

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

March 31, 2009

9:00 a.m.

REGULAR MEETING

MINUTES

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Terrance Murphy

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 March 31, 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 – February 24, 2009.

CZBA Action: Mr. Noha made a motion that the Chatham County Zoning Board of Appeals approve the minutes of February 24, 2009 as submitted. Ms. Hitch seconded the motion and it was unanimously passed.

**RE: Petition of John Larroude, For
Scott Linzey
B-090220-00008-1
119 Raddick Drive**

Present for the petition was John Larroude.

Mr. Goins gave the following Staff Report.

The petitioner is requesting approval of a seven (7) foot – six (6) inch 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 connect an existing garage to an existing single family residence. The subject property, located at 119 Raddick Drive, is with the R-1/EO (One Family Residential/Environmental Overlay) zoning classification.

Findings

1. Development standards established for the R-1 zoning classification where dwellings are served by public water and sewer systems require a minimum lot width of 60 feet and a minimum lot area of 6,000 square feet. The subject parcel contains approximately 24,100 square feet, measuring approximately 128 feet wide and 170 feet deep. The parcel is an existing lot of record.
2. The petitioner is requesting to connect an existing garage to an existing single family residence.
3. Accessory buildings are required to setback no closer than five (5) feet from side and rear property lines. However, the petitioner plans to connect the accessory building to the principal use, thus increasing the rear yard setback from five (5) feet to 25 feet. The accessory structure is setback approximately 17 feet – six (6) inches from the rear property line.
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 meets the requirements for minimum area and minimum lot width requirement of the district.

- 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 cause an unnecessary hardship. Detached accessory structures are permitted five (5) feet from the rear

property line. However, once the accessory structure is connected to the principal use building the setback requirement increases to 25 feet. This particular accessory building and single family residence are existing, thus no additional impact will be generated.

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. The majority of lot sizes in the subdivision are of similar size and shape. The subject property is approximately 24,100 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

Staff is recommending **APPROVAL** of the seven (7) foot – six (6) inch rear yard setback variance.

Mr. Cohen asked what surrounded the property?

Mr. Goins stated single family homes.

Mr. Day asked if the new construction would be in the setbacks?

Mr. Goins stated no. He said the reason the variance is being requested is because the petitioner would like to connect the existing garage to an existing house. He said that would change the setbacks from 5 foot to 25 foot.

Mr. Larroude stated that the petitioner would like to attach the existing garage to the existing house to help accommodate the family's needs. The petitioners have spoken with the neighbors and everyone is in support with the request.

CZBA ACTION: **Mr. Cohen 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: Petition of Jimmy Groover, For
Sign A Rama
B-090224-00009-1
6165 Chief O.F. Love Road**

Present for the petition was Jimmy Groover.

Mr. Goins gave the following Staff Report.

The petitioner, Jimmy Groover, For Savannah Korean Baptist Church, is requesting approval of 66 square foot sign area variance to the 10 foot maximum allowed and a 6 foot height variance to the 6 foot maximum allowed pursuant to Section 7-3 of the Chatham County Zoning Ordinance to permit the construction of a free standing sign. The subject property is located at 6165 Chief of Love Road. The property is within the R-A (Residential Agriculture).

Findings

1. The petitioner is requesting to construct a free standing pole sign 12 feet in height and 76 square feet in area.
2. Sign standards for height and area are based on zoning classification and street classification. The property currently falls within the R-A zoning classification and is located on Chief of Love Road, which is classified as an “other” street. The maximum height allowed based on these two elements is 6 feet and the maximum sign area allowed is 10 feet.
3. In 2006, the Zoning Board of Appeals granted approval for a waiver of the requirement that a church abut a collector street or greater (ZBA File: B-060829-60032-1).
4. The future land use map designation in the Comprehensive Plan for this property is commercial. This combined with its location adjacent to U.S. Highway 17 and surrounding non-residential land uses/zoning, establishes suitability for additional signage.
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.

- 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 cause an unnecessary hardship. The establishment of a church in the R-A zoning classification and on a

street classified as an “other” reduces the allowable sign area to 10 square feet and the height to 6 feet.

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

Staff is recommending **DENIAL** of the 66 square foot sign area variance and 6 foot height variance. However, staff does recommend **APPROVAL** of a 50 foot sign area variance and a 2 foot height variance with the condition that the sign be a monument style sign. The height maximum of 8 feet shall pertain to the encasement, not the sign area. These sign standards are based on the B-N (Neighborhood – Business) classification on a type 1 street.

Mr. Noha asked what type of road was Highway 17?

Mr. Goins stated Class 1.

Mr. Noha asked how many square foot are allowed on a Class 1 road?

Mr. Goins stated 24 square foot.

Mr. Groover stated the reason that the petitioner was requesting a larger sign was for better visibility from the main road. He said he also has pictures that show the lack of visibility from Highway 17.

Mr. Day asked if the sign would be lighted?

Mr. Groover stated yes.

Mr. Murphy stated that the petitioner is willing to stay within what the Board and staff recommends.

CZBA ACTION: **Mr. Noha made a motion that the Chatham County Zoning Board of Appeals continue the petition until the next regularly scheduled meeting April 28, 2009. Ms. Hitch seconded the motion. The Motion passed 4 - 1. Opposed to the motion was Mr. Cohen.**

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 9:45 A.M.

Respectfully submitted,

Geoff Goins,
Assistant Secretary

GG/jm