

CHATHAM COUNTY ZONING BOARD OF APPEALS

ARTHUR A. MENDONSA HEARING ROOM

112 EAST STATE STREET

NOVEMBER 27, 2007

9:00 A.M.

MINUTES

MEMBERS PRESENT:

**Wayne Noha, Chairman
Brian Felder
Steven Day
Jimmy Watford
Terrence Murphy**

MEMBERS ABSENT:

Davis Cohen

TECHNICAL STAFF PRESENT:

**Robert Sebek, Chatham County Inspections
Department**

MPC STAFF PRESENT:

**Geoff Goins, Development Services Planner
Deborah Burke, Assistant Secretary
Sabrina Thomas, Administrative Assistant**

RE: Called to Order

Mr. Noha called the meeting of November 27, 2007 Chatham County Zoning Board of Appeals meeting to order at 9:00 a.m.

RE: Regular Agenda

**RE: Kevin Rose for Wynn Cowan
B-070928-00046-1
1208 Wilmington Island Road**

Present for the petition was Kevin Rose and Wynn Cowan.

Mr. Goins gave the following Staff report:

The petitioner is requesting approval of a 300 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 1208 Wilmington Island 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 1,200 square foot

accessory structure.

2. Development standards established for the R-1-A/EO zoning classification require a minimum lot width of 70 feet and a minimum lot area of 12,000 square feet. The subject parcel contains approximately 64,500 square feet, measuring approximately 100 feet wide and 645 feet deep.
3. The petitioner is seeking a variance in order to construct a 1,200 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.

The subject property is considered a standard parcel within the zoning district. The parcel presently meets the minimum area and width requirements of the district, and is an existing legal 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 Zoning Ordinance would not create an unnecessary hardship. A detached accessory building is permitted with a maximum area of 900 square feet.

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

The conditions described above are not peculiar to the particular piece of property involved

d. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Savannah Zoning Ordinance.

Relief, if granted, would not likely cause detriment to the public good or impair the purposes of the Ordinance.

Summary of Findings

All of the conditions necessary for granting a 300 square foot area variance for an accessory use appear not to be met.

Mr. Rose stated Staff said they did not meet variance requirements. He asked other than the hardship, what else was there to be met?

Mr. Day asked what was the structure going to be used for?

Mr. Rose stated it would be used as a garage and storage room. He said they have a very small house on this property with no closets and they would like to have a place for their outdoor items.

Mr. Day asked if it is a one story structure?

Mr. Rose stated it was a one story structure. (Mr. Rose showed the plans on the projector.)

Mr. Noha asked would everything to the left be storage? Will this be off of the power from the main house?

Mr. Rose stated yes.

Mr. Day asked if there was a restroom?

Mr. Rose stated no. He said it was a three car garage with one of the bays as storage.

Mr. Noha asked if there would be plumbing?

Mr. Rose stated no.

Mr. Cowan stated he believed the depth was what got them because they wanted it deep enough to put a boat trailer so they would not have it in the front of the yard.

Mr. Day asked Mr. Cowan how large was the house?

Mr. Cowan stated 2200 square feet. He said the garage would match the house and it would have the same roof and everything.

Mr. Noha asked if there was anyone else to speak for or against this petition?

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. Watford seconded the motion and it was unanimously passed.

RE: James Lesley Wallace
B-071025-00059-1
2 Loch Way

Present for the petition was James Wallace and Debra Wallace.

Mr. Goins gave the following Staff report:

The petitioner is requesting approval of an 18 foot front yard setback variance from the 55 foot from the centerline of the street right of way front yard setback requirement of Section 4-6.1 of the Chatham County Zoning Ordinance in order to construct a carport onto an existing single

family residence. The subject property, located at 2 Loch Way, is zoned R-1 (One-Family Residential).

Findings

1. Development standards established for the R-1 zoning classification where dwellings are served by non public water supply and waste systems require a minimum lot width of 60 feet and a minimum lot area of 6,000 square feet. The subject parcel contains approximately 14,500 square feet, measuring approximately 154 feet wide and 96 feet deep.
2. The front yard of the subject property faces Loch Way. Loch Way is considered a residential street. Section 4-6.1 establishes a minimum front yard setback of 55 feet from the centerline of the street right of way for residential streets.
3. The petitioner is seeking a variance in order to construct a carport onto an existing single family residence.
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 not considered a standard parcel within the zoning district. The parcel presently does not meet the minimum area requirement, but does meet the width requirement of the district, and is an existing legal 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 Zoning Ordinance would not create an unnecessary hardship.

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

The conditions described above are not peculiar to the particular piece of property involved. All the properties within this subdivision are of similar size and shape compared 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 Savannah Zoning Ordinance.**

Relief, if granted, would not likely cause detriment to the public good or impair the purposes of the Ordinance.

Summary of Findings

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

Mr. Day asked Staff was the actual variance request more than what was presented to them on their information sheets?

Mr. Goins stated it was eighteen feet and it was advertised correctly.

Mr. Noha asked if this was an attached carport or a metal structure?

Ms. Wallace stated most of the carports in their neighborhood were vinyl or the metal kind. She said they bought a collector's car and wanted to protect it from the pine trees. She said there was a home on Largo Drive with the driveway attached, as they wanted. She said they wanted something to have the same roofline of the house to make the house look better and serve their needs at the same time.

Mr. Wallace stated it would match the roof of the house, the existing front porch and match on the end. He said they felt this would add to the value of their home and neighborhood.

Ms. Wallace stated they were asking that the Board work with them to grant the variance to put the carport up.

Mr. Day stated he personally did not like carports but felt what they were proposing was better than what many already have up.

Mr. Wallace stated that included in the Board's packet of information they provided was a letter of support from their neighbors.

Mr. Felder asked since they have such a large lot, why they could not go to the side and not interrupt the setback?

Mr. Wallace stated the original owners had already poured the driveway and they were not doing any cement work. He said they were working off of existing materials. Also, there would be no access to it from the side because they have a corner lot.

Mr. Noha asked if there was anyone to speak against the petition?

CZBA ACTION: **Mr. Watford** 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. The motion was tied 2 – 2. Opposed to the motion were **Mr. Felder** and **Mr. Day**. **Mr. Noha** approved the motion stipulating it to be a stick-built structure and attached to the roof within the roofline of the mainhouse and it was passed 3 - 2.

RE: Minutes

1. Approval of CZBA Meeting Minutes – October 23, 2007

Mr. Noha stated he abstained from all votes, therefore would like for verbage to not read as 'unanimously passed.'

Mr. Day stated there was dialogue between himself and Ms. Fogle that was attributed to Mr. Cohen. He asked for that to be corrected.

RE: Other Business

Mr. Noha asked that Staff request the County Council to address the issues of marsh set backs and lot coverage as opposed to square footage on accessory structures that the Board sees routinely.

Ms. Burke stated that Staff had drafted a letter for Mr. Noha to send to Helen Stone, County Commissioner, regarding the marsh setback issue. She said that they may be planning on having those issues addressed through the Zoning Ordinance rewrite.

1. Election of Officers – Chairman and Vice Chairman for 2007-2008.

CZBA ACTION: Mr. Watford re-nominated Wayne Noha as Chairman. Mr. Day seconded the motion and it was unanimously passed.

CZBA ACTION: Mr. Day re-nominated Terrence Murphy as Vice-Chairman. Mr. Watford seconded the motion and it was unanimously passed.

Mr. Goins reminded the Board that the next meeting was scheduled for Tuesday, December 18, 2007 at 9:00 a.m. He said the meeting was being held earlier in the month because of the holidays.

RE: Adjournment

There being no further business to come before the Chatham Zoning Board of Appeals, the meeting was adjourned approximately 9:25 a.m.

Respectfully submitted,

Deborah Burke,
Assistant Secretary

DB/st