



C H A T H A M C O U N T Y
Z O N I N G B O A R D O F A P P E A L S

Arthur A. Mendonsa Hearing Room
February 26, 2013 9:00 A. M.
Minutes

February 26, 2013 Chatham County Zoning Board of Appeals Meeting

Members Present: Lucy Hitch, Chairman
Coren Ross, Vice Chairman
Brian Felder
James Overton
James Blackburn
Quentin Marlin

Members Not Present: Wayne Noha

Staff Present: Marcus Lotson, Secretary
Constance Morgan, Assistant Secretary

Advisory Staff Present:

I. Call to Order and Welcome

1. [Call to Order](#)

Chairman Lucy Hitch called the February 26, 2013 CZBA meeting to order at 9:07 A.M. She thanked everyone present for coming out in such inclement weather.

II. Notices, Proclamations and Acknowledgements

III. Petitions Ready for Hearing

IV. Approval of Minutes

2. [Approval of the November 27, 2012 CZBA Meeting Minutes](#)

Attachment: [Nov27.pdf](#)

Board Action:

Approval of the November 27, 2012 CZBA Meeting Minutes as submitted. - PASS

Vote Results

Motion: James Blackburn
Second: Quentin L. Marlin
James Blackburn - Aye
Brian K. Felder - Aye
Lucy Hitch - Aye
Quentin L. Marlin - Aye
Anthony Wayne Noha - Not Present
James Overton - Aye
Coren Ross - Aye

3. [Approval of the January 22, 2013 CZBA Meeting Minutes](#)

Attachment: [January22.pdf](#)

Board Action:

Approval of the January 22, 2013 CZBA meeting minutes as submitted. - PASS

Vote Results

Motion: Coren Ross
Second: James Blackburn
Brian K. Felder - Aye
Lucy Hitch - Aye
Quentin L. Marlin - Aye
Anthony Wayne Noha - Not Present
James Overton - Aye
Coren Ross - Aye
James Blackburn - Aye

V. Item(s) Requested to be Removed from the Final Agenda

4. [10 & 12 Sandy Creek Road-Accessory Structure and Marsh Buffer Setback Variance Request B-130122-00004-1](#)

Mr. Marcus Lotson gave the following summary:

The petitioner Mark Bandy, agent for Robert Deen, has requested that this item be continued to the March 26, 2013 CZBA meeting. Staff is in agreement.

Board Action:

Petitioner request to continue this item to the March 26, 2013 CZBA Meeting. - PASS

Vote Results

Motion: Brian K. Felder

Second: Coren Ross

James Blackburn - Aye

Brian K. Felder - Aye

Lucy Hitch - Aye

Quentin L. Marlin - Aye

Anthony Wayne Noha - Not Present

James Overton - Aye

Coren Ross - Aye

The Consent Agenda consists of items for which the applicant is in agreement with the staff recommendation and for which no known objections have been identified nor anticipated by staff. Any objections raised at the meeting will result in the item being moved to the Regular Agenda.

VI. Consent Agenda

5. [7 Sandal Cove - Time extension request for previously approved variance - B-110124-00025-1](#)

Attachment: [Staff Report.pdf](#)

Attachment: [Sketch Plan.pdf](#)

Attachment: [Photo.pdf](#)

Board Action:

Staff recommends approval of a six month time extension for the 15 foot rear yard setback variance previously approved for 7 Sandal Cove on June 26, 2012. - PASS

Vote Results

Motion: Brian K. Felder

Second: James Blackburn

James Blackburn - Aye

Brian K. Felder - Aye

Lucy Hitch - Aye

Quentin L. Marlin - Aye

Anthony Wayne Noha - Not Present

James Overton - Aye

Coren Ross - Aye

VII. Old Business

6. [836 Wilmington Island Road-Marsh Buffer Setback Variance Request B-121226-00094-1](#)

Attachment: [Application.pdf](#)
Attachment: [Photos.pdf](#)
Attachment: [Photos 2.pdf](#)
Attachment: [Site Layout.pdf](#)
Attachment: [Staff Report0226.pdf](#)

Mr. Marcus Lotson stated that the petitioner has requested to withdraw the petition. The petitioner will no longer seek a variance on this property.

Board Action:

Petitioner request that this item be withdrawn. He will no longer seek a variance for this property.

Vote Results

Motion:
Second:

VIII. Regular Agenda

7. [208 Schooner Drive - Rear Yard Setback Variance Request-B-130111-00003-1](#)

Attachment: [Plat.pdf](#)
Attachment: [Aerial.pdf](#)
Attachment: [Tax Map.pdf](#)
Attachment: [Correspondence.pdf](#)
Attachment: [street map.pdf](#)
Attachment: [StaffReport0226.pdf](#)

Present for the petition was: Steve Wohlfiel

Mr. Marcus Lotson gave the following summary;

The subject property is located at 208 Schooner Drive. It is an undeveloped lot located on Whitemarsh Island between Commodore Point Road and Bradley Point Road within the Commodore Chase subdivision. The petitioner is requesting a 20ft rear yard setback variance from the 25ft requirement of the County Zoning Ordinance. The requested variance, if approved, would allow a portion of the structure to be built within five feet of the rear property line. There is one lot that abuts the subject lot immediately west, this lot is undeveloped. Among the eleven lots created by the 2006 subdivision, lots one and six have been developed with single family residences. Staff finds that there are no grounds based on the zoning ordinance requirements which allow a variance in this situation. Though it is triangular in shape, it is a buildable lot with adequate room to establish a single family residence in staff's opinion. Staff is recommending denial of the rear yard setback variance request.

Discussion from the Board

Mr. Brian Felder asked if the petitioner has submitted drawings with his petition.

Mr. Lotson stated that during conversations with the petitioner it was determined that there is not a specific plan for the property as yet. However, this is an opportunity for the property owners to secure boundaries in order to better inform any potential buyers as to what can be constructed on the property.

Speaking on the petition: Steve Wohlfiel, as agent for the petitioner stated that there were a few mis-understandings that he would like to clear up; the first being that the petition before the board shows that the petitioner is requesting a 20ft variance. This is not the intent of the petitioner. What he had suggested was a 15ft variance for the house and then a 20ft variance for the garage. He confirmed the he was only requesting a 15ft variance. He added that he has seen the comments from the neighboring property owners and they have raised concerns related to the separation between structures; the issues of drainage; the issues of wetlands and the issue of screening. He noted that he would like to respond to these issues once they become a matter of discussion.

Chairman Hitch questioned staff as to whether or not the petitioner will have to change his request if it is in fact not what he is requesting.

Mr. Lotson explained that as staff reviewed the application it was their understanding that the proposal included potentially an attached garage. The findings however are that if a garage is attached it is strictly a part of the structure so the setback is no difference from the garage as it would be for the house. If it were a detached garage, it would be a separate setback. Detached garages are allowed to be closer to the property line.

Chairman Hitch asked if there were rendering of the house.

Mr. Wohlfiel responded that there was not a house at this point or a specific foot print.

Mr. Felder stated that it would be difficult to prove a hardship with 128ft in lot width on one side and no knowledge of what is needed to do to build a house.

Mr. Wohlfiel continued that once the property is developed he is required to show where the septic tanks will be placed. He presented this exhibit to the board in an attempt to display his hardship. He explained the drawing and what he was trying to obtain.

James Blackburn stated that the biggest problem is that the petitioner does not have a specific proposal. If there was a builder ready to proceed and needed a small variance and could explain the problems with the drain field and if the problems were more present and not speculative then the board would be more willing to accommodate the lot.

Mr. Wohlfiel asked the members of the board; if the board decided not to grant the request, would this place a time limit on when the petitioner could return.

Mr. Blackburn responded the he would have to wait one year.

Mr. Wohlfiel requested that the motion be made in a way that would allow him to return sooner in the event he should get a buyer in the next month or so.

Mr. Felder informed Mr. Wohlfiel that he could withdraw his petition or ask for a continuance.

Mr. Ken (last name inaudible) stated that he was not immediately adjacent to the lot, but was next door. He stated that Mr. Wohlfiel did not have any dialogue with them related to the development of the lot and that when the subdivision was put in and the fill dirt was poured it affected their backyards. He added that his concern was that if the variance is granted it will only allow more fill dirt and with more fill dirt this will allow for more water to be pushed around and it will become even wetter in their backyards. In conclusion he stated that this was the reason for his opposition.

Mr. Keith Flinn, owner of adjoining lots that are most affected by the development of the subject lot, stated that since the development of the new neighborhood he has had water and flooding problems.

Mr. Robert (last name inaudible) neighboring resident stated that there is no hardship with the petitioner's request. He stated that he was strongly opposed to the approval of this variance.

Chatham County Commissioner Helen Stone stated that staff has pointed out four reasons as to why this variance was not necessary. She read from the staff report what she viewed as her reasoning not to grant the variance. In summary she stated that in light of the additional comments, no specifics, not knowing if the drain field needs to be in the front or the rear, or where the house is going to be placed are all questions that should be answered before entertaining the idea of giving a variance. She commended the petitioner on withdrawing his petition until there are more specifics.

Mr. Wohlfiel stated that he was aware that the neighbors were so frustrated. He produced a letter from the County Manger stating that the project was not the cause of the water problem. He went on to explain the act of neighboring property owners that had cause their own drainage problems by; 1) allowing mulch to clog the drains and; 2) plugging the inlet to prevent mosquitoes from getting out. He also addressed their concerns regarding privacy. However, in conclusion he stated that he would like to withdraw the petition at this time.

Board Action:

Mr. Wohlfiel, as agent for the petitioner, withdrew the petition in order that he may return at a later date with more specifics.

Vote Results

Motion:
Second:

IX. Other Business

X. Adjournment

8. Adjournment of the February 26, 2013 CZBA Meeting

There being no other business to come before the board, Chairman Hitch adjourned the February 26, 2013 CZBA meeting.

Respectfully submitted,

Marcus Lotson, Secretary

Note: Minutes are not official until signed.

Board Action:

Motion to adjourn the Chatham County Zoning Board of Appeals Hearing. - PASS

Vote Results

Motion: Brian K. Felder

Second: Quentin L. Marlin

James Blackburn - Aye

Brian K. Felder - Aye

Lucy Hitch - Aye

Quentin L. Marlin - Aye

Anthony Wayne Noha - Not Present

James Overton - Aye

Coren Ross - Aye

The Chatham County - Savannah Metropolitan Planning Commission provides meeting summary minutes which are adopted by the respective Board. Verbatim transcripts of minutes are the responsibility of the interested party.