

CHATHAM COUNTY ZONING BOARD OF APPEALS

ARTHUR A. MENDONSA HEARING ROOM

112 EAST STATE STREET

SEPTEMBER 26, 2006

9:00 A.M.

MINUTES

MEMBERS PRESENT:

**Jimmy Watford
Davis Cohen
Terrance Murphy
Wayne Noha**

MEMBERS ABSENT:

**Steven Day, (Excused)
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 September 26, 2006 Chatham County Zoning Board of Appeals meeting to order at 9:00 a.m.

**RE: Continued Petition of Don Cogdell, Jr.,
Agent for
Isle of Hope United Methodist Church
B-060127-54021-1
7721 Central Avenue & 310 Parkersburg Road**

Mrs. Burke gave the following Staff report.

On February 28, 2006, the Zoning Board of Appeals granted approval of an application to establish a use (church) pursuant to the requirements of Section 10-6.2; and a 45 foot side yard setback variance to the 50 foot side yard setback requirement and a 2½ foot front yard setback variance to the 55 foot front yard setback (as measured from the center line of the abutting right-of-way) requirement of Section 4-6.1 of the Chatham County Zoning Ordinance in order to construct a church facility at 7721 Central Avenue & 310 Parkersburg Road. The subject property is zoned R-1 (One-Family Residential). Section 8-3165(e) of the Zoning Ordinance states that decisions of the Board, if not acted upon are invalid after a 12 month period. The applicant is requesting an extension of the previously approved use and variances.

Summary of Findings

Based upon the approval previously given, staff recommends that the extension be granted.

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. Cohen seconded the motion and it was unanimously passed.

**RE: Continued Petition of Michael W. Sharpe
B-060727-49847-1
7203 A & B Johnny Mercer Blvd.**

Present for the petition was Michael Sharpe.

Mrs. Burke gave the following Staff report.

The petitioner is requesting approval of a 30 foot lot width variance from the 80 foot lot width required, and a 7,500 square foot lot area variance from the 15,000 square foot lot area required by Section 4-6.1 of the Chatham County Zoning Ordinance in order to construct a two-family residence. The subject property, located at 7203 A & B Johnny Mercer Boulevard, is zoned R-2-A (Two-Family Residential Limited).

Findings

1. Section 4-6.1 of the Chatham County Zoning Ordinance requires a minimum lot area of 15,000 square feet and a minimum lot width of 80 feet for two-family dwellings in the R-2-A district.
2. Per the petitioner's site plan, the subject parcel is 50 feet in width and 7,500 square feet in size.
3. Per Section 5-4.3, any existing lot of record which has an area or width which is less than that required by the Ordinance may be used as a building site for a one-family dwelling provided that if such lot is not served by public water and/ or sewer, then the application shall be approved by the Chatham County Health Department. The applicant has included a permit from the Georgia Department of Human Resources for an on-site sewage management system.
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 a nonconforming lot of record in regards to lot width and lot size.

- 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. The applicant would be permitted to construct a single family residence on the subject property without any variances.

- 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 30 foot lot width variance and a 7,500 square foot lot area variance appear not to be met.

Mr. Sharpe stated he wanted to put a duplex on the lot. He said that area had several other duplexes that was of the same dimensioned lot that were probably built between 2001 to 2006. He said the area was zoned for a duplex. He said he submitted all plans to Inspections and the structure fit within the lot without asking for any side, front, or rear variances. He also received a septic tank permit from the Health Department.

Mr. Cohen stated the Board was here not to ignore the zoning requirements but to enforce the zoning requirements. He said only in special certain circumstances would the Board may be approve outside of what the County has required for putting structures on lots.

Mr. Sharpe stated there was a duplex built June 2006.

Mr. Cohen stated there were no precedents and each case was decided upon on its own merits.

Mr. Murphy asked the petitioner if he owned the lot next door?

Mr. Sharpe stated he owned the house which was single-family. He said he also owned the 50 foot lot next door to it that he wanted to put the duplex on. He said the properties across the street which were duplexes were on 100 foot wide lots.

Mr. Watford asked if the duplex that was completed in June 2006 was approved by the Board?

Mr. Sebek stated no, it was approved in error by Inspections. He said the ordinance said that a single-family home could be built on a substandard lot and they did not pick up on the notation of single-family home until after that one had been completed.

CZBA Action: **Mr. Cohen made a motion that the Chatham County Zoning Board of Appeals deny the petition. Mr. Noha seconded the motion.**

Mr. Noha asked what was the policy with regards to the 200 feet?

Mr. Sebek stated that was only for front setbacks.

Mr. Murphy asked if he take some of the footage from the other lot?

Mr. Sharpe stated no, because he would be too close to the property line.

Mr. Noha stated he was concerned most with the total area square footage than the lot width.

Mr. Sharpe stated although he could build a single-family home there were hardly any single family homes in the area. He said the area was more of duplexes.

CZBA Action: **Mr. Watford called for the question. The motion for denial was unanimously passed.**

**RE: Petition of Marion H. Kennickell
B-060829-59902-2
25 Penrose Drive**

Present for the petition was Marion H. Kennickell.

Mrs. Burke gave the following Staff report.

The petitioner is requesting approval of a 2.5 foot side yard setback variance for both sides 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 25 Penrose Drive, is zoned R-1-A/EO (One-Family Residential/ Environmental Overlay).

Findings

1. Section 4-6.1 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 655 feet. Per the petitioner's survey, the parcel is 33,271 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 2.5 foot side yard setback variance on both sides in order to construct a single family residence within 7.5 feet of each side yard property line. There is a single family residence in existence on the subject property which does not meet the

side yard setbacks.

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 within the side yard setbacks and 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 2.5 foot side yard setback variance appear not to be met.

Mr. Kennickell stated he wanted to build a 35 foot wide house on a 50 foot lot. He said it would be on the same footprint as the existing house. The house currently on the property was old and he would like to build a new house in the same footprint.

Mr. Murphy asked if there were fences on either side of the property?

Mr. Kennickell 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. Murphy seconded the motion and it was unanimously passed.

**RE: Petition of Seth Murray, Deacon for
Savannah Korean Baptist Church
B-060829-60032-1
N.W. Corner of Chief O.F. Love Road &
Canebrake Road**

Present for the petition was Downer Davis, Davis Engineering.

Mrs. Burke gave the following Staff report.

The petitioner is requesting approval of a waiver of the requirement that a church abut a collector street or greater in accordance with the provisions of Section 4-5.1(17b) of the Chatham County Zoning Ordinance in order to construct a church. The subject property, located on Chief O. F. Love Road near its intersection with Canebrake Road, is zoned R-A (Residential-Agriculture).

Findings

1. Per Section 4-5.1(17b) of the Chatham County Zoning Ordinance, churches and other places of worship are permitted in the R-A district. However, such uses shall only be permitted on a lot or plot of ground which abuts a collector street, major arterial, or secondary arterial.
2. The subject property is located on Chief O. F. Love Road, which is not considered a collector street or greater.
3. Per Section 4-5.1(17b), the Board of Appeals shall be authorized to waive the requirement that a church abut a collector street or greater if, on the basis of evidence presented, it finds that the traffic to be generated by a particular church or place of worship can be accommodated on other streets without creating traffic congestion and traffic hazards on such streets which would be detrimental to the neighborhood served by such other streets.
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 exceptional conditions pertaining to the subject parcel. However, the request of the applicant is not in regards to any variances from the required development standards which would be impacted by the size, shape, or topography

of the subject parcel. The request is in regards to the location of the parcel in relation to a type of street.

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, the subject property would not be permitted to be developed as a church or other place of worship. The proposed use is a permitted use in the R-A district and the existing road network should be able to accommodate any traffic generated from a church.

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 proposed use is a permitted use in the R-A district. The subject property is served by Chief O. F. Love Road near its intersection with Canebrake Road, in close proximity to U.S. Highway 17 and GA Highway 204. The existing road network should be able to accommodate the traffic generated by a church without creating traffic congestion or hazards which would be detrimental to the area.

Summary of Findings

All of the conditions necessary for granting a waiver from the standard that a church abut a collector street or greater appear to be met.

Mr. Noha asked if the only street the proposed church abutted was Chief O.F. Love Road?

Mr. Davis stated yes.

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. Cohen seconded the motion and it was

**RE: Petition of David T. Gilpin, For
Herb River Bend, LLC
B-060829-60223-1
6407 Laroche Avenue**

Present for the petition was Rob Brannen, Attorney.

Mrs. Burke gave the following Staff report.

The petitioner is requesting approval of a seven (7) foot front yard setback variance from the 25 foot front yard setback requirement for 64 lots, and a five (5) foot rear yard setback variance for six (6) lots from the 25 foot rear yard setback requirement of Section 4-6.1 of the Chatham County Zoning Ordinance in order to construct single family residential structures in a new subdivision. The subject property, located at 6407 Laroche Avenue, is zoned R-1/EO (Single-Family Residential/ Environmental Overlay).

Findings

1. Section 4-6.1 of the Chatham County Zoning Ordinance requires a minimum front and rear yard setback of 25 feet.
2. The subject parcels are a part of the Herb River Bend Subdivision, which was approved by the Metropolitan Planning Commission in September of 2005 (MPC File No. S-050817-36372-1). The lots vary in size from 7,442 square feet to 19,083 square feet in size and are conforming lots of record.
3. The petitioner is seeking a seven (7) foot front yard setback variance for all of the lots in order to be able to construct single family residences within 18 feet of the front property line. The applicant indicates that the front yard variance, if approved, will be used for non-heated space, specifically for the installation of front porches.
4. The petitioner is seeking a five (5) foot rear yard setback variance for Lots 30, 31, 33, 34, 36, and 37 in order to be able to construct single family residences within 20 feet of the rear yard property line.
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.**

There are no exceptional conditions pertaining to the subject parcels. All of the lots are recently created lots that meet or exceed the minimum lot requirements.

- 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 proposed reductions in setbacks would be noticeable only from within the subdivision and would be consistent throughout the subdivision.

Summary of Findings

All of the conditions necessary for granting a seven (7) foot front yard setback variance for 64 lots and a five (5) foot rear yard setback variance for six (6) lots appear not to be met.

Mr. Brannen stated this was being developed for a high-end subdivision and all the lots were pre sold to builders. He said when they first designed the property, the roads were one-way streets that were very narrow. As part of the subdivision process they asked them to make the streets two-way so the roads were widened. When they got to the point after the subdivision plat was approved and they started doing their layouts a lot of the lots had building pads that they felt were too small for the kind of neighborhood that they were looking for. He said the neighborhood would be sort of southern traditional and they had intended for a lot of the houses to have front porches. Because of the width of reductions in the right-of-ways a lot of the building pads dropped to 35 feet. He said if you put a 7 foot front porch on a 35 foot building pad that would leave approximately 28 feet of house. He said they felt they should move the setback out so they could put on some front porches. He said the 5 foot rear setback were for a couple of lots that were so small with even the front setback they still needed a little bit more space. He said all the changes were internal to the subdivision. He said they had letters from the adjacent property owners saying that they were not opposed to the petition. However, Ms. Marchalk indicated in her letter that she was concerned about their houses being closer to her property. He said they felt that would not be an issue because of how the setbacks were set up in that most of the houses were not being moved closer to her property. He said the ones that would affect her were separated by a public road.

Mr. Cohen asked if the 5 foot rear setback was for six lots?

Mr. Brannen stated yes.

Mr. Cohen asked how many lots did the 7 foot front yard setback apply to?

Mr. Brannen stated 64 lots. He said there were lots that were big enough to build the pad without the setback. He said their thoughts were that they wanted an even streetscape along the street.

Mr. Murphy asked if they were here today because there was a change after they purchased the property?

Mr. Brannen stated no. He said they had the subdivision plat approved. He said this was an oversight of the subdivision plat approval process that the variance was not asked for at that time. He said Staff recommended that they come before the Board of Appeals to request the variances.

Mr. Cohen stated he would like to read the following letters into the record: letter of J. Yost into the record – “to whom it may concern, I have reviewed the zoning variance application for the Herb River Bend subdivision and I have no objections to the request. Sincerely, J. Yost.”

“Grace B. Cannon. September 25, 2006. To whom it may concern, I have reviewed the zoning variance application for the Herb River Bend subdivision and I have no objections to the request. Sincerely, Grace B. Cannon.”

B.E. Nevels. September 26, 2006. To whom it may concern, I have reviewed the zoning variance application for the Herb River Bend subdivision and I have no objections to the request. B.E. Nevel.”

Mr. Cohen further stated that it seemed that the neighbor who was complaining about the petition had more to do with how her property was being trampled upon by the construction going on more than anything else.

Mr. Carey Shore (Developer) stated they have been developing this property for one year. He said they have gone to great efforts not to hurt anyone’s property.

Mr. Watford stated he was concerned about the request for 64 variances at one time.

Mr. Brannen stated the variances were missed as the subdivision plat went through the approval process.

Mr. Cohen stated it seemed that the rear setbacks did not affect any of the neighborhood properties except the six properties themselves. He said with regards to the front setbacks he did not see a problem with those either given what the developers were trying to do which was enhance the appearance and make it better.

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 stated he would like for it to be noted that it only be open porches in the 7 foot front yard setback.

Mr. Noha seconded the motion and it was unanimously passed.

RE: **Petition of Ameir Mustafa**
B-060829-60368-1
17027 Abercorn Street

Present for the petition was Ameir Mustafa.

Mrs. Burke gave the following Staff report.

The petitioner is requesting approval of a variance to allow the placement of an off-site sign per Section 7 of the Chatham County Zoning Ordinance. The subject property, located at 17027 Abercorn Extension, is zoned P-B-C (Planned-Community-Business).

Findings

1. Section 7 of the Chatham County Zoning Ordinance allows for Freestanding Principal Use Signage for nonresidential uses. Although the Ordinance does not specify that such signage must be located on the same parcel as the nonresidential use it is advertising, the interpretation, based on various references throughout this section of the Ordinance, has always been that the signage must be located on the same parcel.
2. Per Section 7-3(l)(2), freestanding signs shall be permitted one (1) square foot of sign display area per linear foot of lot frontage occupied by the principal use with a maximum area of 125 for a Class I street. The parcel containing the principal use has approximately 165 linear feet of frontage. A maximum of 125 square feet of sign area would be permitted for this location.
3. The petitioner is seeking to locate their principal use sign on an existing pole sign on a parcel to the east that is adjacent to the principal use parcel. The petitioner is not requesting any variances in regards to the sign area. The proposed sign will be limited to the 125 square feet permitted, or the applicant will be required to obtain a sign area variance from the Board.
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 exceptional conditions pertaining to the subject parcel. However, the request of the applicant is not in regards to any variances from the required development standards which would be impacted by the size, shape, or topography of the subject parcel. The request is in regards to the location of a principal use sign on an adjacent parcel.

- 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, strict application of the Ordinance would cause the addition of another pole for signage when an existing pole can be utilized, improving the streetscape.

- 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. Rather, relief, if granted, would further the purposes and intent of the Ordinance by limiting the number of pole signs and improving the visual aesthetics of the corridor.

Summary of Findings

All of the conditions necessary for granting a variance to allow placement of an off-site sign appear to be met.

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: Petition of Shawna Creasy, Agent for
Gregory & Jan Vach
B-060829-60877-1
117 Crooked Wood Lane**

Present for the petition was Jason Rose, Agent.

Mrs. Burke gave the following Staff report.

The petitioner is requesting approval of a 32.3 foot marsh setback variance to the 50 foot marsh setback and a 17.3 foot variance to the 35 foot riparian setback requirement of Section 4-12f(1) of the Chatham County Zoning Ordinance in order to construct an addition to an existing single family residence. The subject property, located at 117 Crooked Wood Lane, is zoned R-1/EO (One-Family Residential/ Environmental Overlay).

Findings

1. Section 4-12(f) of the Chatham County Zoning Ordinance requires that a minimum 50 foot setback from the marsh line and that a minimum 35 foot riparian setback from the marsh line be established for properties upon which structures existed at the time of

adoption of the Environmental Overlay District (November 16, 2001). Setback requirements for both the marsh and riparian buffer are established at 25 feet if the parcel was vacant at the time of adoption of the Overlay District. A residential structure was constructed and occupied on the lot prior to adoption, thus the more stringent requirements apply.

2. The subject property is considered a standard lot, being approximately 8,790 square feet in size. The northern property line is somewhat irregular in shape as it follows the profile of the marsh. The existing residence is well within the marsh setback line.
3. The petitioner is requesting a 32.3 foot variance from the required 50 foot marsh setback buffer, as well as a 17.3 foot variance to the 35 foot riparian setback requirement, in order to construct an addition to an existing residence within 17.7 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.**

Though somewhat irregular in shape, the parcel is a conforming lot of record.

- 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. However, the petitioner would not be able to construct the addition as proposed.

- 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.

Summary of Findings

All of the conditions necessary for granting a 32.3 foot marsh setback variance and a 17.3 foot riparian setback variance appear not to be met.

Mr. Jason Rose, Coastal Empire Exteriors, stated there was an elevated deck there. He said they are asking that the deck that is currently there would not be at the same level of the floor. He said they would take it over to the corner of the house maintaining a post and beam foundation that would be elevated.

Mr. Cohen asked when they enclose it what would it be?

Mr. Rose stated a sunroom.

Mr. Vach, Owner, stated it would not be heated or air conditioned. He said it would be screened with a room.

Mr. Noha asked what was the distance between the end of the deck going to the right of the house to the corner of the house?

Mr. Vach stated approximately 4 or 5 feet.

CZBA Action: Mr. Noha made a motion that the Chatham County Zoning Board of Appeals approve the petition for a sunroom only (no heated or cooled space) 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: Petition of John W. Robinson, III
B-060829-61129-1
13 Longbridge Road**

Present for the petition was Adrian Robinson.

Mrs. Burke gave the following Staff report.

The petitioner is requesting approval of a seven (7) foot height limit variance from the 36 foot maximum height limit allowed in Section 4-6.1 of the Chatham County Zoning Ordinance in order to reconstruct a single family residential structure. The subject property, located at 13 Longbridge Road, is zoned PUD/EO (Planned Unit Development/ Environmental Overlay).

Findings

1. Section 4-6.1 of the Chatham County Zoning Ordinance establishes a maximum building height at 36 feet.
2. The petitioner is seeking a seven (7) foot height limit variance in order to reconstruct a single family residence with a maximum height of 43 feet. Per the applicant, the original structure on the lot, which was 45 feet in height, was destroyed by lightning in 2004. It is the intent of the applicant to rebuild the house on the remaining foundation with minor modifications.
3. The subject property, although irregularly shaped, is a standard lot at approximately .92 acres.
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 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. However, the strict application of these regulations would prohibit the applicant from reconstructing a structure at nearly the same height as the one that was destroyed by lightning.

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

The conditions described above are somewhat 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 applicant would simply be permitted to reconstruct a residence that is similar in size to what was previously on the parcel.

Summary of Findings

All of the conditions necessary for granting a seven (7) foot height limit variance appear not to be met.

Ms. Adrian Robinson stated they wanted to rebuild the same house that was struck and burned by lightning in 2004. The house that was built previously was 46 feet in height. She said the new structure would be 43 feet in height. She said she also had letters of support from residents on Long Point Hammock.

Mr. Cohen asked why did they have to build higher than what was allowed by regulations?

Mr. Crosby, Agent, stated to put the house back to get 9 or 10 foot ceilings they could only do so much. He said they would almost have to have a flat roof if they tried to stay within what they had. He said the house was shorter than what was before, but to try and stay within the same footprint they could have to tear down what was there and get smaller.

Mr. Cohen asked if he was saying for them to construct it differently they would have to tear down the foundation?

Mr. Crosby stated yes.

Mr. Sebek stated according to the ordinance the maximum height shall be 36 feet above grade on the 100 year based flood elevation. He said depending on what the ground elevation was and the flood elevation it could make a difference in what the petitioner was requesting.

Mr. Crosby stated he knew they were above flood because it could be live in space.

Mr. Cohen asked if they could reduce the 7 foot height a few feet lower?

Mr. Crosby stated he might can lower the flat part to 2 feet so that it was a lower pitch and so it would not change the look of the house too much.

Mr. Noha stated he felt aesthetically if they reduced the roof any more than what it was you would know.

CZBA Action: Mr. Cohen made a motion that the Chatham County Zoning Board of Appeals approve the petition for a 5 foot height variance.

The motion failed for lack of a second.

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. Murphy seconded the motion and it was unanimously passed.

Mr. Noha asked Staff has any action been taken on the marsh setback?

Mrs. Burke stated they have not worked on it this month as much as they did last month. She said they will continue to work on it.

Mr. Noha asked what was the status of Mr. Sharpe?

Mrs. Burke stated she talked with Mr. Hansen and he said that he would look into about how to go about addressing it. She said he also mentioned that letters had been sent in the past and phone calls had been made but they were still where they were.

Mr. Noha stated as observation if there had been one more absentee they would not have been able to hold today's meeting.

RE: Minutes

1. Approval of CZBA Minutes – August 22, 2006

CZBA Action: Mr. Noha made a motion that the Chatham County Zoning Board of Appeals approve the Regular Meeting minutes of August 22, 2006 as submitted. Mr. Murphy seconded the motion and it was unanimously passed.

RE: Other Business

1. Election of Officers – Chairman and Vice-Chairman for 2006 – 2007.

CZBA Action: Mr. Cohen nominated Wayne Noha, Chairman for 2006 – 2007 and Terrance Murphy, Vice-Chairman for 2006 - 2007. Mr. Murphy seconded the motion and it was unanimously passed.

RE: Adjournment

There being no further business to come before the County Zoning Board of Appeals, the meeting was adjourned approximately 10:30 a.m.

Respectfully submitted,

Deborah Burke,
Assistant Secretary

DB:ca