



Chatham County Zoning Board of Appeals

July 27, 2021 Chatham County Zoning Board of Appeals

This is a quasi-judicial proceeding. All those wishing to give testimony during these proceedings will please sign in. Witnesses will be sworn-in prior to giving testimony. All proceedings of the Chatham County Zoning Board of Appeals are recorded.

Decisions of the Chatham County Zoning Board of Appeals are final. Challenges to the decisions of the Chatham County Zoning Board of Appeals must be filed through the Superior Court of Chatham County.

Note: All persons in attendance are requested to so note on the "Sign-In Sheet" in the meeting room on the podium. Persons wishing to speak will indicate on the sheet.

I. Call to Order and Welcome

II. Pledge of Allegiance

III. Notices, Proclamations and Acknowledgements

IV. Petitions Ready for Hearing

V. Approval of Minutes

1. Approval of the April 27, 2021 Meeting Minutes

[April 27, 2021 Meeting Minutes.pdf](#)

The April 27, 2021 meeting minutes were approved as submitted.

Motion

Approve the April 27, 2021 minutes as submitted.

Vote Results (Approved)

Motion: Coren Ross

Second: Robert Vinyard

James Coursey - Aye

Lucy Hitch - Aye

Coren Ross - Aye

Meredith Stone - Aye

Robert Vinyard - Aye

Benjamin Polote, Jr. - Aye

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

VII. Consent Agenda

VIII. Old Business

IX. Regular Agenda

[2. 5670 Ogeechee Road | Height Variance Request | ZBA 0621-000138](#)

☞ [Staff Report 0621-000138.pdf](#)

☞ [Map.pdf](#)

☞ [Aerial.pdf](#)

☞ [Buffer View from Stonebridge.pdf](#)

☞ [Context Exhibits.pdf](#)

Mr. Marcus Lotson, Director of Development Services, stated the petitioner is requesting a variance from Section 4-6.1 of the Chatham County Zoning Ordinance, Development Standards for Dwellings, which states that the maximum height of a structure shall be 36 feet. The applicant is requesting two variances for a proposed multifamily residential development at 5670 Ogeechee Road. As proposed, the development includes two 4-story buildings and four 3-story buildings, as well as upper story carriage units (2-stories) and amenity facilities. The requested variances are:

-A 9-foot variance to allow up to 45 feet in height

-A 14-foot variance to allow up to 50 feet in height

The subject property consists of one existing undeveloped parcel approximately 21 acres in size. The parcel is on the west side of Ogeechee Road between Elk Road and Berwick Boulevard. The zoning classification is PUD-C (Planned Unit Development – Community) and it is a part of the Berwick Planned Development, a mixed use Planned Development in west Chatham County. The current land use classification permits multifamily residential uses.

The development pattern adjacent to the subject property includes a self-storage facility, detached single family residential housing, townhome development and retail. The applicant's proposal includes multifamily residential buildings, detached garages, an office and amenity building, as well as outdoor open space for the common use of the residents.

Under the current zoning regulations, the maximum height permitted in the district is 36 feet. For the purpose of a multifamily building, that height could accommodate three stories, but would likely result in a flat or very low-pitched roof. It could not, however, accommodate a four-story building at all. The petitioner's proposed buildings do not exceed four stories in height. While a variance would allow additional height, it would also decrease the footprint of the structure and allow for greater architectural flexibility specific to ceiling heights and roof pitch. Per building code regulations, buildings exceeding three stories require elevators.

As a planning matter, staff has studied a number of development standards recently in the County ordinance, including height. Staff finds that some change is likely justified, due to modern building techniques and changes to the Flood Damage Prevention Ordinance. It is likely that a recommendation to amend the maximum height is forthcoming. The current regulation of 36-feet is from the original 1962 ordinance and was related to fire protection.

There have been two multifamily residential developments constructed in the area since 2011. They are both south of the subject property at 5792 Ogeechee Road and 5808 Ogeechee Road. The most recent was constructed in 2018. Both developments are traditional, three-story walkup residential apartments (see attached exhibit).

The subject property abuts the Stonebridge subdivision on the west side. There is an existing 60-foot canal right-of-way and 20-foot common area between the subdivision and the subject property which is heavily wooded. In addition, a 25-foot undisturbed vegetative buffer will be required on the subject property per the development guidelines. This equates to a 105-foot undisturbed buffer between the subject property and the proposed residential development.

The petitioner has provided an exhibit outlining the areas proposed for each variance. The areas identified as proposed to be a maximum of 45 feet in height are on the perimeter of the site and those proposed to be taller, not exceeding 50 feet, are internal to the site. These leave buildings 2 and 3 on the attached site plan. This configuration provides a better transition, entering the site from Ogeechee Road and as it relates to adjacent residential properties.

Any proposed development would be required to adhere to all site and building requirements of Chatham County through their permitting process. The only action being considered by the Zoning Board of Appeals is the requested height variance, not site plan approval.

Mr. Robert McCorkle, agent for the petitioner, stated the complex will be around 250 units. It will be mixed with one, two and three bedroom units, and will also have a clubhouse with a pool. The unique lot shape makes the design challenging. It's almost impossible to build a three story building with a height of 36 feet, without having a flat roof. With a flat roof, it limits ceiling height and design. By allowing 45 feet on part and 50 feet on part, it lets us shrink the building footprint, raise ceiling height and increase the greenspace. We can also put in elevators. We are subject to the Berwick covenants. In those covenants, the 50 foot height is permitted. There will be a 105 foot buffer between this development and the existing single family homes.

Mr. Ryan Thompson, Thomas and Hutton, stated we are confident we can provide a better buffer than if it was just a 25 foot buffer. The Buffer Ordinance does have fence requirements.

Public Comments:

Ms. Diana Brannen, stated she has concerns about the traffic congestion this development will cause. She is wanting to reduce density. There is a quality of life issue. She doesn't want Ogeechee Road to be a dumping ground for development. She wants to know what the developers are planning for stormwater.

Mr. McCorkle, stated that most of these are Site Plan issues and will be addressed at that stage.

Ms. Jerilyn Roach, stated her concern was the traffic at the intersection of Elk Road and Ogeechee Road.

Motion

Approve the variances as requested with the condition that no building exceed three stories or 45-feet and shall not be closer than 150-feet from the property line of an existing single-family residence.

Vote Results (Approved)

Motion: Coren Ross

Second: Benjamin Polote, Jr.

James Coursey	- Aye
Lucy Hitch	- Aye
Coren Ross	- Aye
Meredith Stone	- Aye
Robert Vinyard	- Aye
Benjamin Polote, Jr.	- Aye

X. Other Business

XI. Adjournment

which are adopted by the respective Board. Verbatim transcripts of minutes are the responsibility of the interested party.