



Chatham County Zoning Board of Appeals

December 14, 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 November 16, 2021 Meeting Minutes](#)

[November 16, 2021 Meeting Minutes.pdf](#)

Motion

The Chatham County Zoning Board of Appeals does hereby approve the November 16, 2021 Meeting Minutes

Vote Results (Approved)

Motion: Robert Vinyard

Second: Benjamin Polote, Jr.

James Coursey	- Aye
Coren Ross	- 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 this item from the Final Agenda

Vote Results (Approved)

Motion: Jeff Notrica

Second: Robert Vinyard

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

VII. Consent Agenda

VIII. Old Business

IX. Regular Agenda

[3. 5 Valleydale Way | Variance to the minimum rear yard setback requirement | ZBA-1021-000183](#)

📎 [Application.pdf](#)

📎 [Map.pdf](#)

📎 [Site Visit.pdf](#)

📎 [5 Valleydale way sheet A1.0 site plan.pdf](#)

📎 [Staff Report.pdf](#)

Ms. Melissa Paul-Leto gave the staff report. The property owner, Desiree Chisolm, is requesting a variance to the minimum rear yard setback requirement. This request is to construct an addition to the principal building that would encroach into the required 25-foot minimum rear yard setback with a proposed 5-foot 11 ½-inches rear yard setback at 5 Valleydale Way. The subject property is approximately 0.137 acres, or 6,000 square feet in size, and is located on the west side of Valleydale Way in the R-A (Residential–Agriculture) zoning classification. The applicant is proposing to construct a one-story addition to the rear of the principal building.

Ms. Paul-Leto explained that the petitioner’s property is approximately 100 feet in depth and 60 feet in width. The parcel currently has the following: A one-story detached single-family residence, a concrete driveway in the front of the property with a walk path to the entrance of the house, a concrete pad in the rear yard, a storage shed, a trampoline, and playground equipment in the rear yard. The existing single-family residence encompasses 1,746 square feet of the parcel. Based on the site plan provided, the proposed rear addition would be 399 square feet, making the total building coverage 34%, or 2,084 square feet in size.

Ms. Paul-Leto stated that per Section 4-6.1 Development Standards for Dwellings requires a minimum of twenty-five (25) feet for the rear yard setback for a principal building. The submitted site plan does not meet the required minimum rear yard setback. The proposed addition would be encroaching into the 25-foot rear yard setback, providing a remaining five feet and 11 inches. The petitioner is requesting a variance for the 19 feet and one-inch encroachment.

Ms. Paul-Leto reported that staff recommends denial of the 19 feet and one-inch rear yard setback variance from the 25-foot minimum rear yard setback requirement.

Ms. Paul-Leto entertained questions from the Board.

PETITIONER COMMENTS

Mr. Derrick Haynes was sworn-in by Mr. Coursey. Mr. Haynes explained that the homeowner has had some hardships. The petitioner wants to buy a new home, but due to the death of her husband, she is unable to do so at this time. She has teenage children and, therefore, they are in need of acquiring more space. The homeowner is requesting to add two rooms on the back of her home. This is the reason for seeking the variance.

Mr. Coursey asked Mr. Haynes what is the name of the subdivision.

Mr. Haynes replied that the subdivision's name is Cottonvale, just off of Cottonvale Road.

Ms. Ross asked Mr. Haynes if he considered showing any other drawings that might help the Board place the addition more plainly inside the lines.

Mr. Haynes answered no. The homeowner contacted the architect and got the drawings. She only showed him the drawings that are shown here.

Mr. Vinyard said it appears to him that most of the homes and lots in this subdivision are roughly the same size. The owner is proposing to take up one-third of the backyard and bring the structure very close to the neighbor behind. Has anyone heard from the neighbors about this proposed constructions?

Mr. Haynes explained that when the signs were posted in the yard, the neighbors came over and talked with the homeowner about it. Everything appeared fine, but they have not gotten anything in writing, for or against. The neighbors sympathize with the homeowner and have not opposed the petitioner's request.

PUBLIC COMMENTS

None.

BOARD DISCUSSION

Mr. Coursey said he has concerns about increasing the size of this house. The subdivision looks to be stable. The Board is being asked to create an anomaly within this subdivision. He cannot vote favorably for this variance request.

Mr. Vinyard said the addition would be five feet from the back fence. He sympathizes with the homeowner's plight, but he cannot vote in favor of this variance request.

Ms. Ross concurred with what has been said. She believes if the Board votes in favor of the request, they would be establishing a precedent that the rest of the neighborhood could takeoff and run with. Then, the feel of the neighborhood would be totally changed; it would become very crowded. She did not wish to place a financial hardship on the owner, but looking at the footprint of the existing home, it appears that there might be an option to do something in another part of the lot, which would be to rearrange what the owner proposes to do on the backside in such a way that it could be compliant.

Mr. Cousey said this is not what is before the Board today. They have an application for a variance based upon the plans. He entertained a motion.

Motion

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

Vote Results (Approved)

Motion: Coren Ross

Second: Benjamin Polote, Jr.

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

[4. 5651 Ogeechee Road | Height Variance Request | ZBA 01121 - 000197](#)

[📎 Application.pdf](#)

[📎 Aerial Map.pdf](#)

[📎 Site Plan.pdf](#)

[📎 Staff Report 0197.pdf](#)

[📎 Map.pdf](#)

Mr. Marcus Lotson gave the staff report. 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 5651 Ogeechee Road. The requested variances are:

- A 12-foot variance to allow up to 48 feet in height
- A 24-foot variance to allow up to 60 feet in height

Mr. Lotson explained that the subject property consists of two existing parcels, approximately 18 acres (combined) in size. The parcels are on the east side of Ogeechee Road, between Derrick Inn Road and Cottonvale Road. The zoning classification is R-3-15 (Multifamily Residential – 15 units per acre). The current zoning was established this year and permits multifamily residential uses by right. The development adjacent to the subject property is somewhat sparse. The property immediately south of the subject property is a commercial landscape nursery and the property immediately north is a church. The pattern in the area includes large lot rural residential as well.

Mr. Lotson stated that, under the current zoning regulations, the maximum height permitted in the district is 36 feet. For a multifamily building, that height could accommodate a three-story building, but would likely result in a flat or low-pitched roof. It could not, however, accommodate a four-story building. Both 3 and 4 story buildings are proposed on the applicant’s concept plan. Unrelated to this particular petition, staff has studied a number of development standards recently in the County Ordinance, including height. A change to the maximum height may be justified due to building designs that have become more common in the modern era. 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.

Mr. Lotson said that 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 apartment buildings. The petitioner has provided an exhibit showing the location of the buildings on site. Building 2, on the attached exhibit, is proposed to be 4-stories in height (maximum height requested up to 60-feet). Buildings 4 -11 are proposed to be 3 stories in height, not to exceed 48 feet. The concept plan, which was submitted during the rezoning process, emphasizes open spaces and

preservation. The applicant has proposed approximately 2 acres of passive recreation area. This is property that could be used as developable area to increase the building footprint of the apartments and reduce the height, netting the same number of proposed units. However, from a planning standpoint, staff finds this option less desirable than an increase in height. The size of the subject property, the setbacks, and the lack of adjacent single-family residences limit the impacts of height on nearby properties.

Mr. Lotson stated that 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. Lotson reported that staff recommends denial of the petitioner's request which is to include height up to 60 feet, but recommends approval of an alternative as follows: **A building height up to 50 feet shall be permitted for the subject property with the condition that no building shall be within 50-feet of a property line.** He said staff has had a discussion with the petitioner and they are in support of the staff's recommendation.

Mr. Lotson entertained questions from the Board.

Mr. Vinyard asked what is the timeline for changing the Zoning Ordinance.

Mr. Lotson answered that staff will probably make a recommendation to Chatham County in the first quarter of next year. They will likely bring something forward in January or February 2022. He explained that the process will include going to the MPC, prior to being heard by the County Commission.

Mr. Coursey asked how does the intended change or amendments compare to the City of Savannah.

Mr. Lotson answered that they are similar; they are probably identical in terms of the number.

Mr. Coursey asked who owns the neighboring property that has the RA zoning on it. It appears to him that this property would be most impacted upon.

Mr. Lotson said the adjacent property is owned by a church.

Ms. Ross asked if there is a plan to put a traffic light in front of this development. If so, who is responsible for doing so?

Mr. Lotson explained that there has been a lot of discussion about traffic in this area, based on some rezonings that have taken place. He will ask the petitioner's engineer to speak about this issue as they have had discussions with the Georgia Department of Transportation [GDOT] regarding this particular portion of Ogeechee Road. Mr. Lotson believed the engineer has some information that will be relevant. However, if it is determined that a traffic light is required specifically to a development, then it would be the developer's responsibility to make the arrangement. Mr. Lotson said, however, his understanding based on existing traffic lights and the distance between them, it is GDOT's position that a light is not necessary at this time.

Mr. Coursey said his understanding is this is a concept plan; a general site plan has not been sought.

Mr. Notrica, for clarity, asked if the petitioner is in agreement with staff's recommendation.

Mr. Lotson answered "yes."

PETITIONER COMMENTS

Attorney Josh Yellin explained that he was present on behalf of Arlington Properties and accompanying him were members of the development team, along with Mr. Michael Roach of Hutton and Hutton who is acting as the project engineer. Attorney Yellin said they are in agreement with the staff's recommendation. After they read the staff report, they reanalyzed the plans to make sure they could be compliant with the 50 feet height limitation as requested by staff. He wanted to mention, as the staff's report stated, that this is the exact same variance that has been approved for two other properties on Ogeechee Road in the nearby vicinity. Attorney Yellin stated also that in July, 2021, this Board approved

an identical request for the Graycliff Apartments to be 50 feet. They feel that they can meet the standard. They are aware that the Ordinance is outdated based upon a 1962 Fire Ordinance, which was probably based upon the height of the ladders that they had on the fire trucks at that time. Attorney Yellin said, as they move forward into the 21st Century, this appears to be the prevailing height request for these multifamily developments.

Attorney Yellin pointed out that as the Board can see on the site plan, this is a unique site plan as it prioritizes greenspace. He has had to explain to numerous people who have seen the plan, that the large green swaps in the middle are not their buildings, it is the park-like area in the middle. The site will be broken up into smaller buildings, which as the Board can see, are roughly the same lot dimensions as the single family homes. They are not overly large buildings. Attorney Yellin explained also that they have prioritized in the rear of the property, the dog park and the space that will be preserved..

Attorney Yellin stated that they are in agreement with the staff recommendation for the 50 feet height limitation not within 50 feet of the property line.

Mr. Coursey asked Attorney Yellin if the engineer had something to add.

Attorney Yellin stated that he is aware that Ms. Ross had a question about the traffic. He explained that they had an extensive conversation with the County during the rezoning. As he has foresaid, Mr. Roach is present and will answer the questions about the traffic.

Mr. Roach came forward and stated that they went through an extensive conversation with GDOT and the County during the rezoning process. Basically, the ultimate recommendation from everybody is that the property would be best suited and the safest access would be to establish "a route in and route out" for this development. He explained that this is what they are currently proposing. As far as signalization goes, not enough traffic will be generated by this development alone to warrant a traffic signal. However, he believes that the Commissioners are pushing to have a signal at Derrick Inn Road at Ogeechee Road.

Mr. Vinyard stated that, with respect to the proposal made by staff, the concept plan indicates that the building close to the front on Ogeechee Road will be four stories. Would the agreement from staff also allow the other buildings to be increased to four stories?

Mr. Lotson explained that the staff's recommendation is for the property buildings not to exceed 50 feet. Therefore, it would be at the petitioner's discretion to determine which buildings would be at what height. But, the buildings would not be allowed to exceed 50 feet.

Attorney Yellin answered that they intend to have just one four story building and not make all the buildings four stories. The density has already been set for this property.

Mr. Vinyard asked what is the density. How many units are they talking about?

Attorney Yellin explained that there will be 270 units, which is a density of 15 units per acre.

PUBLIC COMMENTS

None.

BOARD DISCUSSION

Mr. Vinyard said he is not pleased to make exceptions to the rules because it just might come back to bite them when they have other petitions seeking an exception to the rule that needs to be changed. He would rather change the rule than make the exception. However, since they have done this, he believes it would be hard to justify not doing so in this situation, which is actually comparable to the other petition that they approved. This is a much lower density change and quite a nice looking development. Therefore, he would be in favor of approving the staff's amended recommendation.

Mr. Coursey asked Mr. Lotson if he was sure that the staff is going to move forward with the recommendation to the County.

Mr. Lotson explained that the staff will certainly make a recommendation, but he could not guarantee the outcome. Nevertheless, this is a part of the staff's 2022 agenda.

Mr. Coursey asked, therefore, by doing so, would this bring the County in line with the City.

Mr. Lotson answered yes.

Mr. Coursey entertained a motion.

Motion

The Chatham County Zoning Board of Appeals does hereby approve a building height of up to 50 feet shall be permitted for the subject property with the condition that no building shall be within 50-feet of a property line.

Vote Results (Approved)

Motion:

Second:

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

X. Other Business

[5. 2022 Historic Preservation Calendar Presentation](#)

📎 [Final Calendar - 12.1.2021.pdf](#)

Mr. Lotson introduced the two new employees, **Mr. Jacqualle Johnson and Mr. Nivra Gandhi**. Mr. Johnson will be working as a Planning Tech in Development Services and Mr. Gandhi is assigned to Development Services and Historic Preservation as a Planner.

The Board welcomed the new employees.

Ms. Leah Michalak, Historic Preservation Director, explained that this is the 25th Anniversary of "**Midnight in the Garden of Good and Evil**," the non-fiction novel by John Berendt which was officially released on January 13, 1994. The 2022 calendar highlights local folks and discusses different parts of the movie and the book. Each month highlights holidays, as well as the Planning Commission meetings and the three Historic Board's meetings. The calendar also highlights Mr. Jim Williams and his history, the parks, and squares that are featured in the book and movie.

Ms. Michalak explained that Mr. Williams's profession was historic work. He restored more than 50

buildings throughout the City and also hosted lavish and coveted parties. Within his home, Williams kept a private collection of one-of-a-kind antique art, furniture, and decor. She stated that the calendar also highlights Mayor Floyd Adams, Jr. , who took office in January of 1996, as the first Black mayor in Savannah's history.

Ms. Michalak gave the Board members a copy of the 2022 Calendar.

Ms. Ross said she would love to see their (CZBA) meeting dates on the calendar.

Ms. Michalak explained that they started out showing the Historic Preservation meeting dates on the calendars, but they slowly have expanded it to include the MPC meeting dates.

The Board thanked Ms. Michalak for the 2022 calendar.

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.