

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

**January 27, 2009**

**9:00 a.m.**

**REGULAR MEETING**

**MINUTES**

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:**

**Brian Felder, 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**

**Ms. Hitch** called the meeting of January 27, 2009 Chatham County Zoning Board of Appeals meeting to order at 9:02 a.m.

**RE: Regular Agenda**

**RE: Minutes**

1. Approval of CZBA Meeting Minutes – December 16, 2008.

**CZBA Action: Mr. Noha made a motion that the Chatham County Zoning Board of Appeals approve the minutes of December 16, 2008 as submitted. Mr. Murphy seconded the motion and it was unanimously passed.**

**RE: Petition of Four Seasons Sunrooms of GA, For  
Brad & Julie Beddow  
B-081208-00129-1  
22 Cutler Drive**

Present for the petition is Jason Rose.

Mr. Goins gave the following Staff Report.

The petitioner is requesting approval of a one (1) foot – eight (8) inch 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 22 Cutler Drive and is within a PUD-C (Planned Unit Development – Community) zoning classification.

**Findings**

1. Development standards established for the Planned Unit Development have been met. The subject property measures 69 feet wide and 133 feet deep.
2. The petitioner is seeking the variance to construct a sunroom onto an existing single family residence.
3. Staff is not aware of any opposition to or support for 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 PUD. The parcel meets the requirements for minimum lot area and lot width of the PUD.

- b. **The application of these regulations to this particular piece of property would create an unnecessary hardship.**

Strict application of the regulations of the PUD 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. The setback requirement of the PUD does not prevent the construction of a sunroom onto an existing single family residence on the subject property.

- 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 lots within the subdivision are of similar size and shape, when 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.

**Recommendation**

All of the conditions necessary for granting a rear setback variance appear not to be met. Thus, Staff is recommending **DENIAL** of the one (1) foot - eight (8) inch rear yard setback variance.

**Mr. Rose** stated that the petitioner would like to withdraw the petition because the lot measured incorrectly. He said they felt the petitioner would not need a variance.

**RE: Petition of Richard Hutchins, For  
Loyd & Nancy Mitchell  
B-081208-00130-1  
19 Chatuachee Crossing**

Present for the petition was Nancy Mitchell.

Mr. Goins gave the following Staff Report.

The petitioner is requesting approval of a two (2) foot side yard setback variance from the 20 foot requirement of the Planned Unit Development, in order to construct an addition onto an existing single family residence. The subject property is located at 19 Chatuachee Crossing and is within the PUD/EO (Planned Unit Development /Environmental Overlay) zoning classification.

**Findings**

1. Development standards established for this Planned Unit Development have been met. The subject parcel contains approximately 20,900 square feet, measuring approximately 110 feet wide and 179 feet deep. The parcel is an existing lot of record.
2. The petitioner is seeking the variance in conjunction with an addition onto an existing single family residence to be used as a garage.
3. The Landings Association requires a 20 foot side yard setback. However, the Chatham County Zoning Ordinance only requires a 5 foot side yard setback for a lot served by public water and sewer systems. The requested variance would establish a side yard setback of 18 feet, which exceeds the standard of the Zoning Ordinance.

4. The Landings Association’s Architectural Review Committee approved the conceptual plan and variance on November 20, 2008. The approval letter has been submitted with the application.
5. Staff received a letter in support of the petition. No opposition has been brought to staff’s attention.
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 property is considered a standard parcel within the PUD. 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.

- 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.

**Recommendation**

Staff recommends **APPROVAL** of the two (2) foot side yard setback variance, based on the approval by the Landings Association Architectural Review Committee and the reduction not encroaching into the Chatham County Zoning Ordinance’s established side yard requirement.

Ms. Mitchell stated they would like to expand the garage to the width of the drive way.

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

**RE: Petition of Khaleel & Keshala Cook  
B-081223-00135-1  
9965 Pin Point Avenue**

Present for the petition was Khaleel Cook.

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 9965 Pin Point Avenue, is with the RMH/EO (Residential Mobile Home/Environmental Overlay) zoning classification.

**Findings**

1. Development standards established for the RMH 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 12,523 square feet, measuring approximately 63 feet wide and 190 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 requesting to construct a single family residence with a maximum width of 67 feet and maximum depth of 52 feet. The required setbacks within the RMH zoning classification consist of seven (7) feet for side yards and 25 feet for rear yards.
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. However, 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. The setback requirements of the district do not prevent the construction of a single family residence on the subject property.

**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. The size and shape of the subject property are peculiar, when compared to properties in the surrounding areas. The majority of lot sizes in the general area fall between 20,000 and 50,000 square feet. The subject property is approximately 12,500 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.

**Recommendation**

All of the conditions necessary for granting a rear setback variance appear not to be met. Thus, Staff is recommending **DENIAL** of the 15 foot rear yard setback variance.

**Mr. Noha** stated he knew the lot is a standard lot of record. But in this neighborhood it was about 18 to 20 percent smaller than all the other lots in this zoning district. He asked the petitioner why were they requesting for the house to be in the rear yard setback?

**Mr. Cook** stated this was a family lot. He said the owner subdivided the corner of it and if they brought the house forward their front door would set about 5 foot away from the other houses back door.

**Mr. Noha** stated he felt that the house was too big for the lot.

**Mr. Cook** stated that in order for his family to fit he needed the size house that was being proposed.

Ms. Hitch asked how would they access the house?

Mr. Cook stated from the drive way from the previous house.

Mr. Cook requested for a continuance until the next regularly scheduled meeting He said he would like to redesign the house and bring it 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 February 24, 2009. Mr. Murphy seconded the motion and it was unanimously passed.**

**RE: Petition of Austin Hall  
B-081223-00134-1  
5200 Turner's Rock Road**

Present for the petition was Eleanor Titus.

Mr. Goins gave the following Staff Report.

The petitioner is requesting approval of a 244 square foot variance from the 900 square foot maximum and a one story height variance 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 5200 Turner's Rock Road, is within the R-1-A/ EO (One-Family Residential/ Environmental Overlay) zoning classification.

**Findings**

1. 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 88,494 square feet, measuring approximately 186 feet wide and 352 feet deep.
2. 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 building cannot exceed 900 square feet in size and one story in height. The accessory building shall be setback no less than ten feet from the side property line. The applicant is proposing a two (2) story accessory building consisting of 1,144 square feet.
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 exceeds 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. No topographical or other extraordinary situation exists that would deprive the owner of all reasonable use of the land. A detached accessory building is permitted with a maximum area of 900 square feet and a maximum height of one (1) story.

- 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.

**Recommendation**

All of the conditions necessary for granting building area and height variances for an accessory building appear not to be met. Thus, staff recommends **DENIAL** of the 244 square foot building area variance and one (1) story height variance.

**Ms. Titus** stated that the petitioners were out of town. She said she is a neighbor and was asked to come to represent the petitioners.

**Ms. Hitch** asked what the building was going to be used for?

**Ms. Titus** stated just for storage.

**Ms. Titus requested a continuance until the next regularly scheduled meeting so the petitioners could attend the meeting.**



**CZBA ACTION:** Mr. Cohen made a motion that the Chatham County Zoning Board of Appeals continue the petition until the next regularly scheduled meeting February 24, 2009. 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**