

CHATHAM COUNTY ZONING BOARD OF APPEALS

ARTHUR A. MENDONSA HEARING ROOM

112 EAST STATE STREET

JULY 25, 2006

9:00 A.M.

MINUTES

MEMBERS PRESENT:

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

MEMBERS ABSENT:

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 July 25, 2006 Chatham County Zoning Board of Appeals meeting to order at 9:00 a.m.

RE: Regular Agenda

Mr. Watford stated the Board would like to take a couple of petitions out-of-order on the Regular Agenda. He said there were a couple of cases they felt would not take a long time as other items indicated on the agenda. He said the Board felt by doing this it could help to move things quickly with the rest of the meeting. He said if there was no objection the Board would like to hear the Petition of William Goldberg, B-060627-38355-1 and Petition of John & Adelia Brooks, B-060627-38458-1.

**RE: Petition of William Goldberg
B-060627-38355-1
12 Melinda Circle**

Present for the petition was William Goldberg.

Mrs. Burke gave the following Staff report.

The petitioner is requesting approval of a 25 foot marsh setback variance from the 50 foot marsh setback required, and a ten foot riparian buffer setback variance from the 35 foot riparian buffer required by Section 4-12f(1) and (2) of the Chatham County Zoning Ordinance in order to construct a swimming pool in the rear yard of an existing single family residence. The subject

property, located at 12 Melinda Circle, is zoned R-1/EO (One-Family Residential/ Environmental Overlay).

Findings

1. Section 4-12 of the Chatham County Zoning Ordinance requires a minimum marsh setback of 50 feet and a minimum riparian buffer setback of 35 feet.
2. The subject parcel is 100 feet wide and 200 feet deep, resulting in an area of 20,000 square feet. The lot exceeds the minimum lot requirements of the R-1 district.
3. The petitioner is seeking a 25 foot marsh setback variance and a ten foot riparian buffer setback variance in order to construct swimming pool within the marsh and riparian buffers, approximately 30 feet from the rear property line.
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 property is rectangular in shape and far exceeds the minimum standards of the R-1 district.

- 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. If the subject property were currently vacant, the riparian buffer setback would not apply and the marsh setback would be 25 feet.

Summary of Findings

All of the conditions necessary for granting a 25 foot marsh setback variance and a ten foot

riparian buffer setback variance appear not to be met.

Mr. Goldberg stated he would like to build a pool behind his house. Currently, on Melinda Circle there were approximately 20 houses and seven of them had pools. He said none of them were above the 50 foot buffer and some were not above the 25 foot buffer requirement. He said his pool would be in keeping with his neighbors and they did not have an objection to his petition.

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. Noha seconded the motion and it was unanimously passed.

**RE: Petition of John & Adelia Brooks
B-060627-38458-1
35 Cabbage Crossing**

Present for the petition was John Brooks.

Mrs. Burke gave the following Staff report.

The petitioner is requesting approval of a five (5) foot front yard setback variance to the 20 foot front yard setback requirement of Section 4-6 of the Chatham County Zoning Ordinance in order to construct an addition onto an existing single family residence. The subject property, located at 35 Cabbage Crossing, is zoned PUD-R/EO (Planned Unit Development- Residential/ Environmental Overlay).

Findings

1. Section 4-6 of the Chatham County Zoning Ordinance requires a minimum front yard setback of 20 feet.
2. Per the petitioner's survey, the subject parcel is approximately 109 feet deep. The lot width is 70 feet wide at the rear of the property and approximately 64 feet wide at the front lot line. The subject property is approximately 7,300 square feet in size. The lot is a conforming lot of record.
3. The petitioner is seeking a five (5) foot front yard setback variance in order to construct an addition onto a single family residence within 15 feet of the front property line.
4. The applicant has submitted documentation that the Landings Property Association Architectural Review Committee has approved the request for the addition to the property with the variance.
5. 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.**

Although the front lot line is curvilinear, it is a standard lot of record.

- 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. Only a small portion of the proposed addition, if granted, would encroach into the required setback.

Summary of Findings

All of the conditions necessary for granting a five (5) foot front yard setback variance appear not to be met.

Mr. Brooks stated him and his wife both play golf and walk. Unfortunately, because of their age they have found that walking in the afternoons, particularly in July and August was too much. He said they were looking to buy a golf cart but they would need a few feet to enable them to put the golf cart behind the car. He said they would only be extending the garage out 5 feet.

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: Continued Petition of Darwin Johnson
B-060427-60770-1
225 Penrose Drive**

Present for the petition was Phillip McCorkle, Attorney.

Mrs. Burke gave the following Staff report.

The petition was continued from the May 23, 2006 meeting.

The petitioner is requesting approval of a five (5) foot side yard setback variance to the ten (10) foot

side yard setback requirement of Section 4-6.1 of the Chatham County Zoning Ordinance in order to construct a single family residential structure. The subject property, located at 225 Penrose Drive, is zoned R-1-A/EO (One-Family Residential/ Environmental Overlay).

Findings

1. Section 4-6.61 of the Chatham County Zoning Ordinance requires a minimum side yard setback of ten (10) feet.
2. The subject parcel is rectangular in shape, with a minimum width of 50 feet and a minimum depth of 697 feet. Per the petitioner's survey, the parcel is 35,384 square feet. The parcel exceeds the development requirements in regards to minimum lot area, however, is nonconforming in regards to lot width. The R-1-A district requires 70 feet of lot width.
3. The petitioner is seeking a five (5) foot side yard setback variance in order to construct a single family residence within five (5) feet of the eastern property line. There is a smaller single family residence in existence on the subject property which meets the side yard setback on the eastern property line, however, is well within the side yard setback on the western property line. The proposed location of the structure would allow for a ten (10) foot side yard setback on the western property line.
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 substandard lot in regards to width, as it is only 50 feet in width and the district requires a minimum of 70 feet in width.
 - 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. However, due to the narrow nature of the lot any structure built on the subject property could not exceed 30 feet in width without obtaining 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 most likely not cause substantial detriment to the public good. The existing structure is currently well within the setbacks of the western property line. The proposed location of the new structure is in a more centered position on the lot.

Summary of Findings

All of the conditions necessary for granting a five (5) foot side yard setback variance appear not to be met.

Mr. Day stated that he and Mr. McCorkle were neighbors. He said he lived on Jones Street and Mr. McCorkle lived on Taylor Street.

Mr. McCorkle stated his client wanted to build a one story structure. He said looking at the requirements of the ordinance and whether to grant a variance you needed a peculiar piece of property. He said the standard way to develop along Richardson Creek in the past was 100 foot lots. At some point, three of the 100 foot wide lots were subdivided into two 75 foot lots and three 50 foot lots. He said this happened a very long time ago because his client's (Mr. Johnson) house was approximately 60 or 80 years old, therefore it could be considered as peculiar shaped piece of property. Interestingly enough, there was not a house on those five lots that had not received a variance or built houses before variances were necessary. He said his neighbor, Mr. Dyches had a 50 foot wide lot and he was building a 35 foot wide home which was the same thing that Mr. Johnson wanted to do. He said the Board recently granted a 5 foot variance probably because there was no opposition. He said as far as he knew, other than Mr. Dyches, self-serving opposition there was none present today. The house next to it was on a 50 foot wide lot and had a 7 foot variance. He said his client, Mr. Johnson was asking for 5 foot side yard variance. He said every one of the five properties other than Mr. Johnson's have been granted variances or have built without variances. He said the plan that Mr. Dyches came forward with 6 months ago, which his client Mr. Johnson signed a petition saying that it was fine with him in his request for a variance. He said Mr. Johnson wanted the same courtesy to build a 35 foot wide single story ranch style house backed up to Mr. Dyches property.

He further stated that Mr. Dyches wrote a letter in opposition saying – “during the time my petition for a variance was pending a fire completely destroyed my house.” He said he felt what Mr. Dyches should have done as a good neighbor was build his house as 7 ½ and 7 ½ which would have given him a 35 foot footprint. He said instead of Mr. Dyches doing it 7 ½ and 7 ½ he allowed the Board to be mislead and receive his variance for 5 feet. He said as an option Mr. Johnson would put his house in the middle of the lot and get a 7 ½ foot variance on each side which would give them a total of 15 feet and would be a 5 foot variance for the entire lot which was a smaller variance than anyone else had of the five lots. Unfortunately, the neighbor who objects continues to object. He said he also felt that it was inappropriate and unfair and that it rose to the level of a constitutional issue to have the other five property owners who have narrow lots on this street be granted a variance up to 11 feet. Also, a 2 ½ foot variance was granted within the last year, a 5 foot variance within the last 6 months, and then decline Mr. Johnson a variance of 5 feet. Again, they would like to offer to put the house in the middle of the lot with 7 ½ feet from each side.

Mr. Day stated their petition asked for a 5 foot setback. He asked why it did not ask for a 2 ½ feet on each side?

Mr. McCorkle stated Mr. Johnson filed the petition approximately three months ago. He said they were amending the petition today before the Board.

Mr. Day stated he was always concerned about the life safety issues. He said he felt homeowners sometimes put themselves in a position to where there was not a lot of space between the homes. He said if a life safety issue developed, safety personnel may be impeded in their ability to access the rear of the properties. He said not so much because of where the houses were sitting but because of where the end result was when they plant bushes, shrubbery, gates, and things of that nature.

Mr. McCorkle stated Mr. Johnson has also purchased the property next door as an investment. He said they also considered taking footage away from the lot but when he checked he found that in the R1-A zone with septic tanks and wells you have to have 100 feet, therefore they could not take any footage away from the other lot.

Mr. Don Dyches, Attorney, stated he was the eastern neighbor who filed the objection at the last meeting. He said he disagreed with the comments made by Mr. McCorkle. He said he has not tried to misrepresent the facts in his application which was granted October 2005. The fire occurred within a week after he filed his application which the Board was aware of at the time his application was granted. He said the original discussion he had with Mr. Johnson at the time that he was seeking a 5 foot setback variance it was agreed that both houses which was off-set to the western side would basically remain which would leave more space between them. He said the reason he wanted to keep his house where it was was because he shared a driveway with his eastern neighbor. He said the reason he opposed Mr. Johnson's application was because of the fire safety issue and the houses being too close together. Also, it was his recollection that the Board asked the petitioner to go back and reconsider the other side. He said if the petitioner was granted a setback variance on each side then his eaves could not be any wider than 35 feet where as they could be wider if they had a 5 foot setback variance on one side. He said that was the way he left it with Mr. McCorkle's associate that Mr. Johnson probably would be better off with the other variance.

Mr. Cohen asked if he felt the 2 ½ feet would affect the safety issues between the two houses?

Mr. Dyches stated yes. He said it was his understanding at the time that he sought his variance was that Mr. Johnson would also be seeking a similar variance on his western side.

Mr. Day asked Mr. McCorkle if there was a reason that the petitioner had to go in the requested direction 5 feet as opposed to the other direction?

Mr. Dyches stated yes, so he could get into the garage.

CZBA Action: Mr. Day made a motion that the Chatham County Zoning Board of Appeals deny the petition as submitted, and approves a 2½ foot side yard setback variance for each side based upon a finding that the relief granted would not cause substantial detriment to the public good. Mr. Cohen seconded the motion and it was unanimously passed.

**RE: Continued Petition of Savannah Quality
Homebuilder
B-060501-87302-1
123, 125, & 127 North Street**

Present for the petition was Doug Maxheimer and Andrew Logan.

Mrs. Burke gave the following Staff report.

The petition was continued from the July 6, 2006 meeting.

The petitioner is requesting approval of a five (5) foot rear yard setback variance to the 25 foot rear yard setback requirement, and a five (5) foot front yard setback variance to the 20 foot front yard setback requirement of Section 4-6.1 of the Chatham County Zoning Ordinance in order to construct three (3) new residential structures. The subject properties, located at 123, 125, and 127 North Street, are zoned R-1/EO (One-Family Residential/ Environmental Overlay).

Findings

1. Section 4-6.61 of the Chatham County Zoning Ordinance requires a minimum rear yard setback of 25 feet and a minimum front yard setback of 20 feet.
2. The subject parcels are square in shape, with a minimum width of 100 feet and a minimum depth of 90 feet. Per the petitioner's survey, the parcels are each 9,000 square feet. The R-1 district requires a minimum of 60 feet in width and 6,000 square feet in area. The three (3) newly created lots are conforming lots of record
3. The petitioner is seeking five (5) foot rear and front yard setback variances for each lot in order to construct single family residences within 20 feet of the rear property lines and within 15 feet of the front property lines.
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 parcels are standard lots of record in the R-1 district.

- 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.

Summary of Findings

All of the conditions necessary for granting a five (5) foot rear yard setback and a five (5) foot front yard setback variance for three (3) lots appear not to be met.

Mr. Maxheimer stated they originally requested a 15 foot rear setback but there was opposition. He said at the last meeting they decided to change their petition to do a combination of the front and rear setbacks. He said it was recommended by the Board that they do 5 feet in the front and 5 feet in the rear.

Mr. Murphy asked if the opposition was basically that these were going to be two story larger houses that may overshadow the small houses?

Mr. Maxheimer stated it was his understanding the main opposition was all the setback was in the rear.

Mr. Day stated there was also concern about the runoff. He said there had been a previous builder who had done some things that caused excessive runoff. He said he also felt there was concern because the homes were going to be larger as well.

Mr. Joe Fields stated he did not have any objection to the 5 feet in the front and the 5 feet in the rear. He said he would ask the builders that when they get to the landscaping that they work together so the water drained into the other ditch.

Mr. Day stated the regulations that should be enforced by the Inspections Department of the County should insist that whatever kind of civil drawings that were put together would address this contingency so that there was no additional runoff created by putting structures on this property that there was today. He said if there was a house on there today and there was runoff created because of that house then he thought they would calculate the square footage of that house based on and compared to the new one to see what the runoff was going to be. But, there should be no additional runoff created on these lots by what the petitioners were doing than what there was 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. Noha** seconded the motion and it was unanimously passed.

RE: **Continued Petition of Jane W. Cannon
B-060526-54115-1
125 Waite Drive**

Present for the petition was Jim Bragg.

Mrs. Burke gave the following Staff report.

The petition was continued from the July 6, 2006 meeting.

Nature of Request

The petitioner is requesting approval of a 25 foot marsh setback variance to the 50 foot marsh setback requirement of Section 4-12 of the Chatham County Zoning Ordinance in order to construct a greenhouse on the subject property. The subject property, located at 125 Waite Drive, is zoned R-1-C/EO (One-Family Residential/ Environmental Overlay).

Findings

1. Section 4-12 of the Chatham County Zoning Ordinance requires a minimum marsh setback of 50 feet.
2. Per the petitioner’s survey, the subject parcel is 5.91 acres of high ground. The subject property exceeds the development standards of the R-1-C district and is considered a conforming lot of record.
3. The petitioner is seeking a 25 foot marsh setback variance in order to construct a greenhouse within 25 feet of the marsh.
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 property is a conforming lot of record, with 5.91 acres of high ground.

- 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. If the lot was currently vacant and the proposal was to construct a new residential structure, the setback would be only 25 feet from the marsh.

Summary of Findings

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

Mr. Cohen stated if they measured from the true marsh line which was on the outside of the rocks back 50 feet the petitioner would be able to construct the greenhouse, but the greenhouse and the tree would be incompatible and she would have to cut the tree down. He said if the Board gave her a 5 foot variance then construction of the greenhouse would be in front of the tree and the petitioner would not have to cut the tree down.

Mrs. Burke stated yes.

Mr. Noha stated that would be in its current state.

Mr. Jim Bragg stated DNR came out and measured from the weeds. He said if you measure the greenhouse it could not be put within 50 feet without tearing down a fence and cutting down the tree.

Mr. Cohen stated they could take the measurement from the outside of the fence from the edge of the rock line which would give them approximately 8 feet. He said from that point back was 50 feet but it gets to where the tree was. He said if the Board granted a 5 foot variance into the 50 foot setback he felt that would do it.

Mr. Bragg stated he felt that would not work because the greenhouse would be in full sunlight.

Mr. Noha asked if the Board could alter the guidelines once DNR has established it?

Mr. Sebek stated no.

Mr. Cohen stated when they visited the site they measured from the outside of the rock line to the fence as 8 feet plus 5 feet in front of the tree would be 13 feet. He said the Board could add another 2 feet which would total 15 feet. He said he felt that would cover it.

Mr. Bragg stated even though he did not get it in writing DNR told him that they did not have a problem with the 25 foot setback. However, the lady who came out left her card and said if anyone had any questions they could call her.

Mr. Day stated the option could be that the petitioner could construct a smaller structure than what they were proposing.

Mr. Noha stated Ms. Cannon also mentioned that she grows orchids and they have sized it to the equipment that was needed to grow the orchids. He said it was his understanding that in width this was smallest and where the problem was with 16 feet. He said he felt they have tried to put it in every way they could and the way their yard was configured this would be the only place to put it.

Mr. Day asked Mr. Cohen what harm would there be if the Board granted the petitioner 25 feet?

Mr. Cohen stated he did not feel there would be a detrimental harm. He said you have a 50 foot setback that was the law. Philosophically, if the Board was allowed to change that then it should be changed from the minimal standpoint and not necessarily a maximum standpoint. He said the petitioner could go by DNR's measurements and grant them a 15 foot variance which would let them build into the setback by 15 feet.

Mr. Day stated he just did not want to put the petitioner in a position where DNR could come back and fine them for some particular reason later.

Mr. Bragg stated every where he has measured he could not get the greenhouse within 30 feet of DNR's measurements.

Mr. Noha stated he visited the site and he did not see a detriment to the community wherever the setback would be placed and did not have a problem with the 25 feet. However, he felt because of the few bushes it would push it almost unbuildable.

Mr. Murphy stated he felt when you have an arbitrary base line that you were measuring from that the Board granting 15 feet or 25 feet was kind of irrelevant. He said he did not have a problem with the 25 feet.

CZBA Action: Mr. Murphy 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. Hirsch seconded the motion and it was passed 5 – 1. Opposed to the motion was Mr. Cohen.

RE: Minutes

1. Approval of CZBA Minutes – June 27, 2006

CZBA Action: Mr. Noha made a motion that the Chatham County Zoning Board of Appeals **approve** the CZBA Minutes of June 27, 2006 as submitted. Mr. Day seconded the motion and it was unanimously passed.

RE: Other Business

Mr. Watford stated the Board and Staff have talked about addressing in the ordinance where it says that new houses get a 25 foot setback and old structures get a 50 foot setback.

Mrs. Burke stated if the Board wanted Staff to look into doing a text amendment they would check into it.

CZBA Action: Mr. Noha made a motion that the Chatham County Zoning Board of Appeals petition the Chatham County Commission to review the 25 feet and 50 feet marsh setback to conform to the same.

Mr. Day stated he felt that it either needed to be 25 feet for both or 50 feet for both. He said he felt as it was currently that it was unfair to the citizens of Chatham County who were in that situation as well as unfair to the Board. He said he did not know and has asked on a number of occasions even to Mrs. Heimes who was a part of the committee that put it together. He said if he recalled Mrs. Heimes told him that the 25 foot was done for developers so that they could develop their properties in any way that they saw that they would like to do. And that they had a stronger voice on that committee than those people who owned existing homes. He said the squeaky wheel gets the grease and he felt that was what has happened here and was wrong. He said he felt the Board needed to ask County Commission to do something about it.

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

Mrs. Burke introduced Alan Bray. She said Alan worked in Comprehensive Planning department. She said Alan would be attending some of the Board of Appeals meetings and doing some future presentations to learn more about the ordinance and what kind of variances come so that would help in the writing of the new ordinance.

Mrs. Burke stated that Mr. Hansen also checked with Mr. Hart last month with regards to advertising. She said Mr. Hart told Mr. Hansen that he was correct in that the Board could not increase a variance from what the Petitioner proposed but they could decrease it. She said also if it a petition was advertised as rear yard the Board could not switch it to the front yard without it being readvertised. She said Mr. Hansen would also be getting something in writing to provide to the Board.

RE: Adjournment

There being no further business to come before the Chatham County Zoning Board of Appeals the meeting was adjourned approximately 10:35 a.m.

Respectfully submitted,

Deborah Burke,
Assistant Secretary

DB:ca