



## Chatham County Zoning Board of Appeals

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Arthur A. Mendonsa Hearing Room  
October 24, 2023 - 9:00 A.M.  
Meeting Minutes

### OCTOBER 24, 2023 CHATHAM COUNTY ZONING BOARD OF APPEALS

Members Present: James Coursey, Chair  
Robert Vinyard, Vice Chair  
Ashley Field  
Benjamin Polote  
Coren Ross  
Meredith Stone

Member Absent: Kewaan Drayton

Others Present: Edward Morrow, Development Services Director  
Melissa Paul-Leto, Development Services Planner  
Mary E. Mitchell, Administrative Assistant  
Hind Patel, IT Helpdesk & Support

Virtual Attendance: Pamela Everett, Esq., Assistant Executive Director, Compliance & Operations

Chatham County Staff Present: Jefferson Kirkland, Environmental Program Manager  
Yolanda Washington, Zoning Administrator

#### I. Call to Order and Welcome

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

**Mr. Coursey** called the meeting to order at 9:05 a.m. He explained that this is a quasi-judicial proceeding. He asked that all those wishing to give testimony during these proceedings please sign in. Witnesses were 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 26, 2023, Meeting Minutes](#)

📎 [September 26, 2023 Meeting Minutes.pdf](#)

**Motion**

The Chatham County Zoning Board of Appeals does hereby approve the Meeting Minutes of September 26, 2023.

**Vote Results ( Approved )**

Motion: Coren Ross

Second: Meredith Stone

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

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

**VII. Consent Agenda**

**VIII. Old Business**

**IX. Regular Agenda**

[4. Minimum Lot Area Variance | 0 Hendry Avenue | ZBA-0923-000415](#)

[📎 Site Plan.pdf](#)

[📎 AERIAL - SITE MAP ZBA-0923-000415.pdf](#)

[📎 Staff Report .pdf](#)

**Mr. Edward Morrow** gave the Staff report. The Petitioner's request is for a minimum lot area and a rear setback variance for the property identified as 0 Hendry Avenue. The subject property is approximately 1100 square feet in area in a Zoning District of R-1, which is a single-family zoning district that requires a minimum area of 15,000 square feet where the home is to be served by public water and onsite septic system. Mr. Morrow displayed the subject property on the screen, which was identified in the green color outline.

**Mr. Morrow** explained that the subject property is zoned R-1 and measures 100 feet in width by 110 feet in-depth for a total area of approximately 1100 square feet or .25 acres. The property is deficient with regards to area in the zoning district. The Petitioner's property is landlocked. Per the Petitioner, there is an existing access easement that crosses the property at 1612 Hendry Avenue. Based on the submitted site plan, the Petitioner is also requesting a variance to the rear setback requirement, which is also a part of this petition.

**Mr. Morrow** stated that in looking at the development pattern in the area, the parcels are a part of a likely older subdivision, and there were subsequent subdivisions that were established where the lots are smaller. He pointed out that what the Board sees in the green and black lines are actually sewer lines and the blue color is the water lines. Therefore, the smaller size parcels correspond to the fact that the other parcels nearby are significantly smaller and are served by water and sewer. There is no need for a septic drain field. This allows those parcels to be smaller. Based on this, Staff presumes that this parcel was likely 100 feet in width by 319.5 square feet at the time of its creation. The sales record based on Board of Assessors data begins approximately in 2005. Mr. Morrow stated that, therefore, he presumes this subdivision happened around 2005. The lot is nonconforming with regards to the development of a single-family home. Staff currently does not promote these types of subdivisions. When they find that there are existing lots of record, they bring them before the Board to be addressed with

whatever requirements are deficient for the purpose of developing a home.

**Mr. Morrow** said in looking at the variance criteria, the Zoning Ordinance establishes four different variances criteria. There are no extraordinary circumstances that pertain to this property with regard to its size, shape, or topography. The parcel was likely created due to an erroneous, nonconforming subdivision approval. There is no record of variances that Staff was able to find with regards to this parcel. He said that the Petitioner will not suffer undue hardship because of the denial of the ability to develop a single home here as it has the ability to be recombined. There is adequate property to create two conforming parcels within this Zoning District. This would require demolition of the existing home, but there is adequate property here and they are under common ownership. The parcels could be recombined and subdivided to create two conforming lots. There are no peculiar circumstances with regards to this property. As he has said, the properties are under common ownership and relief, if granted, would not cause substantial detriment of the development of the single-family home on the property, would be averse to the intent of the Zoning Ordinance and inconsistent with the development pattern in the area. The development of a home would require one additional variance. Mr. Morrow said based on the conversation he had with the Petitioner, he understood that the Health Department issued the appropriate authorization to place a septic tank at the home. Therefore, this is one of the development standards that the Petitioner has met regarding developing a home here.

**Mr. Morrow** reported that Staff recommends denial of the requested variances. He entertained questions from the Board.

**Mr. Vinyard** asked the Staff to display the map again on the screen. He asked if a house is currently on the property. If so, where is it located?

**Mr. Morrow** answered that a house is on the larger lot.

**Mr. Vinyard** asked if the Petitioner's plan is to build a home on the smaller lot?

**Mr. Morrow** answered yes. The Petitioner wants to build a family home on the rear lot.

**Mr. Vinyard** asked where access to this lot was.

**Mr. Morrow** answered that the access is supposed to run down to the eastern side of the property.

**Mr. Vinyard** said the Petitioner will put a road or a driveway from Hendry Avenue up to the secondary lot.

**Mr. Morrow** explained that Staff did not receive a plat with this petition. He stated that a 22-foot easement is currently required by Chatham County. This is another concern that Staff has.

**Mr. Vinyard** said he does not know whether the driveway would be permitted in this easement.

**Mr. Morrow** stated that if it exists and meets current standards at the time of its creation, it is not an issue. But Staff has not seen the development plan.

**Ms. Field** said according to SAGIS, the existing house sits in the area that Mr. Morrow is pointing to and goes through. Right?

**Mr. Morrow** answered yes. It is very close.

**Ms. Field** asked if there is enough room here for an easement.

**Mr. Morrow** said it is very close. The requirement is for a 22-foot easement if the lot is required to be replat. If there is an existing plat, then it would have earlier development standards that would have permitted an existing easement. If there are no changes, it is an existing lot of records. Therefore, the only requirements would be the variances that are before the Board now.

**Mr. Coursey** explained that he saw some red outlines surrounding the environmental overlay. The Staff report says that the subject lot is within the environmental overlay. Is this not accurate?

**Mr. Morrow** explained that he believes the zoning is R-1, but it does not appear to be within the environmental overlay. It has implications for lot coverage, in essence, such as greenspaces and things of this

nature. Single-family homes are only permitted to have 40% lot coverage. This is another Standard that the Petitioner would have to meet.

### **PETITIONER COMMENTS**

**Mr. Reed Peacock** came forward and stated that he is the Petitioner. He said that Mr. Morrow mentioned a house which is at 1612 Hendry Avenue. This is his home, and he lives here. He wants to build a house without demolishing his present home or moving it. Mr. Peacock said pertaining to the drive lane, an access easement is here that was done by the previous two owners. It is a 17-foot-wide easement. His house had a garage built off to the right side of the home and with the legality of the last easement, the owner of 1612 Hendry Avenue had to demolish that garage to allow for the road to be there permanently as access to the road on the right-hand side of the property.

**Mr. Peacock** said he believes the 1500 square feet minimum is based off the septic tank and drives the square footage for a house that is on public water width for a private sewer. Therefore, he hired a surveyor and an engineer to assist him in designing the septic tank system. The Health Department had a list of requirements for putting a septic tank on a lot of this size. The Health Department had him do a site plan which he submitted a copy of, and they gave him his permit yesterday to install the septic tank on the lot.

**Ms. Stone** asked if the septic tank is designed in the capacity to service both proposed homes.

**Mr. Peacock** answered no. He explained that the home at 1612 already has a septic tank. The septic tank permit is solely for the construction of a new home on the back. It has been designed with a primary drain field and a secondary drain field as well.

**Ms. Ross** asked what the reason was for not connecting to the public utilities and sewer.

**Mr. Peacock** said it is about 280 feet or 300 feet away. He said according to his understanding from speaking with the City of Savannah, the septic line runs down Hendry Avenue and about 100 yards before getting in front of his house, it goes over into his neighbor's front yard across the street approximately 20 feet, then it runs the rest of the way down Hendry Avenue. This would be a great distance for him to tie into it.

**Ms. Ross** asked that at some point in time if one lot was sold to somebody else, would the easement be permanent?

**Mr. Peacock** answered yes. He said that when he purchased the lot, the easement was in effect, and he only owned the front property. The lady who owned the property behind him had access to her lot while he was living there. Mr. Reed explained that if he sold one of the two properties, there would still be an access easement to get to the property.

**Mr. Coursey** said he is curious how the Health Department approved the septic system on a nonconforming lot.

**Mr. Peacock** explained that the Health Department has a system for nonconforming lots. For example, if you had an acre lot, you would not really have that much of a site plan for the Health Department to issue the permit. But in his situation being .253 acres, the Health Department instructed him to hire a surveyor; get a level 3 soil analysis done; hire an engineer, hire an architect to design his home, and then put all of this onto a site plan. He said it took him a couple of months to get everything in place. Then he returned to the Health Department who was happy to see that he had done all of this satisfactory to their needs. They submitted him the permit yesterday for construction of a new home and installation of a new septic tank system with a primary and a secondary backup drain field on the lot.

**Mr. Vinyard** asked if this will be a rental home, or will he sell it?

**Mr. Peacock** answered no. He loves the area and wants to build a home here for himself. They just need a little more space. The front lot is his home also. Once he moves into the new home, his plan is to rent the old home.

**Mr. Vinyard**, for clarity, asked Mr. Peacock if the new home would be his home.

**Mr. Peacock** answered yes; it will be his primary residence. Mr. Peacock said Mr. Morrow mentioned that he had a second request for the rear setback. He explained that the intent behind this is that he wants to build a home as far back as possible from the street and all the other homes. There is a long lot, which is number 8.

This neighbor shares a 7-foot side yard setback here. Consequently, he would like to seek a similar setback to be towards the rear of his home. He will not use the grass space very much; therefore, he is hoping for some kind of relief off the back part. This would be very much appreciated.

**Mr. Coursey** asked if a home is on designated number 8.

**Mr. Peacock** answered yes. He believes there is a home here. It is to the far right on the map off Old Montgomery. He believes all of this is an open lane back there.

### **PUBLIC COMMENTS**

**Mr. Randy Peacock** said he was only attending the meeting as moral support.

**Mr. Araceli Morales** came forward and stated that he resides at 1422 Hendry Avenue. Mr. Morales said he was present on behalf of his wife who owns lot #7. He asked if the access was from the Petitioner's driveway.

**Mr. Peacock** stated that access is from his driveway.

**Mr. Coursey** asked that the question be repeated so the Board could understand the question.

**Mr. Peacock** said he believes Mr. Morales's question was if his driveway accesses Mr. Morales's lot.

**Mr. Morales** confirmed that this was his question.

**Mr. Peacock**, in an answer to Mr. Morales's question, said no. He intends to build his house on lot 55 in the back. He has an easement from his house to his lot. His road will not go over there and tie into Mr. Morales's lot.

**Ms. Stone** asked Mr. Morales where his access easement lies.

**Mr. Morales** answered that the access easement is supposed to be on Hendry Avenue.

**Ms. Stone** asked Mr. Morales how does it connects to his lot.

**Mr. Morales** explained that someone owned the lot before and tried to build a new house and they got the same access for two lots. It was for #7 and the other lot.

**Mr. Coursey** said he was totally confused. Is there a house on lot #7?

**Mr. Morales** answered no. It is only land.

**Mr. Coursey** said it is totally landlocked.

**Ms. Stone** asked Mr. Peacock if his plan impedes access to Mr. Morales's lot.

**Mr. Peacock** answered that he has no knowledge of this as his paperwork does not show access to his lot. The easement was between the previous two parties who signed the easement, and he does not believe it gives access to any other lots.

**Mr. Coursey** asked Mr. Morales to spell his last name.

Mr. Morales said his wife's last name is Morales. It is spelled M-O-R-A-L-E-S.

**Mr. Coursey** asked Mr. Morales if he owns lot 7.

**Mr. Morales** answered that his wife owns lot 7. She is working today.

**Mr. Coursey** asked Mr. Morales what he intends to do with lot 7.

**Mr. Morales** answered that in the future, they plan to build a house.

**Mr. Coursey** asked Mr. Morales if he understood what Mr. Peacock was saying. Mr. Coursey explained to Mr.

Morales that Mr. Peacock was saying that the easement is between his two lots and not his lot.

**Mr. Morales** answered yes.

**Mr. Coursey** stated that the Board is not here to decide easements. He asked Mr. Morales if he understood this.

**Mr. Morales** stated that he just had a question and had been talking with different people.

**Ms. Ross** questioned if they are looking at the drawing correctly, does Mr. Peacock's easement run on the side of his property that is closest to #7 or does it run closest to the environmental overlay?

**Mr. Peacock** said the easement runs on the right side of lot 56 and in-between 56 and 52. It is an existing driveway for 1612 Hendry Avenue that has been extended and he had the fence adjusted to allow access to the back lot.

**Mr. Vinyard** asked if the easement goes to the rear of the new lot.

**Mr. Peacock** answered yes.

**Mr. Vinyard** asked if it turns left.

**Mr. Peacock** said the access is to the back lot.

**Mr. Vinyard** said If you look at the plat, there is a tiny area of #7 that looks like his lot would actually border 55. Your easement does not turn left, then goes down?

**Mr. Peacock** answered no, not to his knowledge.

**Mr. Morrow** said he was following what was said. This is called a flag lot. The creation of these lots is for the purpose of extending access. Due to Staff not receiving a plat to review, it draws even more questions. Staff could look at this and said it is an erroneous approval. They are nonconforming, it is a very odd configuration, but the direction that the Board is going in makes more sense when you think about it. It looks like the flag lot was created to connect these two. Mr. Morrow said he does not believe that Staff's recommendation changes, but the recommendation here is can they find a plat that meets some boundaries description that gives a legal description of what happened here. Mr. Morrow said he sees how this could hamper someone else's access. There may have been a verbal agreement as opposed to something legally written, but when you look at the way it was platted based on SAGIS, the suggestion is what the Board is suggesting.

## **BOARD DISCUSSION**

**Ms. Ross** asked if the Board approves a denial today, is there a length of time before the Petitioner would be able to come back with said proof of easements and all of the things that would justify cleaning up the story of this land?

**Mr. Morrow** stated that if the Board is interested in seeing more information, the petition could be continued to a date certain. They would be able to analyze this more closely.

**Mr. Vinyard** said he was not willing to vote for this positive this until he was absolutely, positive that this was not going to impede any other development here. If the Petitioner wants to build a house here is fine with him, but when Ms. Ross and he were looking at this, it is just odd that the little object in the back of lot #6 and comes right up to the lot line of #55 is there. What could that possibly be for other than access to lot #7. Therefore, to order to be fair to everybody, it seems to him that the Board should have more information before they either accept it or deny it.

**Ms. Ross** said she believes the Board should encourage a continuance.

**Mr. Coursey** asked for the comments from the Petitioner.

**Mr. Peacock** said he agreed with the continuance to allow more research on the easements and find out what is going on with the access. He said he has his plat, easement, and application on this phone, but the continuance is fine with him.

Mr. Coursey entertained a motion.

**Motion**

The Chatham County Zoning Board of Appeals does hereby continue this petition to the meeting of November 28, 2023.

**Vote Results ( Approved )**

Motion: Coren Ross

Second: Meredith Stone

James Coursey - Aye

Coren Ross - Aye

Meredith Stone - Aye

Robert Vinyard - Aye

Benjamin Polote, Jr. - Aye

Ashley Field - Aye

**X. Other Business**

**XI. Adjournment**

5. Adjourned

There being no further business to come before the Board, Mr. Coursey adjourned the meeting at approximately 9:30 a.m.

Respectfully Submitted,

Edward Morrow  
Development Services Director

EM: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.***