



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
January 22, 2013 9:00 A.M.
Minutes

January 22, 2013 Chatham County Zoning Board of Appeals Meeting

Members Present: Lucy Hitch, Chairman
Coren Ross, Vice Chairman
Wayne Noha
James Overton
James Blackburn
Quentin Marlin

Members Not Present:: Brian Felder

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

Advisory Staff Present: Bob Sebek, County Zoning Administrator

I. Call to Order and Welcome

1. [Call To Order](#)

Chairman Hitch call the January 22, 2013 CZBA meeting to order at 9:05 A.M. She explained the agenda for the benefit of those attending a meeting for the first time.

II. Notices, Proclamations and Acknowledgements

III. Petitions Ready for Hearing

IV. Approval of Minutes

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

Board Action:

Postpone approval of the November 27, 2012
CZBA Meeting Minutes until the February 24,
2013 CZBA Meeting - PASS

Vote Results

Motion: Anthony Wayne Noha
Second: Lucy Hitch
James Blackburn - Aye
Lucy Hitch - Aye
Quentin L. Marlin - Aye
Anthony Wayne Noha - Aye
James Overton - Aye
Coren Ross - Aye

3. [No Meeting was Held on December 18, 2012](#)

Board Action:

Motion to postphone the Approval of the
November 27, 2012 CZBA Meeting Minutes to the
February 26, 2013 CZBA Meeting. - PASS

Vote Results

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

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

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

VII. Old Business

VIII. Regular Agenda

4. [836 Wilmington Island Road-Marsh Buffer Setback Variance Request B-121226-00094-1](#)

Attachment: [Staff Report.pdf](#)

Attachment: [Application.pdf](#)

Attachment: [Photos.pdf](#)

Attachment: [Photos 2.pdf](#)

Attachment: [Site Layout.pdf](#)

Present for the petition was: Carl Lewis, Agent

Marcus Lotson gave the following summary:

The petitioner is requesting approval of a seven foot marsh buffer setback variance from the 35 foot requirement of section 4-12 of the Chatham County Zoning Ordinance for the purpose of installing an in-ground swimming pool in conjunction with a single family residence currently under construction. Staff finds that the conditions for granting a variance appear not to be met. The proposed pool seems to have not been in the original plan of construction and with adequate property in front of the house there is the possibility that a design change could have occurred which would have allowed the pool to exist without the need for a variance. Based on the criteria of the zoning ordinance for doing so staff has to recommend denial for this petition.

Questions of Staff:

Mr. Noha asked if there had been any comments from neighbors.

Mr. Lotson responded that there had been no comments but the staff did receive a phone call earlier when notices went out to an adjacent property owner who was curious as to the nature of the petition but did not have an opinion as to whether or not the pool should go in.

Mr. Overton asked the question if the home was rebuilt on the foundation or built from scratch.

Mr. Lotson responded that he believed that it was built from scratch but the petitioner was present and would be able to answer this question more accurately. He explained that this was an existing lot. There was a home on this lot up until several years ago which apparently was demolished and the new home was built. The petitioner is the builder.

Mr. Blackburn asked if staff was aware of who did the design and lot placement.

Mr. Lotson responded no.

Mr. Blackburn stated that the plans did not indicate who had done it.

Speaking on the petition: Carl Lewis, Senior Project Manager/builder stated that the initial design was done by Whitmer, Keefer, and Jones which are landscape architects in conjunction with Hanson Architects for the design of the home. At the time they designed it they took into account the 25 foot setback given by the state. The house was located in the same footprint area of the house that was there prior to 2009. Mr. Lewis stated that when it was bought to our attention that we were over the setback we applied for the

variance in order to put the pool in the back yard. He added that there was a tree in the front of the house that would keep them from moving the house any further forward. There are also two large oak trees in the rear of the house that border the pool. The homeowners and the landscaped designer did not want to place the pool any further towards the root mat of each one of the trees.

Tom Draffin, of J.T. Turner Construction stated that he was involved in the early process. Hanson Architects was the architect for this project and designed the house. They in conjunction with the owners chose Whitmer-Keefer to be their landscape architect. Though this is a long narrow lot it had to be taken into consideration during the design phase where the drain field could go because of the adjoining wells. On the other pieces of property the drain fields had to go very far into the front of the lot. There are lots of trees on the locations of these lots so it had to be fitted for the protection of the trees. Likewise the house is in line with other houses on the sides of it.

Board Action:

Approval of the petitioner's request for a continuance; date certain February 26, 2013. - PASS

Vote Results

Motion: Anthony Wayne Noha

Second: Coren Ross

James Blackburn - Nay

Brian K. Felder - Not Present

Lucy Hitch - Aye

Quentin L. Marlin - Aye

Anthony Wayne Noha - Aye

James Overton - Aye

Coren Ross - Aye

IX. Other Business

5. [Discussion on 9503 Whitefield Avenue](#)

Mr. Noha asked staff for an update on the status of the residence at 9503 Whitefield Avenue.

Mr. Sebek explained that primarily there were two issues out here. There were two meters; one at the old house and another at the new house. There is a garage in between that is being built now and the owner is moving all the power to that spot. All the sites are going to be fed from this location.

Mr. Noha stated that something needs to be done about this problem. Someone needs to be cited for moving in this house.

Mr. Sebek stated that the occupant has been cited and he says that he is addressing the problem. County staff can go out and inform the occupant that he has to move out of his house but the point is that he says that he is taking care of it. He has been working with staff.

Ms. Hitch asked if the homeowner was given a window of time in which to comply.

Mr. Sebek responded that the time limit was to build the garage.

Ms. Hitch noted that this means that he can stretch this indefinitely.

Mr. Sebek stated that he did not think that this was the intent.

Mr. Noha stated that he also wanted to add to the record that Koncul Construction did not do what they said that they were going to do in this meeting. He stated that he asked Mr. Koncul point blank what it was that he was going to do and he has not done what was agreed upon. He stated that when this board makes a decision it should be upheld. He asked what type of enforcement do we have.

Ms. Hitch asked Mr. Sebek if he could give a copy of the citation that was issued to Mr. Koncul to the board members. She requested that he send a copy to the assistant secretary and she would then forward copies to the board.

X. Adjournment

6. [Adjournment of the January 22, 2013 CZBA Meeting](#)

There being no other business to come before the board, the Chairman declared the January 22, 2013 CZBA meeting adjourned.

Respectfully submitted,

Marcus Lotson, Secretary

Note: Minutes are not official until signed.

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.