

CHATHAM COUNTY ZONING BOARD OF APPEALS

ARTHUR A. MENDONSA HEARING ROOM

112 EAST STATE STREET

APRIL 25, 2006

9:00 A.M.

MINUTES

MEMBERS PRESENT:

Jimmy Watford, Chairman  
Davis Cohen, Vice Chairman  
Steven Day  
Terrance Murphy  
Wayne Noha

MEMBERS ABSENT:

Greg Hirsch (Excused)  
Robert Sharpe (Excused)

TECHNICAL STAFF PRESENT:

Robert Sebek, Chatham County Inspections  
Department

MPC STAFF PRESENT:

Deborah Burke, Assistant Secretary  
Christy Adams, Administrative Assistant

RE: Called to Order

Mr. Watford called the April 25, 2006 Chatham County Zoning Board of Appeals meeting to order at 9:00 a.m.

RE: Regular Agenda

RE: Continued Petition of Kimberly Coulton  
B-060227-37895-1  
114 St. Ives Way

Mr. Sebek (Zoning Administrator) asked if the above-mentioned petition could be moved to the end of the agenda because he had talked with her and knew she planned to attend the meeting.

The Board agreed to move the Petition of Kimberly Coulton to the end of the agenda.

RE: Petition of Carla Johnson & Don Fishman  
B-060329-39307-1  
121 Steeplechase Road

Present for the petition was Don Fishman.

Mrs. Burke gave the following Staff report.

The petitioner is requesting approval of a 6½ foot rear yard setback variance from the 25 foot

rear yard setback requirement of Section 4-6.68 of the Chatham County Zoning Ordinance in order to construct an addition onto an existing residential structure. The subject property, located at 121 Steeplechase Road, is zoned PUD-C (Planned Unit Development-Community).

**Findings**

1. Section 4-6.68 of the Chatham County Zoning Ordinance requires a 25 foot rear yard setback for primary residential structures in a PUD-C zone.
2. The subject property is considered a standard lot containing approximately 8,250 square feet. The lot measures 75 feet wide and 110 feet deep. There are no unusual topographic features on or pertaining to the parcel.
3. The petitioner is seeking a 6½ foot rear yard setback variance in order to construct a sun room onto an existing residential structure. The lot backs onto a fairway of the Southbridge Golf Course, and thus the encroachment into the rear yard setback will cause minimal impact.
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.**

The subject parcel is considered a standard lot. There are no exceptional or extraordinary conditions relating to the subject parcel because of its size, shape or topography.

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

Strict application of the regulations of the district would not cause a hardship. A smaller structure could be constructed to avoid the necessity of a variance.

- 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 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 property backs onto a golf course. There are no structures located to the rear of the property.

**Summary of Findings**

All of the conditions necessary for granting a 6½ foot rear yard setback variance appear not to be met.

**Mr. Day** asked where was the existing setback line?

**Mrs. Burke** stated the deck was currently in the setback line.

**Mr. Cohen** asked if there was anything wrong with building the deck into the setback without a permit?

**Mr. Sebek (Zoning Administrator)** stated no vertical construction was permitted, but the deck concrete slab was fine. He said this was not uncommon that this was done probably at the time of the house being constructed as a porch or patio which is permitted. However, it's when begin vertical construction that it becomes a problem.

**Mr. Cohen** asked if there was vertical construction?

**Mr. Sebek** stated no.

**Mr. Don Fishman** stated the property is located in the South Bridge Subdivision. He said it was mentioned in the staff report they would encroach on the 25 foot setback for primary residences. He said as also mentioned in the staff report there are no immediate neighbors behind the property since it was on the golf course. He said he felt the report was incorrect when it says there are no unusual topographical features. The property was located behind a large berm and anyone on the golf course would only see a small portion of the house. He said the golf course did not maintain the down slope portion of the berm. As a consequence, over the years, the owners of the house had to maintain that portion of the berm. He said at some point someone put in a small stone wall which was beyond the 25 foot setback. He said if you were looking at the property it appeared that the property extended beyond the 25 foot setback line.

He also stated they already have the existing deck. He said they will not go beyond the existing deck for the build out. He said they would build to the end of the deck. He said Staff was correct in that they could build a smaller room, but this would require them reducing the room approximately 1/3. The proposed room would be 13 X 20 feet. Also, they will tie the new room into the existing roof line. He said they would also have to put a brick footplate along the border of the entire exterior part of the structure to conform with South Bridge requirements.

**Mr. Day** asked if this was a sunroom?

**Mr. Fishman** stated yes.

**Mr. Day** asked if it would have a glass roof and walls?

**Mr. Fishman** stated it would not have a glass roof but a traditional composite roof. He also said that several other homes on the block already encroach onto the 25 foot setback including his next door neighbor. He said their structure would not go beyond what his neighbor's existing structure was. He said it would be the same point. He said none of their neighbors opposed their addition. He said they respectfully request the Board to grant their variance.

Mr. Murphy asked if the addition would be under the existing roof line?

Mr. Fishman stated yes.

Mr. Day asked if the roof line would be over the deck?

Mr. Fishman stated yes.

Mr. Day asked if the existing deck would have a roof line over it?

Mr. Fishman stated no.

**CZBA Action:** Mr. Cohen 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. Mr. Day seconded the motion and it was unanimously passed.

**RE: Petition of Michael Bigelow  
B-060329-41020-1  
14 Broomsedge Lane**

Present for the petition was Michael Bigelow.

Mrs. Burke gave the following Staff report.

The petitioner is requesting approval of a four (4) foot front yard setback variance from the 30 foot front yard setback requirement of Section 4-6.66 of the Chatham County Zoning Ordinance in order to construct an addition onto an existing residential structure. The subject property, located at 14 Broomsedge Lane, is zoned PUD-R (Planned Unit Development-Residential).

**Findings**

1. Section 4-6.66 of the Chatham County Zoning Ordinance requires a minimum front yard setback of 30 feet as measured from the edge of the adjoining road right-of-way. The existing structure meets this requirement.
2. Although the parcel is somewhat trapezoidal in shape, the lot contains in excess of 8,400 square feet. The parcel meets all of the development requirements of and is considered a standard lot in the PUD-R classification.
3. The petitioner is seeking a four (4) foot front yard setback variance in order to construct a golf cart stall addition onto an existing garage. The petitioner would still be required to seek approval from the Landings Association Board of Architectural Review despite any approval which might be granted by the Board of Appeals
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.**

The subject parcel is considered a standard lot. Minimum standards for the district have been met or exceeded as described in Finding 2 (above).

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

Strict application of the regulations of the district would not cause 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 cause substantial detriment to the public good, or impair the purposes and intent of the Chatham County Zoning Ordinance.**

Relief, if granted, would most likely not cause substantial detriment to the public good. The site contains significant vegetation which, when coupled with the remaining 26 foot setback, will cause little disturbance or disruption to adjoining properties.

### **Summary of Findings**

All of the conditions necessary for granting a four (4) foot front yard setback variance appear not to be met.

**Mr. Bigelow** stated he needed a variance so he could attach a golf cart garage. When the house was built it was not built with the golf cart garage and all his neighbors have one. He said he felt it would enhance the property as well as make it convenient if you did not have to pull out a car every time you pulled your golf cart in and out. He said they looked at several alternatives working with the Landings Architecture Review as to how they could stay within their front setback because that was the only he could come forward for a golf cart garage. He said the Landings Architecture Review felt that it looked more like a bump out addition because of trying to stay within the front setback. He said the Landings Architecture Review did approve him going onto in the setback with the condition that he redo roof, so it ties together and redo the driveway, which would be done in pavers. He said he felt his addition would not look out of place with the area. He also said that he talked to all his neighbors on the street and they supported his petition.

**Mr. Watford** asked if it would be enclosed?

**Mr. Bigelow** stated yes.

**Mr. Day** stated his concern was that the Board did two petitions for the Landings very recently and he did not want people to think if they wanted a golf cart garage that it was no problem to come before the Zoning Board of Appeals and they will grant an approval. He said he felt it was important to know that the zoning laws and guidelines are there for a reason. He said he did not have a problem with this petition, but felt people needed to know that there may be future petitions that come before the Board for similar request and that they may be denied.

**Mr. Cohen** stated petitions that come before the Board are considered on a case-by-case basis. He said he felt that the Board was not setting any particular precedent by granting the petition today.

**CZBA Action:** **Mr. Cohen 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. Mr. Murphy seconded the motion and it was unanimously passed.**

**RE: Continued Petition of Kimberly Coulton  
B-060227-37895-1  
114 St. Ives Way**

Present for the petition was Kimberly Coulton.

Mrs. Burke gave the following Staff report.

The petitioner is requesting approval of a three (3) foot rear yard setback variance to the 25 foot rear yard setback requirement of Section 4-6.1 of the Chatham County Zoning Ordinance in order to construct an addition onto an existing residential structure. The subject property, located at 114 St. Ives Way, is zoned P-R-I-S (One-Family Residential-Small Lot Subdivision).

**Findings**

1. Section 4-6.1 of the Chatham County Zoning Ordinance requires a rear yard setback of 25 feet for primary structures located in a P-R-I-S district.
2. The subject parcel is an oddly shaped lot located on an “eyebrow” street. The parcel has a curvilinear frontage of approximately 45 feet, yet is nearly 105 feet in width at the rear property line. The sides measure approximately 102 and 124 feet in depth. As a result, the building envelope is not rectangular, but is more trapezoidal in shape.
3. The petitioner is requesting a three (3) foot rear yard setback variance in order to construct a sunroom onto the existing single family residence. Because of the oddly shaped building envelope, only a portion of the proposed new construction will encroach into the required setback.
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.**

The subject parcel is considered a standard lot in terms of lot area. However, the trapezoid shape of the parcel does present unusual building conditions when meeting the required setbacks of the Ordinance.

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

Strict application of the regulations of the district would not cause an unnecessary hardship. A smaller structure could be constructed to avoid the necessity of a variance.

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

The conditions described above are peculiar to the subject 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, would not cause substantial detriment to the public good. Because of the odd lot configuration, the house is situated at such an angle that it does not “line up” with adjoining properties.

**Summary of Findings**

All of the conditions necessary for granting a three (3) foot rear yard setback variance appear not to be met.

**Mr. Day** stated it says in the staff report that if there is an unusual configuration of the property that could be a reason for granting the petition. He asked from the Zoning Administrator’s perspective, if this not fell within their guidelines to say “yes” they could do this because of.

**Mr. Sebek (Zoning Administrator)** stated he did not have any flexibility on rear setbacks. He said he had to follow what it said. He said that was something that would be within the Board’s authority.

**Ms. Kimberly Coulton** stated they were seeking a variance for a small portion of the building. (Showed Board a visual aid).

**Mr. Cohen** asked if it could be built any other way so that it could be within the guidelines?

**Ms. Coulton** stated this was a modular type building and had very specific dimensions. She said to cut it back would be customizing it and very expensive.

**Mr. Cohen** asked if she talked with her neighbors?

**Ms. Coulton** stated yes, and no one was opposed to it.

Mr. Cohen asked Staff if they received anything from any of the neighbors?

Mrs. Burke stated Staff received a letter of support from a neighbor.

**CZBA Action:** Mr. Noha 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. Mr. Day seconded the motion and it was unanimously passed.

**RE: Other Business**

Mr. Day asked if Staff could find out the status on Mr. Robert Sharpe. He said he felt something needed to be done.

Ms. Adams stated she will let Mr. Hansen know as he was not at today's meeting.

**RE: Adjournment**

There being no further business to come before the Chatham County Zoning Board of Appeals the meeting was adjourned approximately 9:30 a.m.

Respectfully submitted,

James L. Hansen,  
Secretary

JLH:ca