



Chatham County Zoning Board of Appeals

Arthur Mendonsa Hearing Room
May 24, 2022 9:00 A.M.
Meeting Minutes

MAY 24, 2022 CHATHAM COUNTY ZONING BOARD OF APPEALS

Members Present: James Coursey, Chairman
Robert Vinyard, Vice Chairman
Benjamin Polote, Jr.
Coren Ross
Meredith Stone

Others Present: Pamela Everette, Esq., Assistant Executive Director
Marcus Lotson, Development Services Director
Nirav Gandhi, Development Services Planner and Historic Preservation Development Planner
Jacqualle Johnson, Development Services Technician
Melissa Paul-Leto, Development Services Planner
Julie Yawn, Systems Analyst
Mary E Mitchell, Administrative Assistant
Stacy Bennett, Administrative Assistant

County Staff Present: Tabitha Hartman, County Zoning Administrator

I. Call to Order and Welcome

[1. Call to Order and Welcome](#)

Mr. Coursey called the meeting to order at 9:00 a.m. He explained that 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 Zoning Board of Appeals are recorded. Decisions of the Chatham Zoning Board of Appeals are final. Challenges to the decisions of the Chatham Zoning Board of Appeals must be filed through the Superior Court of Chatham County.

II. Pledge of Allegiance

[2. Pledge of Allegiance](#)

The Pledge of Allegiance was recited in unison

III. Notices, Proclamations and Acknowledgements

IV. Petitions Ready for Hearing

V. Approval of Minutes

[3. Approve April 26, 2022 Meeting Minutes](#)

Motion

The Chatham Zoning Board of Appeals does hereby approve the April 26, 2022 Meeting Minutes.

Vote Results (Approved)

Motion: Coren Ross

Second: Robert Vinyard

James Coursey	- 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

[4. Variance Request | File No. ZBA-0422-000262 | 5906 Garrard Ave](#)

📎 [MAP.pdf](#)

📎 [Applicant Diagram.pdf](#)

📎 [Pic.pdf](#)

📎 [Opposition Letter Bumgardner.pdf](#)

📎 [Staff Report .pdf](#)

📎 [Opposition Letter Tamas.pdf](#)

📎 [Opposition Letter Allen.pdf](#)

📎 [Opposition Letter Atkins.pdf](#)

Mr. Nirav Gandhi gave the staff report. The petitioner is requesting a variance to place an accessory structure (shed) in the front yard. The Ordinance does not allow accessory structures anywhere, but the rear yard. The subject property is located in the R-1 Single Family Residential zoning district. He explained that the petitioner erected the shed without a permit from the County and placed it in the front yard to avoid the flooding areas of their lot. The petitioners live in an AE Flood Zone. In order for an accessory structure to be placed in the "rear yard" according to County Ordinance, more than 50% of the structure must be behind the rear building line.

Mr. Gandhi stated that the petitioner's property has approximately 100 feet of frontage on Garrard Ave. It measures 1.37 acres. The accessory structure could be placed in the rear yard; there is already more than one accessory structure here; it is a chicken coop. If flooding is an issue, it could be placed on 1-foot stilts. Other homes on this street are also in the flood zone, but their sheds are in the rear yard.

Mr. Gandhi explained that staff received four opposition letters. The letters are lengthy, but basically, the neighbors disapprove of the idea to put sheds in the front yard. He said he additionally received 11 calls from neighbors asking that this request be denied.

Mr. Coursey said the Board has a letter from Ms. Valarie Bumgardner. Is Ms. Bumgardner's

letter representative of the other emails?

Mr. Gandhi answered yes. The neighbors are concerned about the beautification and the aesthetics of their neighborhood. They believe that their neighborhood is already deteriorating and, if sheds are allowed in front yards, it would further degrade the neighborhood. There appears to be only one other home on Garrard Avenue that has an accessory structure in the front yard. Therefore, granting the variance would not be in keeping with the pattern of the development in the neighborhood. The other sheds here are conforming to the Ordinance. Mr. Gandhi said everyone voiced their concerns of how they want their neighborhood to look and would, therefore, like for everyone to abide by the Ordinance. The accessory structures should be placed in the rear yard.

Ms. Ross said she visited the area and it appears that most of the houses here were probably constructed prior to 2008; they were probably constructed in the 1990s.

Mr. Gandhi stated that it appears that the homes in this neighborhood were constructed in the 1900s.

Mr. Coursey asked Mr. Gandhi if staff received any other written opposition.

Mr. Gandhi answered yes. He has four written letters of opposition .

Mr. Coursey asked Mr. Gandhi to read aloud the names of the persons who sent letters so they could be included in the record.

Mr. Gandhi stated letters of opposition were received from Michael Tomas; Samuel Allen; Mary Adkins; and has forestated, Ms. Valarie Bumgardner. He said he received many phone calls from the neighbors who wanted to remain anonymous, but all were in opposition to putting the shed in the front yard.

Ms. Ross said she saw where one neighbor raised a question about the neighbor possibly adding some fill to his lot or elevate the shed. She asked staff if the Environmental Division has taken a look at this.

Mr. Gandhi answered that this would be a question for the County Engineering Office. However, staff has not spoken to the Environmental Division about this.

PETITIONERS COMMENTS

The petitioners, Mr. & Mrs. David McComas, were sworn-in by Mr. Coursey.

Mr. McComas said his wife has had 12 back surgeries. He explained that In order for her to get to the shed if it is put in the back, would be through water and mud. A building is on the left side and water comes all the way up to it. Mr. McComas said he has tried to get something where his wife could actually walk out and get whatever items she needs without having to go through water, etc. They got the shed as close to the house as possible. A tree line is here, which prevents them from putting the shed further back, but it would still be in water. Mr. McComas said they have gotten approval from the Engineering Department and the Public Safety Department. They have gotten approval already and if they move it to another area, the Engineering Department or the Public Safety Department may not approve it.

Mr. McComas said they have tried to do different things with this, but for some reason, it is just not working in their favor. When they bought the house, much trash was left in the back area. They got a dumpster, so they would be able cleanup the back yard and put the trash in the container. Then, they were told that the dumpster could not be there. Therefore, they moved the dumpster, but trash is still in the back of their home left by the previous owner. He said they are doing their best to make their area a decent home. It is a great lot. He is a small business owner. His truck is here also and is not in the water. There is no other place for them to put the shed without being placed in water. Consequently, he took the advise of all the neighbors who told them that it gets wet back there, etc. Therefore, he does not understand why the neighbors are opposing this, since they are the ones who told him that the back gets extremely wet when there is heavy rainfall here. Mr. McComas informed the Board that they are not the only ones with a shed in this area. If you go five houses up the street from their home, you will see a shed that is located in the same area, which looks like it has been abandoned. Mr. McComas said at least their shed is presentable and matches their home, and it is in a spot where is wife can get to it

without having an issue.

Mrs. McComas gave the Board a copy of a document that was either given to them by the Public Safety Department or the Engineering Department. She was not sure which department gave them the document, but it shows the layout of their property. Mrs. McComas explained that the little yellow line next to the red line in front of their home is exactly where the shed is sitting and she is able to get to it.

Ms. Ross asked Mrs. McComas if she remembers having a conversation with the County's Engineering Department, asking them if they could somehow add additional fill to the backyard to bring the elevation up higher.

Mrs. McComas, in an answer to Ms. Ross's question, stated that she has not spoken with the County Engineering Department about the fill. She said, however, she would like to talk with them about this. She would love to have green grass and not mud in the back. They have a building at the end of their driveway and she is unable to get to it. Ms. McComas stated that she tried to be as independent as she possibly can without having to wait for her husband or someone to get items for her.

Mr. McComas explained that the prior owners remodeled the home. They told the Board that the previous owners left mattresses, springs, buckets of dry concrete, stacks of bricks, and paint cans. All these things are sitting behind the building that is at the end of their driveway. They rented a dumpster to put the debris in, but when they got the dumpster, they were told that they could not have the dumpster. It was only a dumpster for two trash cans. He explained that his company is a 24 -7 job; he is a Chassis Inspector. Therefore, anything that comes off the port, he has to inspect it and ensure that it is safe to go on the road. Consequently, he may be home possibly four hours a day. When he is off, he cleans his area, cuts his grass, and does all he can to keep his area clean. He does this so his wife will not try to go outside and do this work that she is unable to do.

Mr. McComas said he understood that they are here regarding the shed, but there is more to it than what is being told. As he has said, they have taken every precaution and all the advice that they can possibly take from their neighbors, the Engineering Department, and Safety Department to get approved. When they questioned this, they were told that someone is going to approve it. Consequently, they are at a standstill; from here, they do not know what they should do.

Mr. Coursey asked if the shed could be placed in the back of the house.

Mr. McComas answered no. The entire back area gets highly soaked. They have a video to prove it.

Ms. Ross said it appears that there is a building that extends into the back yard. Is this correct?

Mr. & Mrs. McComas answered yes.

Ms. Ross asked them if it would be possible to put the shed here.

Mrs. McComas answered no; the driveway floods also.

Mr. Coursey asked if it would be possible to pour concrete piers and lift the shed off the ground.

Mr. McComas stated that he was sure this could be done, but they do not know where to begin with this. They were not told that they needed a permit for the building. All of this is new to them. They were finally told that they need a permit for this. They agreed to pay for the permit, but initially as he has said, they did not know that they needed a permit. Now, this is becoming a problem for them. If they had known all of this prior, they would not have purchased the shed. This is a "no-win" situation. They cannot put it in the back; this is why his truck sits in the front. People are saying this is an eyesore, but he uses his truck to get to and from work. Most of the time, he parks his truck on the side of the road. It just happened that when the picture was taken, that his truck was parked in the front. Therefore, the picture that the Board sees is not actually accurate. They have tried to do everything that they could. He is only trying to do everything possible for his wife to be able to get to the items that she needs.

PUBLIC COMMENTS

No one was present in-person or virtually. The four letters that staff received were included as a part of this report.

BOARD DISCUSSION

Ms. Ross said it is clear that the placement of the structure is in violation of the Ordinance . However, it appears to her that there is somewhat, to a degree, that a hardship is imposed on the petitioner by requesting that a change be made and that it be done quickly. She wishes there was a way for the Board to continue this petition to allow the petitioners the opportunity to consult with County Engineering to see whether the Environmental people could come out and help with the suggestions about how to improve the backyard flooding situation and also how to best install the shed on the recommended stilts.

Mr. Vinyard stated that he agrees with Ms. Ross. This is a difficult situation. He was not sure how many of them live in a flood zone area, but he does as he lives about two blocks from the river. However, he can not put an accessory structure in his front yard for many reasons. The Neighborhood Association would not allow it nor the County. Mr. Vinyard said he understands the problem, but the only solution he sees is that the Board deny the variance. The reason is that it does not create an absolute hardship which is shared by every neighbor on this street.

Mr. Polote said although this is a difficult situation, he recommends that the County Engineering Department be consulted and let them come up with a remedy. Moving the structure to the rear of the house has been suggested by the County staff for a number of reasons. Also, many neighbors are opposed to what is going on here. Mr. Polote said as a Board, they have an obligation not only to enforce the rules, but also take into consideration the neighbors who are opposed to what is happening here. For those reasons, he will have to vote to deny this request as well. However, he believes that the County Engineering or some other professional entity be contacted to provide a solution. He believes that the County Engineering Department is the best entity that will be able to provide a remedy to the situation.

Ms. Stone concurred with the Board members. She believes that it is important that the petitioners consult with the County Engineers and come up with a feasible solution in order to meet the Zoning requirement.

Mr. Coursey informed Mr. & Mrs. McComas that if the Board goes forward with the hearing today, it appears that there will be a vote to deny the variance request. However, the Board can continue the petition in order for them to be able to go back to any engineering person they wish to consult with, and see if there is a way that the shed can be picked up and moved to the back yard. The Board can continue the petition for 30 days or so to allow them the opportunity to do so. This would allow the petitioners the chance not to spend any more money. This will also keep them from doing a new variance request. Mr. Coursey informed the petitioners that if the Board denies their request, it will be a final decision. He asked them if they had a preference.

Mr. McComas stated that he actually does not know where to begin.

Ms. Ross told the petitioners that the County staff would be able to assist them.

Mr. McComas said he believes that they do not have an option. The Board has the final decision, which he respects, but he does not believe that it is right after all that they have been through with this.

Ms. McComas said how is she being told what she can and can't do with what she has paid for.

Mr. Coursey explained to Ms. McComas that there are zoning regulations throughout the County. Under State Law and local laws, all governing bodies have the ability to zone properties and tell you what you "can and cannot do."

Mr. Vinyard moved to continue this petition for 30 days. If they do not receive any response from the petitioners within 30 days, then this item be put back on their agenda for the next meeting.

Ms. Stone seconded the motion.

The motion passed unanimously.

Motion

The Chatham County Zoning Board of Appeals does hereby continue the petition request for 5906 Garrard Avenue to the meeting of June 28, 2022.

Vote Results (Approved)

Motion: Robert Vinyard

Second: Meredith Stone

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

[5. Variance Request | File No. ZBA-0422-000253 | 2530 East President St](#)

📎 [Lamar Renfroe Sign Map.pdf](#)

📎 [Map.pdf](#)

📎 [Staff Report .pdf](#)

📎 [Opposition Letter.pdf](#)

The petitioner was sworn-in by Mr. Coursey.

Mr. Nirav Gandhi gave the staff report. The petitioner, Renfroe Signs, is requesting an 82 ft reduction in the County's 500 ft minimum distance requirement between billboards. The proposed sign would be 418 ft from the nearest billboard in the County. The property is zoned P-I-L-T for planned light industrial transition district.

Mr. Gandhi said the following is a timeline of events that led to the petitioner requesting a variance on the billboard distance requirements.

- Lamar had a billboard on the west end of President Street (Location B) owned by Storeroom of Savannah, located in the City of Savannah.
- Storeroom terminated Lamar's lease and instructed Lamar to remove this billboard by June 30, 2019.
- Lamar removed this billboard in March of 2020. Renfroe received a permit at that time from Chatham County to erect a new billboard at Location C. This conformed to the Chatham County Ordinance, being more than 500 feet from any other billboard in Chatham County.
- GDOT issued a permit for Lamar to place a new billboard at Location A in the City of Savannah. Because the Renfroe and Lamar signs crossed municipal boundaries, the permits were correctly issued by both entities as they do not regulate billboard distances across jurisdiction lines. However, GDOT issued this permit in January 2021 to be erected just 200 feet west of the Renfroe sign at location C.
- The GDOT then ordered Renfroe to remove its already existing sign because it violates the State rule that billboards be a minimum of 300 feet apart.
- To avoid prosecution with GDOT, Renfroe is seeking a variance to move their sign roughly 100 feet east to Location D, which puts it 300 feet from the current Lamar sign to conform to GDOT standards.

-This would place the sign 418 feet from another, already existing sign at Location E. The requested variance is to decrease the 500 feet minimum distance in the County Ordinance by 82 feet.

Mr. Gandhi stated that the petitioner's property has approximately 690 feet of frontage on President St. It measures 4.15 acres. The proposed variance of 82 feet would be the minimum possible to place the billboard.

Mr. Gandhi reported that staff recommends approval of the requested variance for an 82 feet reduction to the minimum requirement of 500 feet of distance between billboards. He entertained questions from the Board.

Ms. Ross asked if the current sign is the proposed sign. Is this sign electric in nature?

Mr. Gandhi answered no.

Ms. Ross asked if the Renfro existing sign at Location E is an electric flashing sign..

Mr. Gandhi answered that the sign does not flash; it is digital.

PETITIONER COMMENTS

Attorney Phillip McCorkle came forward, stated that he appreciates the staff recommendation, and explained the problem. The County properly issued a permit to his client, Renfro, to build a billboard. Then, someone at Georgia Department of Transportation [GDOT] allowed Lamar to relocate rather than building a new billboard. G DOT's position was that they did not give them a new sign and violated their own 300 feet rules, by just letting them relocate. There is an ongoing, expensive, lengthy litigation with GDOT, his client, and the State of Georgia. This is not healthy for his client as he has to deal with the GDOT every time he wants to put up a sign along the interstate.

Mr. Coursey asked if the litigation involves more than just this issue.

Attorney McCorkle answered that the litigation is just for this issue. They want the sign 300 feet from the Lamar sign, if they are allowed to relocate. He said this is not right; therefore, they are in litigation in Federal Court in Atlanta, GA. They have tried to get out of this situation. The way is to move the sign 100 feet to the east, and it will still be 412 feet away. He does not believe that this harms the public and it certainly helps his client, which is a unique set of circumstances. He has never seen anything like this. Attorney McCorkle said he appreciates the staff recommendation.

PUBLIC COMMENTS

Mr. Gandhi reported that staff did not receive any calls regarding this matter, but they did receive one opposition letter from Mr. Mike McCarthy of Hancock Askew & Company. Mr. McCarthy is opposed to having more billboards on this street. He lives nearby in the area and believes there are too many billboards here already. He believes that less billboards should be erected in residential areas.

Attorney McCorkle responded that we have variances for a reason. He said that Mr. McCarthy is upset with the digital billboards. He reviewed the Ordinance this morning. The requirement requires that it be 250 feet from any residential area. Mr. McCarthy is 800 feet away. The Ordinance requires that billboards be dimmed at night. All the billboards have an automatic photo sensor on them. Attorney McCorkle said he will talk with his client to ensure that the sensor is not broken. But, they are in compliance. His client has never had a complaint about the billboards being too bright.

BOARD DISCUSSION

The Board was in agreement with the staff recommendation.

Motion

The Chatham County Zoning Board of Appeals does hereby approve the variance request for an 82 feet reduction to the minimum requirement of 500 feet of distance between billboards at 2530 East President Street.

Vote Results (Approved)

Motion: Coren Ross

Second: Benjamin Polote, Jr.

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

[6. Variance - 0 South Street - ZBA-0422-000267](#)

[Application.pdf](#)

[MAP.pdf](#)

[2021-10-28 - Buffer Determination 0 South St.pdf](#)

[SITE PLANS.pdf](#)

[STAFF REPORT.pdf](#)

[SITE VISIT.pdf](#)

Ms. Melissa Paul-Leto gave the staff report. This is a variance request for two variances. The petitioner is requesting variances to the minimum marsh buffer setback and to the minimum front yard setback requirement. The two requested variances are for a proposed single-family residence at 0 South Street. The requested variances are the following:

- An 11-foot reduction of the 35-foot Chatham County marsh jurisdictional buffer.
- A 16-foot reduction of the 25-foot front yard setback.

Ms. Paul-Leto explained that the subject property consists of one parcel approximately .17 acres, or 7,405 square feet in size and is located within the R-1-/EO (Residential Agricultural / Environmental Overlay) zoning district. The property has a unique configuration, it is L shaped, and is parallel with the terminus of South Street, a public right of way. It is likely that the parcel was created as a result of previous subdivisions and/or changes to rights of way.

Ms. Paul-Leto stated that the proposed dimensions of the principal elevated two-story residence would be 29-feet, 11-inches wide and 59-feet, 6-inches deep with a total 2,124 square feet. Based on the proposed site plan, the dwelling would encroach into the 35-foot Chatham County marsh jurisdictional buffer by 11-feet. Much of the rear of the parcel is within the marsh buffer. The location of the proposed elevated two-story residence would be encroaching into the front yard setback by 16-feet. Because of the orientation of the lot, the front property line begins where the South Street right of way dead-ends. The elevated two-story residence would offer parking underneath the house. The property is accessed from Kaitlyn Cove Subdivision and a portion of South Street right-of-way to the front of the property.

Ms. Paul-Leto reported that staff recommends approval of the minimum marsh buffer setback and the

minimum front yard setback variances as proposed for the single-family residence at 0 South Street.
She entertained comments from the Board.

Mr. Vinyard asked staff that without the variances, this lot would be unbuildable.

Ms. Paul-Leto answered that nothing substantial, would be able to be built without the variances. She explained that the petitioner could build in the smaller footprint of the house, but actually it is proposed to be a 2,124 square foot house, 29 feet in width and 59 feet in depth.

PETITIONER COMMENTS

Mr. Gregory Holland was sworn-in by **Mr. Coursey**. Mr. Holland stated that he appreciates the Board hearing his petition request. He is looking to build a single-family residence on this property.

Ms. Ross stated that she believes what the petitioner is proposing to do is the highest and best use of the property.

Mr. Coursey informed the petitioner to please tell him that later he would not be coming back to the Board asking that he be allowed to put a pool here.

Mr. Holland answered that later he would not be coming back requesting that he be allowed to add a pool here.

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 minimum marsh buffer setback and the minimum front yard setback variances as proposed for the single-family residence at 0 South Street.

Vote Results (Approved)

Motion: Coren Ross

Second: Benjamin Polote, Jr.

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

X. Other Business

XI. Adjournment

7. Adjourned

Mr. Lotson introduced **Ms. Tabitha Hartman** to the Board. Ms. Hartman is the newly-hired Zoning Administrator for Chatham County.

There being no further business to come before the Board, Mr. Coursey adjourned the meeting at 10:00 a.m..

Respectfully Submitted,

Marcus Lotson, Director
Development Services

ML:mem

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.