

CHATHAM COUNTY ZONING BOARD OF APPEALS

ARTHUR A. MENDONSA HEARING ROOM

112 EAST STATE STREET

APRIL 24, 2007

9:00 A.M.

MEETING

MINUTES

MEMBERS PRESENT:

**Terrance Murphy, Vice-Chairman
Davis Cohen
Steven Day
Brian Felder
Jimmy Watford**

MEMBERS ABSENT:

**J. David Hoover (Excused)
Wayne Noha (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. Murphy called the meeting of April 24, 2007 Chatham County Zoning Board of Appeals meeting to order at 9:00 a.m.

RE: Regular Agenda

**RE: Continued Petition of Arend Jan deVoest
Poticny Deering Felder
B-070227-35532-1
1 Penrose Drive**

Mr. Felder recused himself from this petition as his firm are the architects for this petition.

Present for the petition was Jan deVoest.

Mrs. Burke gave the following Staff report.

The petitioner is requesting approval of a 500 square foot variance from the 900 square foot maximum for an accessory building per Section 3-6.1 of the Chatham County Zoning Ordinance in order to construct an accessory structure. The subject property, located at 1 Penrose Drive, is zoned R-1-A/ EO (One-Family Residential/ Environmental Overlay).

Findings

1. Section 3-6.1 of the Chatham County Zoning Ordinance permits accessory buildings to be located outside of the rear yard where the property directly abuts a river or salt marsh with specific requirements. The requirements state that the accessory structure cannot exceed 900 square feet in size. The applicant is proposing a 1,400 square foot accessory structure.
2. Per the Tax Assessor’s Office, the subject property is approximately 2.21 acres in size. The parcel is a conforming lot of record that far exceeds the minimal development standards of the Ordinance.
3. The petitioner is seeking a variance in order to construct a 1,400 square foot accessory structure located in the front of the subject property.
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 the subject property. The subject property is a conforming lot of record that far exceeds the minimum requirements of the Ordinance. However, the request before the Board is not one, such as a setback variance, that would be impacted by the size or shape of the 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. However, the applicant would be limited to a 900 square foot accessory structure.

- 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. However, the variance request would appear to be in conflict with the purposes and intent of the Zoning Ordinance.

Summary of Findings

All of the conditions necessary for granting a 500 square foot area variance for an accessory use appear not to be met.

Mr. Cohen asked what was the lot size?

Mrs. Burke stated 2.21 acres.

Mr. Cohen asked 900 would fit on what size lot?

Mrs. Burke stated that was the maximum regardless of what size lot you have.

Mr. Day asked what was the smallest legal building size lot?

Mrs. Burke stated for R-1 6,000 square feet.

Mr. Sebek stated the 900 square foot maximum was intended for marsh and river front lots. He said typically accessory buildings would be required to be behind the home, meaning away from the street side but most people did not want to because they may not have room behind their house. He said this exception was put in there with the 900 square foot size regardless of the size of the lot.

Mr. Murphy asked if there was a limit to the number of accessory structures?

Mr. Sebek stated yes, 1 lot.

Mr. Cohen asked what type of accessory structure was the petitioner proposing?

Mrs. Burke stated a garage.

Mr. Murphy asked if the neighbors were notified?

Mrs. Burke stated yes, and Staff has not heard anything from any of the neighbors.

Mr. Day asked if the garage was 1 story or 2 story?

Mr. deVoest stated 1 story with storage upstairs. He said the space was not livable or habitable.

Mr. Day asked if the garage would have a restroom?

Mr. deVoest stated no.

Mr. Day asked if the garage would be powered from the main house?

Mr. deVoest stated yes.

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 Arend Jan deVoest
Poticny Deering Felder
B-070327-38478-1
1418 Walthour Road**

Mr. Felder recused himself from this petition as his firm are the architects for this petition.

Present for the petition was Jan deVoest.

Mrs. Burke gave the following Staff report.

The petitioner is requesting approval of a 1,283 square foot variance from the 900 square foot maximum for an accessory building per Section 3-6.1 of the Chatham County Zoning Ordinance in order to construct an accessory structure. The subject property, located at 1418 Walthour Road, is zoned R-1-A/ EO (One-Family Residential/ Environmental Overlay).

Findings

1. Section 3-6.1 of the Chatham County Zoning Ordinance permits accessory buildings to be located outside of the rear yard where the property directly abuts a river or salt marsh with specific requirements. The requirements state that the accessory structure cannot exceed 900 square feet in size. The applicant is proposing a 2,183 square foot accessory structure.
2. Per the Tax Assessor's Office, the subject property is approximately 1.73 acres in size. The parcel is a conforming lot of record that far exceeds the minimal development standards of the Ordinance.
3. The petitioner is seeking a variance in order to construct a 2,183 square foot accessory structure located in the front of the subject property.
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 the subject property. The subject property is a conforming lot of record that far exceeds the minimum requirements of the Ordinance. However, the request before the Board is not one, such as a setback variance, that would be impacted by the size or shape of the 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. However, the applicant would be limited to a 900 square foot accessory structure.

- 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. However, the variance request would appear to be in conflict with the purposes and intent of the Zoning Ordinance.

Summary of Findings

All of the conditions necessary for granting a 1,283 square foot area variance for an accessory use appear not to be met.

Mr. Cohen asked how far from the property line was the proposed structure to what appeared to be a separate piece of property in front of it?

Mrs. Burke stated according to the site plan it was 49'-1".

Mr. Cohen asked if the owner owned both sides of the property?

Mrs. Burke stated on SAGIS it showed it as one larger lot of record. However, it also sounded like what was taking place was that it has been subdivided recently and it may be the intent to sell it. She said she was not sure that had happened.

Mr. Cohen asked what was the overall acreage?

Mrs. Burke stated 1.73 acres.

Mr. Felder stated with regards to the lot prior to construction of this house around 1999 or 2000 Pat and Gail McCarthy owned this lot and the lot next door. He said this was their former home which they sold it and built their current home. He said he felt the McCarthy's intent if he hasn't done it already was to subdivide this and sell Lot B1 and retain this portion for his house. The 1.73 acres was just this portion where their house was built. He said the owner made the decision to stay behind the flood zone and to stay out of the marsh. He said it was the owner's desire to build a woodshop. The woodshop would not have any bathrooms and it would not have a kitchen.

Mr. Day asked if the woodshop would be 1 story?

Mr. Felder stated yes.

Mr. Cohen asked what was the status of Lot A?

Mr. Felder stated there was a residence on Lot A.

Mrs. Burke stated residents within 200 feet were notified about this petition. She said Staff did not hear anything from any residents with regards to this petition.

Mr. Cohen asked what was the variance request?

Mrs. Burke stated the request was for 1,283 square foot variance which would make the structure 2,183 square feet in size.

Mr. Cohen asked if the setback was 10 feet from that property line?

Mrs. Burke stated it was 10 feet from the side property line which the petitioner met.

Mr. Day stated a woodshop of 2100 square feet was very large. He said if it's just a hobby that was one thing but if they were talking about a commercial application where someone was actually going to be producing products for other people that could not happen.

Mr. Felder stated the owner worked for Raby Electric. He said the woodshop was only a hobby. He said the owner would have tools equivalent to the best there were but the woodshop was solely his escape.

Mr. Day stated the owner also needed to understand that this could not be a storage facility for machinery.

Mr. Felder stated the owner did not want any of that at his house. He said this was strictly his woodshop.

Mr. Cohen asked what was the square footage of the house?

Mr. Felder stated the house minus the garage was approximately 7,500 square feet heated and two floors. He said the owner could attach the woodshop but he did not want to. He said the owner also did not want to subdivide the property.

Mr. Cohen asked if the woodshop could be smaller?

Mr. Felder stated the owner has laid out his equipment and he felt this was the space he needed for his woodshop.

Mr. Cohen stated he was concerned that the owner may be trying to integrate some of the work that he was doing in this structure along with the business that he works for.

Mr. Felder stated that would not be possible because the electrical business was huge.

Mr. Cohen asked why did the owner need such a large structure for a personal private hobby type of woodwork? He said it seemed enormous.

Mr. Felder stated it was a hobby and it did not have anything to do with his business. He said the owner was an electrical subcontractor that does utility work on the east coast. He said the owner did not do wood fabrication.

Mr. Cohen stated he was concerned that there was no hardship that would warrant approval. He said sometimes when the applicant/owner come to the meeting and explain these things the Board sometimes understand what the hardship is. He said he could not understand why the structure had to be so large to be a hobby shop.

Mr. Felder stated he felt it was as simple as his sworn statement that this was the size of the shop that he has laid out based on the equipment that he wanted to put in the shop including dust control measures, etc.

Mr. Cohen stated he was concerned with the size.

Mr. Murphy asked Staff if they heard anything from any of the neighbors?

Mrs. Burke stated no.

Mr. Day stated he was looking for a reason to do it and just because the owner wanted it that did not make it so. He said the building in relationship to the size of the lot was not that bad but he would need a reason to do this and he was not sure what it was.

Mr. Felder asked if it would help to have a floor plan that laid out what the owner was attempting to do?

Mr. Cohen stated no. He said he would like to know why the structure had to be so big because may be it could be smaller.

Mr. Day stated he would like for the owner to come to the meeting. He said the reason he wanted the owner present was because he felt it was not normal to have a woodshop that was 2,000 square feet for one person. He said he would like to know from the petitioner why he felt he needed the kind of variance he was requesting.

Mr. Felder requested a continuance.

CZBA Action: Mr. Day made a motion that the Chatham County Zoning Board of Appeals **continue** the petition until the next regularly scheduled meeting. Mr. Cohen seconded the motion and it was unanimously passed.

RE: Minutes

1. Approval CZBA Meeting Minutes – March 27, 2007

CZBA Action: Mr. Day made a motion that the Chatham County Zoning Board of Appeals **approve** the minutes of March 27, 2007 as submitted. Mr. Watford seconded the motion and it was unanimously passed.

RE: Other Business

Mrs. Burke stated she has provided them with a copy of the Green Growth Guidelines. She said this was the document that Jackie Jackson and Bethany Jewell talked to them about at last month's training session.

Mrs. Burke stated there also was a meeting yesterday that involved the Chairman's from the various Boards that MPC staff. She said she felt the overall goal for the meeting that would be held quarterly was so there was better communication amongst the Boards about cases or other issues that Boards keep seeing. She said they also discussed training opportunities for the Boards. She said a letter was sent out in the last packet with regards to training on June 8, 2007. She said that training will be rescheduled and she will let the Board know the date.

RE: Adjournment

There being no further business to come before the County Zoning Board of Appeals, the meeting was adjourned approximately 9:40 a.m.

Respectfully submitted,

Deborah Burke,
Assistant Secretary

DB:ca