



Chatham County Zoning Board of Appeals

September 28, 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 August 24, 2021 Meeting Minutes

[August 24, 2021 Meeting Minutes.pdf](#)

Motion

The Chatham County Zoning Board of Appeals does hereby approve the August 24, 2021 Meeting Minutes.

Vote Results (Approved)

Motion: Robert Vinyard

Second: Benjamin Polote, Jr.

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

VII. Consent Agenda

VIII. Old Business

IX. Regular Agenda

[2. 5427-5431 LaRoche Avenue | Special Use Request](#)

📎 [Staff Report.pdf](#)

📎 [Site Photos.pdf](#)

📎 [Street Map.pdf](#)

📎 [Maps Combined.pdf](#)

Mr. Marcus Lotson, Development Services Director, gave the staff report. The petitioner is requesting approval of Use # 50 of the Chatham County Zoning Ordinance. Use # 50 is classified as Restaurants which serve alcoholic beverages, malt beer or wine by the drink. Per Section 4-5.2 of the Zoning Ordinance, the requested use may be established in certain zoning districts pending approval by the Zoning Board of Appeals. The subject property is located at 5427-5431 LaRoche Avenue. The property is currently before the County Commission in consideration of rezoning from the B-N-1/EO (Neighborhood Business – Limited / Environmental Overlay) zoning district to the B-N/EO (Neighborhood - Business/Environmental Overlay).

Mr. Lotson explained that the subject properties are located on the south side of LaRoche Avenue between Jasmine Avenue and Livingston Avenue. They are two separate parcels comprising approximately 1.14 acres and have operated as a vehicle repair shop for approximately the last 25 years. Based on staff's research, the property has maintained a commercial zoning classification since zoning was adopted in Chatham County.

Mr. Lotson reported staff recommends approval with condition of the petitioner's request to establish Use # 50, of the Chatham County Zoning Ordinance, Restaurants which serve alcoholic beverages, malt beer or wine by the drink, at 5427-5431 LaRoche Avenue. **Condition: The Special Use Approval shall be conditioned on the adoption of rezoning of the subject parcels from BN-1/EO to BN/EO.**

Mr. Lotson entertained questions from the Board.

PETITIONER COMMENTS

Attorney Robert McCorkle of McCorkle, Johnson, McCoy, LLP was present on behalf of the petitioner. This is a large lot; it is approximately 1 1/2 acres. When the County developed the roundabout, they swapped land to do so. The property is large enough for the project. Attorney McCorkle said his client has entered into a contract to acquire the property. They are trying to get through the entire process so they will be able to close, which includes zoning and a special use approval. He explained that the purpose of the special use approval is specifically to allow alcohol sales at the restaurant. The purpose of the zoning, itself, is to allow a restaurant on the site. In going through the zoning process with the MPC and MPC staff, they have been open about why they are doing this and why they are asking for the special use. As he has said, it is to allow a restaurant on site that will sell alcohol. The MPC has approved their zoning request with the approval of the County Manager. They do not intend to have any issues on their final vote with County Commission next week to rezone the property for this purpose. Ultimately, they need the use approval in order to have alcohol sales.

Attorney McCorkle said they are hopeful of bringing something a little more friendly to the neighborhood than what was here for many decades. Their idea is to have a restaurant here with retail. As Mr. Lotson stated, this property has been commercial for many years. There is plenty of commercial properties around this property. He said a lounge was in this neighborhood, but they do not want to be a lounge or a tavern. This would be a separate special use and would require special approval, which would require that they come back to the ZBA for the use. He said, also, they cannot be a liquor store for the same reason. The request they are seeking would only allow them to sell alcohol at the restaurant on site. Attorney McCorkle asked the Board to please accept the staff's recommendation.

Attorney McCorkle entertained questions from the Board.

PUBLIC COMMENTS

None.

BOARD DECISION

The Board was in agreement with staff recommendation.

Motion

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

Vote Results (Approved)

Motion: Robert Vinyard

Second: Benjamin Polote, Jr.

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

[3. 0 Grove Point Road | Side Yard Setback Variance | ZBA-0821-168](#)

📎 [Staff Report.pdf](#)

📎 [Map.pdf](#)

📎 [Variance support letter.pdf](#)

📎 [SIGN POSTED AT SYCAMORE CHURCH TODAY.pdf](#)

📎 [Site Plan.pdf](#)

Mr. Marcus Lotson, Development Services Director, gave the staff report. The petitioner is requesting a 25-foot side yard setback variance from the 50-foot side yard setback requirement related to the construction of a new church on an unaddressed parcel in the vicinity of 2031 Grove Point Road. The subject property is 6.19 acres in size and is located on the west side of Grove Point Road, approximately 525 feet south of King George Boulevard in the R-A (Residential Agriculture) zoning classification. The applicant is proposing the development of a new church sanctuary, a permitted use in the R-A zoning district. Among the conditions for churches in R-A is a side yard setback requirement of 50 feet.

Mr. Lotson said the petitioner's property is approximately 1,000 feet in depth and 270 feet in width, approximately 50% of the lot is wooded. The wooded area, as seen on the attached aerial map, is bisected by a power easement. The adjacent property immediately south is developed with a single-family residence which is owned by the church. The adjacent property immediately north is a fire station. The proposed church building is 7,000 square feet in size. The preliminary site plan provided by the applicant indicates that the remaining development standards including buffers, parking, and open space can be met. The owner of the nearest residence on the west side of Grove Point Road (2033 Grove Point Road) provided a letter of support for the church's request.

Mr. Lotson explained that in terms of the variance request, if granted, would allow the proposed driveway into the church property to be moved further away from the driveway of the adjacent fire station limiting conflicts. In addition, the side yard where the variance is requested, is adjacent to church owned property and would provide the required buffer.

Mr. Lotson stated that in review of the site and of the proposed encroachment, it does not appear that any neighboring properties will be impacted by the requested side yard setback encroachment. The

requested variance, if approved, is unlikely to be a detriment to the area. He reported that staff recommends approval of a 25-foot side yard setback variance from the fifty-foot side yard setback requirement for 0 Grove Point Road.

Mr. Lotson entertained questions from the Board.

Mr. Coursey stated that looking at the SAGIS map, Parcel Number 6 appears to be adjacent to Lot 114. Did staff hear from this owner?

Mr. Lotson answered that staff did not hear from this owner.

Mr. Coursey asked if a structured home is on this lot.

Mr. Lotson answered no; this is a vacant lot.

PETITIONER COMMENTS

Mr. Mark Boswell, along with a representative of the church, were present on behalf of the petition. Mr. Boswell explained that Lot 6 and Lot 148 are owned by the same owner who sent the letter supporting the variance. The building was given to them by a company. But, in order for them to acquire the building, they had to get it while it was being offered. Before they could put the building on the site, they contacted the County Engineering Department who gave them the okay to put the building there. He said they were told that if the building was placed 25 to 30 feet off the property line, it would be fine. This is the reason they placed the building where it is and this is why they are asking for the variance. Mr. Boswell said he does not know if someone was looking at an old ordinance, but as it turned out, the setback line was 50 feet instead of 25 feet. The building is on the property now.

PUBLIC COMMENTS

None.

BOARD DISCUSSION

The Board was in agreement with the staff decision.

Motion

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

Vote Results (Approved)

Motion: Benjamin Polote, Jr.

Second: Robert Vinyard

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.