

**COUNTY ZONING BOARD OF APPEALS**

**ARTHUR A. MENDONSA HEARING ROOM**

**112 EAST STATE STREET**

**November 25, 2008**

**9:00 a.m.**

**REGULAR MEETING**

**MINUTES**

**MEMBERS PRESENT:**

**Wayne Noha, Chairman  
Terrance Murphy, Vice Chairman  
Steven Day  
Davis Cohen  
Brian Felder  
Lucy Hitch**

**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 November 25, 2008 Chatham County Zoning Board of Appeals meeting to order at 9:00 a.m.

**RE: Regular Agenda**

**RE: Minutes**

1. Approval of CZBA Meeting Minutes – October 28, 2008.

**CZBA Action:** **Mr. Felder made a motion that the Chatham County Zoning Board of Appeals approve the minutes of October 28, 2008 as submitted. Mr. Murphy seconded the motion and it was unanimously passed.**

**RE: Petition of Jacob Stephens, For  
Carolyn A. Blohm  
B-080929-00115-1  
237 Falligant Avenue**

Present for the petition is Jeff Whitten.

Mr. Goins gave the following Staff Report.

The petitioner is requesting approval of a six (6) inch side yard setback variance from the 10 foot requirement of the Chatham County Zoning Ordinance, in order to legalize a newly constructed single family residence. The subject property is located at 237 Falligant Avenue. The property is within the R-1-A/EO (One-Family Residential /Environmental Overlay) zoning classification.

### **Findings**

1. Development standards established for this R-1-A require a minimum lot width of 100 feet and a minimum lot area of 32,000 square feet. The subject parcel contains approximately 57,000 square feet, measuring approximately 140 feet wide and 400 feet deep. The parcel is a conforming lot of record.
2. The petitioner is seeking the variance in order to legalize a newly constructed single family residence. The building that is encroaching into the side yard setback was originally planned to be a detached accessory building, which would require a minimum setback of 5 feet. The petitioner is requesting to connect the accessory building to the single family residence via a covered walkway, thus classifying the accessory building as part of the principle use building. Thus, causing the minimum setback requirement to increase from 5 feet to 10 feet.
3. The adjacent property on the affected side has submitted a letter stating that he has no objection to the requested variance.
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 classification. The parcel meets the requirements for minimum area and minimum lot width. 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 create an unnecessary hardship. Accessory buildings are required to be a minimum of 5

feet from side and rear property lines. The petitioner has constructed the accessory structure nine 9 feet – six (6) inches from the property line. By connecting the two buildings by a covered walkway, the accessory building technically is considered part of the principle use building. However, the function of the building is unchanged and will continue to function as an accessory building.

**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.

**Staff Recommendation**

Staff recommends APPROVAL of the six (6) inch side yard setback variance.

**Mr. Whitten** stated that the petitioner would like a six foot setback variance in order to have a covered walkway.

**CZBA ACTION:** Mr. Cohen 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 Kris Kronebusch, For  
Coastal Empire Exteriors  
B-081022-00119-1  
130 West Tahoe Street**

Present for the petition was Fred Brownell.

Mr. Goins gave the following Staff Report.

The petitioner is requesting approval of a 12 foot rear yard setback variance from the 25 foot requirement of the Chatham County Zoning Ordinance, in order to construct an addition onto an existing single family residence. The subject property is located at 130 West Tahoe Street. The property is within the R-A (Residential Agriculture) zoning classification.

**Findings**

1. Development standards established for this R-A zoning classification require a minimum lot width of 60 feet and a minimum lot area of 6,000 square feet for lots served by public water and sewer systems. The subject parcel contains approximately 6,900 square feet, measuring approximately 70 feet wide and 100 feet deep. The parcel is a conforming lot of record.
2. The petitioner is seeking the variance in order to construct an addition onto an existing single family residence.
3. Staff is not aware of any opposition to or support of the petition
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 classification. The parcel meets the requirements for minimum area and minimum lot width. 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. No topographical or other extraordinary situation exists that would deprive the owner of all reasonable use of the land.

- 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 and are subject to the same development standards as 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 not likely cause detriment to the public good or impair the purposes of the Ordinance.

**Staff Recommendation**

Staff recommends **DENIAL** of the 12 foot rear yard setback variance on the grounds that all of the conditions necessary to grant a variance have not been met and no topographical or other extraordinary situation exists that would deprive the owner of all reasonable use of the land.

**Mr. Day** asked staff if there were any public comments submitted?

**Mr. Goins** stated no.

**Mr. Cohen** asked staff if all the lots in the subdivision were around the same size?

**Mr. Goins** stated yes.

**Mr. Brownell** stated he would like to have a sunroom that would be 13 X 13 with all glass and electrical.

**Mr. Day** stated he felt that there was not a real reason to grant the variance.

**Mr. Noha** asked the petitioner what were the setbacks from West Tahoe to the front of the house?

**Mr. Brownell** stated at least 25 foot.

**Mr. Noha** asked the petitioner if he spoke with the neighbor behind his lot.

**Mr. Brownell** stated yes. He said that his neighbor was in support of the petition.

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

**RE: Petition of Hurley C. Cook, III  
B-081024-00120-1  
13 Hardee Drive**

Present for the petition was Hurley Cook.

Mr. Goins gave the following Staff Report.

The petitioner is requesting approval of a 25 foot marsh buffer variance from the 50 foot requirement and a 10 foot riparian buffer variance from the 35 foot requirement of Section 4-12 of the Chatham County Zoning Ordinance in order to construct a pool and covered pavilion. The subject property, located at 13 Hardee Drive, is zoned R-1/EO (One-Family Residential/

Environmental Overlay).

### **Findings**

1. The subject parcel is rectangular in shape, with a minimum width of 120 feet and a minimum depth of approximately 215 feet. The parcel area is approximately 25,000 square feet of uplands. The R-1 district requires a minimum area of 15,000 square feet and a minimum lot width of 75 feet for lots served by public water and private sewer systems.
2. The proposed development will consist of a 16' by 40' pool, a Jacuzzi/spa, and a 32' by 16' covered pavilion.
3. Section 4-12 of the Chatham County Zoning Ordinance establishes a minimum building setback from the marsh line at 50 feet for lots containing residential structures at the time the Environmental Overlay Ordinance was adopted. The property abuts the marsh on two sides. The existing structure currently meets the minimum marsh buffer requirement from one side and encroaches into the buffer 35 feet on the other. The petitioner is requesting to encroach 25 feet into the marsh buffer on both sides to install a pool and covered pavilion.
4. Section 4-12 states that expansion of existing structures within the riparian buffer shall be limited to a maximum of 1400 square feet of vertical surface area for each 100 feet of lot width facing the marsh or waterfront. The minimum riparian buffer shall be 35 feet, 30 percent of which may be altered by pruning and selective clearing for access and to maintain view corridors. The existing structure currently meets the minimum riparian buffer requirement on one side and encroaches into the buffer 20 feet on the other. The petitioner is requesting to encroach 10 feet into the marsh buffer on both sides to install a pool and covered pavilion. No buildings with walls will encroach into the buffers, so the vertical surface area will be zero (0) square feet.
5. Staff is not aware of any opposition to or support of the petition.
6. 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 conforming lot of record. The parcel meets the requirements for minimum area and minimum lot width. 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 district would not cause an unnecessary hardship. No topographical or other extraordinary situation exists that would deprive the owner of all reasonable use of the land.

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

The conditions described above are not peculiar to the subject property. All properties with this subdivision that abut a river or salt water marsh are subject to the marsh and riparian buffer requirements.

**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.

### **Staff Recommendation**

Staff recommends **DENIAL** of the marsh and riparian buffer variances on the grounds that the conditions necessary for granting the variances have not been met pursuant to the Chatham County Zoning Ordinance. No topographical or other extraordinary situation exists that would deprive the owner of all reasonable use of the land.

**Mr. Cook** stated that he has a letter of support from 3 neighbors. He said it was in the back yard because his neighbor's well is in the side yard. He said he felt this prevents him from putting his drain system in his front yard.

**Mr. Day** asked the petitioner if he could remove the platform and put the pool there. He said it would not be in the riparian buffer and there would be a few feet into the marsh buffer.

**Mr. Cook** stated he was concerned with putting the pool that close to the house because the house is built on a slab and the drainage on the street is not good.

**Ms. Hitch** asked what would the area around the pool be made of?

**Mr. Cook** stated a pervious material.

**Mr. Felder** stated on the drawing it says impervious.

**Mr. Cook** stated that was a mistake.

**Mr. Felder** stated he felt that this petition is not a hardship.

**Mr. Cook asked the Board for a continuance in order to put a different design together to bring back to the Board.**

**CZBA ACTION:** Mr. Cohen made a motion that the Chatham County Zoning Board of Appeals continue the petition until the next regularly scheduled meeting on December 16, 2008. 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 9:43 A.M.

Respectfully submitted,

Geoff Goins,  
Assistant Secretary

**GG/jm**