



## Chatham County Zoning Board of Appeals

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Arthur A. Mendonsa Hearing Room  
October 25, 2022  
Meeting Minutes

### OCTOBER 25, 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 and Historic Preservation Planner  
Melissa Paul-Leto, Development Services Planner  
Julie Yawn, Systems Analyst  
Mary E Mitchell, Administrative Assistant

Chatham County Staff Present: Gregori Anderson, Building Safety & Regulatory Services Director  
Jefferson Kirkland, Environmental Program Manager

#### 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 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.

#### 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 September 27, 2022, Meeting Minutes](#)

📎 [September 27, 2022 Meeting Minutes.pdf](#)

**Motion**

The Chatham County Zoning Board of Appeals does hereby approve the September 27, 2022 Meeting Minutes.

**Vote Results ( Approved )**

Motion: Robert Vinyard

Second: Benjamin Polote, Jr.

James Coursey	- Aye
Coren Ross	- Aye
Meredith Stone	- Not Present
Robert Vinyard	- Aye
Benjamin Polote, Jr.	- Aye

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

[4. VARIANCE REQUEST | 5906 Garrard Ave | Front Yard Accessory Structure](#)

**Motion**

The Chatham County Zoning Board of Appeals does hereby Approve Staff's Recommendation to remove 5906 Garrard Avenue from the Final Agenda.

**Vote Results ( Approved )**

Motion: Coren Ross

Second: Robert Vinyard

James Coursey	- Aye
Coren Ross	- Aye
Meredith Stone	- Not Present
Robert Vinyard	- Aye
Benjamin Polote, Jr.	- Aye

**VII. Consent Agenda**

**VIII. Old Business**

**IX. Regular Agenda**

[5. 109 Palm Grove Court | Front Yard Setback Variance Request | ZBA-1022-000316](#)

📎 [Staff Report .pdf](#)

📎 [Map.pdf](#)

📎 [Proposed Site Layout.pdf](#)

📎 [Relevant Portions of Declaration of Covenants.pdf](#)

**Mr. Lotson** gave the staff report. The petitioner is requesting a variance for the construction of a new single-family residence.

-Variance - A 4-foot reduction of the required 30-foot front yard setback.

1. The subject property is approximately one third of an acre in size and is an undeveloped lot at the terminus of Palm Grove Court within the Long Point subdivision. The property is within the PUD/EO zoning district (Planned Unit Development / Environmental Overlay). The applicant is proposing to construct a new single-family residence.
2. Palm Grove Court is a paved public road with a 50-foot right-of-way. The street dead ends at a cul-de-sac adjacent to the subject property. The development pattern along Palm Grove Court includes single family detached residences.
3. The subject property is a shape typical of lots on a cul-de-sac which widens toward the rear of the parcel. Specific to this site, the rear yard is adjacent to a lagoon that serves as a stormwater runoff control feature. The parcel boundaries include a portion of the lagoon, so the rear property line extends beyond the top of the bank. There are numerous examples of parcels which abut lagoons throughout the neighborhood.
4. The proposed front yard setback variance appears to be driven by the scale and design of the house and the desire to address the structure at the lagoon. The site plan indicates that the buildable area is approximately 5,500 square feet when the lagoon, setbacks and easements are excluded. It appears, however, that based on the Declaration of Covenants that number may be reduced due to an easement which restricts construction within 30 feet of the lagoon. The applicant has yet to seek approval from the Long Point Architectural Review Board. Although staff would typically not require this because it is a civil matter, the outcome of a determination related to the placement of the structure would directly impact the need for a variance.
5. The Declaration of Covenants also requires a minimum building footprint, which staff finds could be achieved on the site without variances; therefore, this is a buildable lot as-is.

**Mr. Lotson** reported that based on the findings in the staff report and the variance criteria, staff recommends denial of the requested front yard setback variance for the subject property identified as 109 Palm Grove Court. Mr. Lotson entertained questions from the Board.

**Mr. Coursey** asked Mr. Lotson if he stated that there is a significant redesign?

**Mr. Lotson** answered that based on the lot size, dimensions, and what the petitioner is proposing in terms of the structure, staff believes that this will have to be reduced to meet the requirements of the covenants.

**Ms. Ross** asked Mr. Lotson if he knew whether similar variances have been granted to any of the other properties on this street.

**Mr. Lotson** stated that staff does not have records of variances granted on this street.

**Ms. Ross** asked if she understood correctly that the Homeowners Association or the Architectural Review Board suggested to the homeowner that the house as proposed is too close to the lagoon and that it would have to be moved forward?

**Mr. Lotson** stated that it would either have to be moved forward or scaled down. He said based on what they are looking at, he believed the encroachment is likely too severe in order to solve this strictly by moving the existing house forward.

**Ms. Ross** said that without having the information from the Architectural Review Board, they don't have the information they need to make a decision.

**Mr. Lotson** answered that he believes what Ms. Ross said is partially true. He believed that it is true also that the proposed scale of the house, even with the variance that is being requested, would still encroach into the lagoon easement. He added one point, they are discussing covenants, which they do not typically have on this Board. Oftentimes, some associations will require an action like this be requested prior to their review; but others do it differently. It was the petitioner's understanding that he needed to come to the Zoning Board of Appeals first before being heard by the Architectural Review Board. However, as he has said in the past, the ZBA can make a decision which may or may not be upheld by an Architectural Review Board.

**Mr. Vinyard** said he was sure that Ms. Ross is more familiar with this subdivision than he, but he knows that at the Landings there is very little reason for someone to come here and request a variance that the Landings Architectural Review Committee will not allow it no matter what they do. Therefore, he does not know what the solution is. However, it seems to him that the petitioner could go back before the Long Point Association and see what they are going to do before they know whether or not they need to grant a variance.

**Mr. Coursey** asked if they know that there is something in the by-laws which require the petitioner to come to the ZBA first.

**Mr. Lotson** answered that he is not aware of that. This information came as a result of a conversation with the petitioner.

### **PETITIONER COMMENTS**

**Mr. Jack Heater** was sworn in by Mr. Coursey. Mr. Heater explained that the Architectural Review Board [ARB] suggested that they have finalized plans architecturally before they come to them to request any of this. This is why he came to the Zoning Board of Appeals first. He said his house and 111 have the smallest lots on the road and 80 percent of the homes on their street are at least 3,000 square feet. Therefore, they wanted to maintain this integrity of the neighborhood for new homes being built for value purposes. This is why this big house was put on this lot. They have already gone to the DNR and got approval to build that close. He did not believe that this will violate any environmental issues of the lagoon. They are trying to get the most out of building a house while keeping the value up of their street in Long Point and also in their neighborhood.

**Ms. Ross** asked Mr. Heater if he could make a rough comparison of the square footage he wants to build to the other homes on the street?

**Mr. Heater** said there are only two homes under 3,000 square feet. They were built in the 1990s. The newer built homes are 3,000 plus square feet. Therefore, this house would be 300 feet less than five of the newest homes built here.

**Ms. Ross** said this may be too personal of a question, but she asked Mr. Heater why he needs this much square footage.

**Mr. Heater** said if he wants to put money into an investment, this is his first-time and first building.

**Mr. Coursey** said he was curious about the lot lines. Why are the lot lines in the lagoon?

**Mr. Heater** stated that this is how the lot lines were originally drawn.

**Mr. Coursey** asked if this was customary in a subdivision? He guesses it was built intentionally at the time that the subdivision was laid out.

**Mr. Jefferson Kirkland, Environmental Program Manager of Chatham County Engineering Department**, explained that if they are talking about the little area on the east side of the lot, it could be a drainage easement with a drainage structure in it. Ponds and Arrows jurisdiction are commonly put on private property. Therefore, this is not unusual. Sometimes they are owned by homeowners' associations and sometimes they are split up among the adjoining residents. Mr. Kirkland entertained questions from the Board.

**Ms. Ross** asked Mr. Kirkland if he had any perspectives from his experiences that would allow him to speculate on what the ARB might say.

**Mr. Kirkland** answered no. He has only seen a few variance requests from this neighborhood. His standard language is about redirecting any stormwater flow that could potentially be contaminated away from the lagoon. Their concern would be if a pool was installed later or landscaping that requires a lot of fertilizer and pesticide, they would want as much room as possible between those areas and the lagoon. This is all standard

language for anything that he sees that is close to a body of water. Mr. Kirkland said this is not coastal marshlands, as far as he could tell. Therefore, no state water buffer is required here.

**Mr. Coursey** asked where this lagoon drain. Does it drain into a larger body?

**Mr. Kirkland**, to answer Mr. Coursey's question, looked at a drainage drawing, but the structure was not shown on the drawing.

**Ms. Ross** asked Mr. Heater if the part of the structure that is closest to the lagoon is a porch?

**Mr. Heater** answered that it is a porch, but it can be removed.

**Mr. Vinyard** asked is it a covered porch or a deck?

**Mr. Heater** answered that it is a deck. The garage will be under the deck. It will be elevated as a full story.

**Ms. Ross** asked if this will be a second-story deck?

**Mr. Heater** explained that the first floor of the house will technically be the second story because he does not have room for a garage.

**Ms. Ross** asked if anything will be underneath the back part.

**Mr. Heater** answered yes.

**Mr. Coursey** said he was in a quandary about potentially violating covenants here without some review by the ARB. He does not know why they would insist that Mr. Heater come to the ZBA first. He is very mindful about covenants in private neighborhoods. What are the neighbors saying?

**Mr. Lotson** stated that he believes he heard Mr. Heater saying something related to the ARB wanting him to come to the ZBA. prior to coming to them.

**Mr. Heater** stated that he has no idea regarding who are the members on the ARB. He submitted the request as shown on the email and he was told that he needed to come to the Zoning Board of Appeals before they could review his request.

**Mr. Coursey** asked Mr. Heater if he has not had a hearing before any board? But he was told to come to the ZBA.

**Mr. Heater** said he was told that this is a matter that they cannot decide on. It is like pulling teeth.

**Ms. Ross** told Mr. Heater that she realizes he is between a rock and a hard place. They are looking at language that says no docks, walkways or decks shall be constructed on the lagoon. But, if what's under your second-story deck is not an impervious material, that would exacerbate any drainage issues or essentially intrude on the lagoon. Ms. Ross said all of them are between a rock and a hard spot. Ms. Ross said she was wondering if it would make sense for them to recommend a continuance and ask Mr. Heater to please try to address this with his ARB. She is somewhat familiar with the Homeowners Association, but not with the ARB.

**Mr. Coursey** said staff brought up the restrictive covenants issue rather than the HOA. Is this correct? Have they even considered this language since no docks or walkways shall be constructed on the lagoon?

**Mr. Heater** said their architect has told them that he has not had any issues.

**Mr. Vinyard** told Mr. Heater that as he has said, he lives in a community which is much like this. He knows the drill and they are not trying to jerk him around. They really would like to help him, but they do not feel that they can help him until they get more information. Why grant him a variance if he will have to go to the ARB and they might tell him that he cannot do it. Therefore, his suggestion is that the ZBA continue his request with the provision that he go to the ARB at Long Point and seek guidance as to exactly what they are going to allow in terms of his drawings, and then come back to ZBA to see whether or not what they are going to do.

**Ms. Ross** stated that perhaps if Mr. Heater shares with the ARB that they have a condition they might respond a little more promptly.

**Mr. Heater** asked if this is Chatham County planning and it's approved, but the ARB says no, he cannot do it, what would this really impact?

**Mr. Vinyard** told Mr. Heater that he would not be able to do it.

**PUBLIC COMMENTS**

**None.**

**Motion**

The Chatham County Zoning Board of Appeals does hereby continue the request for Front Yard Setback at 109 Palm Grove Court for 30 days.

**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

[6. 111 Palm Grove Court | Front Yard Setback Variance Request | ZBA-1022-000315](#)

📎 [Staff Report .pdf](#)

📎 [Map.pdf](#)

📎 [Proposed Site Layout.pdf](#)

📎 [Relevant Portions of Declaration of Covenants.pdf](#)

**Mr. Marcus Lotson** gave the staff report. The petitioner is requesting a variance for the construction of a new single-family residence.

-Variance - A 6-foot reduction of the required 30-foot front yard setback.

1. The subject property is .46 acres in size and is an undeveloped lot at the terminus of Palm Grove Court within the Long Point subdivision. This phase of Long Point was constructed primarily between the late 1980s and late 1990s. The property is within the PUD/EO zoning district (Planned Unit Development/Environmental Overlay). The applicant is proposing to construct a new single-family residence.
2. Palm Grove Court is a paved public road with a 50-foot right-of-way. The street dead-ends at a cul-de-sac adjacent to the subject property. The development pattern along Palm Grove Court includes single family detached residences.
3. The subject property is a shape typical of lots on a cul-de-sac which widens toward the rear of the parcel. Specific to this site, the rear yard abuts private lagoons on two sides. This is a limiting factor from a development standpoint. However, this seems to have been intentional, and for the purpose of limiting the scale of the structure on this lot, per the original plat and the language in the covenants.

4. In review of the site's physical features a variance to the front yard setback may be warranted. However, the current design of the house would likely require significant alteration based on the covenant requirements. The site plan indicates that the buildable area is approximately 7,300 square feet when the lagoon, setbacks and easements are excluded from the lot area. The applicant has yet to seek approval from the Long Point Architectural Review Board. Although staff would typically not require this beforehand because it is a civil matter, it appears the proposed structure may not be feasible.

**Mr. Lotson** reported that based on the findings in the staff report and the variance criteria, staff recommends denial of the requested front yard setback variance for the subject property identified as 111 Palm Grove Court. He entertained questions from the Board.

#### **PETITIONER COMMENTS**

**Mr. David Ledgett** was on-line. Mr. Ledgett said he is in somewhat the same situation as Mr. Heater. However, he wanted to clarify a few things. He reached-out to the ARB, who decided to leave it up to the architect that planned the community because there was no 30-foot building setback from the road explicitly stated in the covenants.

**Mr. Coursey** asked Mr. Ledgett if he was on-line to hear the previous petition.

**Mr. Ledgett** answered yes.

**Mr. Coursey** asked Mr. Ledgett if he understood the Board's concerns. He explained to Mr. Ledgett that first and foremost he must abide by the covenants. The ZBA thinks this is the precursor before this matter being brought before this Board.

**Mr. Ledgett** said they spoke with the ARB as much as possible. They deferred the decision to the developing architect. But, as of now, they have not given him any information. They are just leaving it up to the developing architect.

**Ms. Ross** asked who the developing architect is.

**Mr. Ledgett** said they were not given the contact's name. The ARB was supposed to be reaching out on their behalf. This was approximately two months ago.

**Mr. Lotson** told Mr. Ledgett that he had a question that maybe he could clarify regarding something that he believed he heard him say. He asked Mr. Ledgett if he said that the ARB referred what he just described to the architect to deal with his request on the front yard setback. Is this right?

**Mr. Ledgett**, in an answer to Mr. Lotson's question, said that's correct.

**Mr. Lotson** stated that he believes they have two things here. The requested variance, which is before the Board, he believes what Mr. Ledgett is saying that the ARB referred that issue to the ZBA. But he believes the language in the covenants, that it appears that the ARB has not reviewed as they have not gotten a submittal from Mr. Ledgett that they would officially consider. Therefore, he does not believe that ARB has looked at these plans.

**Mr. Ledgett** said the ARB will not review the County plans until they are finalized.

**Ms. Ross** asked Mr. Ledgett how the County can offer him a permit when it appears that his plans are in violation of the community's ARB standards. She told him that he cannot get a permit.

**Mr. Ledgett** stated that they understand the 30-foot setback from the road is a County setback and the Long Point covenants do not actually state that there is a 30-foot building setback from the road.

**Ms. Ross** informed Mr. Ledgett that the ZBA's issue is not the setback from the road as is the violation of what they perceive to be potentially his violation of the covenants that relate to the proximity to the lagoon.

**Mr. Ledgett** explained that they were applying for the variances so that they could manipulate the plans in

order to comply with the covenants. The extra four and six feet were going to give them a little more space so that they would be able to be within those lots.

**Ms. Ross** informed Mr. Ledgett that if he was going to manipulate the plans, tell her what is in the lower corner that is closest to the lagoon, as it appears to be a permanent part of the structure. Then another room is to the right of this; then it looks like there is a porch

**Mr. Ledgett** explained that this is a mud room. These were the plans that they initially wanted to have fitted to the lot. But obviously they do not because of the lagoons. Therefore, they were going to manipulate them in order to comply with all the regulations, and having that four- and six-foot variance setback, would help them tremendously.

**Ms. Ross** told Mr. Ledgett that she sees where it would help him tremendously, but it would also help the Board in their thinking process tremendously if whatever room it is that appears to be permanently roofed could be flipped over to the other side so that you have what appears to be an open deck closer to the lagoon rather than a room. However, at this point, it is all speculation on the ZBA's part because they are looking at the plans that he has submitted.

**Mr. Coursey** informed Mr. Ledgett that the ZBA is not an advisory board. Their purview is to consider what is before them. In his opinion as Chairman, he believes that it is incumbent upon him to go to his ARB first and get them to consider their own restrictive covenants. Then, he makes the changes to his drawings based upon what they recommend. After this, if you are still in need of a variance, come back to the ZBA.

**Mr. Ledgett** said this was their intention, but they were told to contact the architect who designed the neighborhood.

**Ms. Ross** informed Mr. Ledgett that her suggestion is that his petition move in the same direction of the petition as 109 Palm Grove Court. The Board does not have the information they need to make a decision.

**Mr. Coursey** told Mr. Ledgett that his petition, as it is now, is not ready for the ZBA.

#### **Motion**

The Chatham County Zoning Board of Appeals does hereby continue the request for Front Yard Setback at 111 Palm Grove Court for 30 days.

#### **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

### [7. 8010 - 8012 U.S. Highway 80 | Height Variance | ZBA 1022-000318](#)

📎 [Map.pdf](#)

📎 [Proposed Site Layout.pdf](#)

📎 [Recorded LWD into 3 Sea Sons LLC.pdf](#)

📎 [Recorded QCD.pdf](#)

📎 [Staff Report.pdf](#)

📎 [Aerial.pdf](#)



📎 [Letter from adjacent property owner.pdf](#)

**Mr. Lotson** gave the staff report. The petitioner is requesting a 9-foot variance in conjunction with the development of a proposed boat storage facility at 8010 - 8012 East U.S. Highway 80. He showed the Board the aerial map of the existing facilities.

**Mr. Lotson** explained that the subject properties are two adjacent parcels on the west side of U.S. Highway 80, bisected by a former County right of way comprising approximately 2 acres. Both sites are essentially vacant but used for surface boat and trailer storage. The properties are zoned T-B (Tourist-Business) and the district permits the proposed use as a boat storage facility. The adjacent parcel is an existing dry storage facility that received a height variance to 45 feet in 2019. The petitioner is proposing an addition to that project.

**Mr. Lotson** stated that the proposed development includes two new buildings for dry stacked boat storage and vehicle parking adjacent to the existing facility.

**Mr. Lotson** informed the Board that staff received one letter from a nearby property owner, directly across Highway 80, who supports the requested variance.

**Mr. Lotson** reported that based on information provided to date, staff recommends denial of the 9-foot height variance from the 36-foot maximum for PIN(s) 10046 01007; 10047 02009 and the unopened former 12th Street right of way. He entertained questions from the Board.

**Ms. Ross** asked staff if her understanding is correct that this is an expansion of the existing Savannah Boat Yard?

**Mr. Lotson** answered that's correct.

**Ms. Ross** asked staff what the justification was in 2019 for allowing the boat yard to exceed the height variance at that time?

**Mr. Lotson** explained that looking back at the 2019 petition which was largely different at that time, staff's recommendation was for denial. The petitioner was requesting a maximum of 50 feet be allowed. Frankly, it became somewhat of a negotiation at that time. It was the Board's position, as he recalls, and upon reviewing the reports from 2019, that this location where the current facilities are was somewhat different in the fact that the dimensions of the lot limited somewhat the buildable area. Upon showing the Board a picture of the area, he said as they can see, it narrows along the marsh. Therefore, based on that, he believes that this had a lot to do with the reason why the additional height was granted, this was to essentially be able to increase the amount of available boat storage on this site because of the limited factors that were associated with the lot as it existed.

**Mr. Lotson** said also he wanted to mention that a small parking variance was granted at that time for the existing facility. The petitioner has since built out that parking and it operates today. However, there is no variance parking request being made for the new portion.

**Ms. Ross** stated that this question may be a question for the petitioner instead of Mr. Lotson, but it seems to her that if they are adding boat storage, that it is going to add or demand on the adjacent marina to be able to put the boats in and out of the water. Is this correct?

**Mr. Lotson** stated that this would be a question for the petitioner. But if there was storage in this facility, it would likely have increased the impact; however, he cannot say that the same number of people are not already using that facility coming from a different location.

**Mr. Polote** stated that in summary, the petitioner is asking for a variance to match what is presently existing. Staff sees no reason to deny other than the fact that there is a 36 feet height requirement.

**Mr. Lotson** said that the maximum permitted height is 36 feet. The petitioner is asking for the same height that was previously granted in 2019, which is 45 feet. They requested at that time 50 feet, but they were granted 45 feet. The proposed new building, which is shown today, would be essentially identical to the buildings that are on site now.

## **PETITIONER COMMENTS**

**Attorney Harold Yellin stated that he was present on behalf of 3 Sea Sons, LLC.** The 3 Sea Sons are the owners of Savannah Boat House. Two of the sons and their father, Brian McCarthy, were accompanying him at today's meeting. Attorney Yellin stated that Tom McCarthy is the managing member of Savannah Boat House and would likely answer the Board's questions.

**Attorney Yellin** explained that the petition before the Board today is a request for a height variance of 9 feet, 36 feet - under the Code to 45 feet. This is to allow Savannah Boat House to expand its marina only with dry storage. The expansion is for two buildings as shown on the exhibit before the Board. There will be no expansion of the existing office, no expansion of the existing docks on the river, no expansions of the existing fuel facility. As the Board will see as shown on the concept plan before them, their extension is to the south and along Highway 80. Therefore, they will be bounded on one side by their own facility. They will be bounded by Highway 80 and across the street there is a 9 or 10 story building. To the south, is a small commercial shopping center; and on the other side, they can see the faint outline of several rectangular, self-storage, and mini warehouse.

**Attorney Yellin** said they are somewhat surprised by the staff's recommendation before the Board today because as has been discussed, they were approved for a 9-foot variance in 2019. They had actually asked at that time for a height variance to go to 54 feet, which would have been a variance of 18 feet; but there was considerable discussion. He stated he does not remember who else was on the Board at that time, but he believes Ms. Ross was the only member then that is still a member now. As he has said, there was considerable discussion. One of the reasons they settled on 45 feet was really based on a survey of other marinas in Chatham County. Savannah Bend Marina was at 44 feet; Bye-High Blue was actually a little taller at 48 feet; and Hogans Marina was at 41 feet. The other discussion they had was the need for dry storage in Chatham County. Now, in 2019, there were 10,500 registered boats, this does not include unregistered boats. So, in 2019 there was only dry storage available for 700 boats, roughly 7% of all boats at availability for dry storage. Attorney Yellin said even when they added on their 100, that statistic went from 7% to 8%. In 2019 and there is still now, a need for dry storage for Chatham County. Interestingly, because the Board often asks what else is happening in the neighborhood. He stated that seven months after they were approved, a petition came before the ZBA for Sale Harbor Marina. Attorney Yellin said that Sale Harbor Marina asked for and received a variance of 29 feet for its marina expansion. This was based primarily on the fact that it is next to what he believes is called, the Wilmington Island Club [the old Sheraton Inn]. because it was 13 stories and 134 feet high. The ZBA actually granted a 29-foot variance for that property.

**Attorney Yellin** stated that if they look across the highway from where they are, [he is not sure how tall this building is] he does not know whether to count the garage's space at the bottom, it is either 9 stories or 10 stories. He guesses it is about 10 stories and it may not be as tall as the Wilmington Island Club, but they are not asking for 29 feet. They are asking for a 9-foot variance. Attorney Yellin showed the Board several more views of the area. He said that an incredible tree buffer will be between Highway 80 and their expansion. There is a gap as you get closer to the bridge, and this is the old entrance to Williams Seafood. Their buffer for their expansion, in his opinion, will for exceed anything that he has seen at any other marina existing or proposed for Chatham County.

**Attorney Yellin** said in summary, they are very comfortable; they are consistent with the 2019 decision; and they are consistent with other marinas in Chatham County. In fact, they are probably smaller in height than other marinas in Chatham County. He said that they are comfortable that their expansion is in the direction of existing commercial uses and that their expansion is significantly buffered by an extraordinary tree buffer to Highway 80. They are not aware anyone opposing this petition. In fact, they are only aware of one neighbor who supports their petition, and it is Mr. Brian Redmond. Attorney Yellin read Mr. Redmond's letter of support to the Board. Attorney Yellin respectfully asked the Board to approve their petition. He entertained questions from the Board.

**Ms. Ross** asked Attorney Yellin, for clarification, how many slots the new buildings would add.

**Attorney Yellin** answered that there will be 48 boats in each building. Therefore, they will have 96 boats added to the existing 108 boats.

**Ms. Ross** stated that if they took him back to the current limit, how many storage units would you lose?

**Attorney Yellin** said they would be knocking off 24%. This poses for them a functional issue and an operational issue. It's an aesthetic issue, dropping from what they have approved 45 feet down to 36 feet. He explained that everything about their operation is geared towards having 45 feet of dry storage area. It is odd for them to come back, particularly with the buffers and with what is all around them, and candidly variances

have been given to others which far exceed what they are asking for. They believe that it is financial that they have the same variance that they received a short three years ago.

**Ms. Ross** said this maybe a question for Mr. McCarthy. For clarification, do you have a wait list for the storage units?

**Mr. Thomas McCarthy** was sworn in by Mr. Coursey.

**Mr. McCarthy** said they opened the business approximately two years ago. They filled the entire marina about 60 days after opening. They had such a demand at the time. They have a wait list of about 30 people during the entire time. They started trying to acquire the property next door to expand the marina because initially they did not get the 54 feet. Therefore, they were trying to expand westward to accommodate those additional spaces. When they opened the marina, it was pre-COVID. The demand for outdoor recreational activities has skyrocketed. Consequently, they have had nothing but people trying to get in here. They are trying to do everything they can to accommodate as many persons as they can.

**Mr. McCarthy** said every marina in Savannah is at full capacity. The marina that Attorney Yellin spoke about on Wilmington Island, there is just not enough space to accommodate the people that want to use it because of the water.

**Ms. Ross** said that the dry storage takes those boats out of the water.

**Attorney Yellin** said in the discussions of 2019, one other important point that was considered by the ZBA was that cars do not come in and out their facility. When you come in, you are typically going fishing or boating. You bring your car in, and it sits there for several hours; mostly, the car sits there all day. Even with an additional 96 boats, they do not expect any impact or anything else on Highway 80. Literally, the people that come here are coming for a significant period of time. He cannot imagine why anyone coming here and then leaving 20 minutes later just as at a drugstore or a grocery store. When you come to the marina, you are there because you want to be and will be there for a significant period of time.

**Ms. Ross** asked if the marina is not adding more parking spaces.

**Attorney Yellin** explained that they are adding parking; this is why they do not need a parking variance this time.

**Mr. Coursey** stated that his concern is they do not have parking off of Highway 80 and off the grass. He asked Mr. McCarthy if they will have adequate parking.

**Mr. McCarthy** answered that they are adding a significant number of parking spaces on the back; more than they need, this is why they did not ask for a parking variance. They realized and wanted to have excess parking. Therefore, parking is not an issue.

**Mr. Cousey** said nothing irritates him more than boats, trailers, etc., parked on the side of a road near the right-of-way.

**Mr. McCarthy** said they are trying to maintain a nice area. Nobody has parked on the side of the road in the last two years that they have been here.

**Ms. Ross** stated that she lives in this area, and for full disclosure, she has used this facility.

#### **PUBLIC COMMENTS**

None. However, Mr. Lotson reported that staff received a supportive letter from Mr. Brian Redmond. Attorney Yellin read the letter to the Board during his comment period.

#### **Motion**

The Chatham County Zoning Board of Appeals does hereby approve the height variance request at 8010-8012 U. S HIGHWAY 80. This decision is limited to the development plan submitted and reviewed by the

Chatham County Zoning Board of Appeals.

**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**

8. Adjourned

There being no further business to come before the Chatham County Zoning Board of Appeals, Mr. Coursey adjourned the meeting at 9:57 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.***