# CITY OF TYBEE ISLAND

## A G E N D A
## REGULAR MEETING OF TYBEE ISLAND CITY COUNCIL
## October 12, 2023 at 6:30 PM

*Please silence all cell phones during Council Meetings*

Opening Ceremonies
- Call to Order
- Invocation
- Pledge of Allegiance

Announcements

Consideration of Items for Consent Agenda

Recognitions and Proclamations

1. Proclamation: Georgia Retired Educators Day, November 5, 2023

Consideration of the approval of the minutes of the meetings of the Tybee island City Council

2. Minutes, City Council Meeting, September 28, 2023
3. Attachment to Minutes

Reports of Staff, Boards, Standing Committees and/or Invited Guest. Limit reports to 10 minutes.

4. Chantal Audran, Marine Science Center Update

Citizens to be Heard: Please limit comments to 3 minutes. Maximum allowable times of 5 minutes.

5. David Roberts: The City's Administrative Withdrawal of Abandoned and otherwise Illegitimate STR Certificates.
6. Nick Sears: STRs in the neighborhood districts - invalid permits and abandonment
7. Mariah Hay: Zunzibar Noise Nuisance at Receiving Properly 1111 Laurel Avenue

If there is anyone wishing to speak to anything on the agenda other than the public hears, please come forward. Limit your comments to three minutes, no more than five minutes.

Consideration of Approval of Consent Agenda

**P.O. Box 2749 – 403 Butler Avenue, Tybee Island, Georgia 31328-2749**
**(866) 786-4573 – FAX (866) 786-5737**
**www.cityoftybee.org**

Public Hearings

8. Minor subdivision, 5 7th Street, Petitioner: Brent Watts

Council, Officials and City Attorney Considerations and Comments

9. Monty Parks:
   - Marsh Hen Trail
   - Monty Parks: Child care working group update: request to explore the use of portable structures on current footprint of City buildings
   - Funding for Tybee Island Lighthouse Repairs, Budget Amendment

Minutes of Boards and Committees

12. TIMSC Minutes, September 25, 2023
13. Minutes - Planning Commission September 18, 2023

Executive Session

Discuss litigation, personnel and real estate

Possible vote on litigation, personnel and real estate discussed in executive session

Adjournment

*Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities are required to contact Jan LeViner at 912.472.5080 promptly to allow the City to make reasonable accommodations for those persons.*

***PLEASE NOTE:** Citizens wishing to speak on items listed on the agenda, other than public hearings, should do so during the citizens to be heard section. Citizens wishing to place items on the council meeting agenda must submit an agenda request form to the City Clerk's office by Thursday at 5:00PM prior to the next scheduled meeting. Agenda request forms are available outside the Clerk's office at City Hall and at www.cityoftybee.org.

**THE VISION OF THE CITY OF TYBEE ISLAND**

*"is to make Tybee Island the premier beach community in which to live, work, and play."*

**THE MISSION OF THE CITY OF TYBEE ISLAND**

*"is to provide a safe, secure and sustainable environment by delivering superior services through responsible planning, preservation of our natural and historic resources, and partnership with our community to ensure economic opportunity, a vibrant quality of life, and a thriving future."*

**File Attachments for Item:**

2. Minutes, City Council Meeting, September 28, 2023

Mayor Sessions called the meeting to order at 6:30PM, September 28, 2023. Those in attendance were, Monty Parks via zoom, Barry Brown, Jay Burke and Spec Hosti. Also attending were Michelle Owens, Acting City Manager; Bubba Hughes, City Attorney; Tracy O'Connell, City Attorney; and Jan LeViner, Clerk of Council. Nancy DeVetter was not present.

**Opening Ceremonies**

Call to Order
Invocation: Sue Jackson, Trinity Chapel Methodist Church
Pledge of Allegiance

**Consideration of Items for Consent Agenda**

- Minutes, September 14, 2023
- Renewal of Debris Removal Contract: Crowder Gulf
- Purchase of Christmas Decorations. Funding for these decorations is in the approved City of Tybee Island's FY2024 budget, adopted June 22, 2023. The budget item for Holiday Decorations Replacements was $150,000.00 and was a Capital Purchase under the account number 350-1110-54-2500, itemized list of Capital Requests.
- Proposed Changes to Certification and Education Incentive
- Contingent Settlement Proposal with City Manager

Consideration of Boards, Commissions and Committee Appointments – Vote for Five (5) Only

**Ethics Commission**

- Nancy Frankenhauser: Consideration for Ethics Commission (Incumbent)
- Ben Goggins: Consideration for Ethics Commission (Incumbent)
- Mariah Hay: Consideration for Ethic Commission
- Dee Matkowski: Consideration for Ethics Commission
- Mark Reed: Consideration for Ethics Commission (Incumbent)
- Ruth Whitley Wilson: Consideration for Ethic Commission

The Clerk of Council distributed ballots and the following were appointed to the Ethics Commission:

- Nancy Frankenhauser
- Ben Goggins
- Dee Matkowski
- Mark Reed
- Ruth Wilson

**Linda Dunlap: Interfaith Addiction and Recovery Coalition** approached Mayor and Council to give a presentation on addiction. Ms. Dunlap announced their fundraiser event on October 14, 2023, Doors to Hope, which is presented by the Interfaith Addiction and Recovery Coalition. The organization works with faith leaders in the community to address the issue of addiction. Mayor Sessions thanked Ms. Dunlap for her presentation.

**Citizens to be Heard: Please limit comments to 3 minutes. Maximum allowable times of 5 minutes.**

**William Moseley:** Expressed his concerns regarding the proposed changes to Certification and Education Incentives. Mayor Sessions thanked Mr. Moseley for his comments.

**William Moseley** asked Mayor and Council to consider changing the Adoption Agreement with GMA so if elected, he will not have to pause his retirement. Mayor Sessions thanked Mr. Moseley for his comments. She reminded everyone that it will need to be added to the agenda by a council member and then they would direct the City Attorney to reach out to GMEBS. They would in turn draft an amendment to the Agreement as well as an ordinance change. Mr. Moseley again asked for consideration.

**Juliana Burdette, Program Director, Tybee YMCA** approached Mayor and Council. Ms. Burdett spoke to the needs and possible location for a licensed childcare facility. Ms. Burdett gave a brief presentation to include the results of a recent survey. Mayor Sessions thanked Ms. Burdett. Mayor pro tem Brown expressed his concerns with adding a child care facility to the old school building as the building might be torn down and a new governmental facility built. Mr. Parks stated he does not feel comfortable addressing the issue as this is an advanced proposal that covers a survey that was done by the YMCA. Mr. Hosti stated a decision needs to be made regarding the old school building prior to moving forward.

**Roger Huff** approached Mayor and Council. Mr. Huff spoke to the needs for additional pickleball courts on the Island and recommended Staff look in to VersaCourt options. Mr. Huff also spoke to Alley 3 in moving forward with a ramp. Mayor Sessions thanked Mr. Huff.

**Raynette Evans** approached Mayor and Council. Ms. Evans stated she is representing the Tybee Island Historical Society and invited everyone to the fund raiser on October 27th. Mayor Sessions thanked Ms. Evans.

**Mark Reed** approached Mayor and Council to speak to additional pickleball courts on the Island. He also gave a brief presentation to the participation rates and growth of the sport. Mr. Reed's presentation included dedicated locations for new courts, which include the basketball courts at Memorial and Jaycee Parks. Mayor Sessions thanked Mr. Reed.

**Beau Livingston** approached Mayor and Council. Mr. Livingston spoke to the need of a childcare facility on the Island as well as additional pickleball courts. Mayor Sessions thanked Mr. Livingston for his comments.

**Spec Hosti** made a motion to approve the consent agenda. **Monty Parks** seconded. Vote was unanimous to approve, 4-0.

**Council, Officials and City Attorney Considerations and Comments**

**Barry Brown** recommended moving forward with a ramp at Alley 3 as the TIFD now has a boat and need a safe place to launch. Mayor pro tem Brown asked Mr. Gulbronson for any engineering information he might have. Ms. Owens gave a brief history of the request. She stated the last known discussion was held by the Infrastructure Commission, April 2022, and the conversation was the Infrastructure Committee was waiting on the City Manager for further direction. This included adding to the FY24 budget which did

not happen. Mayor pro tem Brown recommended getting information from an engineering firm, possibly Thomas & Hutton. Mr. Hosti recommended reaching out to GaDNR to begin conversations with them as to what the City can do and what they cannot. Ms. Owens will work with DNR and Thomas Hutton moving forward.

**<u>City Manager - Discussion and Action Item List Update.</u> Ms. Owens gave an update on the following:**

- **Funding for Tybee Island Lighthouse Repairs**. Ms. Owens stated she met with Sarah Jones and Jen Amerell regarding funds needed for repairs to the Lighthouse. Ms. Owens is recommending Mayor and Council donate $10,000 which is the maximum amount given to a non-profit organization. The funds would come from the fund balance. Mr. Parks stated he would like to see a budget amendment prior to voting. Ms. Owens confirmed. Mayor Sessions stated the Tybee Island Lighthouse is a historic icon and the City needs to support the Lighthouse as it is essentially our logo and our shining light.
- **Pickleball**. Ms. Owens stated Mr. Gulbronson has been working on several options on what the court would look like and where it might go. They are asking for six (6) courts in total. Mr. Gulbronson outlined three (3) options and the cost. The approximate cost for the courts at Memorial Park Tennis Court would be $200,000 and the existing tennis courts would have to be relocated. Funding is not in the current budget but he will add to the FY 25 budget. Mr. Hughes reminded everyone that prior to any new additions to Memorial Park, it would need to go special review and site plan approval. Jaycee Park does not have the same restrictions as Memorial Park.
- **Jaycee Park**: Ms. Owens stated she was asked the status of the multi-purpose room and YMCA projects. She continued there was a previous plan that included a two-story building that was a multi-million dollar project and is not going forward at this time due to funding.
- **Non-Profit Funding**. Ms. Kendrick stated the Main Street was tasked with the process of allocating funds to the non-profits. This budget cycle, Mayor and Council approved $100,000 to be dispersed amongst those that applied. Applications were received and then reviewed. The criteria that was used that was currently in place. Ms. Kendrick outline the criteria to include budgets and what the fund would be used for. Main Street Organization Committee met and reviewed the applications and made recommendations. The Board received these recommendations and the recommendations were sent to Mayor and Council for their consideration. Ms. Kendrick would like to schedule a workshop in the spring of 2024 to invite organizations, non-profits, in the community to learn how to do successful grant writing and how to submit their applications. Mr. Parks stated he would like more involvement with City Council moving forward.
- **Water-Sewer Project Financing**. Ms. Owens stated the Finance Department would like to bring a Reimbursement Resolution before Mayor and Council. She would like to update everyone moving forward. Ms. Owens gave a brief history of the projects regarding water/sewer. The Finance Director is now ready to move forward with borrowing $7.5M at an interest rate of 5.8% for 20 years for the project. Ms. Owens stated there are seven (7) projects that need to be completed. Mr. Hughes stated his involvement began with the Reimbursement Resolution a few months ago. He continued, he is concerned with bond and the increase of rates for the residents. Mr. Parks stated the City had developed a five (5) year plan for serious repairs and equipmen

replacement which was unwritten by an issuance of Revenue Bonds and it was a solid plan. He would like discussions at the upcoming workshop on October 19th. Mr. Hosti shared his concerns as well as he thought there was a plan in place for repairs.

**Spec Hosti** made a motion to adjourn to executive session to discuss real estate, personnel and litigation. **Monty Parks** seconded. Vote was unanimous to approve, 4-0.

**Spec Hosti** made a motion to return to regular session. **Monty Parks** seconded. Vote was unanimous to approve 4-0.

**Spec Hosti** made a motion to adjourn. **Monty Parks** seconded. Vote was unanimous to approve, 4-0.

Meeting adjourned at 9:45PM

_____

Janet LeViner, MMC
Clerk of Council

**File Attachments for Item:**

3. Attachment to Minutes

| ETHICS COMMISSION - PICK FIVE | | | | | |
|---|---|---|---|---|---|
| NAME | | | | TOTAL | |
| | YES | NO | | | |
| Nancy Frankenhauser (Incubent) | X | | | | |
| Ben Goggins (Incumbent) | X | | | | |
| Mariah Hay | — | — | | | |
| Dee Matkowski | X | | | | |
| Mark Reed (Incumbent) | X | | | | |
| Ruth Wilson | X | | | | |
| | | | | | |
| Signature: Barry A. B | | | | | |
| Barry Brown | | | | | |

| | | | | | |
|---|---|---|---|---|---|
| ETHICS COMMISSION - PICK FIVE | | | | | |
| NAME | | | | TOTAL | |
| | YES | NO | | | |
| Nancy Frankenhauser (Incumbent) | x | | | | |
| Ben Goggins (Incumbent) | x | | | | |
| Mariah Hay | x | | | | |
| Dee Matkowski | x | | | | |
| Mark Reed (Incumbent) | x | | | | |
| Ruth Wilson | | x | | | |
| | | | | | |
| Signature: | Monty Parks | | | | |
| | | | | | |

Monty

SPEC

| | | | | | |
|---|---|---|---|---|---|
| ETHICS COMMISSION - PICK FIVE | | | | | |
| NAME | | | | TOTAL | |
| | YES | NO | | | |
| Nancy Frankenhauser (Incubent) | X | | | | |
| Ben Goggins (Incumbent) | X | | | | |
| Mariah Hay | X | | | | |
| Dee Matkowski | | X | | | |
| Mark Reed (Incumbent) | X | | | | |
| Ruth Wilson | X | | | | |
| | | | | | |
| Signature: | | | | | |
| Spec Hosti | | | | | |

| | | | | | |
|---|---|---|---|---|---|
| ETHICS COMMISSION - PICK FIVE | | | | | |
| NAME | | | | TOTAL | |
| | YES | NO | | | |
| Nancy Frankenhauser (Incubent) | ✓ | | | | |
| Ben Goggins (Incumbent) | ✓ | | | | |
| Mariah Hay | | | | | |
| Dee Matkowski | ✓ | | | | |
| Mark Reed (Incumbent) | ✓ | | | | |
| Ruth Wilson | ✓ | | | | |
| | | | | | |
| Signature: | | | | | |
| Jay Burke | | | | | |

Jan

| ETHICS COMMISSION - PICK FIVE | MONTY | NANCY | BARRY | JAY | SPEC | SHIRLEY | TOTAL |
|---|---|---|---|---|---|---|---|
| Nancy Frankenhauser (Incubent) | ✓ | | 1 | 1 | 1 | | 4 |
| Ben Goggins (Incumbent) | ✓ | | 1 | 1 | 1 | | 4 |
| Mariah Hay | ✓ | | | | 1 | | 2 |
| Dee Matkowski | ✓ | | 1 | 1 | | | 3 |
| Mark Reed (Incumbent) | ✓ | | 1 | 1 | 1 | | 4 |
| Ruth Wilson | | | 1 | 1 | 1 | | 3 |

Jan

**File Attachments for Item:**

7. Zunzibar Noise Nuisance at Receiving Properly 1111 Laurel Avenue

## City Council Agenda Item Request

**Agenda Item Requests and supporting documentation must be submitted to the Clerk of Council by 4*:00PM on the Thursday* prior to the next scheduled Council meeting. If this form is received after the deadline, the item will be listed on the next scheduled agenda.**

Council Meeting Date for Request: October 12

Item: Zunzibar Noise Nuisance at Receiving Property1111 Laurel Ave

Explanation: Property owners and full time residents Joseph Schmidt and Mariah Hay at receiving property 1111 Laurel Ave seek relief in abating ongoing noise nuisances generated by adjacent business Zunzibar at 1115 US-80

Paper Work: _____X Attached*

_____ Audio/Video Presentation**

* **Electronic submissions are requested by not required. Please email to jleviner@cityoftybee.org.**

** **Audio/video presentations *must* be submitted to the IT department at City Hall by *4:00PM on the Thursday* prior to the scheduled meeting.**

**NOTE: Request will be postponed if necessary information is not provided.**

**P.O. Box 2749 – 403 Butler Avenue, Tybee Island, Georgia 31328-2749**
**(866) 786-4573 – FAX (866) 786-5737**
**www.cityoftybee.org**

Submitted by: Mariah Hay

Phone / Email: 717-413-5213 mariahhay@gmail.com

Comments: _____

_____

Date given to Clerk of Council Tuesday, October 3, 2023

# Noise Nuisances from Zunzibar Experienced at 1111 Laurel Ave

***Summary by Mariah Hay***
***October 1, 2023***

***Receiving property owners Mariah Hay and Joseph Schmidt request sound remediation so that they will no longer experience Zunzibar generated noise within the home. Remediation includes:***

- *Updating delivery and waste collection activities to after 7am (Tybee Quiet hours are 10pm-7am)*
- *Establishing acceptable sound levels (levels refer to the numbered levels used in Zunzibar's permanent sound system for volume and bass) for amplified sound*
- *Training employees*
- *Following up to confirm established levels are upheld and preventing residential sound intrusion*

**History:**
We have lived in our home since August 2020, and are full time residents of Tybee. Joe and I work from home (1111 Laurel Ave.) in the Healthcare and Technology sectors respectively. The noise nuisances from Zunzibar began in late March, 2023 when they opened. There was no noise nuisance from the prior restaurant (Geralds) at 1115 US-80, Tybee Island.

Current noise nuisances began on March 24, with the opening of Zunzibar restaurant.

**Noise nuisances and impact:**
***Noise of refrigerated semi trucks deliveries*** - This wakes us up during sleeping hours (and Tybee "quiet" hours) and prevents us from sleeping during delivery.

- Approximately 3 times per week, 1 hour duration each occurance
- Typically between the hours of 4am - 6am (during Tybee "quiet" hours)
- Noise is generated by truck engine, refrigeration compressor, and unloading activities

***Noise of dumpster emptying*** - This wakes us up, startling us awake due to the loud "impulsive" crashing sounds, disrupting sleep and making it difficult to get back to sleep. (It is also during Tybee "quiet" hours)

- Approximately 2-3 times per week
- Between the hours of 4am - 7am (during Tybee "quiet" hours)
- Noise is generated by the trash pickup truck, backup beep, and loud banging of lifting and emptying the dumpster

***Outdoor amplified recorded music*** - This produces a loud bass that can be heard inside my home, and home office, where it disrupts work activities. It can be heard above my video calls, and makes it difficult to concentrate on work tasks.

- 13-14 hours a day, 7 days a week
- Between the hours of 10:30am to 7pm, - 10pm to 11:30pm (during Tybee "quiet" hours)
- Noise is generated by outdoor speakers and subwoofer under restaurant roof and outside restaurant roof (entire restaurant is open air)

***Outdoor amplified live music*** - This music is even louder than the recorded music and can be plainly heard outdoors on my property making outdoor spaces unusable (including my screened in porch for family dinner), and can be plainly heard over my TV, telephone calls, etc. within my home. I often work until 8pm, so the noise interferes with work, and prohibits relaxation and peaceable enjoyment of my home to unwind after work.

- 3 hours a day, 7 days a week
- Between the hours of 7pm - 10pm
- Noise is generated by outdoor speakers and subwoofer under restaurant roof and outside restaurant roof (entire restaurant is open air), and additional freestanding speakers brought by musician

In short, there are very few hours in the 24 hour day when a noise nuisance is not occurring. It interferes with all aspects of life including sleep, work, and relaxation time. Joe and I are now experiencing "disordered" sleep from the frequent and jarring noises during sleeping hours which leave us feeling fatigued during the day, and have been getting sick more frequently. Work is more difficult as fatigue compounded with daytime noise and more frequent illnesses impede daily work responsibilities. Lastly, we are unable to peaceably enjoy our home during quiet, non-work hours. Because of this impact, we are considering selling our home but believe the noise nuisance will prevent us from being able to sell at fair market value. We love our home and neighbors and do not want to move, but after 6 painful months of patiently trying to work with Chris Smith, CEO of Zunzibar, who promised dozens of times to remediate outdoor music noise nuisance so it would not be heard inside our home, and with the City Staff and Code Enforcement to prevent delivery and dumpster noise during quiet hours, we have been unsuccessful. This is why we come to the City Council today, as your mission is to uphold a "vibrant quality of life" and a "thriving future" for residents like us. Our proposal for remediation is a fair ask, where both Zunzibar and we can thrive. Right now we are being bulldozed and ignored.

**File Attachments for Item:**

8. Minor subdivision, 5 7th Street, Petitioner:  Brent Watts

# STAFF REPORT

PLANNING COMMISSION MEETING: September 18, 2023
CITY COUNCIL MEETING: October 12, 2023

LOCATION: 5 7th Street

PIN: 40005 20009

APPLICANT: Brent Watts

OWNER: Brent Watts

EXISTING USE: Home on large lot

PROPOSED USE: Three lots

ZONING: R-2

USE PERMITTED BY RIGHT: Yes

COMMUNITY CHARACTER MAP: Beachfront Neighborhood

APPLICATION: Minor subdivision of one lot into three lots

PROPOSAL: The applicant is requesting to subdivide a large lot containing one home into three lots. The historic home is proposed to be moved eastward and the two lots will be created on the west side of the existing lot.

ANALYSIS: The proposed subdivision meets the requirements for new lots. Each proposed lot will be at least 4500 square feet and be at least 60' wide. Water and sewer are available.

The Comprehensive Plan describes the Beachfront Neighborhood District as follows:

> *The Beachfront Neighborhood to the east of Butler Avenue is exclusively R-2 zoning, with single family, multifamily, and duplex housing types. Wide streets with on street parking and old growth trees supplemented by side alleys characterize the area. Public and private beach access are available.*

| *Comprehensive Plan – Community Character Area*<br>*The Beachfront Neighborhood District* | | |
|---|---|---|
| *Recommended Development Strategies* | | *Meets Strategy Y/N or N/A* |
| 1. | Historic structures should be preserved whenever possible | Y |
| 2. | Enhance the pedestrian environment where feasible | N/A |
| 3. | Preserve old growth trees | Y |
| 4. | Preserve and maintain public beach access and enhance when necessary | N/A |
| 5. | Do not allow intrusion of commercial uses | N/A |
| 6. | Preserve the low density character of the area | N/A |
| 7. | Encourage preservation of the large historic beach to Butler Ave. lots | N/A |
| 8. | | N/A |

STAFF FINDING
This proposal meets our requirements. Staff recommends approval.

*This Staff Report was prepared by George Shaw.*

ATTACHMENTS

A. Subdivision application
B. SAGIS map (1 page)
C. Subdivision plat

# CITY OF TYBEE ISLAND
# SUBDIVISION OF LAND APPLICATION

Applicant's Name Brent Watts

Address and location of subject property 5 7th Street, Tybee Island, GA 30342

PIN 4000520009 Applicant's Telephone Number 404-307-2868

Applicant's Mailing Address 2108 Drayton St. Savannah GA 31401

Brief description of the land development activity and use of the land thereafter to take place on the property:
Move existing house east, subdivide into 3 lots

Property Owner's Name Dariush & Frideh Heidary Telephone Number 912-844-1030

Property Owner's Address 2 Silver Bluff Way Savannah GA 31411

Is Applicant the Property Owner? ____ Yes X No

If Applicant is the Property Owner, Proof of Ownership is attached: ____ Yes

If Applicant is other than the Property Owner, a signed affidavit from the Property Owner granting the Applicant permission to conduct such land development is attached hereto. X Yes Its in the Contract

Current Zoning of Property R-2 Current Use Residential

Names and addresses of all adjacent property owners are attached: X Yes

If within two (2) years immediately preceding the filing of the Applicant's application for a zoning action, the Applicant has made campaign contributions aggregating to more than $250 to the Mayor and any member of Council or any member of the Planning Commission, the Applicant and the Attorney representing the Applicant must disclose the following:

a. The name of the local government official to whom the campaign contribution or gift was made;
b. The dollar amount of each campaign contribution made by the applicant to the local government official during the two (2) years immediately preceding the filing of the application for this zoning action, and the date of each contribution;
c. An enumeration and description of each gift having a value of $250 or more made by the Applicant to the local government official during the two (2) years immediately preceding the filing of the application for this zoning action.

Disclosure of Campaign Contributions form attachment hereto: X Yes

Brent Watts 8/31/23
Signature of Applicant Date

NOTE: Other specific data is required for each type of Subdivision of Land.

Fee Amount $ 125.00 Check Number 1478 Date 9/5/23

City Official

FEE
____ MAJOR SUBDIVISION $500
✓ MINOR SUBDIVISION

NOTE: This application must be accompanied by following information:

✓ 1 copies, no smaller than 11 x 17, of the proposed subdivision with the building setback lines.

NA 1 copies, no smaller than 24 x 36, of the engineered drainage and infrastructure plan.

✓ The name(s) of all proposed new street(s) or private drive(s).

NA 1 copies, no smaller than 11 x 17, of the existing tree survey and tree removal plan.

The Planning Commission may require elevations or other engineering drawings covering the proposed subdivision.

The Mayor and Council will not act upon a subdivision until the drainage and infrastructure plan has met the approval of the City's engineering consultant.

The Applicant certifies that he/she has read the requirements for Major/Minor Subdivision and has provided the required information to the best of his/her ability in a truthful and honest manner.

All new lots established within subdivisions shall conform to the lot area as set forth in the general provisions for each zoning district and the lot width shall be a minimum of 60 feet at the building line.

Brent Watts 8/31/23

Signature of Applicant Date

# COUNTEROFFER TO OR MODIFICATION OF THE UNACCEPTED ORIGINAL OFFER

This Counteroffer is made at 5 o'clock P m. on the date of July 12, 2023.

2023 Printing

**This is a Counteroffer** to or modification of, as the case may be, (hereinafter collectively "Counteroffer") the unaccepted original offer set forth in the Purchase and Sale Agreement dated July 5, 2023 including all exhibits attached hereto or incorporated by reference therein ("Original Offer") for property located at: 5 7th Street, Tybee Island, Georgia 31328 ("Property").

A. **Previous Counteroffers Rejected.** The party making this Counteroffer acknowledges that in doing so: 1) it constitutes a rejection of the Original Offer as presented and all previous counteroffers; 2) the Original Offer and all previous counteroffers are no longer available for acceptance; 3) no previous counteroffer(s) shall be considered a part of any agreement between the parties; and 4) nothing requires the other party to continue the negotiations.

B. **Relationship between Original Offer and This Counteroffer.** The Original Offer is hereby incorporated by reference into this Counteroffer. However, the terms of this Counteroffer shall modify and control over any conflicting or inconsistent provisions contained in the Original Offer.

C. **Effect of Accepting This Counteroffer.** When this Counteroffer is signed by the Buyer and Seller and a copy of the same is delivered to both parties, the Original Offer as modified by this Counteroffer constitutes a legally binding agreement. Since the Original Offer (including all exhibits thereto) is incorporated by reference into this Counteroffer, only this Counteroffer needs to be signed to create a legally binding agreement between the parties.

D. **Clean Copy of Agreement.** At any time prior to closing, either party if so requested by the other shall sign a conformed or "clean" copy of the Agreement combining the terms of Original Offer with the controlling and supplemental provisions of this Counteroffer into one (1) document, including initialing or signing, as the case may be, all exhibits. (Include SS622 Conformed Copy of Agreement in conformed or "clean" copy of Agreement)

E. **Terms and Conditions.** The following terms and conditions of the Original Offer are modified as follows: ***[The sections not filled in or marked N/C (for "no change" which shall mean that no change is being proposed to that section of the agreement) shall not be a part of this Counteroffer and shall remain the same as set forth in the Original Offer.]***

| | |
|---|---|
| **Purchase Price of Property to be Paid by Buyer:** $ 1,750,000 | **Closing Costs:** **Seller's Contribution at Closing: $** 0 |
| **Closing and Possession.** Closing Date shall be September 15, 2023 with possession of the Property transferred to Buyer at ☒ Closing OR ☐ _____ days after Closing at ____ o'clock ☐ AM ☐ PM (attach F219 Temporary Occupancy Agreement). | |
| **Holder of Earnest Money ("Holder"):** (If Holder is Closing Attorney, F510 must be attached as an exhibit hereto, and F511 must be signed by Closing Attorney.) Closing Attorney | **Closing Law Firm:** McManamy Jackson Hollis (Steve Jackson) |
| **Earnest Money:** Earnest Money shall be paid by ☒ check ☐ ACH ☐ cash or ☐ wire transfer of immediately available funds as follows: ☐ 1. $_____ as of the Offer Date. ☒ 2. $ 50,000.00 within 5 days from the Binding Agreement Date. ☐ 3. _____ | |
| **Inspection and Due Diligence.** Property is being sold subject to a Due Diligence Period of 10 days from the Binding Agreement Date. | |
| **Time Limit of this Counter Offer:** This Counteroffer, which incorporates and controls over the Original Offer, shall expire at 6 o'clock P .m. on the date of July 13, 2023 unless prior to that time it is accepted in writing and notice (as that term is defined in the Original Offer) is delivered to the party who made the Counteroffer. | |

Buyer(s) Initials DS BW

Seller(s) Initials DHH FH

F. **Other Modifications to the Original Offer:**

1. All contingencies that were in the special stipulations page of the original offer are removed with this counter as well as Exhibit "C".

2. Seller agrees to cooperate to give permission to the surveyor, DNR, architects, and contractors in accessing the property with proper notice.

3. All parties agree the home is being sold "As Is" and mostly furnished.

4. Buyer has the right to take development plans to the City of Tybee Island Planning Commission and City Council meetings. The purchase of this property is not contingent upon the results of these meetings.

☐ **Additional pages are attached.**

Buyer(s) Initials DS BW

Seller(s) Initials DHH FH

This Counteroffer is made at 5 o'clock P m. on the date of July 12, 2023.

**By signing this Counteroffer, Buyer and Seller acknowledge that they have each read and understood this Counteroffer and agree to its terms.**

**Buyer Acceptance and Contact Information**

1 Buyer's Signature: M Brent Watts — 7/12/2023
Brent Watts, and or Assigns
Print or Type Name — Date

Buyer's Address for Receiving Notice

Buyer's Phone Number: ☐ Cell ☐ Home ☐ Work

Buyer's E-mail Address

2 Buyer's Signature

Print or Type Name — Date

Buyer's Address for Receiving Notice

Buyer's Phone Number: ☐ Cell ☐ Home ☐ Work

Buyer's E-mail Address

☐ **Additional Signature Page (F267) is attached.**

**Seller Acceptance and Contact Information**

1 Seller's Signature: Dariush H. Heidary — 07/12/23
Dariush H. Heidary
Print or Type Name — Date

Seller's Address for Receiving Notice

Seller's Phone Number: ☐ Cell ☐ Home ☐ Work

Seller's E-mail Address

2 Seller's Signature: Farideh Heidary — 07/12/23
Farideh Heidary
Print or Type Name — Date

Seller's Address for Receiving Notice

Seller's Phone Number: ☐ Cell ☐ Home ☐ Work

Seller's E-mail Address

☐ **Additional Signature Page (F267) is attached.**

**Buyer's Broker/Affiliated Licensee Contact Information**

Waterline Real Estate Group, LLC
Buyer Brokerage Firm

Brent Palmer — 7/12/2023
Broker/Affiliated Licensee Signature — Date

Brent Palmer — 268312
Print or Type Name — GA Real Estate License #

912-272-8489
Licensee's Phone Number — Fax Number

Brent@waterlinereg.com
Licensee's E-mail Address

SAR
REALTOR® Membership

P.O. Box 383, Tybee Island, Ga 31328
Broker's Address

912-786-4474
Broker's Phone Number — Fax Number

1377 — H-66934
MLS Office Code — Brokerage Firm License Number

**Seller's Broker/Affiliated Licensee Contact Information**

Century 21, Solomon Properties
Seller Brokerage Firm

Lee Ann Marsh — 07/12/23
Broker/Affiliated Licensee Signature — Date

Lee Ann Marsh — 245551
Print or Type Name — GA Real Estate License #

912-631-1032
Licensee's Phone Number — Fax Number

leeannmarshc21@gmail.com
Licensee's Email Address

07/12/23 SAR
REALTOR® Membership

P.O. Box 1440, Tybee Island, Ga 31328
Broker's Address

912-786-5466
Broker's Phone Number — Fax Number

354 — H-15041
MLS Office Code — Brokerage Firm License Number

**Binding Agreement Date:** The Binding Agreement Date in this transaction is the date of July 12, 2023 and has been filled in by Lee Ann Marsh.

CITY OF TYBEE ISLAND

CONFLICT OF INTEREST IN ZONING ACTIONS

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you within the past two (2) years made campaign contributions or gave gifts having an aggregate value of $250.00 or more to a member of the City of Tybee Island Planning Commission, or Mayor and Council or any local government official who will be considering the rezoning application?

YES _____ NO X

IF YES, PLEASE COMPLETE THE FOLLOWING SECTION:

| NAME OF GOVERNMENT OFFICIAL | CONTRIBUTIONS OF $250.00 OR MORE | GIFTS OF $250.00 OR MORE | DATE OF CONTRIBUTION |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

IF YOU WISH TO SPEAK CONCERNING THE ATTACHED REZONING APPLICATION, THIS FORM MUST BE FILED WITH THE ZONING ADMINISTRATOR FIVE (5) DAYS PRIOR TO PLANNING COMMISSION MEETING IF CAMPAIGN CONTRIBUTIONS OR GIFTS IN EXCESS OF $250.00 HAVE BEEN MADE TO ANY MEMBER OF THE PLANNING COMMISSION OR MAYOR AND COUNCIL.

Signature Brent Watts

Printed Name Brent Watts

Date 8/31/23

PARID: 40005 20009
HEIDARY DARIUSH H & FARIDEH 5 7TH ST

**Most Current Owner**

| Current Owner | Co-Owner | Care Of | Mailing Address |
|---|---|---|---|
| HEIDARY DARIUSH H & FARIDEH | | | 2 SILVER BLUFF WAY SAVANNAH GA 31411-2510 |

**Digest Owner (January 1)**

| Owner | Co-Owner | Address 1 | Address 2 | City | State | Zip |
|---|---|---|---|---|---|---|
| HEIDARY DARIUSH H & FARIDEH | | 2 SILVER BLUFF WAY | | SAVANNAH | GA | 31411 |

**Parcel**

| | |
|---|---|
| Status | ACTIVE |
| Parcel ID | 40005 20009 |
| Category Code | RES - Residential |
| Bill # | 3027821 |
| Address | 5 7TH ST |
| Unit # / Suite | |
| City | TYBEE ISLAND |
| Zip Code | 31328- |
| Neighborhood | 20204.00 - T204 TYBEE BEACHFRON |
| Total Units | |
| Zoning | R-2 |
| Class | R3 - Residential Lots |
| Appeal Status | |

**Legal Description**

| | |
|---|---|
| Legal Description | NORTHEAST PORTION OF BEACH LOT 43 WARD 2 TYBEE ISLAN D |
| Deed Book | |
| Deed Page | |

**Permits**

| Permit # | Permit Date | Status | Type | Amount |
|---|---|---|---|---|
| 150444-1 | 07/27/2015 | Complete | RN - RENOVATIONS | $4,850.00 |

**Inspection**

| Inspection Date | Reviewer ID |
|---|---|
| 03/15/2023 | RKRYZAK |
| 06 | RKRYZAK |
| 02/17/2016 | AVMARCAN |

Item #8.

| | |
|---|---|
| 12/04/2013 | MWTHOMAS |
| 09/24/2010 | LESTEPH |

**Appraised Values**

| Tax Year | Land | Building | Appraised Total | Reason |
|---|---|---|---|---|
| 2023 | 1,518,800 | 399,200 | 1,918,000 | |
| 2022 | 1,518,800 | 273,000 | 1,791,800 | |
| 2021 | 1,795,500 | 142,600 | 1,938,100 | |
| 2020 | 1,292,300 | 157,700 | 1,450,000 | APPEAL DECISION |
| 2019 | 1,292,300 | 157,700 | 1,450,000 | |
| 2018 | 1,292,300 | 157,700 | 1,450,000 | |
| 2017 | 1,292,300 | 157,700 | 1,450,000 | |
| 2016 | 1,292,300 | 157,700 | 1,450,000 | |
| 2015 | 1,292,300 | 157,700 | 1,450,000 | |
| 2014 | 1,292,300 | 157,700 | 1,450,000 | |

**Sales**

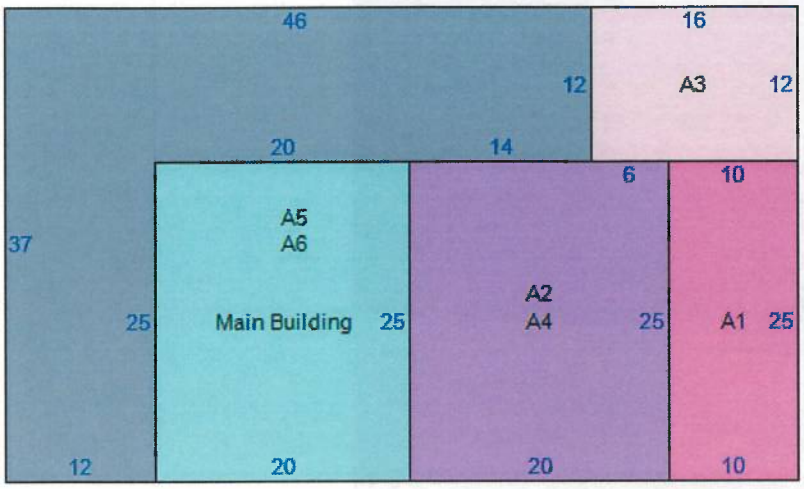
| Sale Date | Sale Price | Sale Validity | Instrument | Book - Page | Grantor | Grantee |
|---|---|---|---|---|---|---|
| 08/01/1988 | 325,000 | U | | - | | |

**Residential Building**

| | |
|---|---|
| Card # | 1 |
| Actual Year Built | 1934 |
| Effective Year Built | 1985 |
| Type | 1 - Single Family Residence |
| Style/Stories | 2 - TWO STORY |
| Percent Complete | 100 |
| Quality | 400 |
| Condition | AV - AVERAGE |
| Living Area | 2,192 |
| Basement Area | 0 |
| Finished Basement Area | No |
| Bedrooms | 5 |
| Full / Half Baths | 1 / 1 |

**OBY**

| Card # | Description | Year Built: | Grade: | Units: | Override: | Area: |
|---|---|---|---|---|---|---|
| 1 | 6616 : HOUSE LIFTING, ELEV. ABOVE FLOOD PLAIN, RAISED FLR | 1985 | C | 1 | | 192 |




| Item | Area |
|---|---|
| Main Building | 500 |
| - 6616:HOUSE LIFTING, ELEV. ABOVE FLOOD PLAIN, RAISED FLR | 192 |
| A1 - 100/100:100- LIVING SPACE/100- LIVING SPACE | 250 |
| A2 - 100:100- LIVING SPACE | 500 |
| A3 - 100:100- LIVING SPACE | 192 |
| A4 - 711:711-Built-in Garage (SF) | 500 |
| A5 - 907:907-Enclosed Porch (SF), Scree | 852 |
| A6 - 904:904-Slab Porch (SF) with Roof | 852 |

GEORGIA
DEPARTMENT OF NATURAL RESOURCES
COASTAL RESOURCES DIVISION
ONE CONSERVATION WAY · BRUNSWICK, GA 31520 · 912-264-7218

WALTER RABON
COMMISSIONER

DOUG HAYMANS
DIRECTOR

September 1, 2023

Brent Watts
2108 Drayton Street
Savannah, GA 31401

**Re: Shore Protection Act (SPA) Jurisdiction Line Verification, #5 7th Street, Atlantic Ocean, Tybee Island, Chatham County, Georgia**

Dear Mr. Watts:

Our office has received the survey by James Craig Brewer, Georgia Registered Land Surveyor No.3022, signed, stamped, and revised August 30, 2023 S, entitled "*A Boundary & Topographic Survey of Northeast Portion of the Beach Lot 43 Ward 2, Tybee Island, Chatham County, Georgia*" for Cabretta Capital. Based on my site inspection, July 27, 2023, this survey generally depicts the delineation of the landward toe of the dune, and the State's Shore Protection Act jurisdictional area as required by the State of Georgia under the authority of the Shore Protection Act O.C.G.A. § 12-5-230 et seq.

The Shore Protection Act O.C.G.A. § 12-5-230 et seq. delineation of the parcel is subject to change due to environmental conditions and legislative enactments. The SPA verification will normally expire one year from the date of my inspection which occurred July 27, 2023, but may be voided should legal and/or environmental conditions change.

This letter does not relieve you of the responsibility of obtaining other state, local or federal permission or authorization relative to the site. Authorization by the Coastal Marshlands Protection Committee/Shore Protection Committee or this Department is required prior to any construction or alteration in the State's jurisdictional area.

I appreciate you providing us with this information for our records. Please contact me at 912.266.3695 if I may be of further assistance.

Sincerely,

Deb Barreiro
Coastal Permit Coordinator
Marsh and Shore Management Program

Enclosure: *A Boundary & Topographic Survey of Northeast Portion of the Beach Lot 43 Ward 2, Tybee Island, Chatham County, Georgia*

cc: Georgia Shaw
City of Tybee
P.O. Box 2749
Tybee Island, GA 31328

JDS20230221

A BOUNDARY & TOPOGRAPHIC SURVEY OF

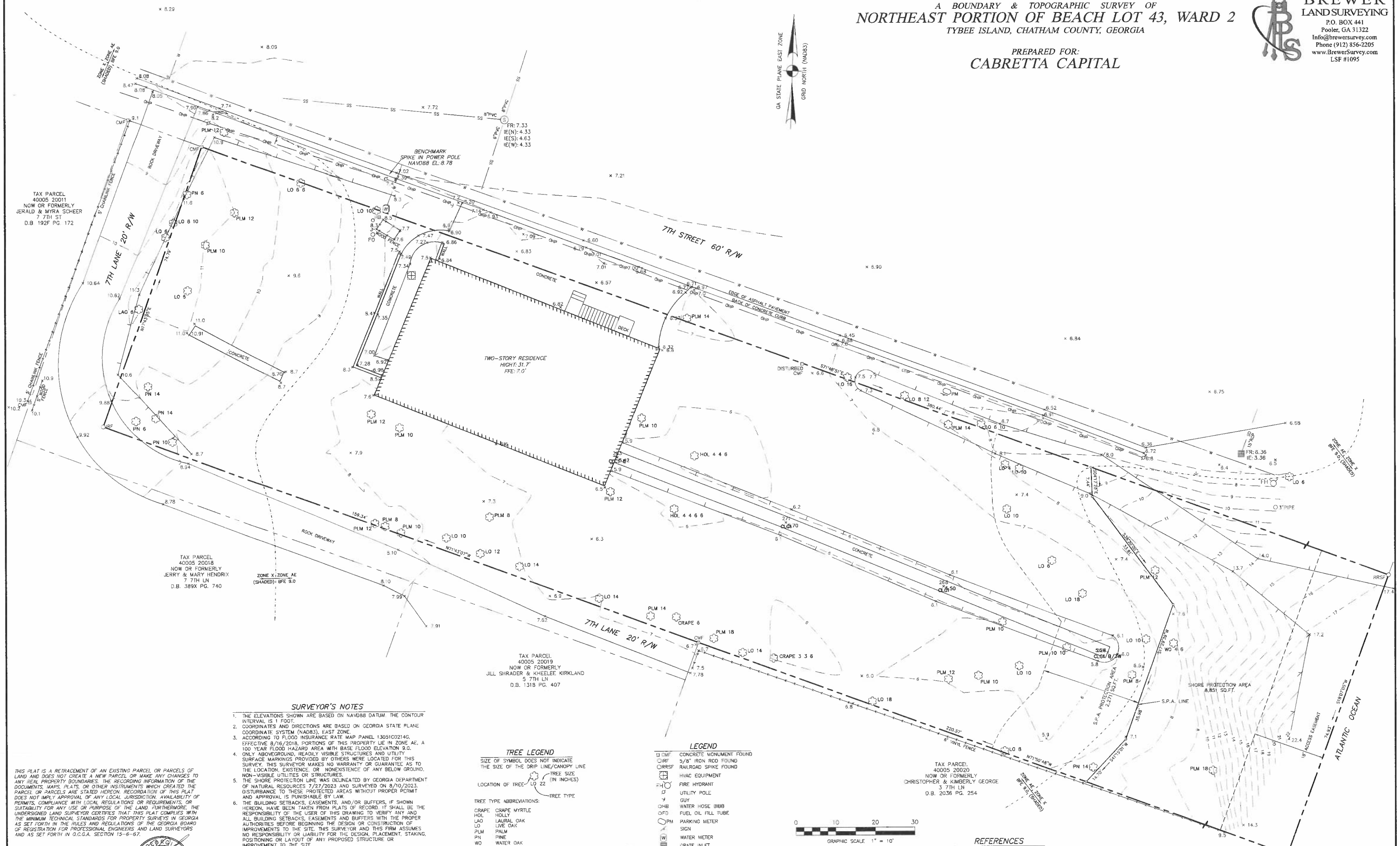
# NORTHEAST PORTION OF BEACH LOT 43, WARD 2

TYBEE ISLAND, CHATHAM COUNTY, GEORGIA

PREPARED FOR:

## CABRETTA CAPITAL


BREWER LAND SURVEYING
P.O. BOX 441
Pooler, GA 31322
Info@brewersurvey.com
Phone (912) 856-2205
www.BrewerSurvey.com
LSF #1095


THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT 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 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.

| | |
|---|---|
| PROJECT #: | 230510 |
| FIELD DATE: | 7/20/2023 |
| PLAT DATE: | 7/26/2023 |
| LAST REVISED: | 8/30/2023 |
| DRAWN BY: | JCB |
| SCALE: | 1"=10' |

SHEET: 1 OF 1

GEORGIA REGISTERED PROFESSIONAL LAND SURVEYOR No. 3022 JAMES CRAIG BREWER

09/01/2023

## SURVEYOR'S NOTES

1. THE ELEVATIONS SHOWN ARE BASED ON NAVD88 DATUM. THE CONTOUR INTERVAL IS 1 FOOT.
2. COORDINATES AND DIRECTIONS ARE BASED ON GEORGIA STATE PLANE COORDINATE SYSTEM (NAD83), EAST ZONE.
3. ACCORDING TO FLOOD INSURANCE RATE MAP PANEL 13051C0214G, EFFECTIVE 8/16/2018, PORTIONS OF THIS PROPERTY LIE IN ZONE AE, A 100 YEAR FLOOD HAZARD AREA WITH BASE FLOOD ELEVATION 9.0.
4. ONLY ABOVEGROUND, READILY VISIBLE STRUCTURES AND UTILITY SURFACE MARKINGS PROVIDED BY OTHERS WERE LOCATED FOR THIS SURVEY. THIS SURVEYOR MAKES NO WARRANTY OR GUARANTEE AS TO THE LOCATION, EXISTENCE, OR NONEXISTENCE OF ANY BELOW GROUND, NON-VISIBLE UTILITIES OR STRUCTURES.
5. THE SHORE PROTECTION LINE WAS DELINEATED BY GEORGIA DEPARTMENT OF NATURAL RESOURCES 7/27/2023 AND SURVEYED ON 8/10/2023. DISTURBANCE TO THESE PROTECTED AREAS WITHOUT PROPER PERMIT AND APPROVAL IS PUNISHABLE BY LAW.
6. THE BUILDING SETBACKS, EASEMENTS, AND/OR BUFFERS, IF SHOWN HEREON, HAVE BEEN TAKEN FROM PLATS OF RECORD. IT SHALL BE THE RESPONSIBILITY OF THE USER OF THIS DRAWING TO VERIFY ANY AND ALL BUILDING SETBACKS, EASEMENTS AND BUFFERS WITH THE PROPER AUTHORITIES BEFORE BEGINNING THE DESIGN OR CONSTRUCTION OF IMPROVEMENTS TO THE SITE. THIS SURVEYOR AND THIS FIRM ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THE DESIGN, PLACEMENT, STAKING, POSITIONING OR LAYOUT OF ANY PROPOSED STRUCTURE OR IMPROVEMENT TO THE SITE.
7. THE PUBLIC RECORDS REFERENCED WERE USED FOR THE ESTABLISHMENT OF THE BOUNDARY OF THIS PROPERTY. THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH.
8. NO SUBSURFACE OR ENVIRONMENTAL INVESTIGATION OR SURVEYS WERE PERFORMED FOR THIS PLAT. THEREFORE THIS PLAT DOES NOT REFLECT THE EXISTENCE OR NONEXISTENCE OF WETLANDS, CONTAMINATION, OR OTHER CONDITIONS WHICH MAY AFFECT THIS PROPERTY.
9. THIS PROPERTY CURRENTLY HAS STREET ADDRESS 5 7TH STREET AND TAX PARCEL NUMBER 40005 20009.

## TREE LEGEND

SIZE OF SYMBOL DOES NOT INDICATE THE SIZE OF THE DRIP LINE/CANOPY LINE

LOCATION OF TREE — LO 22 — TREE SIZE (IN INCHES) — TREE TYPE

TREE TYPE ABBREVIATIONS:

| | |
|---|---|
| CRAPE | CRAPE MYRTLE |
| HOL | HOLLY |
| LAO | LAURAL OAK |
| LO | LIVE OAK |
| PLM | PALM |
| PN | PINE |
| WO | WATER OAK |

DEAD TREES MAY NOT SHOWN

ALL OTHERS SPELLED OUT

MULTIPLE TREE SIZES INDICATES COMMON BASE

"/D" INDICATES DISEASED TREE

## LEGEND

| | |
|---|---|
| CMF | CONCRETE MONUMENT FOUND |
| IRF | 5/8" IRON ROD FOUND |
| RRSF | RAILROAD SPIKE FOUND |
| | HVAC EQUIPMENT |
| FH | FIRE HYDRANT |
| | UTILITY POLE |
| | GUY |
| WHB | WATER HOSE BIBB |
| FO | FUEL OIL FILL TUBE |
| PM | PARKING METER |
| | SIGN |
| W | WATER METER |
| | GRATE INLET |
| | CONTOUR |
| OHP | OVERHEAD UTILITY LINE |
| SS | UNDERGROUND SANITARY SEWER PIPE |
| W | UNDERGROUND WATER PIPE |
| SD | STORM DRAINAGE PIPE |

0 10 20 30

GRAPHIC SCALE 1" = 10'

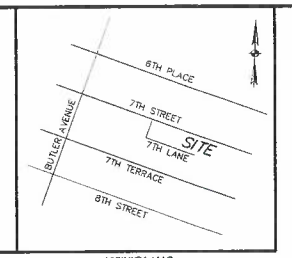
EQUIPMENT USED: TOTAL
ANGULAR ERROR = 2" P
ADJUSTED BY: COMPASS
PLAT CLOSURE = 1/78,
FIELD CLOSURE = 1/30,

## REFERENCES

1. PLAT BOOK E PAGE 112
2. PLAT BOOK 14P PAGE 92
3. PLAT OF NORTHEAST PORTION OF BEACH LOT 43, WARD 2, TYBEE ISLAND PREPARED BY J. WHITLEY REYNOLDS

Item #8.

THIS BLOCK IS RESERVED FOR THE CLERK OF SUPERIOR COURT




VICINITY MAP
(NOT TO SCALE)

0 20 40 60
GRAPHIC SCALE 1" = 20'

EQUIPMENT USED: TOTAL STATION
ANGULAR ERROR = 2" PER
ADJUSTED BY: COMPASS RULE
PLAT CLOSURE = 1/78,133
FIELD CLOSURE = 1/30,930

GA STATE PLANE EAST ZONE
GRID NORTH (NAD83)

## SURVEYOR'S NOTES

1. THE ELEVATIONS SHOWN ARE BASED ON NAVD88 DATUM. THE CONTOUR INTERVAL IS 1 FOOT.
2. COORDINATES AND DIRECTIONS ARE BASED ON GEORGIA STATE PLANE COORDINATE SYSTEM (NAD83). EAST ZONE.
3. ACCORDING TO FLOOD INSURANCE RATE MAP PANEL 13051C0214G, EFFECTIVE 8/18/2018, PORTIONS OF THIS PROPERTY LIE IN ZONE AE, A 100 YEAR FLOOD HAZARD AREA WITH BASE FLOOD ELEVATION 9.0.
4. ONLY ABOVEGROUND, READILY VISIBLE VISIBLE STRUCTURES AND UTILITY SURFACE MARKINGS PROVIDED BY OTHERS WERE LOCATED FOR THIS SURVEY. THIS SURVEYOR MAKES NO WARRANTY OR GUARANTEE AS TO THE LOCATION, EXISTENCE, OR NONEXISTENCE OF ANY BELOW GROUND, NON-VISIBLE UTILITIES OR STRUCTURES.
5. THE BUILDING SETBACKS, EASEMENTS, AND/OR BUFFERS, IF SHOWN HEREON, HAVE BEEN TAKEN FROM PLATS OF RECORD. IT SHALL BE THE RESPONSIBILITY OF THE USER OF THIS DRAWING TO VERIFY ANY AND ALL BUILDING SETBACKS, EASEMENTS AND BUFFERS WITH THE PROPER AUTHORITIES BEFORE BEGINNING THE DESIGN OR CONSTRUCTION OF IMPROVEMENTS TO THE SITE. THIS SURVEYOR AND THIS FIRM ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THE DESIGN, PLACEMENT, STAKING, POSITIONING OR LAYOUT OF ANY PROPOSED STRUCTURE OR IMPROVEMENT TO THE SITE.
6. THE PUBLIC RECORDS REFERENCED WERE USED FOR THE ESTABLISHMENT OF THE BOUNDARY OF THIS PROPERTY. THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH.
7. NO SUBSURFACE OR ENVIRONMENTAL INVESTIGATION OR SURVEYS WERE PERFORMED FOR THIS PLAT. THEREFORE THIS PLAT DOES NOT REFLECT THE EXISTENCE OR NONEXISTENCE OF WETLANDS, CONTAMINATION, OR OTHER CONDITIONS WHICH MAY AFFECT THIS PROPERTY.
8. THIS SUBDIVISION CONTAINS A TOTAL AREA OF 0.654 ACRES AND CREATES 3 LOTS.
9. THIS PROPERTY CURRENTLY HAS STREET ADDRESS 5 7TH STREET AND TAX PARCEL NUMBER 40005 20009.
10. THIS PROPERTY IS SERVED BY CITY OF TYBEE ISLAND WATER AND SEWER.

## LEGEND

| | |
|---|---|
| CMF | CONCRETE MONUMENT FOUND |
| IRF | 5/8" IRON ROD FOUND |
| RRSF | RAILROAD SPIKE FOUND |
| | HVAC EQUIPMENT |
| FH | FIRE HYDRANT |
| | UTILITY POLE |
| | GUY |
| FO | FUEL OIL FILL TUBE |
| HB | WATER HOSE BIBB |
| PM | PARKING METER |
| | SIGN |
| W | WATER METER |
| | GRATE INLET |
| OHP | UNDERGROUND POWER |

## REFERENCES

1. PLAT BOOK E PAGE 112
2. PLAT BOOK 14P PAGE 92
3. PLAT OF NORTHEAST PORTION OF BEACH LOT 43, WARD 2, TYBEE ISLAND PREPARED BY J. WHITLEY REYNOLDS

APPROVED FOR RECORDING BY THE TYBEE ISLAND PLANNING DIRECTOR

PLANNING DIRECTOR _____ DATE _____

ALL STREETS, RIGHTS-OF-WAY, EASEMENTS AND ANY SITES FOR PUBLIC USE AS NOTED ON THIS PLAT ARE HEREBY DEDICATED FOR THE USE INTENDED

BRETT WATTS FOR CABRETTA CAPITAL, OWNER _____ DATE _____

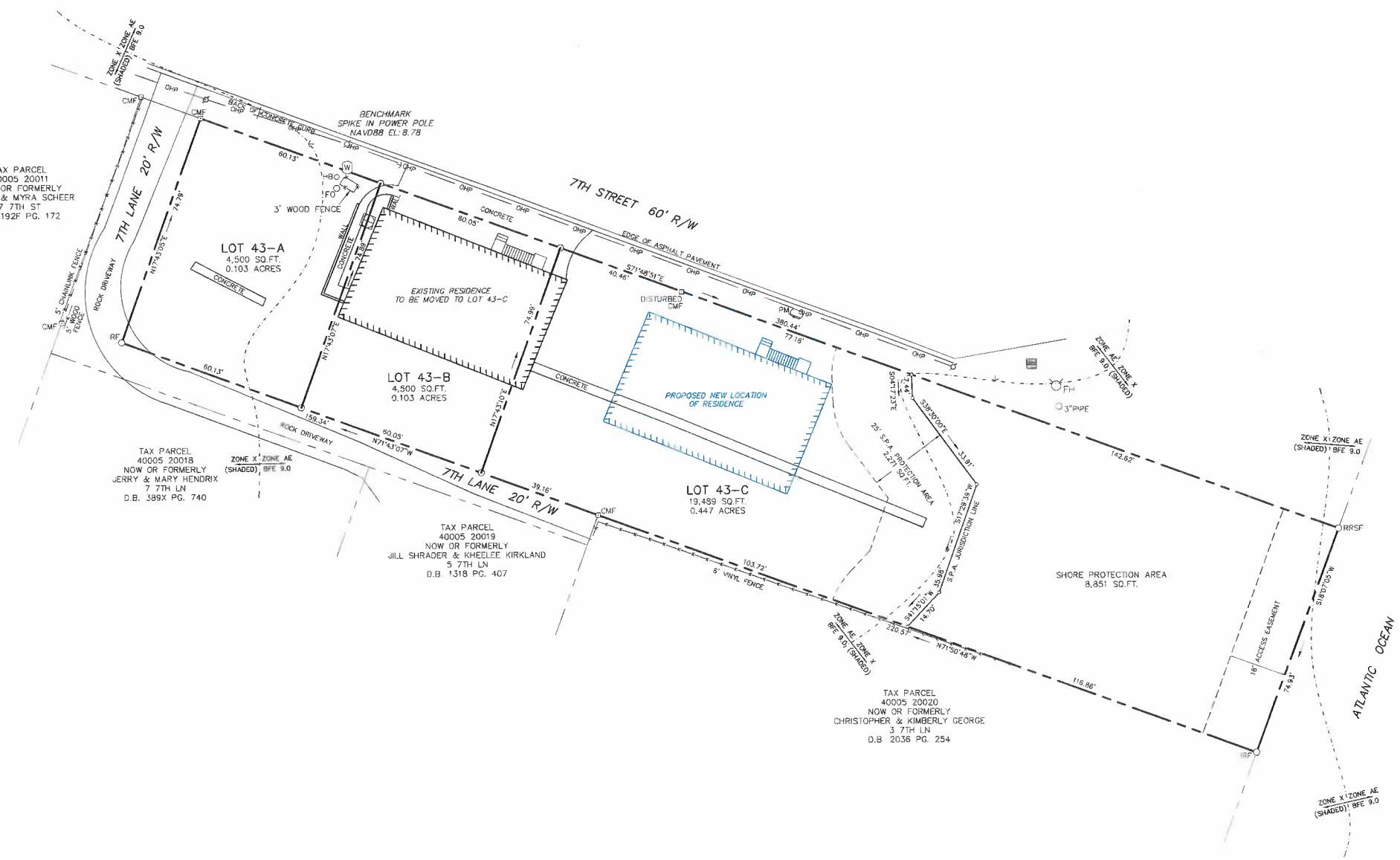
## SURVEYOR'S CERTIFICATION

AS REQUIRED BY SUBSECTION (d) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES 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.

JAMES CRAIG BREWER GA RLS# 3022 _____ DATE _____

GEORGIA REGISTERED No. 3022 PROFESSIONAL LAND SURVEYOR JAMES CRAIG BREWER

FOR REVIEW





BREWER LAND SURVEYING
PO Box 441
Pooler, GA 31322
Info@brewersurvey.com
Phone (912) 856-2205
www.BrewerSurvey.com
LSF#1095


A MINOR SUBDIVISION SURVEY OF

# NORTHEAST PORTION OF BEACH LOT 43, WARD 2

TYBEE ISLAND, CHATHAM COUNTY, GEORGIA

PREPARED FOR:

CABRETTA CAPITAL

| | |
|---|---|
| PROJECT #: | 230510 |
| FIELD DATE: | 7/20/2023 |
| PLAT DATE: | 7/26/2023 |
| LAST REVISED: | 8/30/2023 |
| DRAWN BY: | JCB |
| | 1"=20' |
| SHEET: 1 OF 1 | |

Item #8.

**PLANNING COMMISSION**
**NOTICE OF DETERMINATION**

Meeting date: SEPT 18, 2023

Project Name/Description: **requesting to subdivide into three lots – 5 Seventh Street-40005 20009-Zone R-2 -Brent Watts.**

Action Requested: MINOR SUBDIVISION

| | |
|---|---|
| Appeal | Subdivision: |
| Special Review | Sketch Plan Approval ___ Conceptual ___ |
| Site Plan Approval | Preliminary Plan Approval ___ |
| Variance | Final Plat Approval ___ |
| Map Amendment | Minor Subdivision _X_ Major Subdivision___ |
| Text Amendment | |

Petitioner has met all documentation requirements, all external approval requirements, and all code requirements, except for the following:

The Planning Commission Motion on Petition: ☒ Approval ☐ Denial ☐ Continued

Action on Motion:

| COMMISSIONER | FOR | AGAINST | COMMENTS |
|---|---|---|---|
| Reynolds | | | CHAIR |
| McGruder | X | | VICE CHAIR - MOTION |
| Nooney | X | | SECOND |
| Matkowski | X | | |
| Livingston | | | ABSENT |
| Rodriguez | | | ABSENT |
| Anthony Turpin | X | | |

Planning Commission Chair: _____ Date: _____

Planning & Zoning Manager: _____ Date: 10-5-2023

**File Attachments for Item:**

12. TIMSC Minutes, September 25, 2023

**Minutes of September 25, 2023**

**Present:** Jim Alexander, Jim Bentley, Nancy Daves, Doug Duch, Jeanne Hutton, Dave Makel, Carol Pride, Mark Reed, Karen Robertson, Ruthie Wilson, Katie Wohlust, and Executive Director, Chantal Audran. **Absent:** Kathryn Williams

**Welcome/Introductions:** Duch welcomed everyone. September's meeting duration was shortened to 1.0 hour to allow Tybee residents to attend City Council Forum.

**Minutes** of the July 2023 meeting: Approved online by majority vote and submitted to the Clerk of Council, Tybee Island.

**Executive-Director Bimonthly Report:** Audran provided an update on the 2023 goals and objectives.

**Programs**

- Sidewalk to the Sea started in September. Highest number of schools since 2018 with 12 different Title 1 schools.

**Communications**

- Ike's release featured on front page of local paper
- Dee Daniels/TIMSC podcast released episode #1 and #2

**Exhibit Fabrication**

- Joy Davis continues to work on the right whale exhibit. Project may be completed in early December. Unveiling date TBD.
- CA met with Dr. Hoskins-Brown, Director- NOAA Sponsored Programs at Savannah State University, and Elizabeth DuBose, Executive Director of Ossabaw Foundation, to discuss Gullah Geechee exhibit "Coastal Communities" to be added under ship watch loft.
- Received one audio-visual quote for clear LED panel

**Operations**

- ~41K visitors to date (2K increase over YTD 2022)
- Ike's release went smoothly and highly attended
- 2023 loggerhead hatchling collected from Ossabaw Island
- First green sea turtle nest observed on Tybee Island
- Change in sea turtle nest protect hardware, plastic net cover to metal net cover, proved to be more effective in preventing predation. Only one nest impacted by coyotes.
- New education signage on cross overs with new City dune fencing
- Add new large schematic of cross-section of a barrier island to ramp/walk way entrance. There are so many new donors that Center can begin adding signage down ramp to entrance.

**Committee Updates:**

**Policy & Procedure Committee:** Revised Handbook finalized. Trustees had an opportunity to review, edit and comment. Motion to approve 2023 Handbook: Duch. Second: Daves. All in favor.
**Infrastructure Committee:** Back up generator power supply adequate. Broken and discolored solar panels out front replaced. Heat trace lines completed.
**Communications Committee:** CRM demo/zoom calls on October 16 and 23. R.Wilson sent out for references with two CRM companies. CA to select two staff members to attend zoom calls. Center committed to Pirate Fest vendor booth. Consider sending a mailer prior to holidays and Giving Tuesday.
**Finance Committee:** Due to new accountant transition, July & August financial report not available for review at meeting.

Meeting adjourned: 6:00pm

**File Attachments for Item:**

13. Minutes - Planning Commission September 18, 2023

# Planning Commission Meeting
# MINUTES
# September 18, 2023

**Chair Whitley Reynolds** called the September 18, 2023, Tybee Island Planning Commission meeting to order. Commissioners present were **Elaine McGruder, Robert Matkowski, Anthony Turpin,** and **Michelle Nooney. Julie Livingston** and **Marie Rodriguez** were absent**.**

**Consideration of Minutes:**
**Chair Whitley Reynolds** asked for consideration of the May 15, 2023, meeting minutes. **Elaine McGruder** made a motion to approve. **Michelle Nooney** seconded. The vote to approve was unanimous.

**Disclosures/Recusals:**
**Chair Whitley Reynolds** asked if there were any Disclosures or Recusals. There were none.

**Old Business:**
**Chair Whitley Reynolds** asked if there was any old business. There was none.

**MINOR SUBDIVISION: requesting to subdivide into three lots – 5 Seventh Street-40005 20009-Zone R-2 -Brent Watts.**
**George Shaw** stated Mr. Watts purchased a large lot on Second Street and there is an old house on the property that Mr. Watts intends to move toward the beach and create two more lots. Since this submittal there has been one minor change that affects nothing as far as this body goes. Mr. Watts found out he owns the entrance to seventh lane which is easement, so he owns an additional 20 feet of the one lot. Staff recommends approval. **Robert Matkowski** referenced the trees that will be removed, asking where they are in reference to this property. **George Shaw** stated that will be established when this property gets developed. **Brent Watts** the applicant whose address is 2108 Drayton Street, Savannah, Georgia approached the Planning Commission and stated in regards to the tree question he thinks there will only be two palm trees that might have to be taken out to move the existing home. **Mr. Watts** asked George Shaw if the tree permit would be separate from this. **George Shaw** stated yes that will be addressed with the development of the lots. **Mr. Watts** stated his general plan is to keep as many trees as possible. **Elaine McGruder** made a motion to approve. **Michelle Nooney** seconded. The vote to approve was unanimous.

**VARIANCE: requesting to put steps in setback – 104 Seventeenth Street -40008 18001- Zone C-1 -Walt Freeman.**
**George Shaw** stated Mr. Walt Freeman purchased this property at seventeenth and inlet and [illegible] existing historic home on it. Mr. Freeman was approved for a site plan to put in three more

and a pool. The existing home will be part of the new units. The existing home only has a single set of stairs in it and our ordinance requires a second set from the first elevated floor. He is requesting to have the second set wrap around above the pool deck and come back into the setback behind one of the new units. While our ordinance allows him to grant a stairway in a setback, it also implies that he is granted the least amount of excess as possible. As for the way this is situated, he does not think he can approve of this and that is why it is before the Planning Commission. Staff recommends denial. **Kaylie Garrison,** speaking on behalf of the applicant Walt Freeman approached the Planning Commission and stated one of the biggest reasons they are asking for the variance to be at the back of the property is if we turn this onto the pool deck it could be a danger to pedestrians to trip and fall and hit their head on the metal stairs. Or an unattended child could fall into the pool. So that is why this makes more sense to put the steps in the back. For this project we wanted to reduce the density and increase the green space. **Elaine McGruder** made a motion to approve. There was no second. Motion to approve failed. **Anthony Turpin** made a motion to deny. **Michelle Nooney** seconded. Persons voting for the motion to deny was **Anthony Turpin, Michelle Nooney** and **Robert Matkowski.** Voting against was **Elaine McGruder.** Motion to deny passed.

**VARIANCE: requesting to build in setback –18 Pulaski Street -40001 09003 - Zone R-1– Jennifer Rutherford.**

**George Shaw** stated the applicant Jennifer Rutherford is requesting a variance to expand porches into the front setback. The front of the house sits in the front setback now. The applicant is proposing to build the porch out to the front post of the bottom porch and build a third deck above the two existing porches. The front of those porches will be in the front and side setback. The stairway coming down on the side of the building that she wants to add can be granted by staff as a second egress. There is no hardship for this property, so staff recommends denial. **Anthony Turpin** asked if staff could give a history on this property as to why it is in the setback. **George Shaw** stated he is not sure what the rules were in 2006 but when he talked with the designer of the home, he stated at the time this was built they considered it the back of the house and he did not mention any variances. **George Shaw** stated this home is in the R-1 district and that has a twenty-foot setback on the front and rear so that makes no sense at all how this got through. Right now, it is a duplex with one facing Dogwood and this one facing Pulaski. **Jennifer Rutherford,** who lives at 18 Pulaski Street approached the planning commission and stated her home was originally part of the enlisted men's mess hall for Fort Screven. And looking down at the street you can see there are many structures sitting on the street as well as carports that come out to the street with porches over top of them. You can see that the 18 Pulaski Street porch does not stick out any farther than the neighbor's porch at 20 Pulaski Street. The porch would match up with the bump out the side porch that is not in the setback and will be approved because it's allowable. What we are asking for is a section that's approximately four feet wide to connect that side porch to the front porch because we're having to put a second egress in from that floor. Everything she is asking for is either part of the ordinance now allowing for a second egress or in my current footprint. She stated she applied for a building permit for the rotten beams and rails that supported her porches. She stated she got a stop work order for not displaying a permit. I clarified with George Shaw that I had a building permit displayed, but it felt like it was just about the nosey neighbors complaining about construction. **Bob Matkowski** asked Jennifer Rutherford what was the original building permit for. **Jennifer Rutherford** started to replace the rotten beams. **Bob Matkowski** asked George Shaw if he recalled the building permit. George Shaw stated no, I don't recall the date the permit was issued. **Anthony Turpin** asked George Shaw if she is required to have these egress stairs. **George Shaw** stated the Tybee Code requires two sets of stairs from an elevated level. The minimum size is what could be approved in the setback. **Bob Matkowski** made a motion to deny. **Michelle Nooney** seconded. The motion to deny was unanimous.

**Adjournment: 7:30pm**

***. Schaaf***