet in width is planted and suitably maintained.
- (j) Temporary use in compliance with the provisions of section 23-23-5.

(Ord. No. 1006, § 1, 11-19-2008; Ord. No. 1012, § 1, 9-2-2009)

Sec. 23-8-4. - Other requirements.

Unless otherwise specified elsewhere in this chapter, uses permitted in LC local commercial zoning districts shall be required to conform to the following standards:

- (a) Minimum lot area: 3,000 square feet.
- (b) Minimum lot width: 30 feet.
- (c) Minimum front yard: Ten feet.
- (d) Minimum side yard: None.
- (e) Minimum rear yard: 15 feet.
- (f) Maximum building height: 35 feet.

## **Appendix C – Application**

(Original application included on next page)



# CITY OF BRUNSWICK, GEORGIA

## APPLICATION FOR REZONING

# RZ

**APPLICANT:** After completely reading this form, the applicant will answer each item as completely as possible. Please print or type. The Planning Staff will assist you if necessary.

This is a request for a **REZONING** to the Official Zoning Ordinances of the City of Brunswick. Please read Article XXIII of Zoning Ordinance which applies to your proposal.

- Applicant (Your Name): Nehemiah Jayne Daytime Phone: (433) 322-3335 Email: NJD@CWBuilder.com  
Mailing Address 403 E Hall St, Savannah, GA Zip: 31401
- Location of Property forming the basis for this text amendment: 805 EGMONT  
Street B 007-07061-002 Tax Map and Parcel Number: 01-00547
- Is this rezoning due to annexation?  YES  NO
- Total Parcel area (indicate square feet or acres): 0.19 Square Feet Acres
- Present Zoning: GR Abutting zones (list all zones that touch the parcel): LC
- Proposed Zoning: LC
- Are any special use(s), variance(s), covenant(s), or prior rezoning(s) present on the parcel?  
 YES  NO If 'YES', list ALL and date: \_\_\_\_\_
- The following data shall be attached as applicable:  
 **Petition signed by Property Owner or agent requesting the Rezoning.**  
 Full text of the proposed amendment in the format of the ordinance it is intended to amend.
- Reasons for the rezoning request: We want to open and operate a small  
wholesome foods store on the property.
- Do you have legal possession of the parcel(s) proposed for this zoning text amendment?  YES  NO  
(If 'NO' then this application cannot be processed until an application is received for all parcels intended to be affected by the text amendment and legal authorization provided.)
- Owner's Name (If different from Applicant\*): \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_ (\*if applicant is different from Owner, a legal authorization to represent the Owner must be attached to this application.)

I understand that the City of Brunswick will not process this application until I have submitted **ALL** required materials on or before the date of the approved schedule, which shall be **not less than 20 days prior to the regularly scheduled and advertised monthly meeting of the Planning and Appeals Commission**. The PAC meets on the Second Wednesday of each month at 5:15 PM in Commission Chambers, Old City Hall. The recommendation of the Planning Commission is forwarded to City Commission for their review at the next regularly scheduled meeting following the PAC meeting.

Signed: Nehemiah Jayne Date: 12-22-21

(Printed Name: Nehemiah Jayne)

Proposal to rezone  
805 Egmont Street

We would like to open a small retail store—something like an old country store—where we could sell wholesome foods and products to our neighbors and the townspeople of Brunswick.

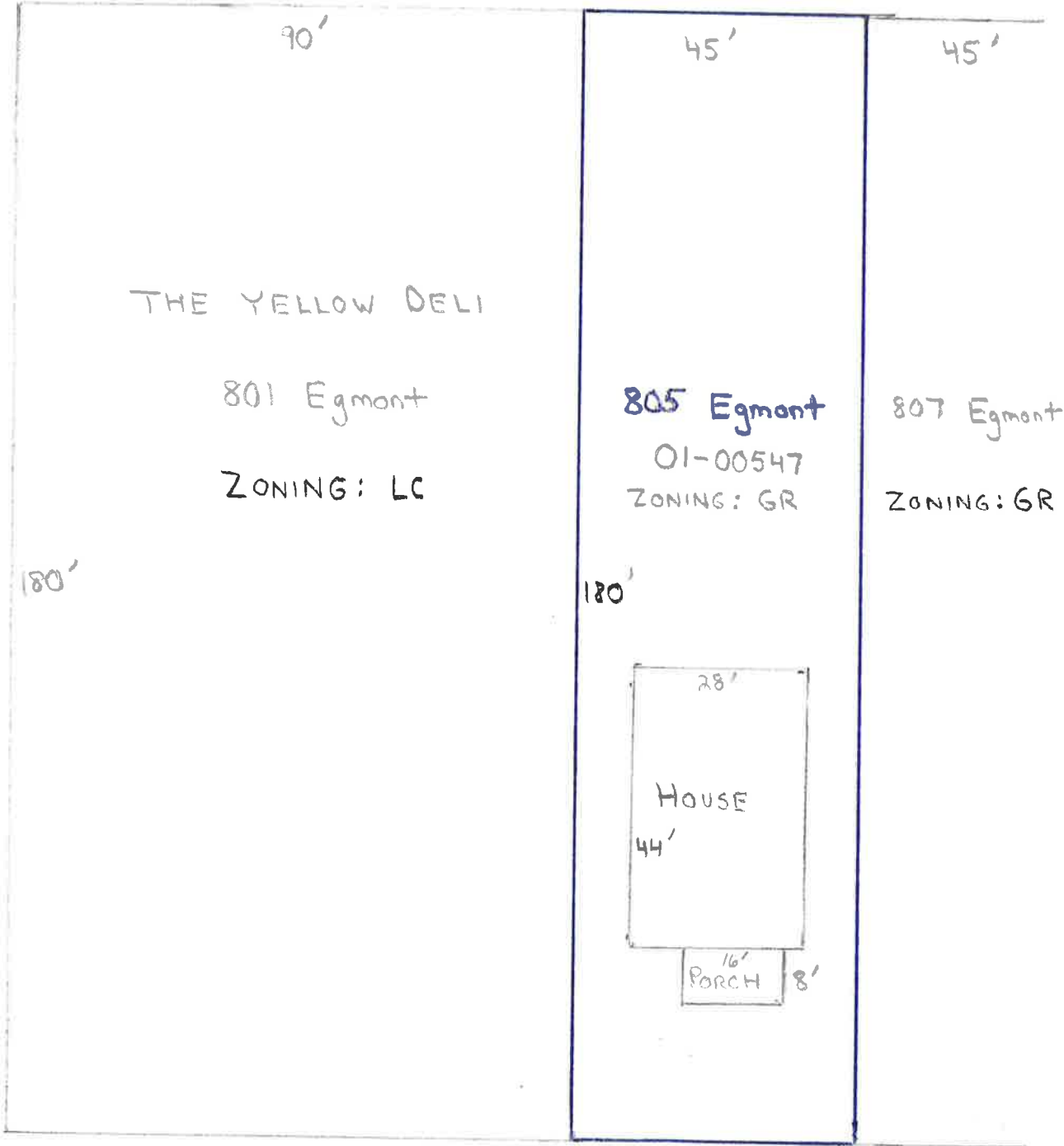
Some of the items we would offer are fresh seasonal produce, Vermont maple syrup, salmon from Alaska, olive oil from Spain, mate' from Brazil, bulk nuts, dried fruit, cereal, flour from heirloom grains, homemade breads and desserts, local honey, herbal teas, remedies, and tinctures, soap and body care products, and pottery.

We intend to be open during normal business hours Sunday through Friday in order to not disturb the peacefulness of the neighborhood. Like our Deli next door, we would be closed on Saturday, our Sabbath.

LOT LOCATION

ELLIS ST

ALBEMARLE ST



EGMONT ST

ELLIS STREET

45'

ELECTRIC LINES  
(above ground)

Setbacks

Wheelchair ramp

OUTDOOR COURTYARD

180'

805  
EGMONT

MARKET  
(1344 FT<sup>2</sup>)

NEW PORCH

PORCH

WATER LINE

EGMONT STREET

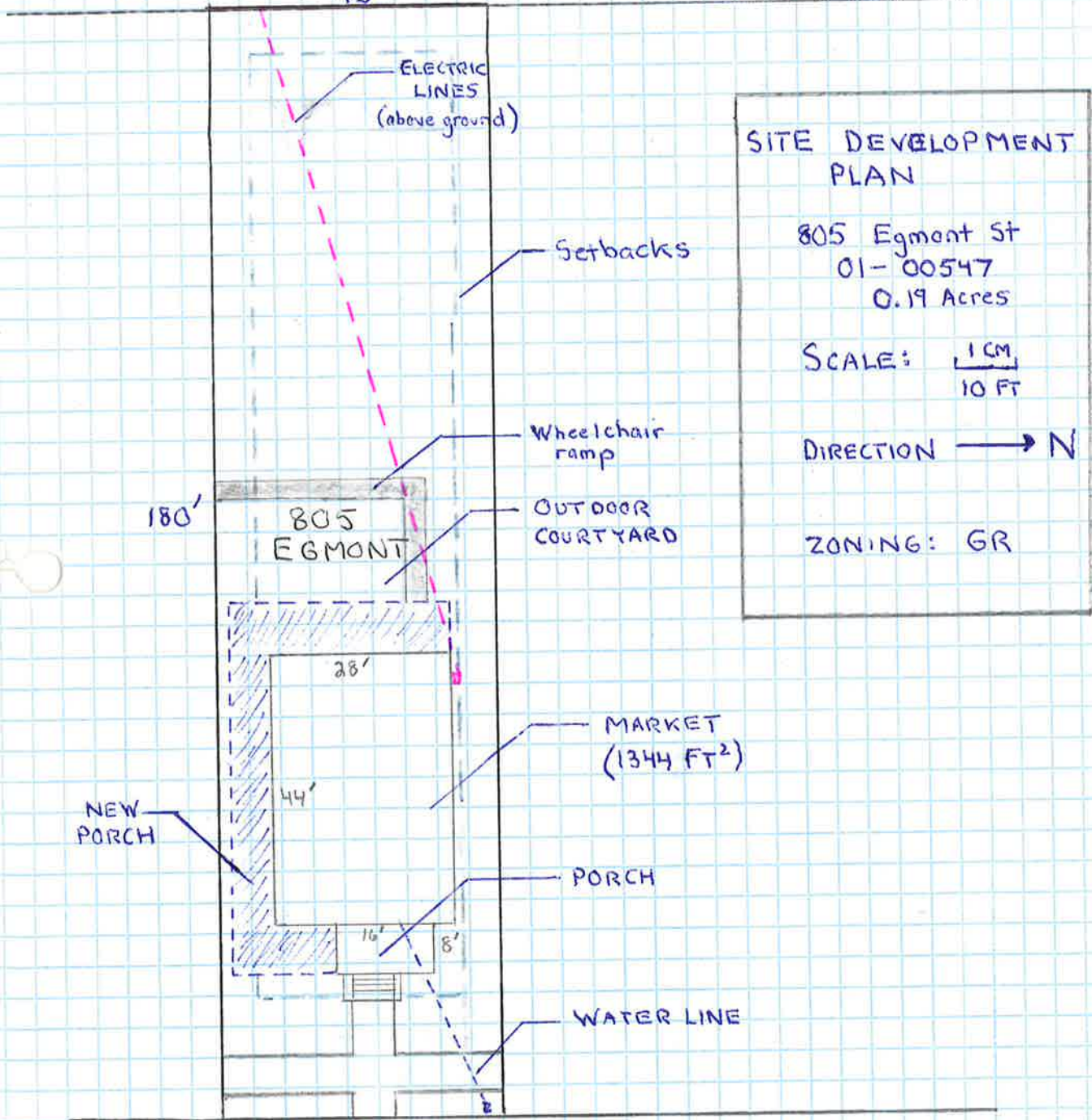
SITE DEVELOPMENT  
PLAN

805 Egmont St  
01-00547  
0.19 Acres

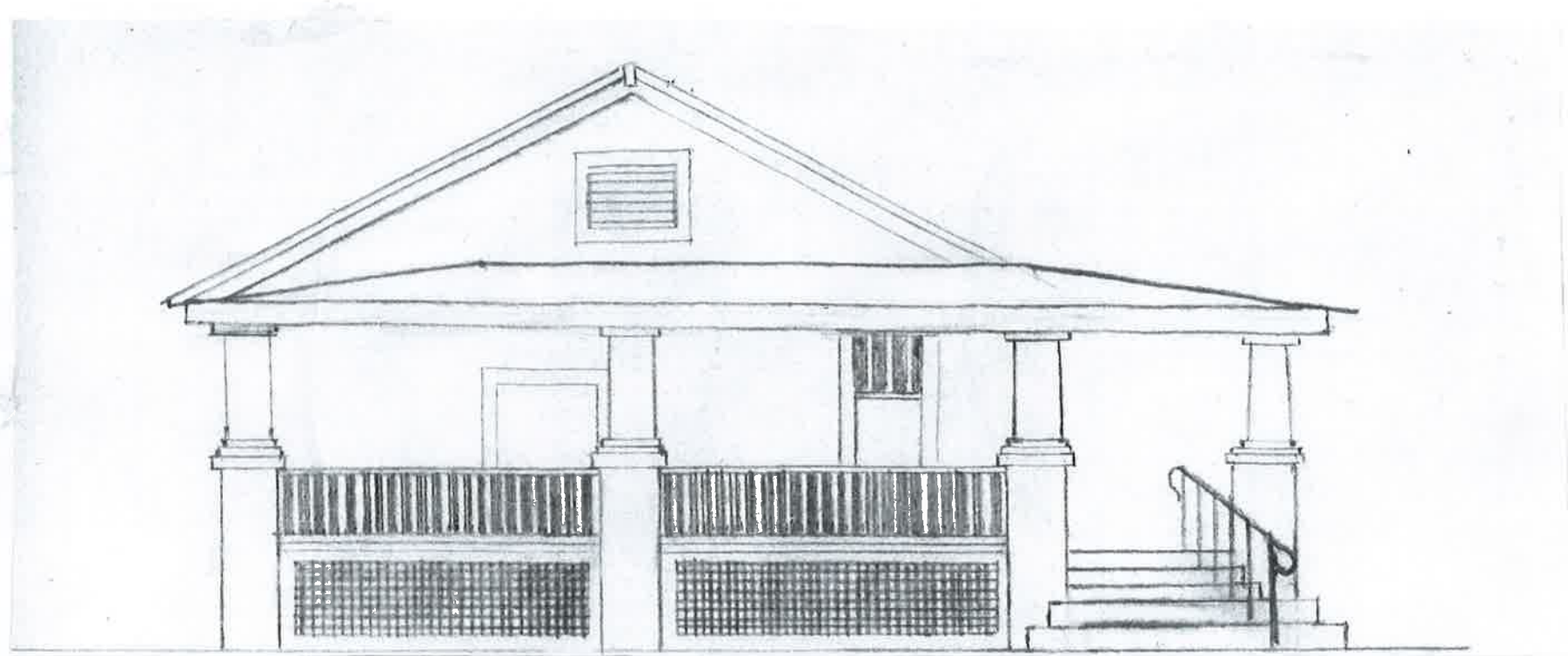
SCALE:  $\frac{1 \text{ CM}}{10 \text{ FT}}$

DIRECTION  $\rightarrow$  N

ZONING: GR



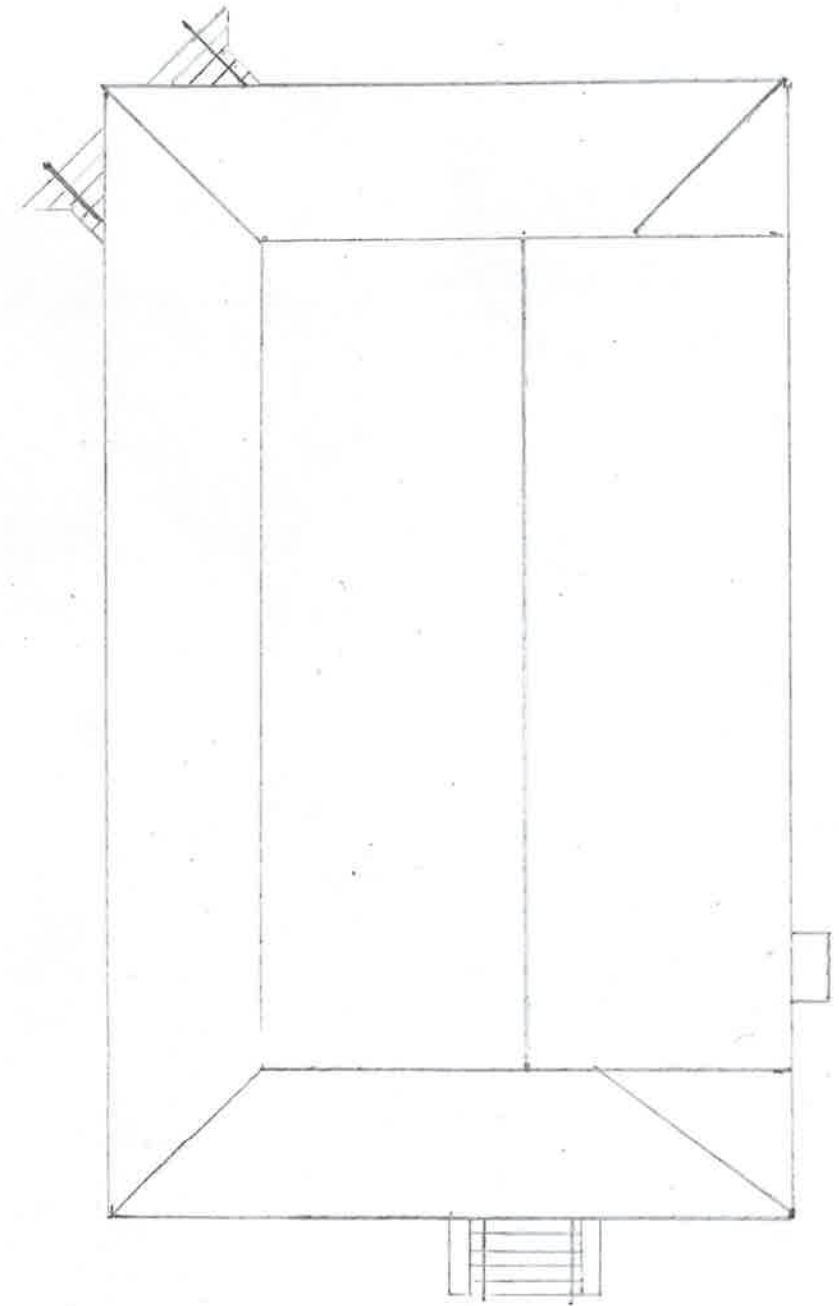




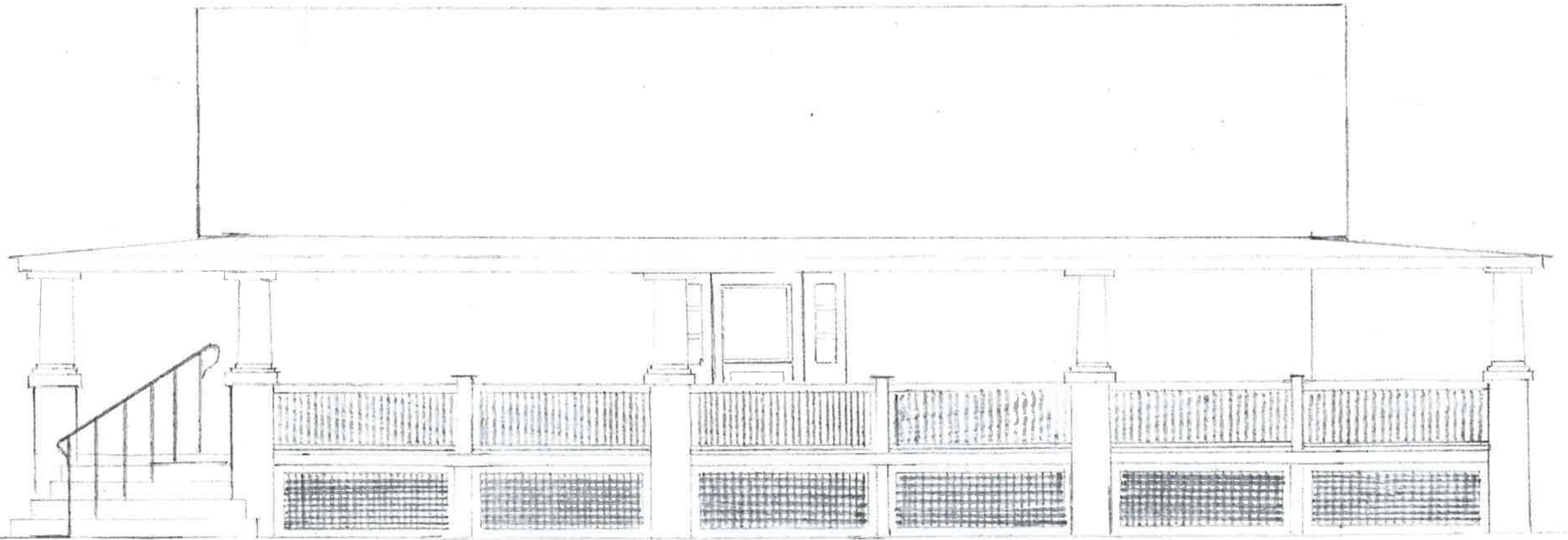
BACK SIDE (facing Ellis St)



FRONT SIDE (facing Egmont St.)



OVERHEAD VIEW



SIDE VIEW (facing Albemarle St.)

## **Appendix D – Correspondence from the public**