

COUNTY ZONING BOARD OF APPEALS
ARTHUR A. MENDONSA HEARING ROOM
112 EAST STATE STREET

March 25, 2008

9:00 a.m.

REGULAR MEETING

MINUTES

MEMBERS PRESENT:

Wayne Noha, Chairman
Lucy Hitch
*Davis Cohen
Stephen Day
Brian Felder

MEMBERS ABSENT:

Terrance Murphy
Jimmy Watford

TECHNICAL STAFF PRESENT:

Bob Sebek, County Zoning Administrator

MPC STAFF PRESENT:

Geoff Goins, Assistant Secretary
Sabrina Thomas, Administrative Assistant

RE: Call to Order

Mr. Noha called the meeting of March 25, 2008 Chatham County Zoning Board of Appeals meeting to order at 9:00 a.m.

RE: Minutes

1. Approval CZBA Meeting Minutes – January 29, 2008

CZBA Action: Mr. Felder made a motion that the Chatham County Zoning Board of Appeals approve the minutes of January 29, 2008 as submitted. Mr. Day seconded the motion and it was unanimously passed.

**RE: Bart Redmond, For
Katherine Bart
B-080221-00040-1
919 Mims Street**

Present for the petition was Bart Redmond.

Mr. Goins gave the following Staff Report.

The petitioner is requesting approval of a 15 foot rear yard setback variance from the 25 foot rear yard setback requirement of Section 4-6.1 of the Chatham County Zoning Ordinance in order to construct a new single family residence. The subject property, located at 919 Mims Street, is zoned R-1/EO (One Family Residential/Environmental Overlay).

Findings

1. Development standards established for the R-1 zoning classification where dwellings are served by public water supply and a private waste system require a minimum lot width of 75 feet and a minimum lot area of 15,000 square feet. The subject parcel contains approximately 4,650 square feet, measuring approximately 50 feet wide and 93 feet deep. The parcel is an existing lot of record, thus it is considered buildable even though it does not meet the minimum lot area and lot width requirements.
2. The petitioner is seeking the variance to construct a single family residence. The location of the proposed single family residence was requested by the Chatham County Health Department due to the suitable soil that is located in the front yard.
3. 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 requirements for minimum area and minimum lot width requirement of the district. The property 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 in conjunction with the Chatham County Health Department’s septic system location requirement significantly reduces the buildable area for a single family residence.

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

The conditions described above are peculiar to the particular piece of property involved. Properties within this area range from 4,650 to 30,000 square feet.

- 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 rear setback variance appear to be met.

Mr. Noha asked staff if they had a letter from the Health Department requesting the variance.

Mr. Goins stated no, it was just stated by the petitioner.

Mr. Cohen Asked if this was because the septic tank has to be in the front of the house so in order to accommodate the house it needs to be pushed back into the rear setback.

Mr. Goins states based on their application there was no other way to do it.

Mr. Day Asked what is the difference between the septic system being in the front or back.

Mr. Goins stated they originally wanted in the rear but the soil was not suitable so then it required them in the front yard.

Mr. Bart Redmond stated after getting a soil test we understood we could have it in the rear after coming before the Board to have the property rezoned we after that we have the moved to the front to accommodate that and then when I submitted everything to the Health Department we were shy about 20 square foot of the system fitting. As far a driving in you can drive in on the left side the tanks they are drivable.

Mr. Noah stated so you will not be driving over the field.

Mr. Redmond replied no.

Mr. Robert Sharpe stated he is opposition for the petition

Mr. Day stated Mr. Sharpe used to be a member of the County Zoning Board of Appeals. He said it was mentioned that the tidal access was in the back of the property. He asked from that perspective would not the location of the septic system be more beneficial than in the rear.

Mr. Sharpe Replied yes if you took it at face value but, all parts of Mims street is subject to flooding.

Mr. Bert Barrett III was asked by the Board if he was the property owner?

Mr. Bert Barrett Jr. stated he is not the owner of the property his grandmother gift deeded the property but was not supposed to that because of the mortgage company.

CZBA ACTION: Mr. Cohen made a motion that the County Zoning Board of Appeals approve the petition. Mr. Felder seconded the motion and the motion passed. Mr. Day and Mr. Noha abstained.

**RE: Savannah Quality Homebuilder
B-060501-87302-1
125 & 127 North Street**

The above-mentioned petition was withdrawn.

**RE: Petition of Hunter Chadwick
B-080219-00038-1
122 North Street**

Present for the petition was Hunter Chadwick

The petitioner is requesting approval of a three (3) foot front yard setback variance from the 25 foot front yard setback requirement and a five (5) foot rear yard setback variance from the 25 rear yard requirement

of Section 4-6.1 of the Chatham County Zoning Ordinance in order to construct a single family residence. The subject property is located at 122 North Street. The property is zoned R-1 (One Family Residential).

Findings

1. Development standards established for the R-1 zoning classification where dwellings are served by 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 10,000 square feet, measuring approximately 100 feet wide and 100 feet deep.
2. The petitioner is seeking the variances in order to construct a single family residence.
3. 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 requirements for minimum area and minimum lot width requirement of the district. The property 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 front and rear yard variances appear not to be met.

Mr. Chadwick stated because the size of the lot and there not being any public sewage I have to have a septic system and because of the soil and the requirements in Chatham County I have to put the septic tank on the side of the house with the backup drain field on the side and front. Thus, I have to have a

house plan that is skinny to fit. The reason for the variance is the two side porches that will encroach into the setbacks.

Mr. Cohen stated he felt the Board needed more information. He said he felt the request was premature.

Mr. Noha asked the Board what information did they want the petitioner to bring back?

Mr. Felder stated he felt the petitioner needed a site plan.

CZBA ACTION: Mr. Day made a motion that the County Zoning Board of Appeals continue the petition until the next regularly scheduled meeting (April 22, 2008). Mr. Felder seconded and it was unanimously passed.

**RE: Petition of Roy D. Ogletree, For
Erin Randall
B-080221-00039-1
1744 Wilmington Island Road**

Mr. Goins gave the following Staff Report.

Present for the petition was Roy D. Ogletree.

The petitioner is requesting approval of an eight (8) foot side yard setback variance and a two (2) foot six (6) inch side yard setback variance from the 10 foot side yard setback requirement of Section 4-6.1 of the Chatham County Zoning Ordinance in order to construct a single family residence. The subject property, located at 1744 Wilmington Island Road, is zoned R-1-A/EO (One-Family Residential/Environmental Overlay).

Findings

1. Development standards established for the R-1-A zoning classification where dwellings are served by non public water supply and waste systems require a minimum lot width of 100 feet and a minimum lot area of 30,000 square feet. The subject parcel contains approximately 26,136 square feet, measuring approximately 59.89 feet wide and 470 feet deep. The parcel is an existing lot of record. Pursuant to Section 5-4.3 of the Chatham County Zoning Ordinance, it is considered buildable even though it does not meet the minimum lot area and lot width requirements. The application for a permit to construct a dwelling shall be approved by the Chatham County Health Department.
2. The petitioner is seeking the variances in conjunction with the construction of a single family residence. The petitioner proposes to construct a covered walkway into the north side yard setback and two chimneys into the south side yard setback.
3. 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 requirements for minimum area and minimum lot width requirement of the district. The property 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 area 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 two (2) side yard setback variances appear not to be met.

Mr. Ogletree stated it was a narrow lot that was very deep. He said they wanted to place the new house in the same position as the old house slightly further from the river. He said the garage would be attached with a walkway. He said they wanted a covering that took you from the garage to the house, but they did not want the garage attached as a part of the house because they felt it would make the house seem more massive.

Mr. Cohen asked if he talked with the adjacent neighbor?

Mr. Ogletree stated yes. He said the neighbor was concerned in the beginning but since they have met with him and showed him what they were proposing he indicated he was fine with the petition. Also, the neighbor that is on the other side was also fine with the petition.

Mr. Felder stated while he was not as concern with the masonry fire place on the left he was concern with the intrusion on the side yard with the covered walkway could be dangerous because another big house will be built next door eventually.

Mr. Ogletree stated with regards to safety he felt whether it was 10 feet or a walkway there you would not be able to get a fire truck down that side of house with a garage.

Mr. Noha stated he felt it would be the exposure from one structure to the other and not necessarily access with equipment.

Mr. Felder stated he meant both.

Mr. Noha asked if a walkway could be built between the garage and the house without going into the side yard setback?

Mr. Ogletree stated yes, with a different design of the house entirely.

Mr. Day stated he has concerns about the side yard setback because of the safety and access for emergency officials to the rear of the property.

CZBA ACTION: Mr. Felder made a motion to the County Zoning Board of Appeals to continue the petition until the next regularly scheduled meeting (April 22, 2008). Mr. Day seconded the motion and it was unanimously passed.

**RE: Petition of Robert and Amy Shippy
B-080221-00041-1
3 Modena Island Drive**

***Mr. Cohen was excused for other business.**

Mr. Felder recused himself.

Mr. Goins gave the following Staff Report.

Present for the petition was Robert and Amy Shippy.

The petitioner is requesting approval of a two (2) foot height variance from the 36 foot maximum height allowed by Section 4-6.1 of the Chatham County Zoning Ordinance in order to legalize an existing cupola on a single family residence. The subject property, located at 3 Modena Island Drive, is zoned R-1/EO (One-Family Residential/Environmental Overlay).

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 100 feet and a minimum lot area of 30,000 square feet. The subject parcel contains approximately 60,984 square feet, measuring approximately 261 feet wide and 220 feet deep.
2. The petitioner is seeking the variance to legalize an existing cupola constructed without a permit onto a single family residence.
3. It has been determined by the Zoning Administrator that the cupola could be built to the existing roof line of 40' in height. The cupola measures 42' in height, thus requiring the two (2) foot height variance.
4. The petitioner has submitted a petition signed by surrounding property owners in support of the requested 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.**

The subject property is considered a standard parcel within the zoning district. The parcel presently meets the requirements for minimum area and minimum lot width requirement of the district. The property 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 height variance appear not to be met.

Ms. Hitch asked if they were approved for the original to be at 40 feet?

Mr. Goins stated yes.

Mr. Robert Shippy stated they were requesting a height variance. The existing structure as they bought the home was 40 feet high. He said he receive an engineering report from Kennedy Ragsdale their new cupola as constructed was 10 inches higher than the existing roof. He said they applied for a 2 foot variance which was over a month ago. At that time he asked their architect how much they were off and he felt it was 2 feet, in which they applied for the variance. Since then, his neighbor suggested that he hire an engineer to survey the property which he did.

Mr. Noha asked if he was saying that he only needed 10 inches?

Mr. Shippy stated yes.

Mr. Day asked the petitioner if he was not asking for a 2 foot variance but a 10 inch variance?

Mr. Shippy stated yes.

Ms. Hitch asked if the architect knew that it was going to be higher than the existing roof line when the plans were designed?

Mr. Shippy stated they purchased the house in June 2006 from Mr. Buttier. He said after they purchased the home they hired an architect and spent several months designing a remodel because they felt the house did not take advantage of the waterfront. He said after the architectural process got to a certain phase they started getting bids from contractors. They had the architect to provide them with 4 sets of drawings in which they provided them to the contractors. One of the contractors was C. E. Hall Construction. Mr. Hall applied for the building permit upon receiving the set of plans from them for the bidding process in which he did not know that he had done this. The building permit was issued February 2007. He picked up the building permit and gave it to the builder. However, the building permit and the set of plans were not compared until after construction.

Mr. Day asked when was the cupola finished?

Mr. Shippy stated June or July 2007. He said he also had a signed petition from neighbors in support of the 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.

CZBA ACTION: Motion to approve failed for lack of a second.

CZBA ACTION: Ms. Hitch made a motion that the Chatham County Zoning Board of Appeals deny the petition as submitted based on relief if granted would cause substantial detriment to the public good.

Mr. Shippy stated they have really tried to make this right. He said he learned about the building process after-the-fact and wished he had known from the beginning.

Ms. Hitch stated she felt the code was written the way it was for a purpose with a height limit of 36 feet. She said one variance has already been granted on the property.

Mrs. Shippy stated as a point of clarification there was no original variance granted on this property. She said when the house was originally built the height requirement was not what it is today. She said the original house did not have a variance.

CZBA ACTION: Motion to deny failed for lack of a second.

Mrs. Shippy stated they have a home that was an eyesore to their neighborhood at this point. She said the home was not complete and they have been in this process for a year trying to get their home built. She said it was an error on their part and they were asking for mercy to be able to continue with their home. She said if their petition is denied they would have a scab on the top of their home which they felt the neighborhood did not want. She said they could not put the 4 feet back on the roof and build a roof which would be a great expense.

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. Ms. Hitch seconded the motion. The motion was tied 1 – 1. The motion passed 2 – 1. Voting in favor of the motion was Mr. Day and Mr. Noha. Opposed to the motion was Ms. Hitch.

**RE: Petition of Blair & Lynn Gensamer
B-080222-00042-1
5 Little Lane**

Mr. Goins gave the Following Staff Report.

Present for the petition was Blair Gensamer.

The petitioner is requesting approval of a two (2) six (6) inch side yard setback variance from the 30 foot side yard setback requirement of Section 4-6.1 of the Chatham County Zoning Ordinance in order to expand an existing single family residence. The subject property, located at 5 Little Lane, is zoned PUD/EO (Planned Unit Development/Environmental Overlay).

Findings

1. The parcel is a conforming lot of record that exceeds the minimum development standards. The subject parcel contains approximately 20,037 square feet, measuring approximately 122 feet wide and 160 feet deep.
2. The petitioner is seeking the variance to construct an addition onto a single family residence.
3. The petitioner has submitted letters of support from adjacent property owners.
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 requirements for minimum area and minimum lot width requirement of the district. The property 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 side yard setback variance appear not to be met.

Mr. Felder asked the petitioner if he received approval from the Landings ARC?

Mr. Gensamer stated yes.

CZBA ACTION: **Mr. Felder 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. Ms. Hitch seconded the motion and it was unanimously passed.**

RE: Other Business

1. Appointment of Assistant Secretary – Geoff Goins

CZBA Action: **Mr. Day made a motion that the Chatham County Zoning Board of Appeals approve the appointment of Geoff Goins as Assistant Secretary. Mr. Felder seconded the motion and it was unanimously passed.**

RE: Adjournment

There being no further business to come before the Chatham County Zoning Board of Appeals the meeting was adjourned approximately 10:30 A.M.

Respectfully submitted,

Geoff Goins,
Assistant Secretary

GG;jm