



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
April 22, 2014 9:00 A.M.
Minutes

April 22, 2014 Chatham County Zoning Board of Appeals

Members Present: Quentin Marlin, Chairman
Wayne Noha
James Blackburn Jr.
Coren Ross
Lucy Hitch

Members Not Present:
James Overton, Vice Chairman
Brian Felder

Staff Present: Marcus Lotson, Secretary
Mary Mitchell, Assistant Secretary

Advisory Staff Present: Robert Sebek, Chatham County Zoning Administrator
Jeff Kirkland, County Engineer

I. Call to Order and Welcome

1. [Call to Order](#)

Chairman Marlin called the April 22, 2014 CZBA meeting to order.

II. Notices, Proclamations and Acknowledgements

Executive Session

2. [Recess into Executive Session](#)

Chairman Marlin entertained the motion that the board member would recess

to go into Executive Session. He informed the audience that the board would go into executive session with the County Attorney briefly; he assured them that discussion was not related to any of the appeals schedule to be heard today.

After Executive Session, the meeting was reconvened and the Chairman stated that no votes were taken in the session.

Board Action:

Entered into Executive Session. - PASS

Vote Results

Motion: Anthony Wayne Noha

Second: Coren Ross

James Blackburn Jr. - Aye

Lucy Hitch - Aye

Quentin L. Marlin - Aye

Anthony Wayne Noha - Aye

Coren Ross - Aye

Board Action:

Reconvene from Executive Session. - PASS

Vote Results

Motion: Anthony Wayne Noha

Second: Lucy Hitch

James Blackburn Jr. - Aye

Lucy Hitch - Aye

Quentin L. Marlin - Aye

Anthony Wayne Noha - Aye

Coren Ross - Aye

III. Petitions Ready for Hearing

IV. Approval of Minutes

3. [Approval of the March 25, 2014 CZBA Meeting Minutes](#)

Attachment: [March25th.pdf](#)

The minutes were approved as submitted.

Board Action:

Approval of March 25, 2014 meeting minutes. - PASS

Vote Results

Motion: Anthony Wayne Noha

Second: James Blackburn Jr.

James Blackburn Jr. - Aye

Lucy Hitch - Aye

Quentin L. Marlin - Aye

Anthony Wayne Noha - 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. [170 Penrose Drive - Expansion of a Nonconforming Use - B-140327-00038-1](#)

Attachment: [Staff report.pdf](#)

Attachment: [Sketch.pdf](#)

Attachment: [Photo 1.pdf](#)

Attachment: [Photo 2.pdf](#)

Present for the petition was: Mr. Patrick Thomas

Marcus Lotson gave the following summary;

The petitioner is requesting approval of the expansion of a non conforming use under Section 10-6.4 of the Chatham County Zoning Ordinance in order to expand an existing accessory building on a residential lot which does not contain a primary residence. The intent of the R-1 zoning district is to provide for principal use one family residential uses. Indoor storage is not an allowed use in the R-1 zoning district. The expansion of the accessory building can be achieved in accordance with the regulations when a principal residential use is established on site. Staff recommends **denial** of the request to expand a non conforming use at 170 Penrose Drive.

Speaking on the petition: Mr. Patrick Thomas, petitioner stated that the roof of the subject building has to be replaced. He decided that in addition to replacing the roof, he would extend the wall outward and have a garage and a storage work shed.

Wayne Noha questioned if the petitioner had a house on the property, if this would be allowed in this district.

Mr. Lotson responded that the petitioner would be able to expand if there was a primary residence on the property.

Mr. Thomas, petitioner explained that he had an architect who is drawing the plans for a newly constructed home which he hopes will be completed by July of this year. He added that he was presently renting and would like to have the subject house completed as soon as possible.

Ms. Hitch asked if there would be any conflicts regarding lot coverage once the new construction was completed.

Mr. Lotson responded that there would not.

Board Action:

Approval of the request to expand the nonconforming use at 170 Penrose Drive. - PASS

Vote Results

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

5. [101 Key Island Drive - Marsh Buffer Setback Variance - B-140331-00041-1](#)

Attachment: [Staff Report.pdf](#)
Attachment: [Tax Map.pdf](#)
Attachment: [Key Island Site Plan.pdf](#)
Attachment: [Key Island Drive West Aerial.pdf](#)

Present for the petition was: Mark Konter, Agent for Ben Spitalnick

Mr. Lotson gave the following summary;

The petitioner is requesting a 10 foot marsh buffer setback variance from the 35 foot requirement to accommodate the driveway for a proposed single family residence. Although the lot is buildable, the entry point is narrow and impacted by wetlands. The proposed residence will not be within the State or local buffer. Architectural standards

within the Longpoint Subdivision require a paved surface for residential driveways. The office of the Chatham County Engineer has indicated that the proposed encroachment is reasonable but recommends that any approval be conditioned upon staking of the State marsh buffer line throughout the construction of the residence. Staff recommends **approval** of the 10 foot marsh buffer setback variance **with the condition** that the State 25 foot marsh buffer line be staked during the construction on site.

Speaking on the petition: Mark Konter, agent stated that the petitioner has reached out to the neighboring property owners. He added that the petitioner is not looking to remove any trees from the subject property.

Ms. Hitch asked if the petitioner would consider a gravel drive. She added that there were many waterfront properties in the community that use gravel instead of cement.

Mr. Konter responded that while the petitioner would consider this, it would not be in keeping with what is on the remainder of the street; however, the petitioner would consider a permeable concrete solution inside where the buffer is impacted.

Mr. Noha asked if the petitioner would need a variance if he used a permeable material.

Mr. Sebek, Zoning Administrator stated that he did not have much knowledge on permeable surfaces but since the petitioner has requested the variance this could be added as a condition to approval.

Jeff Kirkland, Of the County Engineer's Office explained that the permeable surfaces would require additional maintenance and that the installation was very similar to standard concrete. The disturbances during construction is typically the same. The benefit, he added is in the long run of the project. After construction, the permeable surface allow somewhat of a more natural hydrology to occur. He also explained that during construction, the buffer could not be touched at all; no thru traffic or stock piling. This would also need to be considered during construction. He added that after construction, because this is a soil erosion buffer, that the petitioner would be able to go into the buffer to do certain things. He agreed to meet with the petitioner at the site to discuss those possibilities. He concluded that the petitioner will have to be extremely careful about staking the buffer.

Board Action:

Approval of the 10 foot marsh buffer setback variance from the 35 foot requirement for the driveway only with the condition that the State 25 foot marsh buffer be staked during construction. - PASS

Vote Results

Motion: Anthony Wayne Noha

Second: Coren Ross

Coren Ross - Aye

James Blackburn Jr. - Nay

Quentin L. Marlin - Aye

Lucy Hitch - Aye

Anthony Wayne Noha - Aye

6. [5 Brandle Lane - 5 Foot Setback Variance Request - B-140331-00039-1](#)

Attachment: [Staff Report.pdf](#)

Attachment: [Brandle Lane Aerial.pdf](#)

Attachment: [Tax Map.pdf](#)

Attachment: [Photo 1.pdf](#)

Attachment: [Photo 2.pdf](#)

Present for the petition was: Joseph Smith, Agent

Mr. Lotson gave the following summary;

The subject property, 5 Brandle Lane, is an existing single family residence constructed in 1999 in the Brandlewood Subdivision. The petitioner is requesting a 5 foot front yard setback variance in order to construct a 576 square foot garage addition. The development pattern on Brandle Lane includes homes with garages; however, the majority are of the single car variety. The property currently has a semi circular driveway that can accommodate four to five off street parking spaces. The required setback in the R-1 zoning district is 55 feet from the centerline of the right-of-way or 25 feet from the property line. The proposed garage, which is currently designed to extend beyond the façade of the residence, would constitute a 5 foot encroachment. Staff recommends **denial** of the 5 foot front yard setback variance request.

Speaking on the petition: Mr. Joseph Smith, agent stated that in trying to develop a plan for the proposed garage it was not a matter of additional parking but to ensure safety, security and the well being of the petitioner. He stated that the petitioner would like to be able to move from the car to the house easily during inclement weather and during the late evenings once they arrive at home. He added that the petitioners would like the security of an environment that would allow them to exist their car and go directly into the house. He stated that the petitioners were also looking to acquire additional storage space.

Gary Alexander, petitioner stated the reason for his request for the proposed garaged was that he had specific health issues. He stated, that as time passes, there would be the likelihood that he would have the aid of a wheelchair and this would require more space and the convenience of a garage.

Joann Alexander, petitioner stated that she has had some dialogue with her neighbors and that they support them on this project.

Board Action:

Approval of the 5 foot front yard setback variance request for 5 Brandle Lane. - PASS

Vote Results

Motion: James Blackburn Jr.

Second: Coren Ross

James Blackburn Jr. - Aye

Lucy Hitch - Aye

Quentin L. Marlin - Aye

Anthony Wayne Noha - Aye

Coren Ross - Aye

IX. Other Business

X. Adjournment

7. [Adjournment of the April 22, 2014 CZBA Meeting](#)

There being no other business to come before the Board, the Chairman declared the April 22, 2014 Chatham County Zoning Board of Appeals 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.