

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

February 24, 2009

9:00 a.m.

REGULAR MEETING

MINUTES

MEMBERS PRESENT:

Brian Felder, Chairman
Lucy Hitch, Vice Chairman
Terrance Murphy
Wayne Noha

MEMBERS ABSENT:

Steven Day
Davis Cohen

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. Felder called the meeting of February 24, 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 – January 27, 2009.

CZBA Action: Mr. Noha made a motion that the Chatham County Zoning Board of Appeals approve the minutes of January 27, 2009 as submitted. Ms. Hitch 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 Chatham County 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. Cook stated that after speaking with the designer, they felt this will be the only way the house could be placed that would be suitable. He said if the Board would not grant the 15 foot then they would try to work with 10 foot.

Mr. Noha asked the petitioner if they were now requesting a 10 foot variance instead of a 15 foot variance?

Mr. Cook stated if 10 foot was the only thing the Board felt they would approve then they would have to work with it. He also submitted letters supporting their petition from the surrounding property owner's.

Mr. Murphy asked what was the square footage of the home?

Mr. Cook stated 2800 square foot.

CZBA ACTION: **Mr. Noha made a motion that the Chatham County Zoning Board of Appeals approve the petition as submitted. Mr. Murphy seconded the motion. Motion passed 2 – 1. Opposed to the motion was Ms. Hitch.**

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

Present for the petition was Dennis Hall.

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 Chatham County 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.

Mr. Hall stated that the surrounding property owners were in support of the variance.

Mr. Noha asked what was the reason for the three car garage?

Mr. Hall stated the house has no attic space for storage and they also have three cars.

Ms. Hitch asked if the second level of the structure be used for storage?

Mr. Hall stated yes.

CZBA ACTION: Ms. Hitch made a motion that the Chatham County Zoning Board of Appeals **approve** the petition as submitted. Mr. Noha seconded the motion. The Motion passed 2 - 1. Opposed to the motion was Mr. Murphy.

**RE: Petition of Mark Crapps, For
Kern-Coleman & Co.
B-090122-00002-1
2161 Gamble Road**

Present for the petition was Mark Crapps.

Mr. Goins gave the following Staff Report.

The petitioner is requesting approval of a 15 foot side yard setback variance from the 25 foot requirement of Section 4-6.2 of the Chatham County Zoning Ordinance, in order to construct a warehouse building. The subject property is located at 2161 Gamble Road and is within the M (Manufacturing) zoning classification.

Findings

1. The Manufacturing zoning classification does not have a minimum lot width or lot area requirement.
2. The Manufacturing zoning classification establishes greater setback requirements, when compared to business and residential zoning classifications. The requirement for the side yard is 25 feet and for the rear yard the requirement is 40 feet. These setbacks are a reflection of the intense nature of the permitted uses within the Manufacturing zoning classification. A greater setback is required to protect surrounding properties from the negative externalities such as noise, order, and aesthetics.
3. The petitioner is requesting to reduce the side yard setback from 25 feet to 10 feet, in conjunction with the construction of a 12,000 square foot warehouse.
4. Staff is not aware of any public comment on this petition.
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 legal lot of record within the M (Manufacturing) zoning classification.

- 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. The side setback requirement of the district does not prevent the construction of a warehouse 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.

- 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 15 foot side yard setback variance.

Mr. Crapps stated that the use is for an office and warehouse building. He said all the surrounding property uses were the same as they were requesting. He said they are requesting the variance so they could get as much building as they could outside the landfill. Chatham County recommended that they remove all the material under the building and replace it with good fill material.

Mr. Murphy asked what was behind the building?

Mr. Crapps stated woods.

CZBA ACTION: **Mr. Murphy made a motion that the Chatham County Zoning Board of Appeals approve the petition as submitted. Ms. Hitch 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