

Variance Petition No. 22-01

708 London Street
(minimum setback)

Staff Report
John Hunter
Director
Planning, Development & Codes

City of Brunswick
Planning and Appeals Commission
Public Hearing
February 9, 2022

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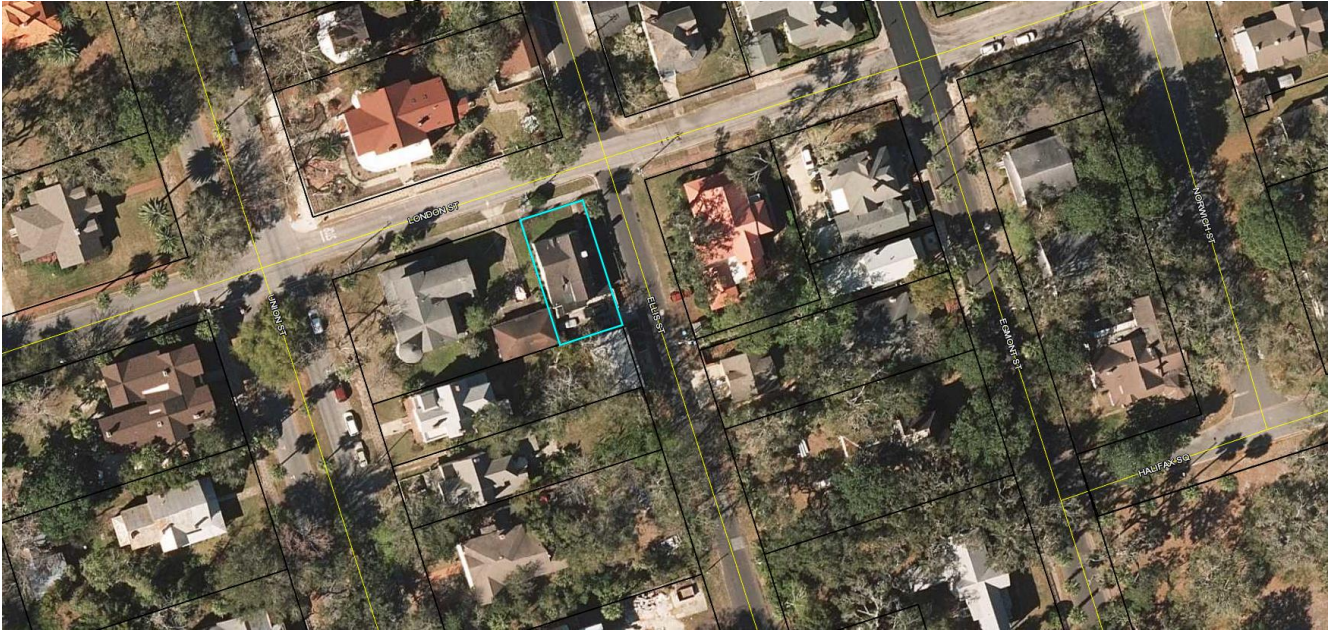
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Variance Request

Scott Toney, owner, requests a decrease of the minimum rear setback requirement from 10 feet to 5 feet.

Existing Development

The subject parcel is .09 acres and is zoned General Residential (GR). It contains a 1,953 square foot residence built circa 1890. The parcel is outlined in blue on the map below:



location map

Proposed Variance

The applicant intends to construct a garage building.

Within City of Brunswick Zoning Ordinance, GR zoning, Minimum Rear Setback is established as 10 feet (Sec. 23-6-4 (g)). The variance is proposed to allow a reduction to 5 feet.

Variance Criteria

The City Commission may grant variances to the requirements listed in the zoning ordinance “...where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship in the individual case (Sec. 23-26-56).” The Planning and Appeals Commission is directed to consider the following criteria (Sec. 23-26-66) in considering a variance application:

- (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
- (b) The application of this Code to this particular piece of property would create an unnecessary hardship; and
- (c) There are conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned.
- (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Code.
- (e) There must be a proved hardship by showing beyond a doubt the inability to make a reasonable use of the land if the zoning ordinance were applied literally.
- (f) The hardship cannot be self-created; e.g., as in a case where the lot was purchased with the knowledge of an existing restriction.

Staff believes that there are extraordinary or exceptional conditions pertaining to the subject parcel due to its size, the location of the existing home on the parcel, and the location of the adjacent accessory structures on two neighboring properties. These conditions are peculiar to the subject parcel. Staff does not believe that if relief is granted in this particular case that it would cause detriment to the public good or impair the purposes and intent of the Zoning Ordinance.

While this house is addressed as 708 London Street, functionally, the house is oriented to Ellis Street. If the house was addressed on Ellis Street, the current rear yard would be the side yard and the requested variance would not be needed.

Staff Recommendation

A reduction of the setback to 5 feet would provide space to achieve the desired construction and allow for the applicant to utilize the property in the same manner as neighboring properties. Staff recommends approval of the variance.



Photograph of site from Ellis Street

Appendix A - variance application



CITY OF BRUNSWICK, GEORGIA

VARIANCE APPLICATION



APPLICANT: READ PART A COMPLETELY, THEN ANSWER EACH ITEM IN PART B. PLEASE PRINT OR TYPE. DO NOT WRITE IN PART C. PLANNING STAFF WILL HELP YOU, IF NECESSARY. YOU MUST FILE THIS APPLICATION AND ALL REQUIRED MATERIALS WITH THE PLANNING < DEVELOPMENT AND CODES DEPARTMENT AT LEAST 20 DAYS BEFORE THE PLANNING COMMISSION MEETING AT WHICH IT WILL BE CONSIDERED. **A \$200 FEE IS REQUIRED TO BE SUBMITTED FOR THE APPLICATION TO BE CONSIDERED COMPLETE.**

PART A GENERAL INFORMATION

YOU ARE ENCOURAGED TO READ APPLICABLE SECTIONS OF THE ZONING ORDINANCE IF YOU ARE REQUESTING A VARIANCE. A VARIANCE IS A "LOOSENING" OF THE REQUIREMENTS OF THE ZONING ORDINANCE TO RELIEVE A HARDSHIP. A VARIANCE CAN ONLY BE GRANTED BECAUSE A HARDSHIP BEYOND YOUR CONTROL IS BEING CAUSED BY A DIMENSIONAL REQUIREMENT, THAT IS, ONE DEALING WITH DISTANCE, AREA, HEIGHT OR SOME OTHER DIMENSION OF YOUR LAND OR BUILDING. PLEASE NOTE THAT A VARIANCE DOES NOT ALLOW YOU TO START A NEW USE IN A ZONING DISTRICT WHERE IT IS PRESENTLY NOT PERMITTED. IN OTHER WORDS, YOU COULD NOT PUT A GROCERY STORE IN A RESIDENTIAL NEIGHBORHOOD. ONCE YOU HAVE FILED A COMPLETE APPLICATION WITH THE PLANNING DIRECTOR, YOUR REQUEST WILL BE ADVERTISED. THE PLANNING COMMISSION WILL THEN HOLD A PUBLIC HEARING. AT THE MEETING YOU WILL TELL THE PLANNING COMMISSION WHY YOU NEED THE VARIANCE AND YOUR NEIGHBORS MAY ASK QUESTIONS AND MAKE COMMENTS. THE PLANNING COMMISSION WILL THEN MAKE A DECISION ABOUT THE VARIANCE. THE VARIANCE IS VALID FOR ONE YEAR.

PART-B APPLICANT ONLY

1. THIS IS AN APPLICATION ASKING THE BRUNSWICK PLANNING, DEVELOPMENT & CODES DEPARTMENT TO GRANT A VARIANCE FROM THE REQUIREMENTS OF THE (CHECK ONE): ZONING ORDINANCE SUBDIVISION REGULATIONS
2. NAME: Scott Toney PHONE: 912-269-0979
ADDRESS: 708 London Street EMAIL: scott.toney54@gmail.com
3. LOCATION OF PROPERTY: STREET 708 London Street
PARCEL NO. 01-01103 LOT NO. PTN 259 O.T.
4. THIS LAND IS ZONED: R-9 R-6 GR GR-C OC LC GC GC-C HC BI GI
 CP PD-G PD-TN MH LM LI CR US 17 OTHER: _____
5. PLEASE DESCRIBE THE TYPE OF VARIANCE YOU NEED. EXAMPLE: REDUCTION OF FRONT YARD SETBACK FROM 15 FT TO 10 FT.
Reduction of rear setback from 10' to 5'
6. **ALL THE FOLLOWING CONDITIONS MUST APPLY TO YOUR SITUATION FOR THE VARIANCE TO BE GRANTED. DESCRIBE HOW YOU MEET EACH CONDITION (ATTACH PAGES IF NEEDED):**
 - A. SPECIAL CONDITIONS OR CIRCUMSTANCES OVER WHICH I HAVE NO CONTROL, AFFECT MY PROPERTY.
The lot size is smaller than typical lots in Old Town and the existing structure was constructed within the current default setbacks. Neighboring properties have structures abutting property lines.
 - B. BECAUSE OF THE SITUATION, I DO NOT HAVE THE SAME PROPERTY RIGHTS AS MY NEIGHBORS OR AS OTHER PROPERTY OWNERS IN THE SAME ZONING DISTRICT DO. Both neighbors to the South and West have accessory (garage) structures that bear on the property lines of the lot, along the West property line the structure is already within 3' of the existing residence.
 - C. THE VARIANCE WOULD NOT SIGNIFICANTLY DEFEAT THE PURPOSES OF ANY CITY PLAN, POLICY ORDINANCE
A variance granted would not impact the city plan or fabric of the neighborhood. Further, the variance would not defeat the purpose of any city plan or policy ordinance, and conforms with the planning of nearby structures.
 - D. THIS IS THE MINIMUM VARIANCE WHICH WOULD RELIEVE MY HARDSHIP. Allowing for a 5' rear setback as opposed to the 10' would relieve the hardship.
7. ATTACH THESE TO THIS APPLICATION:
 - A) A SIMPLE MAP SHOWING LOCATION OF THE PROPERTY, ITS DIMENSIONS, LOCATION OF EXISTING AND PROPOSED STRUCTURES, AND THE NEAREST PUBLIC ROAD.
 - B) A LIST OF NAMES AND ADDRESSES OF ALL ADJACENT PROPERTY OWNERS.
8. SIGNED: [Signature] DATE: 1/21/2022

PART-C STAFF ONLY

1. DATE COMPLETE APPLICATION WAS FILED: 1/21/22
2. PUBLIC HEARING DATE: 2/9/22 DATE APPLICANT WAS NOTIFIED: 1/21/22
3. APPROVED: _____ DENIED: _____ PAC CHAIR SIGNATURE: _____



January 19, 2022

Re: Scott Toney Request for Variance at 708 London Street

The City of Brunswick Planning and Appeals Commission,

Please accept this as a supplemental written narrative pursuant to City of Brunswick Ordinance § 23-26-39. As you may recall, Mr. Toney previously appeared before this commission requesting a variance to reduce the rear setback from 10' to 3' and to reduce the side setback from 5' to 3' in order to construct a garage. Although the staff report recommended approval, the request for the variance was denied. Subsequently, the Commission granted an accelerated time for reconsideration of Mr. Toney's request. Since the last hearing, Mr. Toney has modified his variance request and limited the request for a variance from the 10' rear setback to 5', with no change to the side setback. We believe Mr. Toney's request complies with all of the showing necessary for this Commission to grant his variance and hereby request that it be granted.

As referenced in the application, this variance would still be far more restrictive than the use granted to abutting property owners, who have accessory structures on or extremely close to the property line. Mr. Toney's predicament is worsened by the peculiar shape and size of his property that, coupled with the setbacks and existing structure, imposes an unnecessary hardship and unreasonably limits the use of his property. Mr. Toney has undertaken great care to ensure that the variance is the minimum deviation from the existing setback to construct the garage and has also worked to ensure conformity of the planned construction with the fabric of the surrounding neighborhood.

BRUNSWICK, GA

The purpose of Mr. Toney's request is also compelling. Mr. Toney is employed as a contractor and wishes to store his work vehicle and materials from work inside of a garage, away from public view. Therefore, the allowance of a variance to construct a garage will not only benefit Mr. Toney, but the street view of the property and neighborhood in general. Further, if Mr. Toney is unable to shelter his vehicle and work materials, they will be subjected to the elements and the potential for theft or vandalism; a palpable example of hardship imposed by the current setback. In the alternative, Mr. Toney may be unable to store his work materials at all, depriving him of a quintessential use case of his property by being unable to keep his belongings safe. Therefore Mr. Toney respectfully requests that this Commission grant his application for variance.

We appreciate your time and consideration in this matter. Should they arise, Mr. Toney and I will be available for any questions or concerns of the Commission.

Thanks,

/s/ Charles A. Dorminy

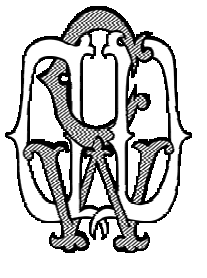
Charles A. Dorminy

CAD/MCW



1 Ellis Street Perspective

PROJECT DATA				
PROJECT DESCRIPTION	GARAGE ADDITION			
PROPERTY ADDRESS	708 LONDON STREET, BRUNSWICK, GA 31520			
PROPERTY I.D. #	01-01103			
ZONING DISTRICT	GR - General Residential			
FEMA ZONE	X- FLOOD ZONE	BASE FLOOD ELEVATION	GARAGE @ GRADE	
SQUARE FOOTAGE DATA	GROSS PROJ. AREA	CONDITIONED	NON-CONDITIONED	TOTAL
	N/A	1,953 S.F. (EXISTING)	540 S.F.	2,493 S.F.
APPLICABLE CODES	2018 INTERNATIONAL BUILDING CODE - I.B.C. incl. GA STATE AMENDMENTS		2017 NATIONAL ELECTRICAL CODE - N.E.C.	
	2018 INTERNATIONAL RESIDENTIAL BUILDING CODE - I.R.C. incl. GA STATE AMENDMENTS		2015 INT. ENERGY CONSERVATION CODE - I.E.C.C. incl. GA STATE AMENDMENTS	
2018 INTERNATIONAL FIRE CODE - I.F.C. incl. 2014 GA STATE AMENDMENTS		2018 INT. SWIMMING POOL & SPA CODE incl. GA STATE AMENDMENTS		2018 NFPA 101 LIFE SAFETY CODE - L.S.C.
2018 INTERNATIONAL PLUMBING CODE - I.P.C. incl. GA STATE AMENDMENTS		2018 NFPA 70 FIRE MARSHALL AMENDMENTS		2010 I.O.J. ADA STANDARDS FOR ACCESSIBLE DESIGN
2018 INTERNATIONAL MECHANICAL CODE - I.M.C. incl. GA STATE AMENDMENTS		2015 GA ACCESSIBILITY CODE...		
PROJECT DATA - END				
DRAWING LEGEND				
SHEET	TITLE			REVISION DATE
G001	GENERAL			
V001	SURVEY			
S101	STRUCTURAL PLANS			
A101	FLOOR PLANS			
A201	ELEVATIONS			
R101	RECORD PLANS			
R201	RECORD ELEVATIONS			
TOTAL SHEETS: 7				



Charles W. Day
DESIGN

708 RICHMOND STREET
BRUNSWICK, GA 31520
WWW.CHARLESWDAY.COM
931-265-3287

21-004
TONEY GARAGE ADDITION
 708 London Street
 Brunswick, Ga 31520

GENERAL

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PAC REVIEW

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CWD

G001

RESERVED FOR CLERK'S FILING INFORMATION



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REFERENCES:

1. BRUNSWICK CITY PLATE No. 3
2. DEED BOOK 4371, PAGE 182
3. SURVEY OF THE WESTERN 135' OF OLD TOWN LOT 259 PREPARED BY SHUPE SURVEYING COMPANY, P.C., DATED 08-10-1992.
4. SURVEY OF THE WESTERN 135' OF OLD TOWN LOT 259 PREPARED BY SHUPE SURVEYING COMPANY, P.C., DATED 10-23-1996
5. SURVEY OF A PORTION OF OLD TOWN LOT 280 PREPARED BY SHUPE SURVEYING COMPANY, P.C., DATED 08-28-2013.
6. DEED BOOK 3223, PAGE 97
7. DEED BOOK 3856, PAGE 323

NOTES:

1. BEARINGS SHOWN ON THIS SURVEY ARE BASED ON THE SOUTHERN RIGHT-OF-WAY LINE OF LONDON STREET HAVING A BEARING OF N 72°37'40" EAST.
2. FIELD EQUIPMENT USED FOR THIS SURVEY: LEICA TS 12
3. THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A RELATIVE POSITIONAL TOLERANCE OF 0.06 FEET AT THE 95% ACCURACY CONFIDENCE LEVEL AND WAS ADJUSTED USING LEAST SQUARES.
4. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 218,885 FEET.
5. THIS SURVEY AND ALL SUBSEQUENT REVISIONS ARE BASED SOLELY ON FIELD WORK THAT WAS COMPLETED ON 04/27/2021 (UNLESS OTHERWISE NOTED). SHUPE SURVEYING COMPANY, P.C. IS NOT RESPONSIBLE FOR ANY CHANGES TO SITE CONDITIONS AFTER THIS DATE.
6. THE ADJOINING PROPERTY INFORMATION AND CURRENT OWNERSHIP OF THE SUBJECT PROPERTY SHOWN ON THIS SURVEY WERE TAKEN FROM THE GLYN COUNTY GIS WEBSITE (WWW.GLYNNCOUNTY.ORG) AND COURTHOUSE RESEARCH. THE CURRENT OWNER ARE SCOTT AND ELIZABETH TONEY (DEED BOOK 4371, PAGE 182).
7. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A FULL TITLE EXAMINATION.
8. THE LOCATION OF THE UTILITIES SHOWN HEREON ARE BASED ON ABOVE GROUND, READILY VISIBLE STRUCTURES (MANHOLES, VALVES, POLES, ETC.). THE SURVEYOR MAKES NO GUARANTEES THAT THE UTILITIES SHOWN HEREON COMPRISE ALL UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. UTILITIES NOT OBSERVED OR LOCATED MAY EXIST ON THIS SITE BUT NOT BE SHOWN, AND MAY BE FOUND UPON EXCAVATION. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE.
9. ACCORDING TO F.I.R.M. MAP NO. 13127C, PANEL 0238H, EFFECTIVE DATE 01/05/18, IT IS MY OPINION THAT THE PROPERTY SHOWN ON THIS PLAT LIES WITHIN ZONE X, WHICH IS NOT A SPECIAL FLOOD HAZARD AREA. THE LOCATION OF THE FLOOD HAZARD LINE SHOWN HEREON WAS SCALED FROM SAID F.I.R.M. AND IS APPROXIMATE ONLY.

ZONE X (SHADED) - AREAS OF 0.2% ANNUAL CHANCE FLOOD HAZARDS AND AREAS OF 1% ANNUAL CHANCE FLOOD HAZARDS WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE.

ZONE X (UNSHADED) - AREAS OF MINIMAL FLOOD HAZARD.
10. FRESHWATER WETLANDS ARE UNDER THE JURISDICTION OF THE CORPS OF ENGINEERS AND/OR THE DEPARTMENT OF NATURAL RESOURCES. LOT OWNERS AND THE DEVELOPER MAY BE SUBJECT TO PENALTY BY LAW FOR DISTURBANCE TO THESE PROTECTED AREAS WITHOUT PROPER PERMIT APPLICATIONS AND APPROVAL. FRESHWATER WETLANDS WERE NOT SURVEYED AS PART OF THIS PROJECT.
11. THE TERM "CERTIFICATION" AS USED IN BOARD RULE 180-6-.09(2) AND (3) AND RELATING TO PROFESSIONAL SURVEYING SERVICES AS DEFINED IN O.C.G.A. 43-15-2(6) AND (11) SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.
12. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN, IF ANY, COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. UNDERGROUND UTILITIES NOT OBSERVED OR LOCATED MAY EXIST ON THIS SITE BUT NOT BE SHOWN, AND MAY BE FOUND UPON EXCAVATION. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE.

LEGEND:

○	POB	POINT OF BEGINNING
○	LTF	LEAD AND TACK FOUND
○	XSF	"X" SCRIBE FOUND
⊗		WATER METER
⊙		WATER VALVE
⊖		UTILITY POLE
—		SIGN
⊞		MAIL BOX
—		FENCE
—		OVERHEAD UTILITIES
□		CONCRETE
▨		BUILDING
▩		BRICK
■		ASPHALT

SURVEYORS RECORDING CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES, TO THE BEST OF HIS KNOWLEDGE AND BELIEF, THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.



CHRISTOPHER M. YOUNG, PLS. 4183

NO. _____ REVISION _____ BY _____ DATE _____

A BOUNDARY RETRACEMENT SURVEY OF:

A PORTION OF LOT 259 OLD TOWN SUBDIVISION

26TH G.M.D. CITY OF BRUNSWICK GLYNN COUNTY, GEORGIA

PREPARED FOR: SCOTT TONEY ELIZABETH TONEY

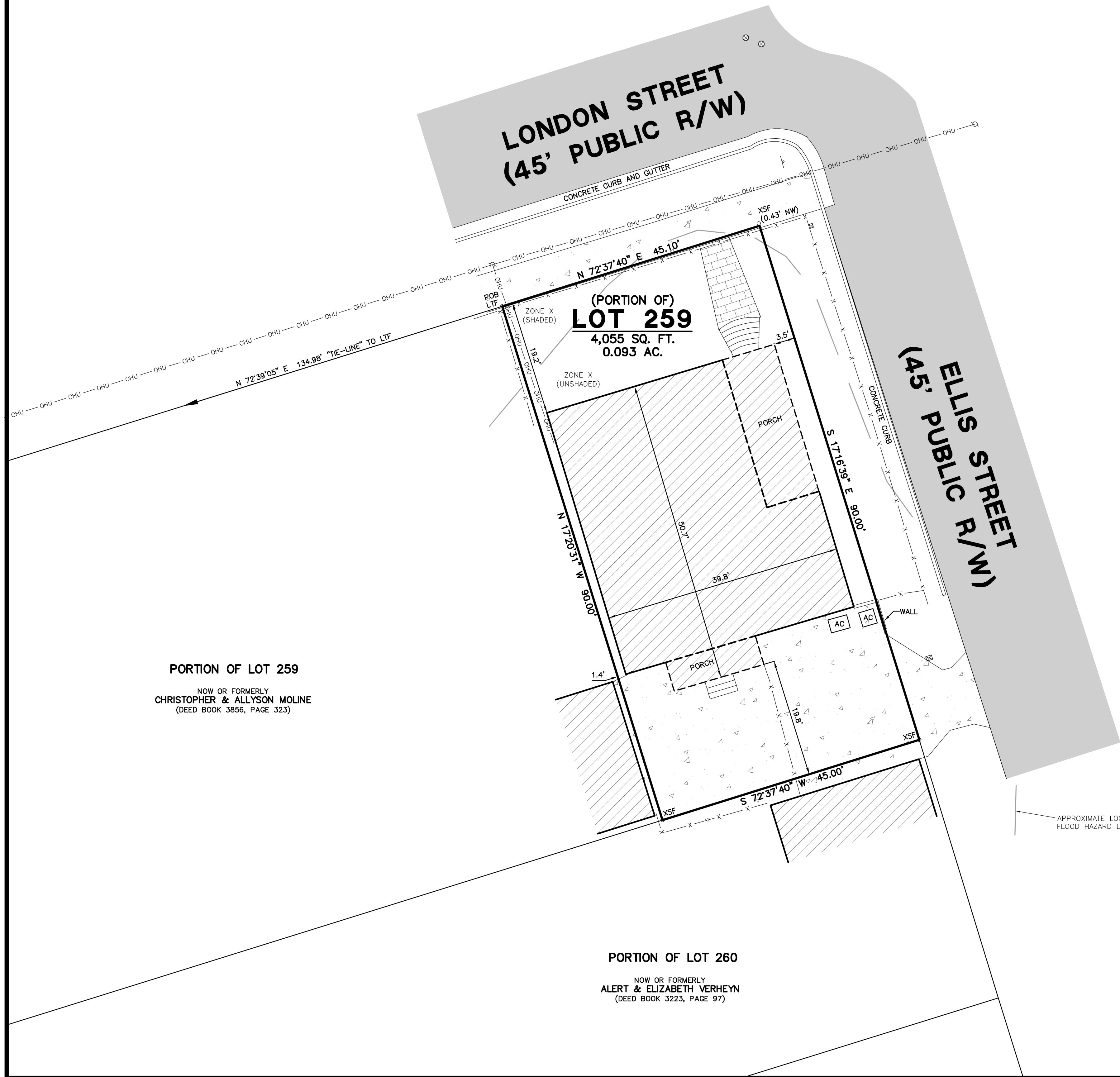


SHUPE SURVEYING COMPANY, P.C. 3837 DARIEN HIGHWAY BRUNSWICK, GA 31525 912-265-0562 CERTIFICATE OF AUTHORIZATION: LSF317



SCALE 1" = 10' DRAWING DATE 04/30/21 FILE 21199 DRAWN BY MJD DRAWING 21199 CREW CHIEF RG

SHEET 1 OF 1

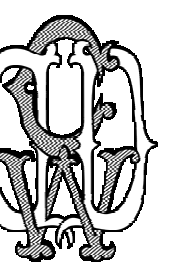


PORTION OF LOT 259

NOW OR FORMERLY CHRISTOPHER & ALLYSON MOLINE (DEED BOOK 3856, PAGE 323)

PORTION OF LOT 260

NOW OR FORMERLY ALERT & ELIZABETH VERHEYN (DEED BOOK 3223, PAGE 97)



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FLOOR PLANS

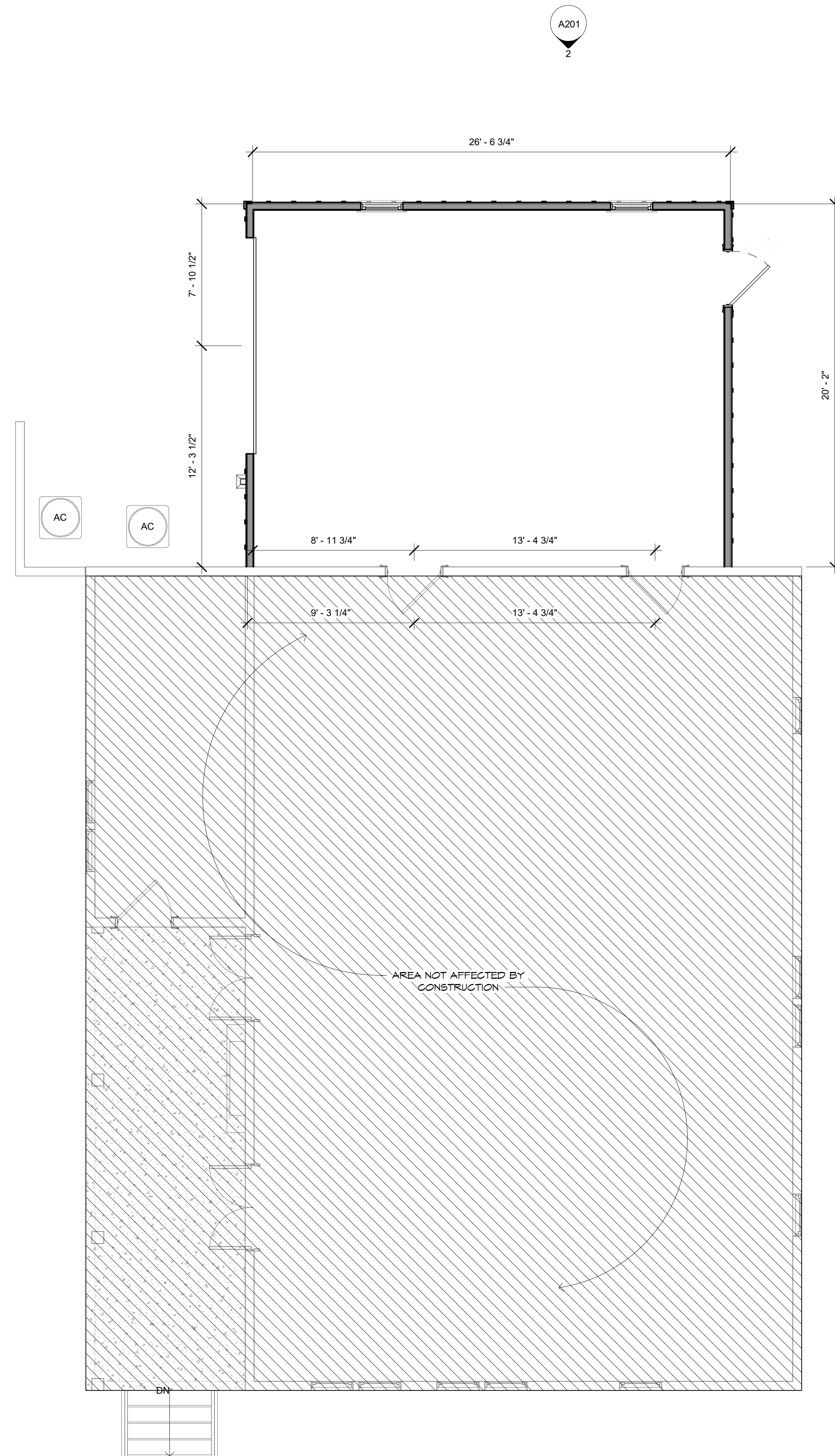
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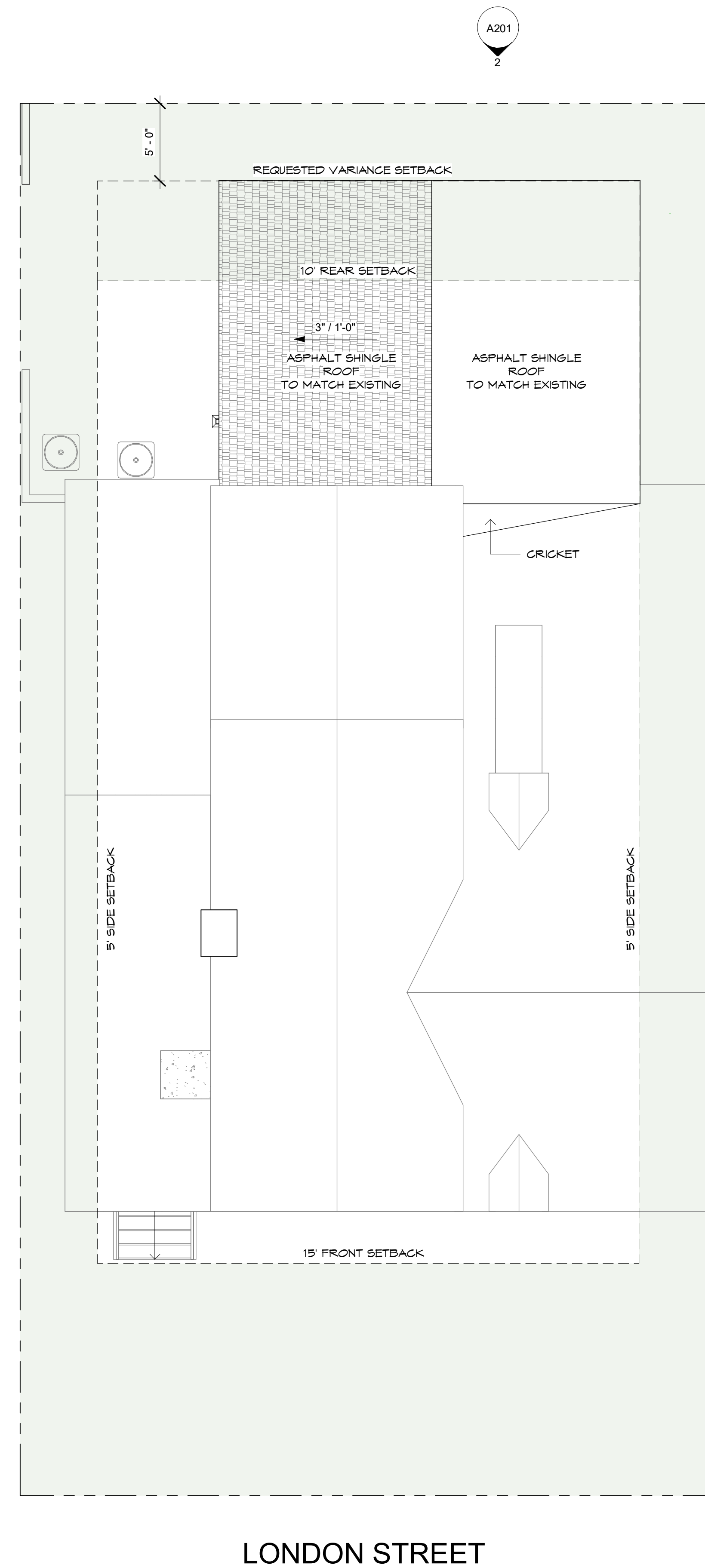
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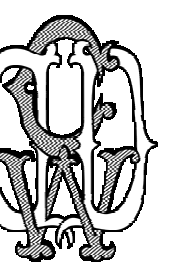
A101



1 FIRST LEVEL - PROPOSED
1/4" = 1'-0"



2 SITE - PROPOSED
3/16" = 1'-0"



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ELEVATIONS

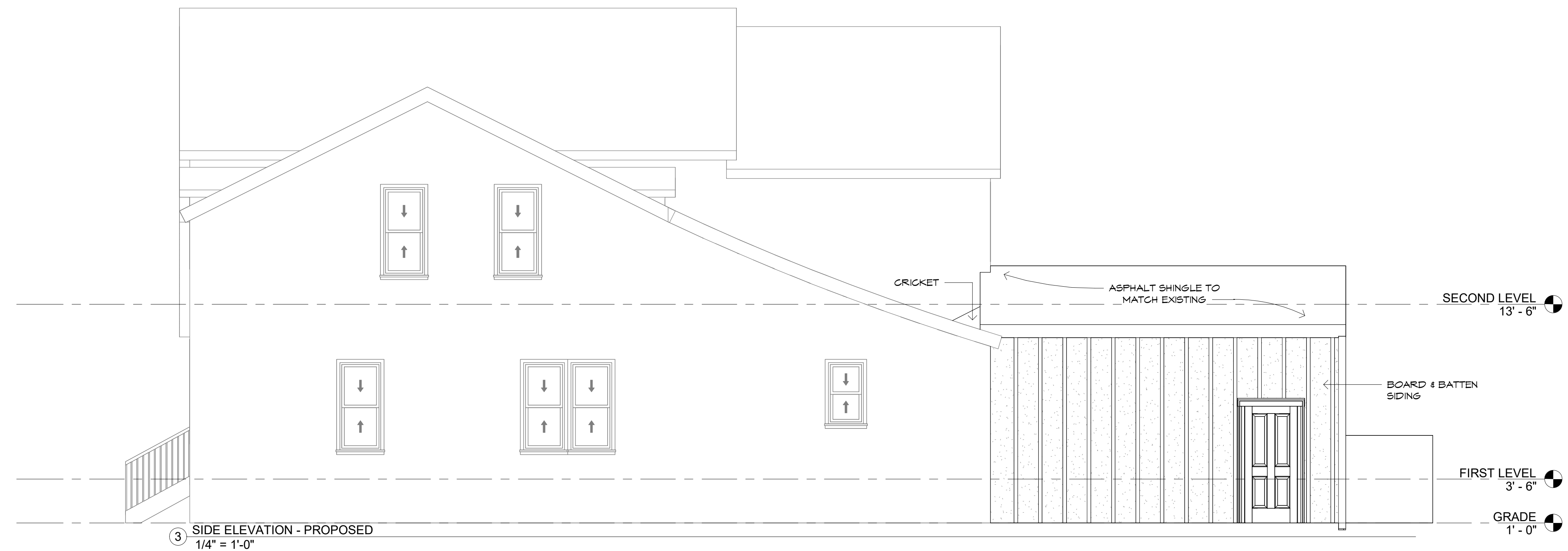
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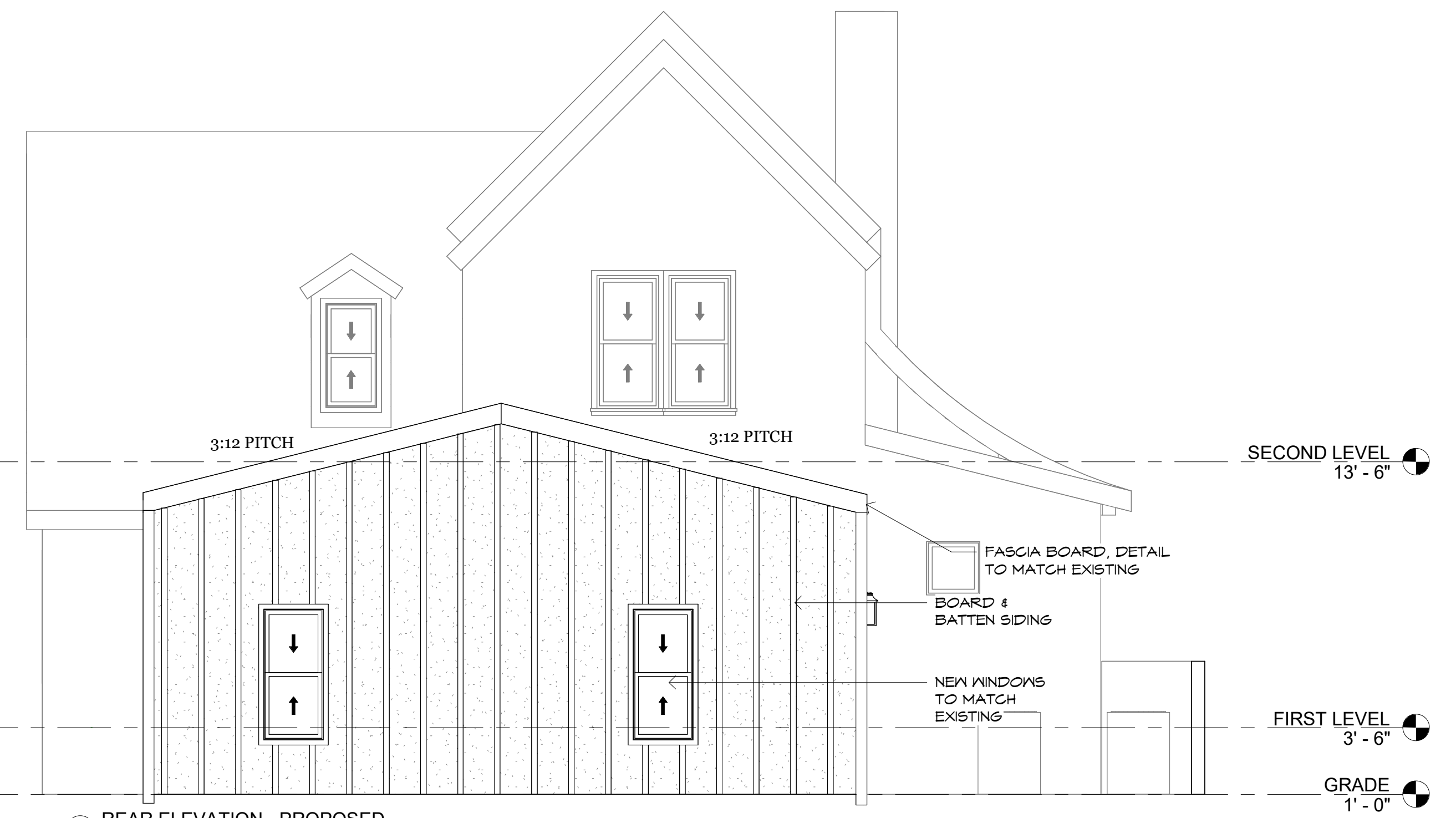
PAC REVIEW

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CWD

A201



③ SIDE ELEVATION - PROPOSED
1/4" = 1'-0"

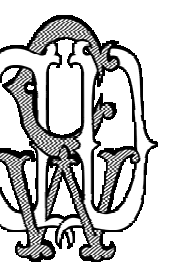


② REAR ELEVATION - PROPOSED
1/4" = 1'-0"



① ELLIS STREET ELEVATION - PROPOSED
1/4" = 1'-0"

EXISTING STRUCTURE



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RECORD PLANS

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R101

R201
3

R201
3

R201
2

R201
4

R201
2

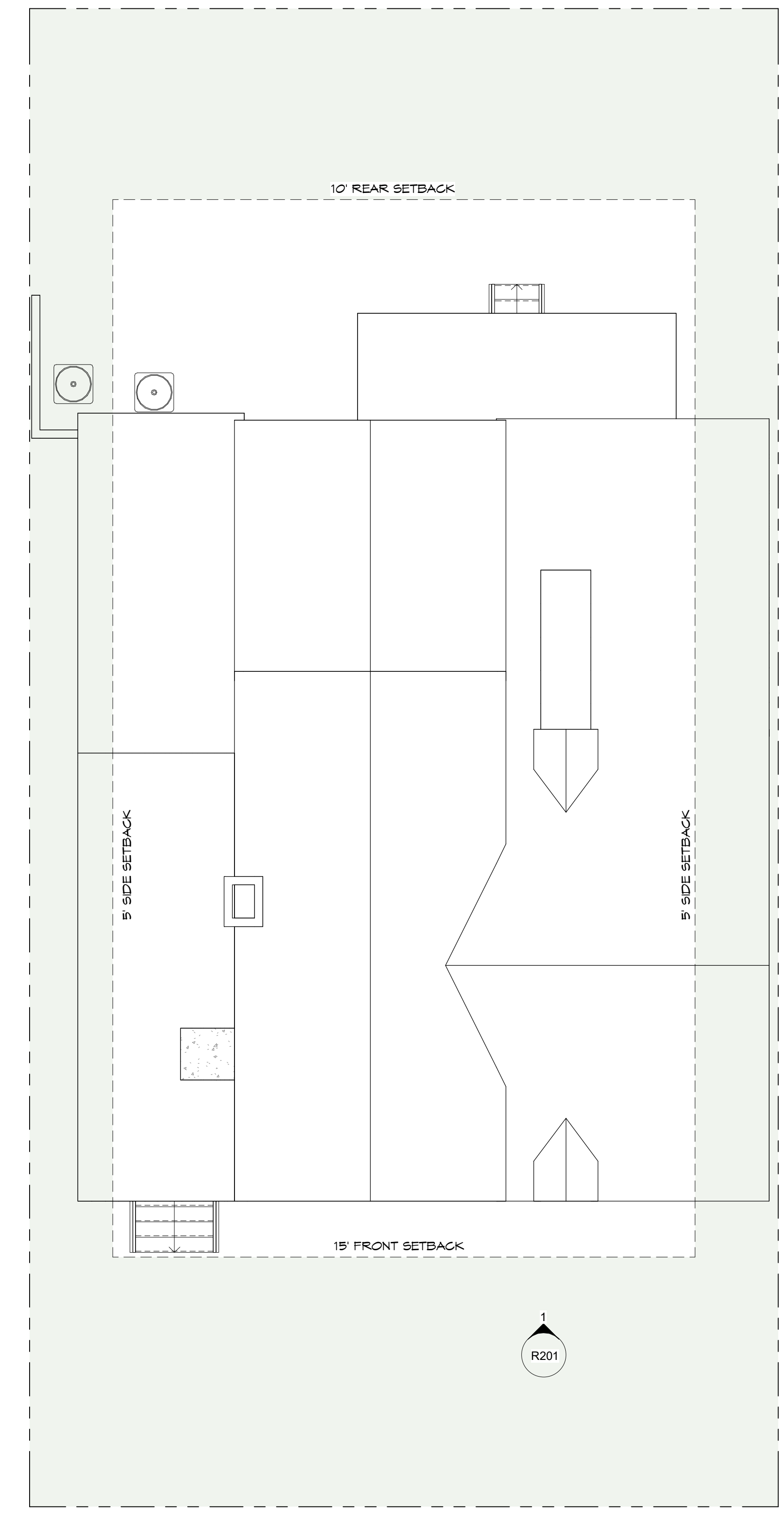
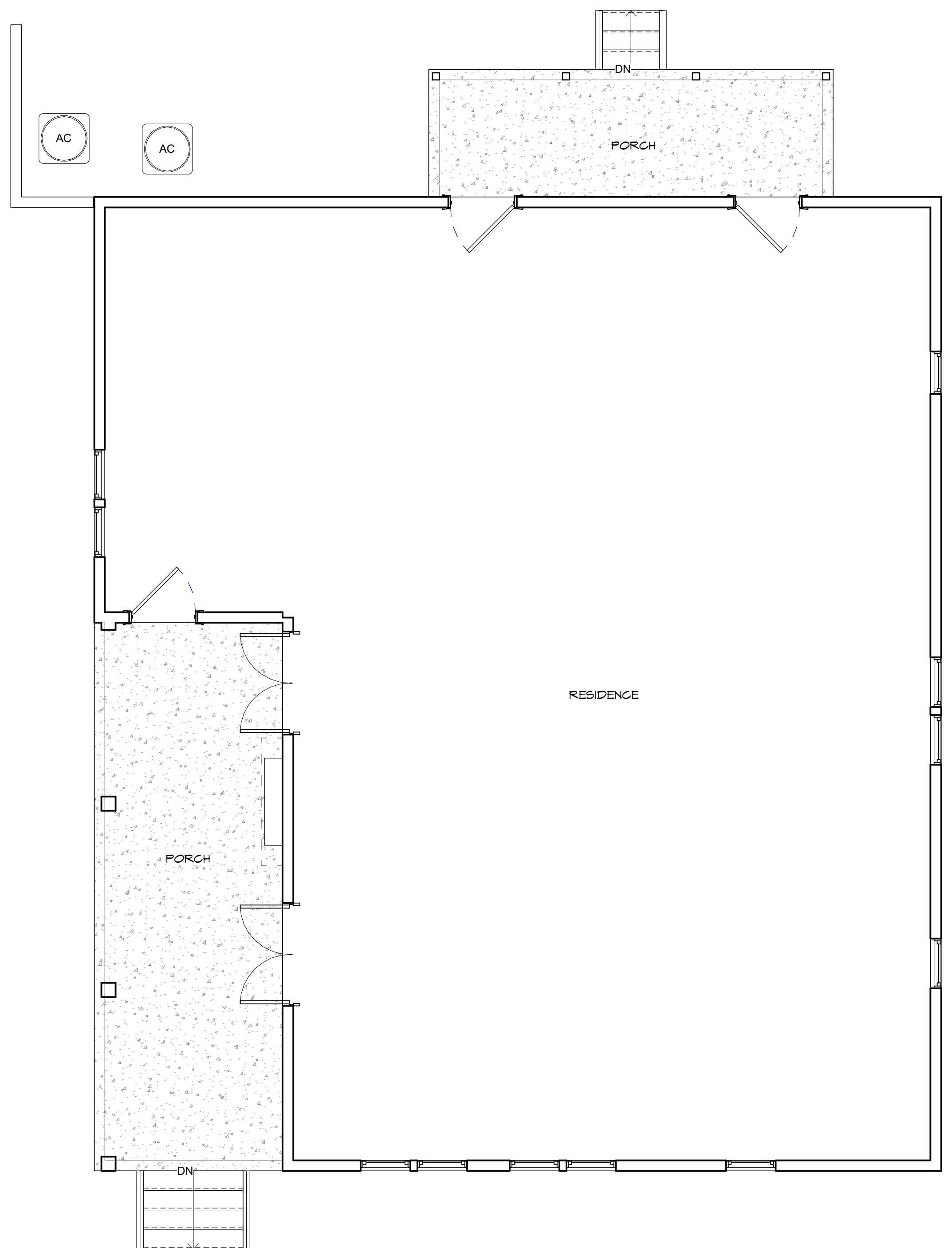
R201
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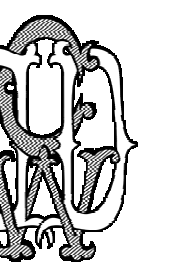
R201
1

R201
1

1 FIRST LEVEL - EXISTING
1/4" = 1'-0"

2 SITE - EXISTING
3/16" = 1'-0"





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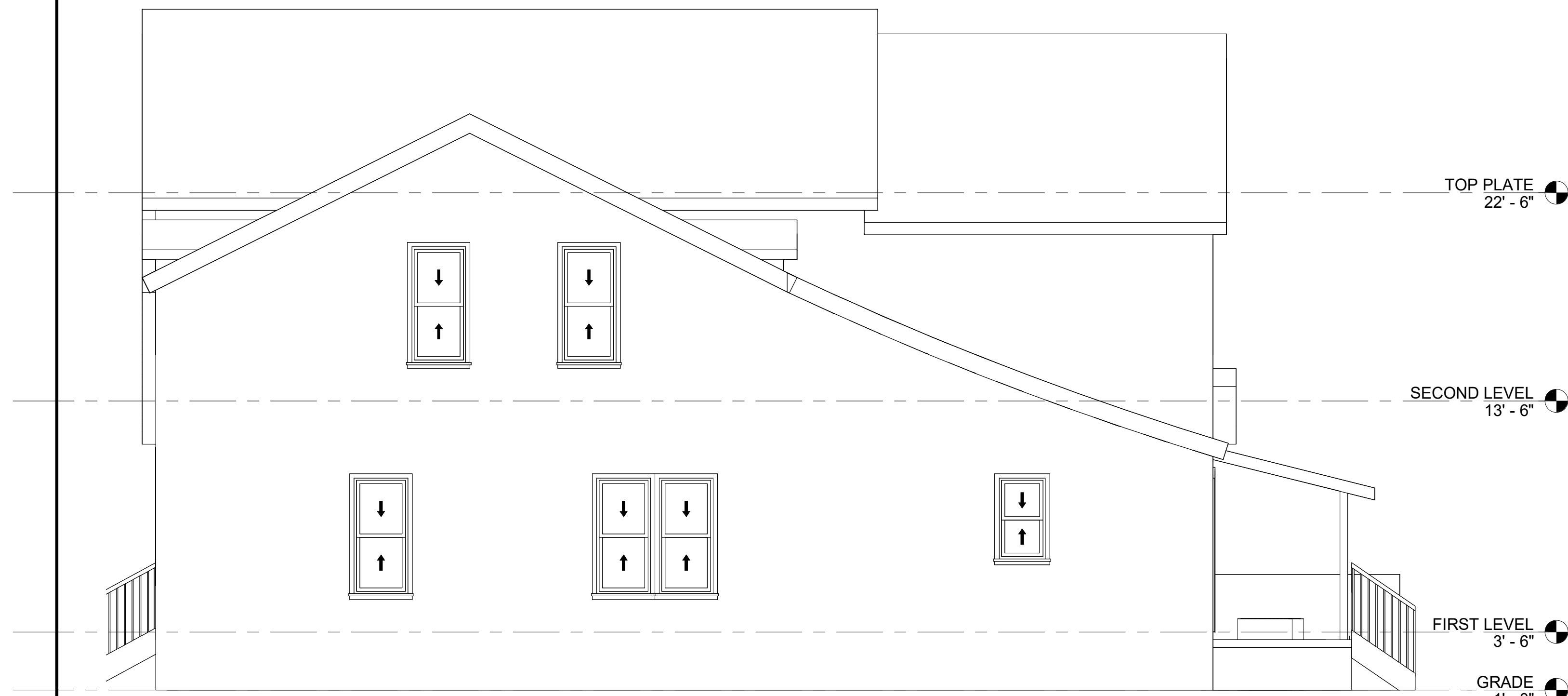
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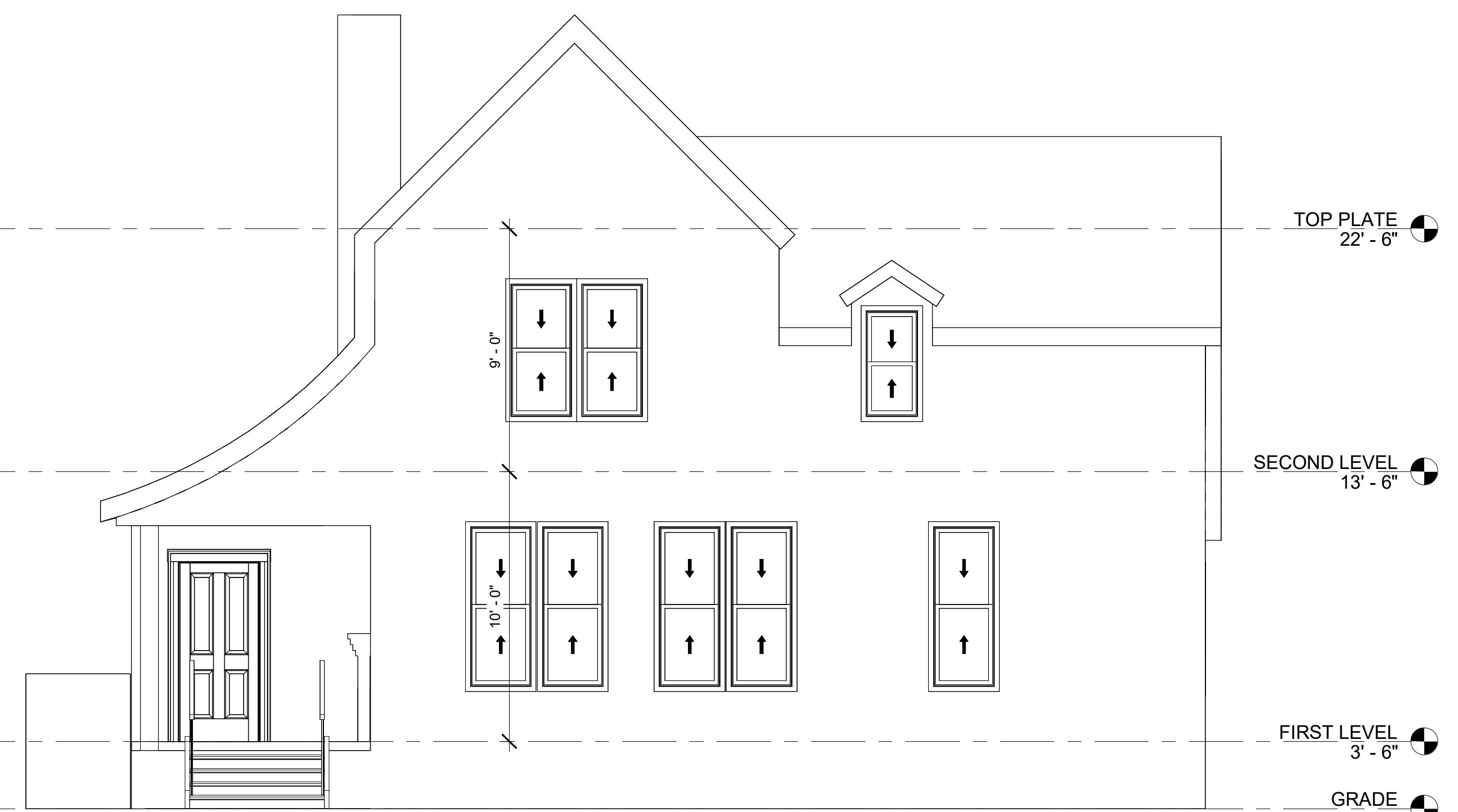
④ SIDE ELEVATION
1/4" = 1'-0"



③ REAR ELEVATION
1/4" = 1'-0"



② ELLIS STREET ELEVATION
1/4" = 1'-0"



① LONDON STREET ELEVATION
1/4" = 1'-0"

Appendix B - correspondence from the public