



Chatham County Zoning Board of Appeals

Arthur A. Mendonsa Hearing Room
September 27, 2022

SEPTEMBER 27, 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
Melissa Paul-Leto, Development Services Planner
Julie Yawn, Systems Analyst
Mary E Mitchell, Administrative Assistant

Chatham County Staff Present: Georgi 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 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 June 28, 2022 Meeting Minutes](#)

📎 [June 28, 2022 Meeting Minutes.pdf](#)

Motion

The Chatham County Zoning Board of Appeals does hereby approve the Meeting Minutes of June 28, 2022.

Vote Results (Approved)

Motion: Robert Vinyard

Second: Coren Ross

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 | 6 Howley Lane | File No. ZBA-0822-000305 | Rear Yard Setback Variance](#)

📎 [Map.pdf](#)

📎 [Staff Report .pdf](#)

📎 [Pics.pdf](#)

Mr. Nirav Gandhi gave the staff report. The petitioner is requesting a variance to reduce the rear setback of the property at 6 Howley Lane from 25 feet to 20 feet. Mr. Gandhi reported that:

1. The petitioner has removed the deck that was previously in their backyard and wishes to replace it with a new deck. However, the proposed new deck is approximately 20 feet back from the property line, while the rear setback for the PUD for the Landings is 25 feet. The petitioner is requesting a 5-foot setback reduction variance be granted for them to build the deck as proposed.
2. The petitioner's property has approximately 110 feet of frontage on Howley Lane from its western boundary and an additional 180 feet of frontage on an unused right-of-way from its northern boundary. The property measures roughly 0.47 acres.
3. A deck or porch is considered by the Ordinance to be part of the main home and, therefore, must conform to the standards associated with a primary dwelling rather than an accessory.
4. In order to build as proposed, the petitioner would require a variance be granted. However, they could conceivably build a smaller deck. It should be noted that the total square footage of the new deck design is significantly less than the previous deck.
5. The majority of homes along the marsh in this area feature decks and porches that are much closer to the rear property lines, some as low as 10 feet. The proposed deck design is in keeping with the pattern of development for this area. Additionally, there is a thick tree buffer to the north along the

unused right-of-way that blocks the view of this deck from the neighbors to the north. The neighbors to the north and south have both expressed their support for this variance. The rear property line of the subject property is approximately 70 feet back from the marsh line.

Mr. Gandhi reported that staff recommends approval of the variance request. He entertained questions from the Board.

Ms. Ross stated that it looks like the deck that was torn down was concrete. Are they going to replace the deck with concrete or some other material?

Mr. Gandhi answered that he was not sure whether the petitioner will use concrete, but he believes the petitioner will use a nice-looking product.

Mr. Vinyard stated that he made a site visit to this property yesterday. The deck will not be concrete; it will be another nice material. The footprint of the new deck is much smaller than the footprint of the old deck.

PETITIONER COMMENTS

Mr. Gandhi stated that he believes the petitioners are out-of-town, but the petitioners' agent, **Ms. Tracey Tollison**, is on-line.

Ms. Tollison entertained questions from the Board.

Mr. Coursey asked, "what materials the deck would be made out of"?

Ms. Tollison answered that the deck will be on piers, open underneath, and will be enclosed by [hogpen] horizontal boards, which are quite attractive. Also, matching brick pavers of the house will be used on the deck.

Ms. Ross asked if the structure would have a roof.

Ms. Tollison answered that it will be a covered deck.

PUBLIC COMMENTS

No one was in-person or line for this hearing.

Mr. Gandhi reported that the neighbors on the north of the petitioners' property sent an email stating that they fully support the request.

Mr. Coursey said he was concerned about the right-of-way.

Mr. Gandhi explained that he believes this is land that was never developed this far.

BOARD DISCUSSION

Mr. Vinyard stated that the deck is not visible on either side of the neighbors. When you are there, the view from the deck is much more open. It is a beautiful view. He was in favor of the Board approving the request.

Motion

The Chatham County Zoning Board of Appeal does hereby approve the requested variance for a front yard accessory structure at 6 Howley Lane.

Vote Results (Approved)

Motion: Robert Vinyard

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

[5. 0 North Street | Front Yard and Rear Yard Setback Variance Requests | ZBA-0922-000310](#)

[Application.pdf](#)

[Staff Report .pdf](#)

[Map.pdf](#)

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

- A 4-foot reduction of the required 35-foot front yard setback.
- A 5-foot reduction of the required 25-foot rear yard setback

Mr. Lotson stated that:

1. The subject property is approximately one third of an acre in size and is located on the east side of North Street approximately 200 feet south of the Intersection with Walthour Road on Wilmington Island. The property is within the R-1/EO zoning district (One Family Residential / Environmental Overlay). The applicant is proposing to construct a new single-family residence. The lot is currently undeveloped.
2. North Street is a paved public road with a 40-foot right-of-way. The street dead ends at a cul-de-sac approximately 450 feet south of the subject property. The development pattern along North Street includes single family detached residences similar to that which is proposed by the petitioner.
3. The proposed residence is a two-story structure with an attached garage. The variances, if approved, would result in a 31-foot front yard setback and a 20-foot rear yard setback. Although, the property is 15,000 square feet in size, it is wider than it is deep, which is similar to many of the other lots on North Street.
4. The proposed front setback would allow the structure to align with neighboring houses. As to the rear yard, the property does not abut another residential lot on the rear, which limits any potential impacts of encroachment.

Mr. Lotson explained that the property behind this property is the County's right-of-way. It is not private property; therefore, the rear of the house will not immediately be abutting another residence.

Mr. Lotson reported that staff recommends approval of the variances for the front and rear yard setback as requested by the petitioner. He entertained questions from the Board.

Ms. Ross said the area looks heavily overgrown. Is a right-of-way here to utility lines for the trees to be cleared so that they do not fall on the next-door neighbor's house?

Mr. Lotson asked Ms. Ross if she was talking about the rear of the property?

Ms. Ross answered yes.

Mr. Jefferson Kirkland, Chatham County Engineering, stated that he did a review of this site because it is adjacent to one of Chatham County's drainage right-of-way; an extensive canal is here. This is why the area is overgrown. The canal has very steep sides, but it is overgrown on the subject property side of the right-of-way. Chatham County's concern is that no clearing be done on this right-of-way without getting permission from Chatham County Public Works Department. Mr. Kirkland entertained questions from the Board.

PETITIONER COMMENTS

Mr. Trenton Spencer came forward and stated that he was present on behalf of the owner, Mr. Nick Mieszala. He entertained questions from the Board.

Ms. Ross asked how much change to the grade would be done in order for the project to meet the requirement.

Mr. Trenton answered that limited change will be made to the grade.

PUBLIC COMMENTS

None.

BOARD DISCUSSION

The Board was in agreement with the staff's recommendation for approval of the variances for the front and rear yard setback as requested by the petitioner, with the condition that no unauthorized clearing is done on the adjacent Chatham County canal right-of-way.

Motion

The Chatham County Zoning Board of Appeals does hereby approve the request for two variances for the construction of a new-single family residence at 0 North Street as requested. There shall be no unauthorized clearing of the adjacent Chatham County canal right-of-way.

Vote Results (Approved)

Motion: Coren Ross

Second: Meredith Stone

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

X. Other Business

XI. Adjournment

6. Adjourned

Mr. Lotson reported that on Friday, September 23, 2022, the County Commission appointed a new member to the County Zoning Board of Appeals, **Ms. Ashley Fields**. Hopefully, Ms. Fields will be on board at the next meeting.

Mr. Coursey said with the appointment of Ms. Fields, they still have one more appointment available.

There being no further business to come before the Board, Mr. Coursey adjourned the meeting at 10:25 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.