

CHATHAM COUNTY ZONING BOARD OF APPEALS

ARTHUR A. MENDONSA HEARING ROOM

112 EAST STATE STREET

OCTOBER 24, 2006

9:00 A.M.

MINUTES

MEMBERS PRESENT:

**Wayne Noha, Chairman
Terrance Murphy, Vice-Chairman
Steven Day
Jimmy Watford**

MEMBERS ABSENT:

**Davis Cohen, (Excused)
Greg Hirsch, (Excused)
Robert Sharpe, (Excused)**

TECHNICAL STAFF PRESENT:

**Marlon Epps, Chatham County Inspections
Department**

MPC STAFF PRESENT:

**Deborah Burke, Assistant Secretary
Christy Adams, Administrative Assistant**

RE: Called to Order

Mr. Watford called the October 27, 2006 Chatham County Zoning Board of Appeals meeting to order at 9:00 a.m.

**RE: Petition of John C. & Cynthia M. Howard
B-060925-52258-1
8 Anchor Court**

Continued per Petitioner's request.

**RE: Petition of Mike M-Khepieson
B-060925-54365-1
501 Queen Aire Drive**

Continued per Petitioner's request.

**RE: Petition of John Wiseman
B-060925-54841-1
101 Brompton Road**

Present for the petition was John Wiseman.

Mrs. Burke gave the following Staff report.

The petitioner is requesting approval of a four (4) foot side yard setback variance from the seven (7) foot side yard setback requirement of Section 4-6.1 of the Chatham County Zoning Ordinance in order to construct an addition onto an existing single family residential structure. The subject property, located at 101 Brompton Road, is zoned PUD/EO (Planned Unit Development/ Environmental Overlay).

Findings

1. Section 4-6.1 of the Chatham County Zoning Ordinance requires a minimum side yard setback of seven (7) feet.
2. The subject parcel is rectangular in shape, with a width of approximately 110 feet and a depth of approximately 140 feet. Per the petitioner's survey, the parcel is .37 acres. The parcel is a conforming lot of record.
3. The petitioner is seeking a four (4) foot side yard setback variance in order to construct an addition onto an existing single family residence within 3 feet of the western side yard 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.**

There are no extraordinary or exceptional conditions pertaining to this parcel. The subject property is considered a conforming lot.

- 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 subject property is separated from the adjacent parcel to the west by a drainage ditch, allowing for larger separation between the proposed addition

and the adjacent property line than what is typically required. Furthermore, the addition will not be any closer to the property line than the existing accessory building in the side yard.

Summary of Findings

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

Mr. Noha asked if the existing structure would be added onto or will it be removed and a new structure built in its place?

Mr. Wiseman stated the existing structure will be removed.

Mr. Day asked if there will be any additional height?

Mr. Wiseman stated yes, so the roof would match the existing roof line of the house.

Mr. Day asked if it was one story or two story?

Mr. Wiseman stated one story.

Mr. Noha asked if there was a reason he did not want to bring it into 3 feet?

Mr. Wiseman stated if he brought it in he would have to move it forward so he could get enough space, but he was also limited in the front because of a large oak tree that he would not want to remove.

CZBA Action: **Mr. Day 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: Minutes

1. Approval of CZBA Minutes – September 26, 2006

CZBA Action: **Mr. Watford made a motion that the Chatham County Zoning Board of Appeals approve the Regular Meeting minutes of September 26, 2006 as submitted. Mr. Murphy seconded the motion and it was unanimously passed.**

RE: Other Business

Mrs. Burke stated there was a neighbor here in opposition to petition B-060925-54365-1, 501 Queen Aire Drive. She said he wanted to know if he could speak in opposition of it because he will not be able to be here next month. She said the petition was recently requested that it be continued because they had not received the marsh designation from DNR, so it would be hard for them to know exactly what they needed.

Mr. Day stated right now the Board did not know what the request was for. He said he felt the best thing for the neighbor to do was submit a letter to Staff so it could be entered into the

record. He said his point was no matter what the neighbor said today may or may not be relevant to what they were requesting.

RE: Adjournment

There being no further business to come before the County Zoning Board of Appeals, the meeting was adjourned approximately 9:15 a.m.

Respectfully submitted,

Deborah Burke,
Assistant Secretary

DB:ca