

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

May 27, 2008

9:00 a.m.

REGULAR MEETING

MINUTES

MEMBERS PRESENT:

Wayne Noha, Chairman
Terrance Murphy, Vice Chairman
Steven Day
Brian Felder
Lucy Hitch
Jimmy Watford

MEMBERS ABSENT:

Davis Cohen

TECHNICAL STAFF PRESENT:

Bob Sebek, Chatham County Zoning Administrator

MPC STAFF PRESENT:

Geoff Goins, Assistant Secretary
Jessica Mayfield, Administrative Assistant

RE: Called to Order

Mr. Noha called the meeting of May 27, 2008 Chatham County Zoning Board of Appeals meeting to order at 9:00 a.m.

RE: Regular Agenda

RE: Minutes

1. Approval CZBA Meeting Minutes – April 22, 2008

CZBA Action: Mr. Day made a motion that the Chatham County Zoning Board of Appeals approve the minutes of April 22, 2008 as submitted. Mr. Watford 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.

CZBA ACTION: Mr. Day made a motion that the Chatham County Zoning Board of Appeals **deny** the petition as submitted based on the absence of representation at the public hearing. Mr. Felder seconded the motion and it was unanimously passed.

**RE: Petition of Gerry Cowart Architect, For
Dale and Angela Miles
B-080415-00056-1
17 Mad Turkey Crossing**

Present for the petition was Gerry Cowart, Architect and Angela Miles.

Mr. Goins gave the following Staff Report.

The petitioner is requesting approval of a 13 foot rear yard setback variance from the 25 foot requirement of Section 4-6.1 of the Chatham County Zoning Ordinance, in order to construct a covered deck onto an existing single family residence. The subject property is located at 17 Mad Turkey Crossing and is within a PUD/EO (Planned Unit Development – Environmental Overlay) zoning classification.

Findings

1. Development standards established for this Planned Unit Development have been met. The subject parcel contains approximately 21,780 square feet, measuring approximately 150 feet wide.
2. Section 4-6.1 of the Chatham County Zoning Ordinance requires a 25 rear yard setback.
3. The petitioner is seeking a 13 foot rear yard setback variance, in order to construct a roof onto an covered patio.
4. In 1985 the Chatham County Zoning Board of Appeals approved a setback variance for a ground floor covered patio for the subject property. On December 6, 2007 The Landings Review Board approved a modification plan to cover the upper level of the existing covered patio.
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:

- 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 Planned Unit Development. 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 area 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 a rear yard setback variance appear not to be met.

Mr. Cowart stated that his clients are trying to put a roof over a second story deck.

Mr. Day asked if a roof was not already over the patio?

Mr. Cowart stated yes. He said it was a flat roof that you could walk on.

Mr. Day asked if water could come through it?

Mr. Cowart stated yes.

Mr. Day asked if the Board should be hearing the petition since there was a roof already over the structure?

Mr. Sebek stated yes, because this is a new roof over an existing deck. He said even though there was one underneath that was approved, it still would be expanding the use and it would need another variance.

CZBA ACTION: **Mr. Felder made a motion that the Chatham 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. Murphy seconded the motion and it was unanimously passed.**

**RE: Petition of John and Michelle Hoover
B-080423-00058-1
206 Noble View**

Present for the petition was David Hoover.

Mr. Goins gave the following Staff Report.

The petitioners are requesting approval of an 18 foot Marsh Buffer setback variance from the 25 requirement of Section 4-6.1 of the Chatham County Zoning Ordinance, in order to legalize an existing bulkhead for the purpose of bank stabilization. The subject property is located at 206 Noble View and is within a PUD-R (Planned Unit Development-Residential) zoning classification.

Findings

1. Development standards established for this Planned Unit Development have been met. The subject parcel contains approximately 77,107 square feet, measuring approximately 200 feet wide.
2. Section 4-6.1 requires that no structure, except for an elevated pier or wooden deck, shall be erected or constructed within 25 feet of saltwater marshland.
3. The petitioner is requesting the variance to legalize an existing bulkhead that was constructed without authorization within the 25 foot marsh buffer. The purpose of the bulkhead is for bank stabilization along Burnside River. The bulkhead measures 214 feet long, 10 inches wide, and the highest point of the wall is 5 feet.
4. Staff contacted the Department of Natural Resources – Coastal Resources Division and received verbal confirmation that the Marshland Protection Act permit has been approved.
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:

- 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 Planned Unit Development. 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 area 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 the variance appear not to be met.

Ms. Hitch asked was the Marshland Protection Act permit granted before or after the construction?

Mr. Goins stated it was an existing structure, so it was after.

Mr. Noha asked the petitioner if they planned to make the bulkhead any larger?

Mr. Hoover stated no.

Mr. Noha asked Mr. Hoover why he didn't come before the Board prior to construction?

Mr. Hoover stated his intention was to stay within the bounds of the law. He said he received bad information that he was within the requirements. He requested a survey of the marsh delineation line and was told as long as he stayed within the marsh delineation line he would not need a permit. He said he had DNR to come out while the construction was in process, and at that time was when he was told that a permit was needed.

CZBA ACTION: **Mr. Day made a motion that the Chatham 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. Watford seconded the motion and it was unanimously passed.**

**RE: Petition of Read Brennan, For
 George Dausey
 B-080424-00059-1
 1950 Walthour Road**

Present for the petition was Read Brennan.

Mr. Goins gave the following Staff Report.

The petitioner is requesting approval of a five (5) foot front yard setback variance from the 25 foot 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 1950 Walthour Road, is within an R-1-A/EO (One Family Residential – Environmental Overlay) zoning classification.

Findings

1. Development standards established for the R-1-A/EO zoning classification require a minimum lot width of 75 feet and a minimum lot area of 12,000 square feet. The subject parcel contains approximately 21,750 square feet, measuring approximately 250 feet wide.

2. Section 4-6.1 of the Chatham County Zoning Ordinance requires a 25 foot front yard setback from the public right-of-way for single family residences.
3. The petitioner is seeking a five (5) foot front yard setback variance, in order to construct a single family residence.
4. 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. However, the parcel has a triangular shape causing a irregular buildable area. 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. The property is 21,750 square feet. There is significant area to construct a single family residence, even with setbacks and the irregular shape of the property taken into context.

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

The conditions described above are peculiar to the particular piece of property involved. All the properties within this area are of similar size, however the irregular shape of the parcel is unique to this 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 a side yard setback variance appear not to be met

Mr. Brennan stated the two main reasons for the request is that the property is a corner lot and it has an irregular shape. He said they received letters from the neighbors stating they were not in opposition the petition.

Mr. Noah stated it looked like the house had been moved back and that it was now in the side and rear yard setbacks. He asked if that was the intent?

Mr. Brennan stated no. He said that the drawing was just showing where the house would sit if they did not get the variance.

Mr. Day stated he felt the house was too big for the lot.

Mr. Felder stated he just could not see granting a variance on a new construction when he felt the petitioner could take out 5 feet and not need a variance.

CZBA ACTION: Mr. Day made a motion that the Chatham County Zoning Board of Appeals deny the petition as submitted based on the conditions necessary for granting relief not being met and lack of evidence of an unnecessary hardship. Mr. Felder seconded the motion and it was unanimously passed.

**RE: Petition of Keith Sapp Construction, For
Prevatt Properties
B-080424-00060-1
559 Suncrest Boulevard**

No one was present for the petition.

Mr. Goins gave the following Staff Report.

The petitioner is requesting approval of an eight (8) foot height variance from the 36 foot maximum height allowed by Section 4-6.1 of the Chatham County Zoning Ordinance in conjunction with the construction of a new single family residence. The subject property, located at 559 Suncrest Boulevard, is within an R-1-C/EO (One-Family Residential/Environmental Overlay) zoning classification.

Findings

1. Development standards established for the R-1-C zoning require a minimum lot width of 100 feet and a minimum lot area of 32,000 square feet. The subject parcel contains approximately 48,351 square feet, measuring approximately 125 wide. The property is a standard lot of record.
2. Section 4-6.1 of the Chatham County Zoning Ordinance allows a maximum height of 36 feet. The petitioner is requesting a variance of eight (8) feet to allow a maximum height of 44 feet.
3. The petitioner is requesting the variance in conjunction with the construction of a new single family residence.
4. 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 area 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 a height variance appear not to be met.

CZBA ACTION: Mr. Felder made a motion that the Chatham County Zoning Board of Appeals deny the petition based on the absence of representation at the public hearing. Ms. Hitch seconded the motion and it was unanimously passed.

**RE: Petition of One-Stop Remodeling, For
Georgina R. Scott
B-080425-00061-1
8 Middlemarsh Retreat**

Present for the petition was Scott Richards.

Mr. Goins gave the following Staff Report.

The petitioner is requesting approval of a 10 foot four (4) inch side yard setback variance from the 20 foot requirement and three (3) foot four (4) inch rear yard setback variance from the 25 foot requirement of Section 4-6.1 of the Chatham County Zoning Ordinance. The request is in conjunction with the expansion of an existing covered porch. The subject property is located at 8 Middle Marsh Retreat is within a PUD/EO (Planned Unit Development – Environmental Overlay) zoning classification.

Findings

1. Development standards established for this Planned Unit Development have been met. The subject parcel contains approximately 22,215 square feet, measuring approximately 110 feet wide.
2. Section 4-6.1 of the Chatham County Zoning Ordinance requires a 25 rear yard setback and the “Landings” subdivision requires a 20 side yard foot setback for Lot Number 1738.
3. The petitioner is seeking a 10 foot (4) inch side yard variance and a three (3) foot four (4) inch rear yard setback variance, in order to expand an existing covered porch.
4. 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 Planned Unit Development. 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 area 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 the two variances appear not to be met.

Mr. Felder asked if they submitted a letter of approval from the Landings?

Mr. Richards stated no, but he has a letter of approval from the Landings with him if the Board would like to see it.

Mr. Felder asked if the addition was covered by the garage?

Mr. Richards stated yes.

CZBA ACTION: Mr. Murphy made a motion that the Chatham 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. Felder seconded the motion and it was unanimously passed.

Mr. Hector Lopez, Agent for Hunter Chadwick B-080219-00038-1, 122 North Street, requested to get information on the petition that he missed at the beginning of the meeting.

Mr. Noha stated that the Board denied the petition due to no one was present for the petition (petitioner or agent).

Mr. Day stated the reason he made the motion to deny the petition was Mr. Chadwick was given the opportunity to put forth the information that was requested by the Board and has failed to do so. He said he also felt not to have anyone show up to the meeting just appeared that he had no interest to move forward with his petition.

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 9:47 A.M.

Respectfully submitted,

Geoff Goins,
Assistant Secretary

GG:jm