



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  
January 28, 2014 9:00 A.M.  
Minutes

**January 28, 2014 Chatham County Zoning Board of Appeals**

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

**Members Not Present:** James Blackburn Jr.

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

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

**I. Call to Order and Welcome**

**II. Notices, Proclamations and Acknowledgements**

**III. Petitions Ready for Hearing**

**IV. Approval of Minutes**

1. [Approval of the December 17, 2013 CZBA Meeting Minutes](#)

Attachment: [December17.pdf](#)

**Board Action:**

Approval of the December 17, 2013 CZBA Meeting Minutes as submitted. - PASS

**Vote Results**

Motion: Anthony Wayne Noha  
Second: Coren Ross  
James Blackburn Jr. - 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

##### 2. [220 Quacco Trail - B-131023-00097-1 - Expansion of a Nonconforming Structure](#)

Attachment: [Maps.pdf](#)

Attachment: [Photos.pdf](#)

Attachment: [Staff Report 012814.pdf](#)

Attachment: [Agent Narrative.pdf](#)

Present for the petition was: Larry Mayo, Petitioner/owner

Robert McCorkle, Agent

Marcus Lotson gave the following summary;

The public hearing regarding this petition was continued from the December 17, 2013 meeting. The Board ruled to continue the public hearing as the property owner had recently attained legal counsel who needed time to review the facts of the case. The petitioner is requesting a variance under Chatham County Zoning Ordinance section 10-6.4 (extension of a nonconforming use) and is also requesting the ratification of the presence of the single family structure on site. The Zoning Administrator has determined that there are no existing permits on file for the existing structure. Staff recommends denial of the petitioner's request.

**Speaking on the petition:** Robert McCorkle, agent gave some history on the application. He explained that the original application was for a request to expand an existing cottage on the property. He explained that the existing property has two mobile homes and a cottage. There are three buildings existing on the property. Originally, the non-conforming use that his client was requesting to expand was the third building. There should not be more than one primary residential structure on the property. This is a pre-existing non conforming use. He stated that his client applied for an expansion of one of the buildings and the staff supported the expansion and recommended approval. Research was done by the Zoning Administrator and it was determined that the resident cottage was not a non -conforming use but was an illegal use due to the fact that the County was unable to find the permits for the original construction of the cottage. He continued, that his first

request was for a variance that would allow a third residence on the property; the second request was for the expansion of the residence.

Mr. Lotson commented that in the review of the original petition and the new request, it was staff's opinion that the expansion of the structure was not objectionable. He added that the expansion of the structure was not as much of an issue as the legality of the structure. He stated that if the Board did find it appropriated to allow the structure to remain, staff does not have a problem with the expansion of the structure.

Mr. Sebek informed the Board that because he did not have a permit for the property he contacted the tax assessor's office and was told that they had record of two mobile homes on the property. He added that he inquired if there were any other structures shown on the property and the response was that they did not. He contacted Mr. Mayo and informed him that because this appears to be an illegal structure he could not proceed with his variance request. However, Mr. Mayo stated that he did have further information that he wanted to present. In conclusion, Mr. Sebek stated that the Board of Appeals should make the decision.

**Board Action:**

Approval of the ratification of the existing structure. - PASS

**Vote Results**

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

**Board Action:**

Expansion of a non conforming structure - PASS

**Vote Results**

Motion: James Overton  
Second: Coren Ross  
James Blackburn Jr. - Not Present  
Lucy Hitch - Aye  
Quentin L. Marlin - Aye

Anthony Wayne Noha	- Aye
James Overton	- Aye
Coren Ross	- Aye

### VIII. Regular Agenda

#### 3. 1630 Wilmington Island Road - Height Variance Request - B-131223-00123-1

Attachment: [Elevations.pdf](#)  
Attachment: [Photo 1630 Wilmington Island Road.pdf](#)  
Attachment: [Tax Map.pdf](#)  
Attachment: [StaffReport.pdf](#)  
Attachment: [Aerial Map.pdf](#)

Present for the petition was: Frank Stevens, Agent

Mr. Lotson gave the following summary;

The petitioner is requesting approval of a three foot height variance from the 36 foot height maximum allowed in the ordinance for a new single family residential structure. The subject property is located at 1630 Wilmington Island Road within an R-1A/ EO zoning district. The property is in the process of being developed. The original design, included an overall height of 39 feet. This, however, included a three foot balustrade or ornamental parapet atop a flat roof, which is permitted under outlined sections of the Zoning Ordinance. A redesign of the home changing from a flat top roof to a standard pitch roof, was proposed which if constructed, would exceed the maximum permitted height by three feet. The homes immediately adjacent to the subject property do meet the existing height requirement. Considering that the house is not under construction vertically, and the thirty six foot height maximum has been established as a standard for the area; staff finds that the petition does not meet the criteria for meeting the variance. Staff therefore recommends denial of the variance.

**Speaking on the petition:** Frank Stevens, agent gave brief background information on the development and design of the subject property. He stated that the property was extremely narrow and to design a garage for the front of the house would obscure the house. The design was for the parking to go beneath the house. He stated that though it appears the actual height is no higher than the existing wall. He explained the reasons and benefits for the changes to the roof.

**Marianne Heims**, interested citizen stated that she did not live on Wilmington Island Road but that she was involved with the Island Land Use Plan. She stated that when the Land Use Plan was written it was written for continuity on the island. She stated that she knew that request for height variances on this road had been refused. She stated that those that had been refused would not be very happy. She stated that she was opposed to granting a three foot variance strictly because it was against the Land Use Plan.

**Jonathan Claughter**, neighboring resident stated that after conversations with neighboring property owners there were no objections to the construction of the home. The issue, he stated with this house is that it is being built much closer to the river than the existing

homes. This home will essentially be in his back yard, for this reason he added that he would be opposed to any ordinance variations. If the home is being built according to the existing ordinances then he would have no complaint. If the home is being built more in line with the existing homes then he would not oppose the height ordinance. He concluded that with this home being built beyond his home and the house next door he did not feel that it was fitting in the neighborhood.

**Coren Ross** questioned Ms. Heims on the profile of the house as to if it is less imposing if the peak roof is implemented then if the widow's walk is implemented

**Ms. Heims** stated that personally she did not feel that society should have so many laws but if these laws are made then they should be supported and upheld.

**Board Action:**

**Approval** of the requested variance. - PASS

**Vote Results**

Motion: Quentin L. Marlin

Second: Lucy Hitch

James Blackburn Jr. - Not Present

Lucy Hitch - Aye

Quentin L. Marlin - Aye

Anthony Wayne Noha - Aye

James Overton - Nay

Coren Ross - Aye

4. [9 Shearwater Court - B-131220-00122-1 - Extension of a previously approved marsh buffer variance and request of a five foot front yard setback variance request.](#)

Attachment: [Staff Report.pdf](#)

Attachment: [Aerial Map.pdf](#)

Attachment: [Site Plan.pdf](#)

Attachment: [Tax Map.pdf](#)

Attachment: [Correspondence from Landings Association.pdf](#)

Attachment: [Extension Request.pdf](#)

Present for the petition was: Mark Cadman

Marcus Lotson gave the following summary;

The petitioner is requesting an extension of a previously granted variance, 10 foot reduction in the 35 foot marsh buffer setback, and a 5 foot front yard setback variance from the 20 foot requirement at 9 Shearwater Court for the purpose of constructing a new single family residence. The subject property is 8,000 square foot undeveloped lot within a PUD-R/EO zoning district. The property lies west of the intersection of Sparnel Road and Shearwater Court. The current property owner purchased the property subsequent to the

granting of a 10 foot marsh buffer setback variance on November 27, 2012. The overall dimensions are similar to adjacent lots in terms of area, the subject property is an irregular shape while the adjacent lots are rectangular and have more overall depth. He concluded that the current marsh buffer standard, in conjunction with setback regulations imposed by the Homeowners Association, would not allow for adequate buildable area when compared to the other lots here. In 2012, the Board ruled that the marsh buffer setback variance was justified and granted it as such. Staff recommends **approval** of the extension of the previously approved 10 foot marsh buffer setback variance and approval of a five foot front yard setback variance for the subject property.

In response to questions from the Board, Mr. Lotson explained that the previous homeowner bought this petition before the Board in 2012 for the marsh buffer setback variance. This approval had expired unbeknownst to the current owner. The new homeowner is requesting that the previously approved marsh buffer setback variance be extended so that he may permit the property. In addition, base on their design, they are requesting a five foot front yard variance.

**Speaking on the petition:** Mark Cadman, agent stated that he felt that Mr. Lotson had accurately described the petitioner's request and that he would answer any questions that the Board may have. He explained the site briefly and pointed out where the corners of the home encroached upon the setback.

**Board Action:**

**Approval** of the extension of the previously approved 10 foot marsh buffer setback variance and - PASS **approval** of the 5 foot front yard setback variance.

**Vote Results**

Motion: Anthony Wayne Noha

Second: James Overton

James Blackburn Jr. - Not Present

Lucy Hitch - Aye

Quentin L. Marlin - Aye

Anthony Wayne Noha - Aye

James Overton - Aye

Coren Ross - Aye

5. [1 Bloomsbury Place - B-131202-00109-1 - Height Variance Request](#)

Attachment: [Staff Report.pdf](#)

Attachment: [Bloomsbury Aerial.pdf](#)

Attachment: [Elevations.pdf](#)

Attachment: [Tax Map.pdf](#)

Present for the petition was: James Reardon, Agent

Marcus Lotson gave the following summary;

The petitioner, James Reardon, agent for Wes & Emily Stone, is requesting approval of a four foot height variance from the 36 foot maximum allowed by the Chatham County Zoning Ordinance for a new single family residential structure. The subject property is located at One Bloomsbury Place within the Landings subdivision. Although the County Zoning Ordinance permits a maximum height of 36 feet for single family residential structures, the Landings Association allows a maximum height of 40 feet per the ratified documents of the Association and the Architectural Review Board. The establishment of standards which vary from the base zoning district standards and are specific to this community for a number of years. There are 19 lots in this block and 17 are developed with single family residences. Many of them have achieved the forty foot height. Staff recommendation is **approval** of the four foot height variance request.

Mr. Noha questioned staff as to the number of homes adjacent to the subject property that were at forty feet.

Mr. Lotson added that upon visiting the site it was quite clear that immediately next door to the subject property were three or four houses that meet that height however in this neighborhood there is substantial vegetative buffering and mature trees between the properties and these are fairly large lots. The impact of the height is mitigated by this.

**Speaking on the petition:** James Reardon, agent stated that he would answer any questions or concerns from the Board.

**Mr. Bob Weitermann**, neighboring resident stated that in the past the Landings Association and the Architectural Review Board has been lackadaisical in variances and approving them. In the last couple of years the covenants of the Landings has changed and they have put a stop to these forty footers. He added that the Architectural Review Committee approved this variance about four weeks ago. As he researched he found that the Architectural Review Committee is not as strong and forceful as it should be. The Covenants and the standards of the Landings is the same as the county; 36 feet. He explained that the TLA and the Association did not take a comprehensive look at these so that they would all be standard. There are homes in the area that are over the 36 feet but they were built before the covenants and the bylaws were in place. There should be a standard for everyone. He concluded that he was opposed to this variance and asked if there were any questions from the board.

**Ms. Hitch** questioned him if the TLA were aware of his opposition.

**Mr. Weitermann** responded that they did, but it did not make a difference.

**Ms. Ross** questioned if he had had any conversations with the neighboring homeowners.

**Mr. Weitermann** responded that he had conversations with his neighbors but the majority felt that it would be useless to voice an opinion because Chatham County would not enforce the ordinance. He continued that the standards were put in place for a reason not only should the Review Board uphold the standards but that this Board should also.

**Bill Hager**, member of the Architectural Review Committee stated that the architectural guidelines in the midpoint area allow structures up to forty feet. He stated that there have not been any changes since his involvement with the committee which has been in the last four years. He added that this is allowed because of the taller homes in this area with extremely large lots. There is also a lot of vegetation in this area which include a lot of tall trees. Many times the residents with structures like this emanate the Savannah style first floor knock out. He stated that this begs to question of staff where is the base height measured; the present grade, the base flood, or the first habitable floor?

**Chairman Marlin** interjected that in his opinion it should not be the latter. Anything could be done on this ground floor and it called whatever is convenient. This would allow anyone to skirt around the ordinance.

**Ms. Hitch** questioned if the presenter's documentation stated from where the measure should be taken.

**Mr. Hager** stated that usually it says base flood but the base flood was not indicated on the plans. The committee had a total of 40 feet which is allowed by the guidelines.

**Mr. Noha** disclosed that he once contracted for the Landings Architectural Department and his understanding was to allow this where the lots were much larger as opposed to other areas of the Landings. Midpoint was a totally different development inside the Landings where the larger homes were wanted.

**Mr Hager** responded that this was a different type of neighborhood. Not all of the sections of the Landings for instance, in the Marshwood area single-family dwellings were thirty four feet from base flood; the Plantation area is thirty four feet. Other zones that are lower, a different height is allowed. This does vary by neighborhood and the variance is deliberate.

**Ms. Hitch** questioned Mr. Hager, as far as he knew letters were sent to the neighbors.

**Mr. Hager** responded that the committee does not send out letters. He explained when the committee approves something it goes into a public record of their meetings and the lots are posted. Generally, this is when the neighbors get involved.

**Mr. Noha** asked if Mr. Hager was in possession of the documentation that showed Midpoint in forty feet. He asked that as it states in the architectural guidelines, the PUD development standards are 40 feet in the Midpoint section, be entered into the record.

**Mr. Overton** stated that in the architectural guidelines are not PUD covenant requirements and it was unclear as to what the covenants speak to with regard to 40 feet versus 36 feet. He added that he would be hesitant to vote without knowing what the improved covenant states.

**Chairman Marlin** agreed. He stated that covenant has not been present to this board and a variance is being requested. He stated that if the covenant states forty feet he would be okay with this but if it does not then the board should know this. The petitioner would also



need to express his reason for needing an additional forty feet. He added that he would need additional information before he could make a decision.

Mr. Reardon requested a continuance in order to gather additional information.

**Board Action:**

Continuance to the next scheduled CZBA hearing; - PASS  
February 25, 2014.

**Vote Results**

Motion: Lucy Hitch

Second: Coren Ross

James Blackburn Jr. - Not Present

Lucy Hitch - Aye

Quentin L. Marlin - Aye

Anthony Wayne Noha - Aye

James Overton - Aye

Coren Ross - Aye

**IX. Other Business**

**X. Adjournment**

6. [Adjournment of the January 28, 2014 CZBA Meeting](#)

There being no additional information to come before the board, the Chairman declared the January 28, 2014 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.*