

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

June 23, 2009

9:00 a.m.

**REGULAR MEETING**

**MINUTES**

**MEMBERS PRESENT:**

**Brian Felder, Chairman**  
**Lucy Hitch, Vice Chairman**  
**Steven Day**  
**Wayne Noha**

**MEMBERS ABSENT:**

**Davis Cohen**  
**Terrance Murphy**  
**Coren Ross**

**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. Felder** called the meeting of June 23, 2009 Chatham County Zoning Board of Appeals meeting to order at 9:05 a.m.

**RE: Regular Agenda**

**RE: Minutes**

1. Approval of CZBA Meeting Minutes – May 26, 2009.

**CZBA Action: Mr. Noha made a motion that the Chatham County Zoning Board of Appeals approve the minutes of May 1, 2009 as submitted. Ms. Hitch seconded the motion and it was unanimously passed.**

**RE: Petition of Bertha Burrus, For  
Mildred R. Shepherd  
B-080604-00072-1  
1 Doe Tail Court**

Present for the petition was Mildred Shepherd.

Mr. Goins gave the following Staff Report.

The petitioner is requesting approval of a seven (7) foot rear yard setback variance from the 25 foot requirement of Section 4-6.1 of the Chatham County Zoning Ordinance and a 12 foot side yard setback variance from the 35 foot subdivision requirement, in order to construct an addition onto an existing single-family residence. The subject property is located at 1 Doe Tail Court and is within the R-1/EO (One-Family Residential - Environmental Overlay) zoning classification.

**Findings**

1. Development standards for lots served by public water and individual waster disposal system within the R-1 zoning classification consist of a minimum lot width of 75 feet and a minimum lot area of 15,000 square feet. The subject parcel has a minimum width of 95 feet and a minimum depth of 80 feet. The parcel area is approximately 8,276 square feet. The parcel is considered a standard lot of record.
2. Section 4-6.1 of the Chatham County Zoning Ordinance establishes a minimum rear yard setback of 25 feet for dwellings and the approved subdivision plat requires a side yard setback of 35 feet along Norwood Avenue. The petitioner is seeking a seven (7) foot rear yard setback variance and a 12 foot side yard setback variance, in order to construct an addition onto an existing 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 parcel is considered a standard 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 district would not cause an unnecessary hardship.

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

The conditions described above are not peculiar 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 Chatham County Zoning Ordinance.**

Relief, if granted, would most likely not cause substantial detriment to the public good.

**Summary of Findings**

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

Ms. Shepherd stated that the request is to extend an already approved variance.

**CZBA ACTION: Mr. Noha made a motion that the Chatham County Zoning Board of Appeals approve the petition as submitted. Mr. Day seconded the motion and it was unanimously passed.**

**RE: Petition of Timothy Walmsley, For  
Burke Wall  
B-090506-00029-1  
6917 Johnny Mercer Boulevard**

Present for the petition was Harold Yellin.

Mr. Goins gave the following Staff Report.

The petitioner is requesting approval of a change to a non-conforming use pursuant to the requirements of Section 8-4 of the Chatham County Zoning Ordinance.

**Findings**

1. The petitioner desires to establish a non-conforming air conditioning service company on a site located at 6917 Johnny Mercer Boulevard.
2. The petitioner was granted approval by the Zoning Board of Appeals in 2005 (ZBA Case No. B-050405-56605-1) to establish a non-conforming truck rental facility on a site located at 6917 Johnny Mercer Boulevard.
3. In accordance with Section 8-4 of the Chatham County Zoning Ordinance a non-conforming use shall be permitted to change to another non-conforming use under certain specified conditions including:
  - a. **A change from one non-conforming use to another non-conforming use shall be permitted only within R and I-P districts.**

The subject property is located within an R-2-A (Two-Family Residential Limited) district.

- b. A change from one non-conforming use to another non-conforming use shall be permitted only in the case of non-conforming use of buildings.**

The petitioner intends to establish a nonconforming air conditioning service company within an existing structure.

- c. A change from one non-conforming use to another non-conforming use shall not be permitted in the case of a non-conforming use, which is primarily a use of open land.**

The air conditioning service company will be conducted entirely within the existing structure.

- d. A change in the non-conforming use of a building shall only be permitted when the building in which the change in non-conforming use proposed is one, which was specifically designed for use as a commercial building.**

The building that presently exists on the site was designed specifically for commercial use and was built prior to adoption of the Chatham County Zoning Ordinance in 1962.

- e. A non-conforming use shall only be changed to one of the following specifically listed uses:**

- 1. Food drug stores.**
- 2. Personal service shops: barbershops, beauty shops, shoe repair, dry cleaning and laundry pick-up stations, Laundromats, and watch repair.**
- 3. Clothing stores and dry goods.**
- 4. Home furnishings and hardware.**
- 5. Specialty shops: gift shops, florist shops, jewelry shops, hobby shops, camera shops, book stores, stationery stores.**
- 6. Offices: professional offices, real estate offices, financial agencies, insurance offices, sales offices; provided, there shall be no sale or display of equipment on the premises unless otherwise permitted in this Section.**
- 7. Contracting and repair services: cabinet shop, electrical contracting, plumbing contracting, mechanical systems contracting, and small equipment repair. Provided, there shall be no exterior storage, the activity is carried on wholly within the enclosed building, and the use does not produce noise in violation of the standards or characteristics set forth in the Chatham County Noise Ordinance as incorporated herein by reference.**
- 8. Commercial school provided there are three instructors or less employed by the school.**
- 9. Printing and letter shops.**

**10. Pet supply and grooming business.**

The air conditioning service use has been classified as use 7 contracting and repair services.

- f. Nothing in this Section shall prevent a non-conforming use from being replaced by an identical non-conforming use.**

The previous use was a truck rental facility, which was approved by the Zoning Board of Appeals in 2005. The petitioner’s stated intent is to establish an air conditioning service company.

- g. A change from one non-conforming use to another shall be subject to the limitations set forth in Sections 8-2 and 8-3 of this Section.**

The limitations of Sections 8-2 and 8-3 relating to the legal establishment of the non-conformity have been applied.

- h. A change from one non-conforming use to another non-conforming use shall be permitted only with the approval of the Zoning Board of Appeals upon a finding that:**

- 1. *The requested use will not generate more vehicular or pedestrian traffic than the existing or last permitted use.*

The last permitted use was a truck rental facility. The amount of traffic (vehicular or pedestrian) presently generated by said use is unknown. It can be reasonably assumed that an air conditioning service company will generate less vehicular traffic.

- 2. *The requested use will not constitute a greater negative visual impact on the surrounding area than the existing or last permitted non-conforming use.*

The proposed use is not likely to create a greater visual impact than that currently exists. Outdoor storage of five trucks was permitted with the truck rental facility. As a condition of approval, staff recommends that all operations associated with the air conditioning use be within the existing building and that no outdoor storage shall be permitted.

- 3. *The requested use will generate no greater noise than generated by the existing or last permitted non-conforming use.*

The extent to which the current use generates noise is unknown. It is likely that an air conditioning service use within an enclosed structure will not generate an increased level of noise when compared to a truck rental facility.

4. *The layout and operating characteristics, in addition to the above listed criteria, will be of such design as to minimize the impact of the requested use on surrounding uses.*

A site plan was not submitted with the petition nor is the operating characteristics known.

### **Staff Recommendation**

Staff recommends **APPROVAL** of the change from a nonconforming truck rental facility to a nonconforming air conditioning service company with the following conditions:

1. All operations associated with the air condition service company shall take place within the existing structure on the subject property; and
2. There shall be no outdoor storage of any kind on site.

**Mr. Yellin** stated that the above property has always been used as a commercial site and they agree with the staff's recommendations.

**Mr. Felder** asked if the business will be residential or commercial?

**Mr. Yellin** stated it will be primarily commercial, but indoors also about five employees with about three vans.

**CZBA ACTION:** Mr. Day made a motion that the Chatham County Zoning Board of Appeals **approve** the petition with staff's recommendations. Ms. Hitch seconded the motion and it was unanimously passed.

**RE: Petition of Mark Crapps, For  
Kern-Coleman & Co.  
B-090519-00037-1  
1690 East President Street**

Present for the petition was Donald Brown.

Mr. Goins gave the following Staff Report.

The petitioner is requesting approval of a two (2) space parking variance from the 23 parking spaces required pursuant to Section 6-3 of the Chatham County Zoning Ordinance.

### **Findings**

1. The subject property is located at 1690 East President Street. The property is within the I-L (Light Industrial) zoning classification.
2. The I-L zoning classification does require a minimum lot width or minimum lot area.

3. Section 6-2.9 of the Chatham County Zoning Ordinance states the Board of Appeals is authorized to vary the off-street parking and loading requirements, provided relief can be granted without impairment of the intent or purpose of these regulations.
4. The petitioner intends to convert an existing warehouse into a furniture showroom and retail use. The new uses require 23 parking spaces, however the site plan provided shows 21 striped parking spaces including one (1) handicap accessible space.
5. The parking requirements from the proposed uses consist of the following:

<u>Use</u>	<u>Square Footage</u>	<u>Parking Ratio</u>	<u>Required Spaces</u>
Retail - Furniture	8,000	1 space per 800 SF	10
Office	600	1 space per 200 SF	3
Warehouse	10,232	1 space per 1,000 SF	10
<b>Total</b>	<b>28,832</b>		<b>23</b>

6. 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 property is considered a legal lot of record. The I-L zoning classification does require a minimum lot width or minimum lot area.

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

Strict application of the regulations of the district would not cause an unnecessary hardship. Adherence to the aforementioned parking requirements does not deprive the property owner of all reasonable use of the land. The property is currently developed with an approximately 28,832 square foot commercial/warehouse structure. The structure could be occupied by a variety of uses permitted in the I-L and meet the parking requirements of Section 6.3. Additional space exists on site to provide the required number of parking spaces.

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

The conditions described above are not peculiar to the subject property. All properties in Chatham County are subject to the parking requirements of Section 6.3.

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

Relief, if granted, would most likely not cause substantial detriment to the public good or impair the intent of the Chatham County Zoning Ordinance.

**Staff Recommendation**

All the conditions necessary for granting a parking variance have not been met and strict application of the regulations of Section 6.3 would not cause an unnecessary hardship. Thus, staff is recommending **DENIAL** of the 2 space parking variance.

**Mr. Brown** stated that there are two different business with one owner.

**Mr. Day** asked if the properties have two different PIN numbers?

**Mr. Brown** stated yes they have different PIN numbers and addresses.

**Mr. Felder** asked if they will operate as one business.

**Mr. Brown** stated no. The reason the petitioner is request the parking variance is because he is converting some of the retail space over in order to move the rugs out of the warehouse to prevent the dust from ruining them. Also there is not anywhere on the property that would accommodate two space because of some loading doors and two driveway with easements.

**CZBA ACTION:** **Mr. Day made a motion that the Chatham County Zoning Board of Appeals approve the petition as submitted. Ms. Hitch seconded the motion and it was unanimously passed.**

**RE: Petition of TNT Signs, For  
Balaji Hospitality, LLC & Patel  
B-090522-00038-1  
393 Canebrake Road**

Present for the petition was .

Mr. Goins gave the following Staff Report.

The petitioner is requesting approval of a 105 foot height variance to the 20 foot maximum required pursuant to Section 7.3, in conjunction with the installation of a free standing sign.



**Findings**

1. The subject property is located at 393 Canebrake Road. The property is within the P-B-C (Planned-Community-Business) zoning classification.
2. The height of free standing signs is based on the zoning classification the property is within and the street classification that the property fronts on. Canebrake Road is classified as an “other” street on the Chatham County Street Classification map. A free standing sign within the B-C zoning classification on a property that fronts a street classified as “other”, is allowed a maximum height of 20 feet.
3. An MPC policy for principal use signs in the Gateway Savannah area was established in the late 1980s. The Gateway Savannah sign policy limits the height and size of principal use signs to 100 feet and 300 square feet, respectively, within one-quarter mile of the Abercorn Street and Interstate 95 interchange. The rationale for this policy was to allow the businesses closest to Interstate 95 the signage necessary to advertise to the vehicular traffic on Interstate 95. However, the policy does not consider that business establishments have other mediums to advertise, including the Georgia Welcome Center, billboards, and the Interstate Signage Program administered by the Georgia Department of Transportation. The latter sign program identifies travel-oriented businesses available at each interstate exit. Therefore, the taller signs and larger signs are not necessary to reach potential patrons traveling I-95. Also, this policy does not supersede Ordinance and a text amendment was not approved to codify this language.
4. The Comprehensive Plan adopted in 2006 addresses signage through the following policy statements:

**4.1.7 Issue/Opportunity #7: Quality Of Life.**

Many of the issues identified in this chapter are interrelated with land use planning, environmental protection, transportation, and other topics, but rise to the level of “quality of life” considerations. The following policies fall into this category.

**Policy 7.1 – Scenic Views and Sites.** Overall, some of the area’s scenic views are being lost with the rise in commercial and residential development. Without adequate land use and buffer controls, the likelihood of these scenic areas to be impacted will increase and long term loss will occur. *It shall be City and County policy to vigorously enforce signage standards and prevent proliferation of billboards and other unnecessarily large signs.*

**GOAL G. PROVIDE A TRANSPORTATION NETWORK THAT EFFICIENTLY FACILITATES MOVEMENT INTO AND WITHIN CHATHAM COUNTY.**

**Objective 1.** Develop a comprehensive transportation system plan that will facilitate access and growth while protecting the quality of life in the community.

**Strategy a.** Implement a transportation plan which includes:

Improved highway safety and beautification programs and improved traffic control and signage;

5. The property is currently developed with a 68 room hotel.
6. 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 legal lot of record. The B-C zoning classification does not have a minimum requirement for lot width or lot area.

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

Strict application of the regulations of Section 7.3 would not cause an unnecessary hardship. Adherence to the 20 foot height maximum does not deprive the property owner of all reasonable use of his/her land. The property is within a B-C zoning classification, which allows a variety of commercial, office, and retail uses. The property is currently developed with a hotel.

- 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 properties within the B-C zoning classification and located on streets classified as “other” are subject to the 20 foot height maximum.

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

Relief, if granted, may cause detriment to the adjacent single family residences to the south of the subject property and would impair the purposes of the Ordinance and the Comprehensive Plan.

**Staff Recommendation**

All of the conditions necessary for granting the 105 foot sign height variance appear not to be met. No extraordinary or exceptional conditions pertain to this site and the 20 foot height

maximum does not deprive the property owner of all reasonable use of his/her land. Thus, staff is recommending **DENIAL** of the variance.

**Mr. Noha** asked the distant from the corner of the property where the hotel sits to the intersection of I95 and 204.

**Mr. Goins** stated in a direct line about 1400 foot.

**Mr. Benenhaley** stated that the reason for the request is the hotels have no visible signage. because of the location. In order for the signs to be seen they need to be higher and larger than the other signs.

**Mr. Robertson** stated that he is the hotel manager and to help bring up the hotel occupancy they need better advertisement. He also read a letter from the property owner.

**Mr. Benenhaley** stated that at his request he would like the petition to be continued until the next meeting to amend the application to 100 foot.

**Mr. Day** asked how big will the sign be?

**Mr. Benenhaley** stated 14 x 18.

**CZBA ACTION:** **Mr. Day made a motion that the Chatham County Zoning Board of Appeals continue the petition until the next regular scheduled meeting July 28, 2009 . Ms. Hitch 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 11:34 A.M.

Respectfully submitted,

Geoff Goins,  
Assistant Secretary

**GG/jm**