

COUNTY ZONING BOARD OF APPEALS
ARTHUR A. MENDONSA HEARING ROOM
112 EAST STATE STREET

April 22, 2008

9:00 a.m.

REGULAR MEETING

MINUTES

MEMBERS PRESENT:

Wayne Noha, Chairman
Terrance Murphy, Vice Chairman
Davis Cohen
Steven Day
Lucy Hitch

MEMBERS ABSENT:

Brian Felder
Jimmy Watford

TECHNICAL STAFF PRESENT:

Bob Sebek, County Zoning Administrator

MPC STAFF PRESENT:

Geoff Goins, Assistant Secretary
Jessica Mayfield, Administrative Assistant

RE: Call to Order

Mr. Noha called the meeting of April 22, 2008 Chatham County Zoning Board of Appeals meeting to order at 9:00 a.m.

RE: Minutes

1. Approval CZBA Meeting Minutes – March 25, 2008

CZBA Action: Mr. Day made a motion that the Chatham County Zoning Board of Appeals approve the minutes of March 25, 2008 as submitted. Ms. Hitch seconded the motion and it was unanimously passed.

RE: Petition of Hunter Chadwick
B-080219-00038-1
122 North Street

No one was present for the petition.

Mr. Goins gave the following Staff Report.

The petitioner is requesting approval of a three (3) foot front yard setback variance from the 25 foot front yard setback requirement and a five (5) foot rear yard setback variance from the 25 rear yard requirement of Section

4-6.1 of the Chatham County Zoning Ordinance in order to construct a single family residence. The subject property is located at 122 North Street. The property is zoned R-1 (One Family Residential).

Findings

1. Development standards established for the R-1 zoning classification where dwellings are served by public water supply and waste systems require a minimum lot width of 60 feet and a minimum lot area of 6,000 square feet. The subject parcel contains approximately 10,000 square feet, measuring approximately 100 feet wide and 100 feet deep.
2. The petitioner is seeking the variances in order to construct a single family residence.
3. In accordance with Section 10-6.3 of the Chatham County Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.**

The subject property is considered a standard parcel within the zoning district. The parcel presently meets the requirements for minimum area and minimum lot width requirement of the district. The property is an existing legal lot of record.

- b. **The application of these regulations to this particular piece of property would create an unnecessary hardship.**

Strict application of the regulations of the Zoning Ordinance would not create an unnecessary hardship.

- c. **Such conditions are peculiar to the particular piece of property involved.**

The conditions described above are not peculiar to the particular piece of property involved. All the properties within this subdivision are of similar size and shape compared to the subject property.

- d. **Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Savannah Zoning Ordinance.**

Relief, if granted, would not likely cause detriment to the public good or impair the purposes of the Ordinance.

Summary of Findings

All of the conditions necessary for granting front and rear yard variances appear not to be met.

Mr. Goins stated that last month the Board wanted to see more details in the site plan, specifically the location of the home in respect to the property lines. He said the petitioner is requesting a 3 foot front yard setback variance and also a 5 foot rear yard setback variance. He said the petitioner did not resubmit a new site plan as requested by the Board and staff tried to contact the petitioner. He also said that he did not think the petitioner is in attendance today.

CZBA ACTION: Mr. Day made a motion that the Chatham County Zoning Board of Appeals **continue** the petition until the next regularly scheduled meeting (May 27, 2008) and also directed staff to send a letter informing the petitioner if they do not submit the requested information and attend the next meeting or have someone present to represent them the Board will take action. Mr. Cohen seconded the motion. The motion passed 3-2. Opposed to the motion was Mr. Noha and Mr. Murphy.

**RE: Petition of Roy D. Ogletree, For
Erin Randall
B-080221-00039-1
1744 Wilmington Island Road**

Present for the petition was Roy D. Ogletree.

Mr. Goins gave the following Staff Report.

The petitioner is requesting approval of a five (5) foot side yard setback variance and a two (2) foot six (6) inch side yard setback variance from the 10 foot side yard setback requirement of Section 4-6.1 of the Chatham County Zoning Ordinance in order to construct a single family residence. The subject property, located at 1744 Wilmington Island Road, is zoned R-1-A/EO (One-Family Residential/Environmental Overlay).

Findings

1. Development standards established for the R-1-A zoning classification where dwellings are served by non public water supply and waste systems require a minimum lot width of 100 feet and a minimum lot area of 30,000 square feet. The subject parcel contains approximately 26,136 square feet, measuring approximately 59.89 feet wide and 470 feet deep. The parcel is an existing lot of record. Pursuant to Section 5-4.3 of the Chatham County Zoning Ordinance, it is considered buildable even though it does not meet the minimum lot area and lot width requirements. The application for a permit to construct a dwelling shall be approved by the Chatham County Health Department.
2. The petitioner is seeking the variances in conjunction with the construction of a single family residence. The petitioner proposes to construct a stoop and walkway into the north side yard setback and two (2) chimneys into the south side yard setback. The stoop will encroach into the side yard setback five (5) feet and the chimneys will encroach into the side yard setback two (2) feet six (6) inches.
3. In accordance with Section 10-6.3 of the Chatham County Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:
 - e. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.**

The subject property is not considered a standard parcel within the zoning district. The parcel presently does not meet the requirements for minimum area and minimum lot width requirement of the district. The property is an existing legal lot of record.

- f. **The application of these regulations to this particular piece of property would create an**

unnecessary hardship.

Strict application of the regulations of the Zoning Ordinance would not create an unnecessary hardship.

g. Such conditions are peculiar to the particular piece of property involved.

The conditions described above are not peculiar to the particular piece of property involved. All the properties within this area are of similar size and shape compared to the subject property.

h. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Savannah Zoning Ordinance.

Relief, if granted, would not likely cause detriment to the public good or impair the purposes of the Ordinance.

Summary of Findings

All of the conditions necessary for granting two (2) side yard setback variances appear not to be met.

Mr. Cohen asked what changed from last month to this month?

Mr. Goins stated last month there was an 8 foot side yard setback variance in order to construct the covered walk way. Now, they were proposing a stoop and a 5 foot side yard setback variance and there is no longer a covered walk way.

CZBA ACTION: Mr. Cohen County Zoning Board of Appeals **approve** the petition as submitted based on that the relief would not impair the intent of the zoning ordinance. Mr. Cohen Seconded the motion and it was unanimously passed.

**RE: Petition of John Bowers, For
Robert N. Hoover
B-080321-00053-1
1 Mallard Drive**

Present for the petition was John Bowers.

Mr. Goins gave the following Staff Report.

The petitioner, is requesting approval of a 4 foot rear yard setback variance from the 5 foot requirement and a 4 foot side yard setback variance from the 5 foot requirement of Section 3-6.1 of the Chatham County Zoning Ordinance in order to legalize an existing accessory structure. The subject property is located at 1 Mallard Drive. The property is zoned PUD-C (Planned Unit Development – Community).

Findings

1. The subject property is considered a standard lot of record and meets all the provisions of the PUD-C zoning district. Properties served by public water and private sewer systems are required to have a minimum lot width of 75 feet and a lot area of 15,000 square feet. The subject parcel has a lot width of 130 feet and a lot area of 25,914 square feet.

2. Section 3-6.1 of the Chatham County Zoning Ordinance states: “On a residential lot, accessory buildings and structures shall be permitted in rear yards only. On a residential lot, accessory buildings and structures shall be set back not less than five feet from any lot lines; provided however, that in the case of a corner residential lot, accessory buildings shall be set back from the center line of an abutting street a distance equal to the side yard requirements described in Section 3-9, and provided that such structures shall be set back not less than five feet from the right-of-way line of a lane and shall not be constructed within public drainage or water line or sewer line easements. Accessory buildings or structures shall not have their own electrical meters.”

3. The petitioner is seeking to legalize an existing accessory building constructed one foot from the rear and side property lines. The structure measures 20’-6” by 25’-6” and is 522 square feet in area.

4. The structure was built without a building permit and the petitioner has applied for a building permit to legalize the structure. The application has not been approved by all the appropriate review departments. The building permit application indicates the building to be used as a pool house. No electrical or plumbing permits have been applied for.

5. In accordance with Section 10-6.3 of the Chatham County Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:

i. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.

The subject property is considered a standard parcel within the zoning district. The parcel presently meets the requirements for minimum area and minimum lot width requirement of the district. The property is an existing legal lot of record.

j. The application of these regulations to this particular piece of property would create an unnecessary hardship.

Strict application of the regulations of the Zoning Ordinance would not create an unnecessary hardship. Adequate rear yard area exists to construct an accessory structure that complies with applicable development standards for this property.

k. Such conditions are peculiar to the particular piece of property involved.

The conditions described above are not peculiar to the particular piece of property involved. All the properties within this subdivision are of similar size and shape compared to the subject property.

l. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Savannah Zoning Ordinance.

Relief, if granted, would not likely cause detriment to the public good or impair the purposes of the Ordinance.

Summary of Findings

All the conditions necessary for granting rear and side yard setback variances appear not to be met.

Mr. Bowers stated that he is representing a possible buyer of the property. He said when they started their search they found out that the pool house was not permitted. He said the buyer still wanted the property, but did not want to find out later there was an issue with the property if he decided to resale it later.

Mr. Cohen asked if he knew how long Mr. Hoover owned the property?

Mr. Bowers stated no. He stated that Mr. Hoover and his wife bought the house and Mr. Hoover is active duty in the Army. He said because Mr. Hoover is overseas he asked him as the buyer's agent to represent him today.

Mr. Day asked if the property has been surveyed?

Mr. Bowers stated no. He said when Mr. Hoover was home on leave he showed him what he thought was the property line and instead of being a 4 foot intrusion it was about 1 foot.

Mr. Day asked if there was a site plan that had been drawn by a survey group showing the true property lines?

Mr. Bowers stated no.

Mr. Bowers requested a continuance so he could get the property surveyed.

CZBA ACTION: Mr. Cohen made a motion that the Chatham County Zoning Board of Appeals continue the petition until the next regularly scheduled meeting (May 27, 2008) to allow the petitioner to have the property surveyed. Mr. Day seconded the motion and it was unanimously passed.

RE: Other Business

RE: Adjournment

There being no further business to come before the Chatham County Zoning Board of Appeals the meeting was adjourned approximately 9:45 A.M.

Respectfully submitted,

Geoff Goins,
Assistant Secretary

GG:jm