



Chatham County Zoning Board of Appeals

October 26, 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 September 28, 2021 Meeting Minutes

[September 28, 2021 Meeting Minutes.pdf](#)

Motion

The Chatham County Zoning Board of Appeals does hereby approve the Meeting Minutes of September 28, 2021.

Vote Results (Approved)

Motion: Robert Vinyard

Second: Jeff Notrica

James Coursey - Aye

Coren Ross - Aye

Meredith Stone - Aye

Robert Vinyard - Aye

Jeff Notrica - Aye

Benjamin Polote, Jr. - Aye

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

2. 17 Abraham Drive | Setback Variance Requests | ZBA 0921 000172

Motion

The Chatham County Zoning Board of Appeals does Hereby Approve the Request to Remove the Item From the Final Agenda

Vote Results (Approved)

Motion: Coren Ross

Second: Jeff Notrica

| | |
|----------------------|-------|
| James Coursey | - Aye |
| Coren Ross | - Aye |
| Meredith Stone | - Aye |
| Robert Vinyard | - Aye |
| Jeff Notrica | - Aye |
| Benjamin Polote, Jr. | - Aye |

VII. Consent Agenda

VIII. Old Business

IX. Regular Agenda

[3. 145 Dovetail Crossing - Rear Yard Variance - 21-000177](#)

📎 [Map.pdf](#)

📎 [145 Dovetail Crossing- rear yard setback measurements.pdf](#)

📎 [Site Visit.pdf](#)

📎 [Application.pdf](#)

📎 [Staff Report.pdf](#)

Ms. Melissa P. Leto, Development Services Planner, gave the staff report. The applicant is requesting a variance to allow an 8 ½ foot rear yard setback in the Planned Unit Development Community (PUD-C) zoning district to maintain an after-the-fact one-story addition to the principal structure. The minimum rear yard setback requirement in the Planned Unit Development Community (PUD-C) zoning district is twenty-five (25) feet, the applicant is requesting an eight and a half (8 1/2) foot rear yard setback at 145 Dovetail Crossing. The subject property is located between Dovetail Crossing and Brown Thrasher Way, facing the east side of Dovetail Crossing. The parcel is located within the Magnolia Woods Subdivision. The parcel has a total lot area of 8,276.9 square feet and consists of the following structures: a one-story single-family residence with a sunroom addition, a shed, a concrete driveway with a pathway to the entrance door, and a concrete pad with a pathway to the side of the property.

Ms. Leto explained that there is a 6-foot wood exterior fence, which wraps the rear yard of the property and visually minimizes any impacts the addition may have on the adjacent properties. The addition could have been designed in a smaller design size or a different location on the property; however, the property owner was not given the opportunity to redesign the addition. The contractor constructed the sunroom without applying for the building permit. The County staff did not have the opportunity to notify the property owner and contractor that the proposed addition would be encroaching into the rear yard setback, as the contractor did not submit an application for the rear yard setback addition.

Ms. Leto stated that the applicant informed her that she requested the permits several times even after she paid the contractor, but was never provided a permit. The applicant later called the County to inquire about a permit for the addition and was told that a permit was not on file; but, a permit is required for the addition. This is when she was told that the addition is encroaching into the required rear yard setback.

Ms. Leto reported that based on the findings for the variance, staff recommends approval of a variance to allow an 8 1/2-foot rear yard setback from the 25-foot rear yard setback requirement for 145 Dovetail Crossing.

Ms. Leto entertained questions from the Board.

The Board questioned where is the contractor. **Ms. Leto** explained that the applicant has made payment to the contractor, but she did not believe that anyone has contacted the contractor regarding the building permit.

The Board wanted to know if the contractor has other contracts in Chatham County. What, if anything, the County intends to do as far as enforcement actions against this contractor?

Mr. Gregori Anderson of Chatham County explained that, unfortunately, sometimes they find themselves in these type of situations, where a contractor will tell a property owner that they do not need a permit or tell the owner that they will take care of the permit. Mr. Anderson explained that on the County's side, they take action against the contractor. They check whether the contractor is properly licensed through the County and whether they have the proper business license for the work that they are proposing to do. Then, they try to locate the contractor to follow-up with them to inform them when permits are required. If the contracting work in the State of Georgia requires a state license, then they have an opportunity to contact the Secretary of State who issues the licenses to file a formal complaint against the individual and/or company to ensure that the State may or may not have the opportunity to have a cease or desist order against that individual if there is a history of conducting business without getting the proper local building permits.

The Board asked Mr. Anderson to please follow up on this; the ordinances and building permits are here for a reason. If the County does not have an opportunity to inspect these construction projects when things are not done correctly, people will point fingers at the County and they do not believe this is appropriate when they have no notice of what is happening.

Mr. Anderson informed the Board that his department will follow-through with this matter. They always encourage the petitioners to seek legal advice.

PETITIONER COMMENTS

Mrs. Elizabeth Graham was sworn-in by Mr. Coursey.

Mrs. Graham stated that she is the owner of 145 Dovetail Crossing and has lived in her home since 2002. She is an educator. Her son is a disabled veteran. Prior to her son getting surgery, he spent quality time in the gazebo. But Tropical Storm Michael destroyed it. Her son is 30 years old and is paralyzed. The family is now trying to find ways to help him adjust. They had the sunroom built because of losing the gazebo. She spoke with Mr. Wong at Vinyl Industries about constructing the sunroom. Before the work was started, she asked him about the permit and he told her that he would take care of it. She said after paying the contractor, she relied on him to do what he promised to do. It was not until it started raining in her sunroom that she realized she needed to check on the permit.

PUBLIC COMMENTS

None.

BOARD DISCUSSION

The Board discussed that they realize that the petitioner has done everything she could do not to have problems. The Board was in agreement with staff recommendation.

Motion

The Chatham County Zoning Board of Appeals does hereby approve the petition as submitted based on the variance criteria and findings in the staff report.

Vote Results (Approved)

Motion: Coren Ross

Second: Benjamin Polote, Jr.

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|----------------------|-------|
| James Coursey | - Aye |
| Coren Ross | - Aye |
| Meredith Stone | - Aye |
| Robert Vinyard | - Aye |
| Jeff Notrica | - Aye |
| Benjamin Polote, Jr. | - Aye |

[4. 121 Dogwood Avenue | Variance to Sec 3-3 Electrical Meters | ZBA 1021 -000178](#)

[☞ Staff report.pdf](#)

[☞ Map.pdf](#)

[☞ Site Plan.pdf](#)

[☞ Chatham County Denial.pdf](#)

[☞ Aerial.pdf](#)

Mr. Marcus Lotson, Development Services Director, gave the staff report. The petitioner is seeking a variance to Section 3-3 of the Chatham County Zoning Ordinance in order to receive service to an existing second electrical meter on a single lot of record. The code section allows only one meter for each lot of record. The intent of the regulation is to minimize the opportunity to create multiple residential uses on property that is zoned for single family use.

Mr. Lotson stated that the subject property is located on the south side of Dogwood Avenue at the western terminus within an R-1-A/EO (Single Family Residential/Environmental Overlay) zoning district. The parcel was the subject of a recombination of land in December 2020 MPC File No. (SUBD-1120-0000092) which included the former 109 Dogwood Avenue. The total area of the current parcel is 1.36 acres and is developed with a single-family residence and detached accessory buildings.

Mr. Lotson explained that the applicant has filed a building permit with Chatham County for the construction of additional detached accessory buildings. These proposed buildings include 2 carports and three garages (see attached site plan). Currently, the County Zoning Ordinance has no maximum number of accessory buildings permitted on a residential parcel. There is a maximum building coverage of 40%, which the applicant does not exceed. The petitioner is proposing to bring power to these buildings from the existing electrical service on the site. The proposed buildings are located on a portion of the parcel that was developed with a single-family residence. That residence was demolished, and the lot became a part of the recombination of parcels previously mentioned. Section 3-3 of the Chatham County Zoning Ordinance states that on single family residential lots, one electrical meter is permitted. The subject parcels were recently two individual parcels with two separate residences and electrical services. The applicant has stated that because service is available at the location of the proposed accessory buildings, it is practical to use that service in lieu of running new service at a much longer distance.

Mr. Lotson reported that staff recommends approval of a variance to Section 3-3 of the Chatham County Zoning Ordinance to allow the operation of a second electrical meter at 121 Dogwood Avenue.

Mr. Lotson entertained questions from the Board.

Ms. Ross stated she recalls that the Board reviewed this property earlier when a different plan was being considered for structures.

Mr. Lotson explained that a petition was filed earlier for this property which dealt with a larger individual accessory building. They were seeking a variance to the maximum permitted size, which is 900 square feet.

Ms. Ross realized that the petition before the Board today is not a part of the other petition. However, she asked staff if they were convinced that these structures would not be great, tall buildings that would be offensive to the neighbors.

Mr. Lotson said, regarding the point Ms. Ross made, based on what the staff was presented with in terms of the variance request is related specifically to the electric meter. The structures meet the minimum standards in terms of lot coverage, building height, etc. He explained that the petitioner is going through the building permit review process now; and therefore, they will have to meet the standards.

PETITIONER COMMENTS

Attorney Harold Yellin said they agree with staff in every respect. Attorney Yellin explained that the lot is a long rectangular lot; it is very large, about 1.36 acres in size. They want to tie into an existing meter. There is an electrical source ten feet away from where they are. If they cannot use the 10-foot distance, they would have to go approximately 400 to 450 feet to tie into the electric service for the main house. Therefore, given the choice, they would rather tie into what is right in front of them than the one that is a great distance away.

Attorney Yellin entertained questions from the Board

PUBLIC COMMENTS

None.

BOARD DISCUSSION

The Board was in agreement with the staff recommendation.

Motion

The Chatham County Zoning Board of Appeals does hereby approve the petition outlined in the staff report, based on the variance criteria and the findings of staff.

Vote Results (Approved)

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|----------------------|-------|
| Motion: Coren Ross | |
| Second: Jeff Notrica | |
| James Coursey | - Aye |
| Coren Ross | - Aye |
| Meredith Stone | - Aye |
| Robert Vinyard | - Aye |
| Jeff Notrica | - Aye |
| Benjamin Polote, Jr. | - Aye |

X. Other Business

XI. Adjournment

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.