

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

July 22, 2008

9:00 a.m.

REGULAR MEETING

MINUTES

MEMBERS PRESENT:

Wayne Noha, Chairman
Steven Day
Brian Felder
Jimmy Watford

MEMBERS ABSENT:

Davis Cohen
Lucy Hitch
Terrance Murphy, Vice Chairman

TECHNICAL STAFF PRESENT:

**Bob Sebek, Chatham County Zoning
Administrator**

MPC STAFF PRESENT:

Geoff Goins, Assistant Secretary
Jessica Mayfield, Administrative Assistant

RE: Called to Order

Mr. Noha called the meeting of July 22, 2008 Chatham County Zoning Board of Appeals meeting to order at 9:02 a.m.

RE: Regular Agenda

RE: Minutes

1. Approval CZBA Meeting Minutes – June 24, 2008

CZBA Action: Mr. Day made a motion that the Chatham County Zoning Board of Appeals approve the minutes of June 24, 2008 as submitted. Mr. Watford seconded the motion and it was unanimously passed.

**RE: Petition of Coastal Empire Exteriors, For
Lou Frazier-Brown
B-080616-00080-1
20 Brandle Lane**

Present for the petition was Jason Rose & Lou Frazier-Brown.

Mr. Goins gave the following Staff Report.

The petitioner is requesting approval of an eight (8) foot rear yard setback variance from the 25 foot requirement of Section 4-6.1 of the Chatham County Zoning Ordinance, in order to construct a sunroom onto an existing single-family residence. The subject property is located at 20 Brandle Lane and is within an R-1 (One-Family Residential) zoning classification.

Findings

1. Development standards for lots served by public water and public sewer systems within the R-1 zoning classification consist of a minimum lot width of 60 feet and a minimum lot area of 6,000 square feet. The subject parcel is irregular in shape, with a minimum width of 39 feet and a minimum depth of 91 feet. The parcel area is approximately 9,583 square feet. The property does not meet the requirement for minimum lot width, thus it is considered a substandard lot of record.

2. Section 4-6.1 of the Chatham County Zoning Ordinance establishes a minimum rear yard setback of 25 feet for dwellings. The petitioner is seeking the eight (8) foot rear yard setback variance from the 25 foot requirement, in order to construct a sunroom addition onto an existing 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 parcel is considered a substandard lot of record. However, the lot was recreated as part of an approved subdivision plat.

- 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.

Summary of Findings

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

CZBA ACTION: Mr. Day made a motion that the Chatham County Zoning Board of Appeals approve the petition as submitted. Mr. Felder seconded the motion and it was unanimously passed.

**RE: Petition of Kim & Helen Iocovozzi
B-080613-00077-1
209 Commodore Drive**

Present for the petition was Kim Iocovozzi.

Mr. Goins gave the following Staff Report.

The petitioners are requesting approval of a 15 foot rear yard setback variance from the 25 foot requirement of Section 4-6.1 of the Chatham County Zoning Ordinance, in order to construction a deck onto an existing single family residence. The subject property is located at 209 Commodore Drive and is within the R-1-A/EO (One-Family Residence – Environmental Overlay) zoning classification.

Findings

1. Development Standards for parcels served by public water and individual waste disposal systems within the R-1-A zoning classification consist of a minimum lot width of 75 feet and a minimum lot area of 15,000 square feet. The subject parcel is irregular in shape, with a minimum width of 63 feet and a minimum depth of 149 feet. The parcel area is approximately 21,780 square feet. The property meets the minimum requirements for the lot area but does not meet the minimum lot width requirement. Thus, the parcel is considered a substandard lot of record.
2. Section 4-6.1 of the Chatham County Zoning Ordinance establishes a minimum 25 foot rear yard setback. The petitioner is seeking the 15 foot rear yard setback variance from

the 25 foot requirement in order to construct a deck onto an existing single family residence. The petitioners are not able to install an in-ground pool, due to the unaccommodating soil conditions. They are proposing to construct a deck around an above ground pool for safety and convenience.

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 parcel is not considered a standard lot of record in terms of lot width. However, the lot was created as part of an approved subdivision plat in 1978.

- 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.

Summary of Findings

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

Mr. Felder asked if there are future plans for the lot behind this property.

Mr. Goins stated that the land is labeled future development.

Mr. Day asked if water was going to be able to flow thru the deck and if a roof was going to be added.

Mr. Iocovozzi stated yes, the water can flow thru but no roof will be added.

CZBA ACTION: Mr. Day made a motion that the Chatham County Zoning Board of Appeals **approve** the petition as submitted. Mr. Felder seconded the motion and it was unanimously passed.

**RE: Petition of Bertha Burrus
B-080604-00072-1
1 Doe Tail Court**

Present for the petition was Mildred Shepherd.

Mr. Goins gave the following Staff Report.

The petitioner is requesting approval of a seven (7) foot rear yard setback variance from the 25 foot requirement of Section 4-6.1 of the Chatham County Zoning Ordinance and a 12 foot side yard setback variance from the 35 foot subdivision requirement, in order to construct an addition onto an existing single-family residence. The subject property is located at 1 Doe Tail Court and is within the R-1/EO (One-Family Residential - Environmental Overlay) zoning classification.

Findings

1. Development standards for lots served by public water and individual water disposal system within the R-1 zoning classification consist of a minimum lot width of 75 feet and a minimum lot area of 15,000 square feet. The subject parcel has a minimum width of 95 feet and a minimum depth of 80 feet. The parcel area is approximately 8,276 square feet. The parcel is considered a standard lot of record.

2. Section 4-6.1 of the Chatham County Zoning Ordinance establishes a minimum rear yard setback of 25 feet for dwellings and the approved subdivision plat requires a side yard setback of 35 feet along Norwood Avenue. The petitioner is seeking a seven (7) foot rear yard setback variance and a 12 foot side yard setback variance, in order to construct an addition onto an existing 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 parcel is considered 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.

- 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 rear yard and side yard setback variances appear not to be met.

CZBA ACTION: Mr. Felder made a motion that the Chatham County Zoning Board of Appeals **approve** the petition as submitted. Mr. Watford seconded the motion and it was unanimously passed.

**RE: Petition of Benjamin & Connie Chisholm
B-080624-00083-1
2 Narrow Pine Crossing**

Present for the petition was Connie Chisholm.

Mr. Goins gave the following Staff Report.

The petitioners are requesting approval of a 13 foot rear yard setback variance from the 25 foot requirement of Section 4-6.1 of the Chatham County Zoning Ordinance, in order to construction an addition onto an existing single family residence. The subject property is located at 2 Narrow Pine Crossing and is within the PUD-C (Planned Unit Development – Community) zoning classification.

Findings

- 1. The subject parcel is rectangular in shape, with a minimum width of 94 feet and a minimum depth of 116 feet. The parcel area is approximately 10,018 square feet. The property meets the minimum requirements for the Planned Unit Development. Thus, is

considered a standard lot of record.

2. Section 4-6.1 of the Chatham County Zoning Ordinance establishes a rear yard setback of 25 feet for dwellings.
3. The petitioner is seeking a 13 foot rear yard setback variance from the 25 foot requirement in order to construct a sunroom addition onto the rear of an existing residential structure.
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 standard lot of record. However, the subdivision plat requires a 30 foot setback from both the public rights-of-way. Thus, reducing the buildable area when compared to a property with the standard 15 foot side yard setback for corner lots.

- 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 excessive side yard setback described above is 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 rear yard setback variance appear not to be met.

CZBA ACTION: Mr. Day made a motion that the Chatham County Zoning Board of Appeals **approve the petition as submitted.** Mr. Watford seconded the motion and it was unanimously passed.

**RE: Petition of David Culverhouse
B-080624-00084-1
216 John Wesley Way**

Present for the petition was David Culverhouse.

Mr. Goins gave the following Staff Report.

The petitioner is requesting approval of an eight (8) foot - five (5) inch marsh buffer variance from the 25 foot requirement of Section 4-6.1 of the Chatham County Zoning Ordinance, in order to legalize a driveway turnaround and retaining wall that were constructed without a permit. The subject property is located at 216 John Wesley Way and is within the PUD (Planned Unit Development) zoning classification.

Findings

1. The subject parcel is irregular in shape, with a minimum width of 61 feet and a minimum depth of 234 feet. The parcel area is approximately 21,922 square feet. The property meets the minimum requirements for the Planned Unit Development. Thus, is considered a standard lot of record.
2. Section 4-6.1 of the Chatham County Zoning Ordinance establishes a minimum building setback from the marsh line at 25 feet for lots not containing residential structures. The lot was undeveloped prior to the construction of the single family residence and encroaching driveway turnaround / retaining wall.
3. The petitioner is seeking the eight (8) foot - (5) inch marsh setback variance from the 25 foot marsh setback requirement in order to legalize a driveway turnaround and retaining wall that were constructed without a permit. The property owner was issued a violation for failure to obtain a permit on May 8, 2008.
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 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.

- 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 marsh buffer variance appear not to be met.

Mr. Day asked if the garage apartment was the only structure on the lot?

Mr. Goins stated that he believed there was also a single family residence on the lot.

Mr. Culverhouse stated that the garage apartment will be used for their elderly parents. He also said for them to get the car out of the garage without having to back up about 250 feet they had to build the retaining wall.

Mr. Felder asked if the driveway was concrete all the way down?

Mr. Culverhouse stated yes.

CZBA ACTION: **Mr. Felder made a motion that the Chatham County Zoning Board of Appeals approve the petition as submitted. Mr. Day seconded the motion and it was unanimously passed.**

RE: Other Business

RE: Adjournment

There being no further business to come before the Chatham County Zoning Board of Appeals the meeting was adjourned approximately 9:42 A.M.

Respectfully submitted,

Geoff Goins,
Assistant Secretary

GG: jm