



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

November 26, 2013 Chatham County Zoning Board of Appeals Meeting

Members Present: Lucy Hitch, Chairman
James Blackburn Jr.
James Overton
Quentin Marlin

Members Not Present: Coren Ross, Vice Chairman
Wayne Noha
Brian Felder

Staff Present: Marcus Lotson, Secretary
Jessica Hagin, Assistant Secretary

Advisory Staff Present: Jeff Kirkland, County Engineer

I. Call to Order and Welcome

1. [Call to Order](#)

Chairman Lucy Hitch called the November 26, 2013 CZBA Meeting to order.

II. Notices, Proclamations and Acknowledgements

III. Petitions Ready for Hearing

IV. Approval of Minutes

2. [Approval of the October 22, 2013 Chatham County Zoning Board of Appeals Meeting Minutes](#)

Attachment: [October22nd.pdf](#)

Board Action:

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

Vote Results

Motion: James Overton

Second: Quentin L. Marlin

James Blackburn Jr. - Aye

Lucy Hitch - Aye

Quentin L. Marlin - Aye

Anthony Wayne Noha - Not Present

James Overton - Aye

Coren Ross - Not Present

Brian K. Felder - Not Present

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

3. [220 Quacco Trail - B-131023-00097-1 - Expansion of a Nonconforming Structure](#)

Attachment: [Maps.pdf](#)

Attachment: [Photo.pdf](#)

Attachment: [Staff Report.pdf](#)

Present for the petition was: Mr. Larry Mayo, Petitioner

Mr. Marcus Lotson gave the following summary;

The petitioner Larry Mayo, is requesting a variance to allow the expansion of an existing residential structure located at 220 Quacco Trail. The property contains three existing residential structures including two residential mobile homes and the structure which is the subject of this petition. There is over 100 linear feet of separation between the residences. The structures on site are not visible from Quacco Trail due to substantial mature trees and vegetation on site. The development pattern in the general area includes a small lot subdivision which abuts Quacco Trail, and a number of large lot single family residential lots in various states of development. Quacco Trail is an existing unpaved 30 foot private vehicular access and prescriptive rights easement extending approximately 2,500 feet from Quacco Road. Staff recommends approval of the expansion of the nonconforming use.

Speaking on the petition: Larry Mayo, owner of subject property stated that previous

renters of the property wanted to expand on the bath room of the cottage. He stated that he received a phone call informing him that the tenants were demolishing the property with the use of a backhoe. He went out to the property and demanded that the tenants stop. This led to superior court and all actions from this point were done through court proceedings.

Ed Wilson, neighboring property owner stated that the existing structure has always been an illegal structure. The previous property owner built the original structure. He stated that tenants that began the expansion. He admitted that the backhoe was his property. He stated that the owner had the slab poured and the structure framed. He added that anything that was added illegally was added by the owner and not the previous tenants. The property has had a stop work order imposed more than once. He added that his concern was that Mr. Mayo is the property owner but he does not reside on the land. There have been problems with the present tenants firing fire arms in a direction that they should not. He added that the owner has created a nuisance in an otherwise friendly area where the neighbors are familiar with each other. He continued that the access road here was for his property and a neighboring property only. He stated that he has kept the maintenance on this road and that the county does not scrape his road nor does he receive any services from the County other than the police now and then.

Mr. Mayo stated that he purchased the subject property with intent that there would be three rentals or he would not have purchased the property.

Michelle (inaudible) stated that her property is on the private road and she is not allowed to subdivide her property until the road is upgraded to County standards. If one person is allowed to subdivide at this point then everyone has to be given the opportunity to do the same. The road as is can not handle any additional traffic. She added that she respects the property rights of the petitioner but she does not want see additional traffic on the road. She confirmed that Mr. Wilson has kept the road maintained for years and does what he can to help all their neighbors. She re-stated that she was not allowed to add any additional dwellings on her property due to the private road. She stated that she was opposed to this petition and asked that it be denied.

Mr. Blackburn Jr. stated that the board should know whether or not a permit was issued for this structure to begin with before the board considers this petition. If this was an illegal structure to begin with, then he had no right to build and his predecessor entitle had no right to build. The board should not expand the use to allow him to expand.

Mr. Overton stated that it would seem to be illogical to improve or expand on an existing structure that has never been permitted.

Mr. Rick Sarver, neighboring resident stated that he noticed that the applicant, Mr. Mayo did not post his sign properly. He noticed that the sign was posted at the rear of Mr. Mayo's property where there was a no trespassing sign.

Mr. Lotson clarified that there was an error in the sign posting but the applicant was notified and the sign was properly posted.

Board Action:

Mr. Quentin Marlin made a motion to continue the public hearing until the next CZBA meeting on December 17. - PASS

Vote Results

Motion: Quentin L. Marlin

Second: James Blackburn Jr.

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

4. [126 Sweet Bailey Cove - B-131018-00091-1-Marsh Buffer Setback Variance](#)

Attachment: [Photos.pdf](#)

Attachment: [Sketch.pdf](#)

Attachment: [Staff Report.pdf](#)

Attachment: [Maps.pdf](#)

Present for the petition was: John Kelly

Mr. Lotson gave the following summary;

The petitioners, John and Robin Kelly, are requesting approval of a 25 foot marsh buffer setback variance from the 35 foot requirement of the Chatham County Zoning Ordinance in order to construct a new in ground swimming pool and fence. Staff recommends denial of the 25 foot marsh buffer setback variance request.

Speaking on the petition: John Kelly, Petitioner stated that when he purchased the home in May, he and his family were excited to see the aerial shots of the pool. He shortly after moving in, they had a pool company to come in do the lay outs and a landscaper to come out and landscape the yard so that it would blend well with the environment. However once he reviewed the plans he noticed that the pool was directly over the drainage. He realized that the only way to have a pool at this point would be to have it custom made. He stated that it would be impossible to install the pool without a variance. He wanted to be realistic in making sure what to do so that he did not devalue their home. He expressed that the plan is not to take away from the yard and to have sufficient movement around the yard. He added that he has his landscaped designer looking at which plants and trees can be put in the yard to improve the environment. He has spoken with his neighbors and they are in

agreement. The staff report does not indicate that there will be any detriment to the area, it is only in violation of the existing 35 foot buffer. He added that this does not carry out to the entire yard but only infringe in a smaller area to ensure that they will have a reasonable size pool.

Mr. Blackburn questioned if there was an outflow on the drainage.

Mr. Kelly responded that it dumps out into the marsh.

Jeff Kirkland, County Engineer answered that there is an out fall at the end of the pipe and it is hard to see. The pipe does allow the water to exist here and enter the marsh. There is a weakly defined channel, where the storm water runs into the marsh.

There was a period of discussion.

Board Action:

Mr. Marlin made a motion to continue the hearing until the next CZBA meeting on December 17. - PASS

Vote Results

Motion: Quentin L. Marlin

Second: Lucy Hitch

James Blackburn Jr.

- Aye

Brian K. Felder

- Not Present

Lucy Hitch

- Aye

Quentin L. Marlin

- Aye

Anthony Wayne Noha

- Not Present

James Overton

- Aye

Coren Ross

- Not Present

5. [120 Ralston's Way - B-131018-00093-1](#)

Attachment: [Staff Report.pdf](#)

Attachment: [Maps.pdf](#)

Attachment: [Sketch.pdf](#)

Present for the petition was: Nicholas Laybourne, Owner/Petitioner

Mr. Marcus Lotson gave the following summary;

The petitioner, Nicholas Laybourne, is requesting a twelve and a half foot rear yard setback variance from the platted 20 foot rear yard setback requirement for an undeveloped residential lot at 120 Ralston's Way in the Herb River Bend subdivision. On September 26, 2006 the Chatham County Zoning Board of Appeals approved a seven foot front yard

setback variance for all lots in the subdivision. This variance allowed residences to be built within 18 feet of the front property line. Additionally, a five foot rear yard setback variance for lots 30, 31, 33, 34, 36 and 37 was approved in order to establish a 20 foot rear yard setback for those lots. Staff recommends approval of the twelve and a half foot rear yard setback variance from the 20 foot requirement for 120 Ralston's Way.

Speaking on the petition: Mr. Laybourne, property owner stated that he has owned the subject property for a couple of years now and plan to build the family residence here. He requested that the variance be approved.

Board Action:

Staff recommends approval of the twelve and a half foot rear yard setback variance for 120 Ralston's Way. - PASS

Vote Results

Motion: James Blackburn Jr.

Second: Lucy Hitch

James Blackburn Jr. - Aye

Brian K. Felder - Not Present

Lucy Hitch - Aye

Quentin L. Marlin - Aye

Anthony Wayne Noha - Not Present

James Overton - Aye

Coren Ross - Not Present

IX. Other Business

6. [Nomination of Officers](#)

Mr. Lotson informed the board of their options; 1) to nominate and vote for officers at today's hearing or; 2) to nominate officers today and take the vote at the next hearing.

Board Action:

The Chairman requested that this item be continued to the next CZBA meeting, December 17, 2013. - PASS

Vote Results

Motion: Lucy Hitch

Second: James Blackburn Jr.

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

X. Adjournment

7. [Adjournment of the November 26, 2013 CZBA Meeting](#)

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

Respectfully submitted,

Marcus Lotson, Secretary

Note: Minutes are not official until signed.

/cm

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.