

CHATHAM COUNTY ZONING BOARD OF APPEALS

ARTHUR A. MENDONSA HEARING ROOM

112 EAST STATE STREET

JUNE 28, 2005

9:00 A.M.

MINUTES

MEMBERS PRESENT:

**Jimmy Watford, Chairman
Steven Day
Michael Lee
Robert Sharpe**

MEMBERS ABSENT:

**Davis Cohen, (Excused)
Charles Stewart, (Excused)**

TECHNICAL STAFF PRESENT:

**Robert Sebek, Chatham County Inspections
Department**

MPC STAFF PRESENT:

**Jim Hansen, Secretary
Christy Adams, Assistant Secretary**

RE: Called to Order

Mr. Watford called the April 26, 2005 Chatham County Zoning Board of Appeals meeting to order at 9:00 a.m.

**RE: Continued Petition of John H. Howkins, Jr.
B-05-33315-1
1917 Stone Street**

Present for the petition was John Howkins.

Mr. Hansen gave the following Staff report.

The petitioner is requesting a marsh setback variance of 35 feet and a riparian buffer setback variance of 20 feet pursuant to the requirements of Section 4-12(f) of the Chatham County Zoning Ordinance in order to construct a swimming pool at an existing single family residence within an R-1-A, E-O (One Family Residential, Environmental Overlay) district.

Findings

1. The subject property, located at 1917 Stone Street, lies within the Environmental Overlay (E-O) district. The Islands Community, as defined by the overlay, includes those areas of unincorporated Chatham County lying east of the Wilmington River, south of St. Augustine Creek, and west of Bull River. In addition to the development standards of the R-1-A district, the E-O establishes environmental standards including a requirement for a minimum marsh setback of 50 feet and a minimum riparian buffer setback of 35 feet.

2. The subject parcel is trapezoidal in shape (frontage of 100 feet, sides of 875 and 965 feet, and rear of 105 feet) and contains approximately 1.56 acres. However, because of its marsh front location, only slightly more than 12,000 square feet of the property is buildable. An existing house that does not meet the setback requirements of the EO is located on the site. The petitioner intends to construct a swimming pool on the property, which will necessitate variances from the marsh and riparian setbacks.
3. Marsh and riparian setbacks are not necessarily measured from property lines, but rather from the marsh limit as established by the Department of Natural Resources. On the petitioner's property, the marsh limit is defined by a bulkhead located approximately 120 feet from the front property line. It is from this line that the requirements of the marsh and riparian setbacks are measured.
4. In accordance with Section 10-6.3 of the Chatham County Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.**

There are no extraordinary or exceptional conditions that relate to this property because of its size, shape, or topography. Although a majority of the property (approximately 82 percent) is identified as marsh land, this is not a condition that would necessitate granting a variance to allow the property to be developed.

- b. **The application of these regulations to this particular piece of property would create an unnecessary hardship.**

Although the identified marsh land covers a large portion of the parcel, strict enforcement of the development standards would not render the site unbuildable and would not create an unnecessary hardship.

- c. **Such conditions are peculiar to the particular piece of property involved.**

The conditions described in 2. (above) are peculiar to this particular piece of property.

- d. **Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Chatham County Zoning Ordinance.**

Relief, if granted, could impair the purposes and intent of the Chatham County Zoning Ordinance. It appears that the pool could be sited elsewhere on the property and not encroach into the setbacks required by the E-O district.

Summary of Findings

All of the conditions necessary for granting a marsh setback variance of 35 feet and a riparian buffer setback variance of 20 feet appear not to be met.

Mr. Howkins stated he needed a pool because of back problems and swimming was the only aerobic exercise that he could participate in. He said he selected the smallest pool possible and placed it as far as possible from the marsh. The fiberglass pool never needs emptying and requires a minimal amount of chemicals. He said the water was drinkable and would not harm grass or other living things. He said the pool would also have a retractable cover to prevent rain from over filling, heat loss, and dirt entering it.

He said in regard to the Staff's report he felt there were extraordinary conditions relating to this property because most of it was marsh and the high ground was very wide but shallow. He said most marsh front lots have the long access at 90 degrees to the water. The setback was especially limiting since had more width than depth on this lot. He said Staff's recommendation that the pool could be located elsewhere did not take into account septic tank and drain field. The marsh buffer was half of the lot and the pool was 4 percent of the buffered area. He said he estimated that about 95 percent of the dirt to be removed from the hole was filled from when the bulkhead was constructed. He said almost half the width of his lot would remain structure free from the marsh all the way to the road.

He further stated as requested he had an engineer study of his plans and their recommendation was to proceed. He said the engineer saw no possibility of any damage to the bulkhead by the weight of the pool. The pool landscaping would be professionally installed. He said there was not an alternative place to put it and all of his neighbors want the pool put in the ground as opposed to above ground. He said he hope the Board would grant his request. (Showed photographs of the landscaping).

Mr. Day asked to see the letter from Hunter Saussy Engineering.

Mr. Howkins stated he had the documentation on the sea wall material and the engineer's conclusion was that with or without the pool there was some kind of bending moment. He said the wall could handle 2,400 lbs. per linear foot. The engineer calculated with the pool that the maximum pressure was 800.

Mr. Sharpe stated in reviewing the documentation from the engineer that he was saying the bulkhead would take four times the load that was against it with the pool addition.

Mr. Howkins stated yes. He said he also had a letter from Mitchell Talent who was the person that built the wall. He said Mr. Mitchell said that all the dirt that was going to come out of the hole was dirt that he trucked in. He said Mr. Talent was also certain that the pool would be above the deadmen and rods, therefore they would not have to interfere with any of the tieback system for the wall.

Ms. Mary Ann Heimes stated she appreciated the reasons that Mr. Howkins wanted to install his pool. However, she must go back to the Islands Land Use Plan and ask the Board to remember that when it was passed in to law by the County Commission there was a 50 foot setback for building in the marsh and a 25 foot setback for the State. She said she knew that the petitioner has a compelling reason, but she must ask the Board to think of how many other people may have similarly compelling reasons to build close and disturb possibly the marsh.

The Islands Land Use Committee met for 5 years trying to make rules that they felt were fair. She said there was plenty of time for input from all kinds of people. She said she felt there were two issues before the Board today dealing with impending on the marsh. She said she ask that the Board have some respect for the citizens who worked hard on what they felt was a good document in place. She said if it is not a good document then she felt some one needed to bring it to the forefront and have it looked at again. She said to piece meal or spot zone (lot by lot) she felt was wrong.

Mr. Lee stated he agreed with the comments made by Ms. Heimes. He said he felt the petitioner had very good reasons for wanting to put the pool in, but unfortunately he felt the petitioner was asking for a variance to a setback that was beyond what the Board should be granting. It appeared to him even though he understood the drain fields were on one side of the house, he felt there was space on the other side of the house where the pool could be placed. He said he also understood that if the petitioner did an above ground pool that he would not even be before the Board, therefore he felt the petitioner had options.

CZBA Action: **Mr. Lee made a motion that the Chatham County Zoning Board of Appeals deny the petition as submitted. Mr. Day seconded the motion and it was unanimously passed.**

Mr. Howkins stated there were two things that he was asking for. He said he was also asking permission to build the roof for the screen porch.

Mr. Day stated he felt the Board had talked about that before and since it was going to be on posts that the Board did not have a problem with that part of his request because it would have no impact on the marsh. He asked Mr. Lee if he would like to amend his motion?

Mr. Howkins asked if he could revisit the request for the pool. He said this was the third time that he has been before the Board in four months. He said he came out of the last meeting with some direction although there was no guarantee. He said he spent a lot of money on the engineering study. He said he really needed the pool. He said he understood that he could build a deck and put the pool inside the deck. But that was something that him nor his neighbors wanted him to do. He said he felt the way he presented it was more aesthetically pleasing and better for the community. He said he could take out the stairs and shift it a couple of feet further towards the house, possibly getting the variance to 20 and 25. He said it was a shallow pool 4 feet deep.

Mr. Day stated the Board did not make the rules. He said the rules and guidelines have been set by County Commission. He said from his perspective there was nothing that said there was an overwhelming reason for granting the variance especially when there were alternatives. He said they may not be the best alternatives, but there were alternatives. He said as mentioned, he could build the pool above the ground and not come to the Board for approval. He said the Board felt that he has not given compelling reasons to change what the County Commission has in place.

Mr. Sharpe stated his position was that if he had the engineer study that may be the Board could accommodate him some how. He said he was sorry that he had to spend more money to gain information, but the Board felt they needed more information. He asked if there was room underneath his house to put the pool, so that he could swim underneath?

Mr. Howkins stated the stairs were about 4½ feet wide and the pool sat 1 foot off of the stairs. He said there were pilings that supported the deck that went straight down into the ground. He said if it's the 25 foot setback then he could probably get the pool out of the DNR line. He said that would be taking out the steps and moved it about 1 foot off the pilings he could add 5½ to 6 feet, which would make it about 23½.

Mr. Sebek (Zoning Administrator) stated the setback for existing homes was 50 feet.

Mr. Day stated the reality is there are alternatives. He said it may not be the best or looked the best, but there is an alternative and he felt that he was going to have to look seriously at that alternative.

**RE: Continued Petition of Lynda S. & Gilbert H. Wertz, Jr.
B-05-57646-1
425 Suncrest Blvd.**

Present for the petition was Tim Walmsley, Attorney.

Mr. Hansen gave the following Staff report.

The petition was continued from the April 26, 2005 meeting because the Board requested an opinion from the County Attorney as to whether the Board is able to rule on the petitioner's request based on Section 3-4 of the Ordinance. An opinion is anticipated to be available at the public hearing.

The petitioner is requesting approval of a 25 foot lot width variance from the 100 foot lot width requirement of Section 4-6.1 of the Chatham County Zoning Ordinance in order to subdivide an existing lot at 425 Suncrest Boulevard within an R-1-C (One-Family Residential) zoning district.

Background

On November 24, 2000 Lynda and Gilbert Wertz applied to the County ZBA for a lot width variance at 425 Suncrest Boulevard in order to subdivide an existing lot. On January 23, 2001 the variance was approved by the ZBA. The ZBA decision stated that the decision and any related approvals would expire on January 23, 2002 unless a building permit is obtained prior to the expiration date.

On January 20, 2002 the petitioner requested a time extension of the January 23, 2001 approval. On February 26, 2002 the ZBA denied the request.

On July 5, 2002 Mr. and Mrs. Wertz were advised by the Secretary of the County ZBA, that the decision to deny the time extension was issued in error. The letter stated that the Zoning Ordinance does not require a time limit extension for the variance to remain in effect.

At the March 16, 2005 ZBA meeting, the Board approved rehearing the petition. The Board noted that the petitioner already has the right to submit an appeal as it has been more than 12 months since the last request (see Section 10-2 Rules and Procedures).

Findings

1. The property was rezoned from R-1 to R-1-C in 1997. The minimum lot size in the R-1-C zone is 32,000 square feet, and the minimum lot width is 100 feet.
2. The property (uplands) is 150 feet wide and approximately 468.3 feet long. The petitioner proposes to divide the property into two 75 X 468.3 feet lots. Each lot would contain approximately 35,122 square feet in area.
3. In accordance with Section 10-6.3 of the Chatham County Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:

- a. **There are extraordinary and exceptional conditions pertaining to this particular piece of property in question because of its size, shape, or topography.**

There are no extraordinary or exceptional conditions that relate to this property because of its size, shape, or topography. The lot is standard in all respects.

- b. **Such conditions are peculiar to the particular piece of property involved.**

The subject property is a standard lot. There are no peculiarities involved with this particular piece of property.

- c. **Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Chatham County Zoning Ordinance.**

Relief, if granted, would cause substantial detriment to the public good and impair the purposes and intent of the Chatham County Zoning Ordinance. Approving the subdivision would be approving the creation of two substandard lots (lot width).

- d. **The application of these regulations to this particular piece of property would create an unnecessary hardship.**

Strict application of the development standards for the district would not create an unnecessary hardship.

Summary of Findings

All of the conditions required for granting a 25 foot lot width variance appear not to be met.

Mr. Day asked if the letter that he was talking about from the County Attorney the one dated July 26, 2004?

Mr. Hansen stated yes. He said in his cover memo dated May 20, 2005 sent to Mr. Howell he referenced the opinion of July 26, 2004 which although it was not for the Werntz's property but for a very similar application.

Mr. Lee stated according to the letter he felt the County Attorney was saying that the Board did not have the authority to rule on this petition. He said he felt the question went back to January 2001 when the Board granted the variance. He said if the Board did not have the authority to do so then, he felt the County Attorney should have addressed in his letter the facts relating to the Werntz's case and not use another opinion that related to the Penn Myrick's situation on property down the road.

Mr. Hansen stated the Chatham County Zoning Ordinance did in several instances limit the powers of the Board of Appeals as well as the MPC to grant variances on particular properties. He said this provision was in the ordinance in 2001. He said he did not know why it was not addressed at that time. He said he felt what the County Attorney was saying was that it should have been caught then but it was not and in his opinion the Board did not have the ability to grant this variance. He said whether or not that met all the legal tests in so much that the Board did approve a variance in 2001 and variances run with the land that was for the Board to decide.

Mr. Day stated in regard to what Mr. Lee said there were situations in legal cases where other cases were cited where previous decisions that have been made were in fact cited as justification for a decision based on an existing case. He said he felt this may be the same with this. He said he look at this case and think maybe what the Board did the first time was incorrect and that the approval by the Board to allow this lot to be changed was incorrect.

Mr. Hansen stated he could not speak for the County Attorney. He said he could only give his opinion based upon the reading.

Mr. Sharpe stated he would have felt more comfortable getting a letter relative to the case at hand rather than one that was based on precedent. He said unless the County Attorney did not have anything before him regarding case-on-hand. He said then the County Attorney could give the Board something in precedent.

Mr. Day stated he looked at the cover letter from Jonathan Hart, County Attorney that says – "I am enclosing the County Attorney's opinion of July 26, 2004 addressing some the issues that would be applicable to this situation." Apparently, the County Attorney has reviewed this and said looking at this in relationship to what has happened in the past this would apply. He said what the County Attorney was saying as he read on Page 3 of the Penn Myrick letter – "The Zoning Board of Appeals does not have power to grant this variance." He said if the Board did not have the power to grant this variance then they were incorrect in the first place of granting the variance. He said he felt from his perspective that the County Attorney has looked at and reviewed it and has said the other case was similar and the precedent was set.

Mr. Tim Walmsley, Attorney, stated he wanted to submit for the record a letter that he sent to the County Attorney on May 25, 2005. He said he agreed with a few members of the Board who felt the County Attorney has avoided the issue in this case. He said also received a copy of what the Board has been referring to (May 20, 2005) memo along with the attached opinion concerning Penn Myrick. However, the Penn Myrick decision did not address the issue which they have raised to this Board in which he inquired about in his previous correspondence dated March 23 and April 29. He said those letters and everything else attached to it was also attached to this letter and was a part of this record. He said they have asked over and over

again for some guidance from the County Attorney on how this 2001 variance sits in the County. As explained, it was his clients opinion that a reapplication for a variance was not necessary. He said they were here because they have essentially said to the Board that they were willing to go through whatever process they want to go through. He said they were not reapplying for a variance. He said they were asking for clarification on the status of the 2001 variance. Again, it was not a question of whether they had to reapply, but whether they could rely on that original decision. He said he submitted for the record the decision from 2001 at which time this Board decided that it was appropriate to grant a variance on this property.

He further stated there was the 2001 variance and a year later the Werntz's come back and ask for extension on that variance. He said the Werntz's have taken steps based on that variance with soil engineering reports and so forth. He said this Board decided that it was going to deny its decision to extend the variance in this case which was based on some language in the original variance which was not supported by the Chatham County Zoning Ordinance, so they ended up here. He said after numerous requests of the County Attorney what they get was this memo saying that the Penn Myrick decision may provide you some guidance. The Penn Myrick decision came after the Board's decision in 2001. He said as far as precedent and as far as the legal term, precedent meant some prior law that you could rely upon when making a decision. Here a decision was made in 2001. He said what he understood the Board to be saying was they were going to go into the future looking at Penn Myrick and if the County Attorney at that point said it was not right they were going to go back to 2001 and reverse that decision. He said that was bad precedent from his perspective. He said he felt that forced the Board to look back at every decision that it has made based on every decision it makes to decide whether or not they were going to get rid of variances. Again, variances run with the land. He said these were rights that they were granting home owners and upon which they rely. In 2001 a variance was granted and this homeowner relied upon this Board's decision and took steps based upon this property right which was vested. He said he felt that was the argument.

He said in regard to the Penn Myrick's decision, referred to section 3 – 4 reduction or change in lot size. The opinion seemed to say that you did not have the authority under these circumstances to say the variance was valid. He said he did not think it had anything to do with that. He said the Board's statute says a lot as defined in the ordinance as occupied by building a structure, could not be reduced or changed in size and so forth, essentially a variance. He said unless it was needed to provide land for public use. The second sentence says – “When two or more lots of record have been occupied by a building or structure as a single building site and such building site has an area and width equaled to or less than the area and width required for lots...” it goes through and explains another set of circumstances. He said it was two separate sentences and two separate circumstances where there was a variance being requested. The third sentence which he felt was important – “The Board of Appeals shall not authorize to vary this requirement.” What is this requirement? He said they felt it applied to the second sentence. He said there variance had to do with the first sentence. He said he felt there was some question with the County Attorney's opinion and even if it was going to be applied in this circumstance. Again, the County Attorney's opinion did not address the question of whether or not the 2001 variance should be affirmed.

He stated the 2001 variance they believed was a property right granted to the Werntz's. He said they tried to act on that through a subdivision. He said they had acted on the property right through the soil testing. He said now they were stuck in the Zoning Board of Appeals and have been here for 5 months trying to get some final determination from the Board as to where this case goes. He said would address any questions presented. He said he wished the County Attorney had provided some guidance that was applicable in this case. He said they did not feel

the Penn Myrick's decision was applicable in this case because it was something that happened after this property right had been granted. He said section he did not think that 3 – 4 of the ordinance necessarily applied under these circumstances. He said they would like to walk out with a decision from the Board. Obviously, they would like for the decision to be that they granted a variance and it was an effective property right.

Mr. Lee stated he felt the Board had to come to some sort of resolution on this question. He said he would like to make a motion that the Board reaffirm their decision of January 2001 and that they table the current petition until such time as its determined by the County Attorney or whoever is responsible for making those decisions as to whether their January 2001 decision was authorized or not.

Mr. Day stated the problem with that was if the Board made a motion like that it would leave the petitioner he felt in limbo.

Mr. Walmsley stated they believe there was a vested property right. He said there were folks present today who did not want this property subdivided now and were addressing what the Board has created as an application from this point forward. He said they would like to be able to do with their property what they believed they were entitled to. He said the only thing holding that up was the action of this Board. Candidly, if there was an opinion on the other side of this it was not coming from the County Attorney. He said if there were neighbors who believed that they were some how losing some rights or something has not been done correctly, it was their right to go and have this decision essentially enjoined. He said they needed to move this out of the Zoning Board. He said they needed to be allowed to on their property what they felt they were allowed to. He said if someone did not think that they had the right to do that or someone thinks that this Board acted improperly back in 2001, their right was to move in to Superior Court. It was not to keep this petition held up here.

Mr. Watford asked the petitioner if he said that if the Board made a wrong decision in 2001 that was water under the bridge and that the courts could not look at past decisions and say the Board may have made a mistake and they needed to go back and change things?

Mr. Walmsley stated he was saying that in 2001 they were granted a property right and they have taken action based on the right that was granted by this Board. He said they were now four years down the line and this Board was reconsidering a decision that they have already taken steps and acted on.

Mr. Day stated the reality of it was he looked at the date on the document (1997) and basically it says that the Board does not have the right to do that. He said he felt that probably when the decision was originally made, the decision was an incorrect decision. However, the decision was made and the Board gave the Wertz's the right to do what they wanted to do.

Mr. Edward Hughes, Attorney & Resident, (540 Suncrest Blvd) stated he felt that it was important to remember that whatever the Board did in 2001 it put a time limit on acting on it. He said the petitioner did not act on it within the time limit that was imposed in 2001. He said that was the decision that this Board made at the time. He said whether that decision was beyond the powers or within the powers whatever was given in 2001 was gone and there was not an issue here about vested rights and whether they acquired a property right based on the approval of the original variance. He said they were told that it expired and they asked for an extension and the Board said no.

He stated in regard to the County Attorney's opinion there really was not much difference other than the address and location of the property a thing different about what was being requested here and what was requested by Mr. Myrick. The last sentence of section 3 – 4 he felt was significant – “A lot shall not be divided so as to produce a tract land which does not comply with the width and area requirements for a lot in the zoning district in which the lot is located.” He said the petitioner was asking to cut this one lot (50 foot of variance) because they wanted 25 foot from each one which was a significant request. He said if you get to the merits of the request the Staff said that it did not meet one of the criteria necessary for a variance at this time. He said it was not a peculiar shaped lot, it would not create an unnecessary hardship, it was a standard lot and there were no peculiarities involved, and relief if granted would cause a substantial public detriment. The neighbors were here today opposing this request. He said they fought hard in 1997 to get all this property zoned R-1-C, so that they would have a neighborhood with conforming lots. He said there were petitions that were of the record that was signed by the residents encouraging the Board to deny the request last time. He said he did not see Mr. Walmsley's letter, but he saw the one sentence that referred to something in Superior Court. He said maybe that was where the whole thing was headed and the real issue was who was going to take it there. He said the petitioner were the ones asking for relief. He said they were the ones who did not act on an application when they had it for 1 year for approval. He said it was not fair to force that burden on the neighbors when they were the ones asking for a variance that Staff said did not meet the requirements for the variance anyway. He said he would encourage the Board to deny the petition either on the grounds that the merits did not allow it or on the grounds that the ordinance did not permit you to vary a lot width which was what the County Attorney said back in connection with Mr. Myrick's petition 2004 and again with what he was saying now. He said he appreciated Mr. Walmsley's arguments, but they did not meet the scrutiny when you realize that they did not act on it after this Board attached an expiration date. He said he felt it could be that the Board lacked the power and may be that was what Mr. Hart was trying to say. Or, it could be that he thought that may be they had it and whether they did or did not the Board put a sunset on it. The sunset expired and the Board declined to extend it. He said he felt the petitioner was starting from ground zero and the County Attorney now says that the Board does not have the power to do it. He said that was a legal question and not whether it met the standards of granting a variance.

Mr. Day asked if the Board was really talking about whether they approved the petition to divide lot because that has already been approved (2001). Or, were they really talking about whether there was grounds for having a sunset clause in the documentation. He said apparently, the Staff or MPC concluded that sunset clause was incorrect. Therefore, a letter was issued by Mr. Hutton that said in fact that sunset clause was incorrect and it should not have happened. The approval for the petitioner has already been put in place. He said if you were to ask him again if he would vote to do that, he would say no, but it has already been put in place. He said someone in MPC has said that the sunset clause was wrong. He said in reality were they talking about if this case went to court whether the statement that something had to be done within a year was the legal argument. He said a decision has already been made by the Board to give the petitioner the approval to subdivide the lot. He said unless he was wrong and someone took it to Superior Court which should have been done in 2001 then that decision runs in perpetuity with the property. The question he felt is was the sunset clause in the document correct, which someone has said that it was not.

Mr. Hughes stated if the Board did not have the authority in 2001 to grant the petition even if it did.

Mr. Day stated no one picked up on that whether it was the neighbors or the County Attorney and it carried for a year. He said if the petitioner had started building on this property before the 1 year time frame expired the Board would not be here today. He said the only recourse the neighbors would have had which they should have taken in 2001 was to go to Superior Court and change the decision of the Zoning Board of Appeals.

Mr. Hughes stated he agreed that was one of the arguments the Werntz's could advance in connection with their application. He said he felt the fact was that they were here with a pending application to divide this lot and it was requiring that a variance be granted and the Board needed to act on the pending application. He said it was obvious that a court would have to sort out what was done in 2001 whether or not it was a legitimate sunset clause attached to it or not.

Mr. Lee stated the whole question comes to circle. He said it has been stated that the Board was here today to deal with this application. He said the only reason the petitioner was here with the application today was because of the sunset clause. He said the petitioner came back and asked for an extension, which was denied. And then the MPC Staff told them that was incorrect. He said really the petitioner should not have to be here with an application.

Mr. Hughes stated in regard to the approval that was granted in 2001 there was a legal argument relating to that. For example, if you gave a building permit to somebody that they were not entitled which was in violation of the ordinance they did not get any vested rights. He said it was their position that's exactly what they were dealing with on the division of the lot that was contrary to what the ordinance says a lot has to be. He said the appropriate thing for the Board to do was to deny the application, let the petitioner do the appeal, and let the judge sort it out.

CZBA Action: Mr. Lee made a motion that the Chatham County Zoning Board of Appeals decision granting the variance requested as approved on January 23, 2001, is affirmed. Mr. Day seconded the motion.

Mr. Sharpe stated he was concerned about this. He said he would be amenable to remanding this to court, the attorneys, or whomever to decide exactly what authority the Board has in this matter. He said he felt it should be given back to the County Attorney and let the courts decide what was best.

Mr. Lee stated that was what they were trying to do with this motion. In other words, by making this motion and reaffirming their decision of January 23, 2001 then somebody whether it's the adjoining property owners or somebody. Somebody was going to have to take it to a court to make a final decision. He said the motion was an attempt to get it out of Zoning Board of Appeals.

Mr. Charles Ray stated he owned the property next door to the property that the Werntz's wanted to subdivide. He said his family has owned that property since 1958. One of the reasons they purchased the property was because it big wide lots that had waterfront. He said if the Werntz's subdivide their property there will be two houses jammed up side by side. He said you could put two houses on the lot by putting one at the front and one at the back. However, he felt the purpose of doing this was to make more money out of the sale of the lot. He said in regard to the Board's decision of 2001, ignorance of the law was no excuse. He said he felt the Board made a mistake in 2001 due to ignorance of the law. He said he felt what the Board was doing with the motion to reaffirm was compounding that mistake by affirming a

mistake they already made. He said if the whole thing was a mistake it was not valid. He said to reaffirm something that was not valid was going to put the burden on the neighbors. He said it was going to give the petitioner the right to subdivide the property and the neighbors would have to take it to Superior Court to do anything about it. He said he would ask that the Board not reaffirm their decision of 2001, which was incorrect.

Ms. Judith Lamas stated she lived down the street. She said she agreed with the comments that have been made by her neighbors. She said they were just homeowners and did not have deep pockets. She said the Penn Myrick case does impact this petition. She said the whole issue may end up in Superior Court because mistakes were made at the Staff level. The neighbors were going to have to hire a lawyer for this. Thus far, the neighbors have not been able to find a lawyer in this town that will take this case. She said the neighbors are having to go outside the City to find a lawyer, which was costing a lot of money. Now the Board was asking them to come up again and defend another petition in Superior Court. She said she hoped the Board would take into consideration they were a Board of citizens. She said the Werntz's had every right that the neighbors had. But she was asking the tax payers that Mr. Sharpe alluded to help them out with this. She said if a mistake was made, why should the neighbors have to pay over and over again. She said there has to be some sort of mechanism that mistakes could be heard and the government would take responsibility.

Mr. Lee asked the Chair to call the question.

CZBA Action: The vote was tied 2 – 2. In favor of the motion were Mr. Day and Mr. Lee. Opposed to the motion were Mr. Sharpe and Mr. Watford. **The motion failed.**

Mr. Walmsley asked what was the status of the 2001 variance?

Mr. Day stated the Board was not dealing with the 2001 variance. He said the Board was dealing with the variance at hand.

Mr. Walmsley stated they would like for the Board to address the status of the 2001 variance. He said his clients have taken the position all the long and with the County Attorney that they were not waiving their rights under the 2001 variance. He said the reapplication procedure if the Board looked in the record there was no application in the record from the Werntz's for this proceeding to go forward. This appeared before the Board from MPC as a question as to whether or not the 2001 variance was something that the MPC could act on for a minor subdivision. He said that question has not been answered by the Board based on the decision that was just made. He said they ask again for a decision on the validity of the 2001 variance so that his clients who believed that they had a vested property right could act on that vested property right. He said that was the decision that they have been asking for all the long. As far as a variance from today forward that was the decision of this Board. What is the status of the 2001 variance? He said that was the question that the whole petition hangs on. Again, what they ask the Board to do was make a decision on that right, which they believed was vested. He said they have not seen this as a do-over. He said they were not saying that a do-over was necessary. He said they have been asking for all the long for a simple yes or no. In 2001, did this Board issue a decision that they could rely on (gave a property right). He said was that property right still in existence or was this Board deciding that it was going to remove this property right 4 years down the line. He said they have made it very clear in the records that they do not waive their rights under the 2001 variance.

Mr. Sharpe asked if the Board could not remit this to the County Attorney? He said he felt the petition was so convoluted that their authority to act on this matter has been questioned.

Mr. Day stated his position was that a petition has been requested as it stated on the agenda for a variance, so that those folks could do what they wanted to do. There was a motion to allow them to do that based on the 2001 decision. The motion was tied 2 – 2. He said as far as he was aware if there was not a majority voting for it then it was denied.

Mr. Walmsley stated so they were clear because this created new questions. He said what he understood from this Board was that a variance request of this date was before the Board, which has been denied. He said as part of that decision this Board has also made the decision that the 2001 variance no longer exists.

Mr. Day stated what the Board was asked to do or what was on this piece of paper was to approve this request. He said you could look at it two different ways. The motion was to reaffirm the decision of 2001. He said that decision has been denied because of the fact that it was tied 2 – 2. What the Board could do now was make a motion based upon what was in front of it which was a request by the petitioner to grant in his opinion a new variance on their property from this day forward.

Mr. Walmsley stated the reason he was asking was because there were certain time limits that exist legally for the Werntz to act within if in fact this Board was saying today that this variance that was granted in 2001 in fact has no effect. He said that was what he was trying to make clear for the record because a clock starts running if that was the decision of this Board today.

Mr. Day stated as far as he was concerned that was the decision of this Board today.

**RE: Petition of Louis J. Valoze
B-05-32887-1
4 Shad Court**

Present for the petition was Louis Valoze.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a 15 foot marsh buffer setback variance to the 25 foot marsh buffer setback requirement of Section 4-12 of the Chatham County Zoning Ordinance in order to construct a single family residence within an R-1, E-O (One-Family Residential, Environmental Overlay).

Findings

1. The subject property, located at 4 Shad Court, lies within the Environmental Overlay (E-O) district. The Islands Community, as defined by the overlay, includes those areas of unincorporated Chatham County lying east of the Wilmington River, south of St. Augustine Creek, and west of Bull River. In addition to the development standards of the R-1 district, the E-O establishes environmental standards including a requirement for a minimum marsh setback of 25 feet.
2. Irregularly shaped, the lot has five sides and contains approximately 8,204 square feet. Frontage on Shad Court measures approximately 75 feet following the curvature of the

right-of-way, the sides 117, 102, and 50 feet, and the rear property line measure 51 feet.

3. Marsh setbacks are not necessarily measured from property lines, but rather from the marsh limit as established by the Georgia Department of Natural Resources (DNR). The DNR has determined that a portion of the lot lies within the jurisdictional salt marsh. It is from this line that the requirements of the marsh setback are measured. The Zoning Ordinance requires a 25 foot building setback from the marsh boundary as flagged by the DNR. Accordingly, more than half of the petitioner's property lies within either the defined marsh or the required setback.
4. The proposed residence meets or exceeds all other setback guidelines for the R-1 district. No other setback or coverage variances are requested.
5. The petitioner has submitted two letters from the Department of Natural Resources. The first letter indicated that the criteria necessary for the DNR to grant a buffer variance had been met. The second letter indicates that due to changes in rules regarding erosion and sediment control, the DNR has determined that a variance for the petitioner's project is no longer required. However, the petitioner is still subject to locally approved rules and regulations.
6. In accordance with Section 10-6.3 of the Chatham County Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.**

As noted above, the parcel is irregularly shaped. Excluding the marsh area and the required setbacks, the building envelope would total something less than 1,800 square feet.

- b. **The application of these regulations to this particular piece of property would create an unnecessary hardship.**

Strict application of the regulations would create an unnecessary hardship. All legally recorded lots are deemed buildable, yet adherence to the regulations would mean that at the front building setback line, the petitioner would have only 18 feet of usable frontage.

- c. **Such conditions are peculiar to the particular piece of property involved.**

The conditions described above are peculiar to the particular piece of property involved.

- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Chatham County Zoning**

Ordinance.

Relief, if granted, would not cause substantial detriment to the public good. The intent of the Chatham County Zoning Ordinance is to allow reasonable development on all legal lots of record.

Summary of Findings

All of the conditions necessary for granting a 15 foot marsh buffer setback variance appear to be met.

Mr. Valoze stated that he purchased this lot approximately a year ago. He said he contacted County officials before purchasing the lot and they informed him that it was a buildable lot. He said after he purchased the lot, he spoke with County officials including Mr. Sebek who instructed him that at that time he needed to contact DNR to obtain a variance. He said he contacted DNR and they sent out Ms. Christina Hodges to look at the site and she informed him that it was a manmade ditch that ran along the side of the lot. He said she flagged the lot because saltwater vegetation had grown in the ditch. He said she told him that in order for him to build a house he needed to contact the Environmental Protective Division of DNR, which he did. He said he spoke with John Wynn and he came out to the site and told him that it met all the requirements and issued him a letter. He said he later got a letter from DNR saying that the rules had changed and they no longer needed a variance from DNR, which brought him here. He said in reviewing the house plans they picked a house, particularly this house that was more rectangular in shape instead of being wider. He said the house they picked was shorter and longer. He said they did that so that as little of the house as possible would encroach within the setback.

Ms. Mary Ann Heimes stated Chatham County had a 50 foot marsh setback, which was larger than the DNR. She asked if that has been considered?

Mr. Bob Sebek (Zoning Administrator) stated the setback was 50 feet on lots with a house on it and a 25 foot setback on lots that were platted and at the time of approval.

Mr. Lee stated the information that was included in their packets showed that Lot 54 was part of Phase I, which said to him that it would have been platted along with the original lots in the subdivision.

Mr. Hansen confirmed that the lot had been platted from the documentation on file at MPC.

CZBA Action: Mr. Lee made a motion that the Chatham County Zoning Board of Appeals approve the petition as submitted based upon a finding that the relief granted would not cause substantial detriment to the public good or impair the intent and purposes of the Chatham County Zoning Ordinance. Mr. Day seconded the motion and it was unanimously passed.

RE: Petition of Lamar Kearson
B-05-33026-1
11 Ardsley Court

Present for the petition was Lamar Kearson.

The petitioner is requesting approval of a three foot front yard setback variance to the 12 foot front yard setback requirement and a five foot rear yard setback variance to the 15 foot rear yard setback requirement of Section 4-6.1 of the Chatham County Zoning Ordinance in order to construct a single family residence within a PUD-R (Planned Unit Development-Residential) zoning district.

Findings

1. Section 4-6.1 of the Chatham County Zoning Ordinance requires a minimum 12 foot front yard setback and a minimum 15 foot rear yard setback for primary structures constructed within the South Harbor Master Plan development.
2. The subject parcel is presently vacant. Construction of a single family residential structure is proposed. The petitioner is seeking both a front and rear yard setback variance. The primary structure has been located so as to be entirely within the setback limitations. The variances are requested to accommodate the front and rear steps leading to the front and rear porches. The Zoning Administrator has determined that the steps are an integral part of the structure and that setback relief must therefore be sought.
3. In accordance with Section 10-6.3 of the Chatham County Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.**

The subject property contains approximately 7,484 square feet. Though trapezoidal in shape (114 foot frontage, with sides of 73 feet, and 72 foot rear), the lot is otherwise standard and contains no irregular topographic features.

- b. **The application of these regulations to this particular piece of property would create an unnecessary hardship.**

Application of the regulations of the Zoning Ordinance would not create an unnecessary hardship.

- c. **Such conditions are peculiar to the particular piece of property involved.**

The conditions described above are not peculiar to the subject property.

- d. **Relief, if granted, would not create substantial detriment to the public good, or impair the purposes and intent of the Chatham County Zoning Ordinance.**

Relief, if granted, would not cause substantial detriment to the public good. The requested intrusion into the required setbacks consists of stairs leading to the primary structure. The primary structure is contained within the building setback lines.

Summary of Findings

All of the conditions required for granting a three foot front yard setback variance and a five foot rear yard setback variance appear not to be met.

CZBA Action: Mr. Lee made a motion that the Chatham County Zoning Board of Appeals approve the petition as submitted. Mr. Day seconded the motion and it was unanimously passed.

**RE: Petition of Mark Curry, Agent for
Mark S. Kamalson, M.D.
B-05-33253-1
816 Wilmington Island Road**

Present for the petition was Mark Curry.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a 25 foot height waiver to the maximum building height of 36 feet allowed in Section 4-6.1 of the Chatham County Zoning Ordinance in order to construct a single family residence within an R-1-A (One-Family Residential) zoning district.

Findings

1. Section 4-6.1 of the Chatham County Zoning Ordinance allows a maximum building height of 36 feet in the R-1-A district.
2. The subject parcel is a standard lot of nearly 3.23 acres, measuring 703 feet in depth and 200 feet in width. The site is presently occupied by a single family home which will be demolished to make way for the proposed construction of a new single family residence. The petitioner is requesting a height variance of 25 feet that will allow the structure to rise four stories at an overall height of 61 feet.
3. In accordance with Section 10-6.3 of the Chatham County Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:
 - a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.**

The subject property is a standard lot of nearly 3.23 acres. There are no irregular topographic features associated with the lot.

b. The application of these regulations to this particular piece of property would create an unnecessary hardship.

Application of the regulations of the Zoning Ordinance would not create an unnecessary hardship.

c. Such conditions are peculiar to the particular piece of property involved.

The conditions described above are not peculiar to the particular piece of property involved.

d. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Chatham County Zoning Ordinance.

Relief, if granted, would cause substantial detriment to the public good and impair the purposes and intent of the Chatham County Zoning Ordinance. The proposed structure height is totally out of character with the surrounding area and will overwhelm the riverfront.

Summary of Findings

All of the conditions necessary for granting a 25 foot height variance appear not to be met.

Mr. Curry stated that he is the architect for Dr. Kamaleson. He is intending to construct a home that is worthy of the value of the property. As stated by Staff the property is a large lot located a considerable distance from the road and from the water. There will be no infringing on neighbors and the general public. The 36' height limit that is being applied is sort of a blanket type ordinance that can be addressed at this committee. The Ordinance requires 36' and is suitable when looking at your typical neighborhood. The Staff report initially called this a standard lot and this is definitely not a standard lot and neither are any of the lots along the Wilmington River. They're either double or triple lots and usually quite deep. A typical home or standard lot on Wilmington Island is probably $\frac{3}{4}$ of an acre with a 35' front building setback. The lot in question would have approximately a 480' front yard setback.

He further stated that the home as proposed would be approximately 280' from the river. Any boat traveling up and down the river would be approximately 280' from the back of the house. The homeowner was initially seeking a design that was on a raised base, multi-story with a roofline that ties into the sky as well. With some convincing they decided not to go with a pure Italianate form and make the home more of a southern traditional home. Therefore, they came up with the design that is before the Board. He could do a huge massive wall that would block the river and people's view from the road to the river. Instead they've elected to go a little taller and make the edges a little more transparent for the viewers from the left and the right. Neighbors to both the left and right would be able to see around the corners of his house essentially. The elevation or observation level on the top is the primary section that is unique to this house that puts them up 61' from grade. If you drive up and down Wilmington Island Road you will see a number of homes that exceed the 36' height as demonstrated in the sketch plan. The typical home has a ten foot ceiling and a foot of structure and another ten foot ceiling. Any

kind of slope in the roof will end up with the ridge being in the forties. The majority of the structure is within the norm and that the only portion that is above that will have a flat or low slope so that as you approach the house one will see less and less of the roof. In the drawing, the roof is completely invisible. The distance view that the full lots provide allows you to take in the full image. The tree canopy on this lot is very dense from the house towards the street. He also stated that according to the rendering the upper portion of the house is really not seen as you drive down Wilmington Island Road. The existing house is pretty much invisible to the naked eye.

Mr. Lee stated that they have done a beautiful design and he would like to compliment them. He further asked the proposed square footage of the house for heating and air.

Mr. Curry stated, heated is 10,000 square feet.

Mr. Lee asked is the ground floor the garage or the building to the right the garage area.

Mr. Curry stated both. The ground floor will have room for three cars and Dr. Kamaleson has a collection of cars that he wants to have a garage with six other spaces. There will be three cars under the house and six cars to the side.

Mr. Lee asked will the observation room or tower be an open room or family room of some sort.

Mr. Curry stated with the windows around it there may be a reading room. With the windows wrapping around does not allow for an entertainment center or anything like that. He further stated that it is not a habitable space. Additionally, according to County Code this is not a habitable space. He said Mr. Sebek told him that a variance is allowed to be requested in commercial, but a variance is requested for a residential use.

Mr. Sebek stated that there is a provision for observation towers in the Towne Center area which is commercial and doesn't have anything to do with residential.

Mr. Lee asked what is the approximate height of the peak of the roof?

Mr. Curry stated that he attempted to illustrate that the house falls below the 36'. He stated that the structure is somewhat dated in style, which was another request he had. He said to create a design that was 20 years or 50 years from now that people would look at it and say that house has always been here or in style.

Mr. Day stated he loved the design. However, he was looking for something that was a compelling reason why the Board should grant a variance over and above what has been established by the County as the acceptable height level in this area.

Mr. Curry stated he explored Dr. Kamaleson's design before he came to the Board. He said at first it was to lower it and make it wider. However, he felt all that would have done was to get any usable space in the attic area or level as the house got wider the ridge got higher.

Mr. Day stated in the report it said that 45 feet was a typical new home in this area. He said if they looked at the usable space within the house it leveled out at 45'-6". He said if he came to the Board and said that he wanted a variance of 10'-6," he felt that the acceptance by the Board for that level of variance might be better than to come to the Board and say that they would like a 25 foot variance because they wanted to go up to 61 feet purely because of aesthetics. He

asked if they would look at whether or not they could eliminate the room on top? He said in that way they could ask for a 10'-6" variance and still be able to get his client all the living space he wanted, but come closer to being within the guidelines of the County.

Mr. Curry stated that was possible. He said the main reason Dr. Kamaleson was seeking the observation area, was to him it was going to be a place for him to go and meditate as well as relax. He said for clarification, the room was occupiable, but it could not be made into a bedroom. He said he understood the County Ordinance, but he felt the ordinance was designed so it could be said they would set a blanket height out here and everyone would stay under that and unless you have an exception then it goes to the Board of Appeals.

Mr. Day stated he agreed, but he was looking for him to tell the Board other than aesthetics why they should vary this much from the norm.

Mr. Curry stated because he believed that the norm was set for the typical neighborhood, which in that case was critical for the way people live day-to-day unless you wanted to be in a more urban environment, like downtown, where structures were multi-story, higher, and a lot closer together. He said in this area Dr. Kamaleson bought a large lot with an extreme setback and intended to push the house back far enough so that from the public they would probably use it as a landmark similar to the red roof house that was further down the river. He said he felt if the Board granted the variance that it would not hurt the public good.

Mr. Lee stated he agreed with the comments made by Mr. Day. He said he felt he would be more amenable to the petition if the variance was lesser. He said he was prepared to make a motion that the Board deny the petition, but he would like to give the petitioner an opportunity to ask the Board to continue the petition until he could talk with his client to see if he wanted to do something different with his design.

Ms. Colleen Henry stated she has lived on Wilmington Island Road approximately 50 +/- years. She said she had a signed petition from her neighbors in opposition to the petition.

Mr. Day asked where did she live in relationship to the subject property?

Ms. Henry stated she lived in the 1700 block, which was at least a 1¼ miles down the road.

Mr. Sharpe asked if she was opposed to the petition because she did not want the ambience of the Island changed by view scape crowding?

Ms. Henry stated yes, which she felt has been happening a lot on Wilmington Island Road. She said it also happened down by her a few years when a builder (Rachel Lee) built a home on a 60 foot wide lot. She said the person that bought the house from her last year could not maintain the septic system because you could not get around the house. Now, she has gone up the river and done the same thing again, such as building walls and obstructed the view of neighbors.

Mr. Sharpe stated it seemed to him that people who lived on the river if they build big, huge houses they blocked the breeze and things like that that blew into other areas. He said it also blocked view scape. He asked if what she was saying was that as people build and inhibit the view scape and atmosphere that was Wilmington Island if they built houses like this along the river no body inland would have anything but gnats because there would be no wind blowing.

Ms. Henry stated possibly.

Mr. Day stated the reality of it was that folks who owned the property along the river were selling it for a lot of money. He said if they paid a lot of money for a lot then they wanted to build a house that suited that lot.

Mr. Mike Humpidge (1014 Wilmington Island Road) stated a gigantic house has been built two doors from him, which he felt that it does change the neighborhood. He said he was used to rustic Wilmington Island waterfront and has lived there for 61 years. He said he felt the trend was to build these gigantic showoff houses whether on speculation or by the owner. He said he was opposed to the petition. He said he felt it totally changed the way the Island should be. Immediately, adjacent to this property, the property was recently sold which was 300 feet X 600 feet. He said the proposal was to divide that into 6 lots for on the waterfront and 2 on the road, which would be 75 foot lots. He said when someone comes along and purchases the lots the proposed petition would block the entire view. He said he was opposed to the petition as well as his neighbors. He said he was the only one off from work today that could down and speak in opposition to the petition.

Ms. Jean Valentine (Wilmington Island) stated she did not live on the road, but on the Island. She said she wanted to reiterate that they spent five years working on the Island Land Use Plan. She said she felt 61 feet was high and it was not in keeping with the feelings of most of the people on the Island.

Mr. Curry showed photographs of what has happened on the marsh, like Whitfield Road and Vernonburg. He said their position was “yes” you could design a home at 36 feet. He said if he took the same program and squeezed it into 36 feet and spread it across the lot you really would have a barrier (wall) coming across that.

Mr. Day stated he did not think the Board was asking him to redesign his proposal to maintain a 36 foot height level. He said he felt the Board was suggesting rather than have the Board deny their request, to continue the petition, so that it gave him an opportunity to go back and talk with his client about reducing the height. He said if the client would not accept that, then they had the prerogative to come back before the Board with exactly the same design and ask the Board to make a decision.

Mr. Curry requested a continuance until the next meeting.

CZBA Action: Mr. Lee made a motion that the Chatham County Zoning Board of Appeals continue the petition until July 26, 2005. Mr. Day seconded the motion and it was unanimously passed.

RE: Minutes

1. Approval of CZBA Meeting Minutes – April 26, 2005
2. Approval of CZBA Meeting Minutes – May 24, 2005

CZBA Action: Mr. Lee made a motion that the Chatham County Zoning Board of Appeals approve the regular meeting minutes of April 26, 2005 and May 24, 2005. Mr. Day seconded the motion and it was unanimously passed.

RE: Other Business

Mr. Day stated he will be on vacation and not be attending the July 2005 meeting.

RE: Adjournment

There being no further business to come before the Chatham County Zoning Board of Appeals the meeting was adjourned approximately 11:10 A.M.

Respectfully submitted,

James L. Hansen,
Secretary

JLH:ca