

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

July 28, 2009

9:00 a.m.

REGULAR MEETING

MINUTES

MEMBERS PRESENT:

**Brian Felder, Chairman
Steven Day
Davis Cohen
Terrance Murphy
Wayne Noha
Coren Ross**

MEMBERS ABSENT:

Lucy Hitch, 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. Felder called the meeting of July 28, 2009 Chatham County Zoning Board of Appeals meeting to order at 9:00 a.m.

RE: Consent Agenda

RE: Minutes

1. Approval of CZBA Meeting Minutes – June 23, 2009.

CZBA Action: Mr. Noha made a motion that the Chatham County Zoning Board of Appeals approve the minutes of June 23, 2009 as submitted. Ms. Ross seconded the motion and it was unanimously passed.

**RE: Petition of Linda Hohnerlein
B-090624-00043-2
2316 East Boulevard**

Mr. Goins gave the following Staff Report.

The petitioner is requesting approval of a waiver of the standard that a child care center shall only be permitted on a lot or plot of ground which abuts a collector street, major arterial, or secondary arterial.

Findings

1. The subject property located at 2316 East Boulevard is within the R-1-A/EO (One Family Residential / Environmental Overlay) zoning classification.
2. Child Care Centers are permitted by right in the R-1-A zoning classification with the condition that they be located on a street classified as a collector or greater. East Boulevard is not classified as a collector or greater street on the Chatham County Street Classification map.
3. A Child Care Center has operated at this site since 1987, but the child care center never received the waiver of the street classification requirement.
4. Staff is not aware of any opposition to or support for the petition.
5. **The Board of Appeals shall be authorized to waive this requirement, if on the basis of evidence presented, it finds that the traffic to be generated by a particular use can be accommodated on other streets without creating traffic congestion and traffic hazards on such streets which would be detrimental to the neighborhood served by such other streets. Provided that approval for any center established requiring access along a residential or lesser classified street shall be limited to a maximum of 75 children during the daytime hours and no greater than 50 children between the hours of 9:00 p.m. and 6:00 a.m.**

See attached report from the Zoning Administrator.

Staff Recommendation

Staff concurs with the recommendation of the Zoning Administrator.

CZBA ACTION: Ms. Ross 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 Whitemarsh Island Community Center
B-090624-00044-1
104 Penrose Drive**

Mr. Goins gave the following Staff Report.

The petitioner is requesting approval of a waiver of the standard that a child care center shall only be permitted on a lot or plot of ground which abuts a collector street, major arterial, or secondary arterial.

Findings

1. The subject property located at 104 Penrose Drive is within the R-1-A/EO (One Family Residential / Environmental Overlay) zoning classification.
2. Child Care Centers are permitted by right in the R-1-A zoning classification with the condition that they be located on a street classified as a collector or greater. Penrose Drive is not classified as a collector or greater street on the Chatham County Street Classification map.
3. A Child Care Center has operated at this site since 2001, but the child care center never received the waiver of the street classification requirement.
4. Staff is not aware of any opposition to or support for the petition.
5. **The Board of Appeals shall be authorized to waive this requirement, if on the basis of evidence presented, it finds that the traffic to be generated by a particular use can be accommodated on other streets without creating traffic congestion and traffic hazards on such streets which would be detrimental to the neighborhood served by such other streets. Provided that approval for any center established requiring access along a residential or lesser classified street shall be limited to a maximum of 75 children during the daytime hours and no greater than 50 children between the hours of 9:00 p.m. and 6:00 a.m.**

See attached report from the Zoning Administrator.

Staff Recommendation

Staff concurs with the recommendation of the Zoning Administrator.

CZBA ACTION: Ms. Ross made a motion that the Chatham County Zoning Board of Appeals approve the petition with staff's recommendations. Mr. Day seconded the motion and it was unanimously passed.

**RE: Petition of Joseph Jurgensen
B-090624-00045-1
8415 Cresthill Avenue**

Mr. Goins gave the following Staff Report.

The petitioner is requesting approval of a waiver of the standard that a child care center shall only be permitted on a lot or plot of ground which abuts a collector street, major arterial, or secondary arterial.

Findings

1. The subject property located at 8415 Cresthill Avenue is within the R-1-A/EO (One Family Residential / Environmental Overlay) zoning classification.
2. Child Care Centers are permitted by right in the R-1-A zoning classification with the condition that they be located on a street classified as a collector or greater. Cresthill Avenue is not classified as a collector or greater street on the Chatham County Street Classification map.
3. A Child Care Center has operated at this site since 1998; the child care center never received the waiver of the street classification requirement.
4. Staff is not aware of any opposition to or support for the petition.
5. **The Board of Appeals shall be authorized to waive this requirement, if on the basis of evidence presented, it finds that the traffic to be generated by a particular use can be accommodated on other streets without creating traffic congestion and traffic hazards on such streets which would be detrimental to the neighborhood served by such other streets. Provided that approval for any center established requiring access along a residential or lesser classified street shall be limited to a maximum of 75 children during the daytime hours and no greater than 50 children between the hours of 9:00 p.m. and 6:00 a.m.**

See attached report from the Zoning Administrator.

Staff Recommendation

Staff concurs with the recommendation of the Zoning Administrator.

CZBA ACTION: Ms. Ross 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 Elvia Williams
B-090626-00046-1
4802 Kim Street**

Mr. Goins gave the following Staff Report.

The petitioner is requesting approval of a waiver of the standard that a child care center shall only be permitted on a lot or plot of ground which abuts a collector street, major arterial, or secondary arterial.

Findings

1. The subject property located at 4802 Kim Street is within the R-1/EO (One Family Residential / Environmental Overlay) zoning classification.
2. Child Care Centers are permitted by right in the R-1 zoning classification with the condition that they be located on a street classified as a collector or greater. Kim Street is

not classified as a collector or greater street on the Chatham County Street Classification map.

3. A Child Care Center has operated at this site since 1987, but the child care center never received the waiver of the street classification requirement.
4. Staff is not aware of any opposition to or support for the petition.
5. **The Board of Appeals shall be authorized to waive this requirement, if on the basis of evidence presented, it finds that the traffic to be generated by a particular use can be accommodated on other streets without creating traffic congestion and traffic hazards on such streets which would be detrimental to the neighborhood served by such other streets. Provided that approval for any center established requiring access along a residential or lesser classified street shall be limited to a maximum of 75 children during the daytime hours and no greater than 50 children between the hours of 9:00 p.m. and 6:00 a.m.**

See attached report from the Zoning Administrator.

Staff Recommendation

Staff concurs with the recommendation of the Zoning Administrator.

CZBA ACTION: Ms. Ross 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 Arthur Grant Sr.
B-090512-00033-1
228 Canebrake Road**

Mr. Goins gave the following Staff Report.

The petitioner is requesting approval of a waiver of the standard that a child care center shall only be permitted on a lot or plot of ground which abuts a collector street, major arterial, or secondary arterial.

Findings

1. The subject property located at 216 Canebrake Road is within the R-A (Residential Agriculture) zoning classification.
2. Child Care Centers are permitted by right in the R-A zoning classification with the condition that they be located on a street classified as a collector or greater. Canebrake Road is not classified as a collector or greater street.
3. Canebrake Road is a two lane rural road and had an average daily traffic count of 3600 in 2006.

4. A Child Care Center has operated at this site since 1987, but the child care center never received the waiver of the street classification requirement. A recent change in tenant will require the waiver to be obtained.
5. Staff is not aware of any opposition to or support for the petition.
 1. **The Board of Appeals shall be authorized to waive this requirement, if on the basis of evidence presented, it finds that the traffic to be generated by a particular use can be accommodated on other streets without creating traffic congestion and traffic hazards on such streets which would be detrimental to the neighborhood served by such other streets. Provided that approval for any center established requiring access along a residential or lesser classified street shall be limited to a maximum of 75 children during the daytime hours and no greater than 50 children between the hours of 9:00 p.m. and 6:00 a.m.**

The property currently has approximately 140 feet of stacking available for the drop off and pickup of persons served, which is adequate for a childcare center. The existing development within ¼ of a mile along Canebrake consists of low density single family residences. The majority of the existing lots along Canebrake Road are in excess of two acres and undeveloped.

Staff Recommendation

The site has adequate capacity to handle the traffic generation in the form of vehicle stacking area. Given the rural, low density area along Canebrake Road, a child care center will not adversely affect the surrounding properties in terms of traffic congestion. However, the potential exists for traffic hazard due to the lack of directional signage on site. Thus, staff is recommending **APPROVAL** with the following condition:

1. The vehicle stacking/drop off lane shall be striped and/or designated as one-way with enter/exit directional signage posted. The lane shall be established so as to move traffic in a counter-clockwise motion.

CZBA ACTION: Ms. Ross 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: Regular Agenda

**RE: Petition of TNT Signs, For
Balaji Hospitality, LLC & Patel
B-090522-00038-1
393 Canebrake Road**

The petition was continued from the June 23, 2009 meeting at the request of the petitioner, so a new sign plan could be submitted to address concerns raised by the Board. The

petitioner has altered the original request and has added a sign area variance to the request.

Nature of Request

The petitioner is requesting approval of a 70 foot height variance to the 20 foot maximum allowed and a 195 square foot sign area variance to the 120 square foot maximum allowed pursuant to Section 7.3, in conjunction with the installation of a free standing sign.

Findings

1. The subject property is located at 393 Canebrake Road. The property is within the P-B-C (Planned-Community-Business) zoning classification.
2. The petitioner has reduced the requested height variance from 105 feet to 70 feet to allow a 90 foot free standing sign.
3. The height of free standing signs is based on the zoning classification the property is within and the street classification that the property fronts on. Canebrake Road is classified as an “other” street on the Chatham County Street Classification map. A free standing sign within the B-C zoning classification on a property that fronts a street classified as “other” is allowed a maximum height of 20 feet.
4. The petitioner has identified the need for a combined free standing sign for the two hotels with a total sign area of 315 feet. Free standing sign area is based on one (1) square foot per one (1) foot of lot frontage. The two properties have a combined lot width of 300 feet along Canebrake Road. However, the amount of signage is limited based on zoning classification and street classification. Properties with the B-C zoning classification and located on streets classified as “other” are limited to 60 square feet. Thus, the combined sign is limited to 120 square feet.
5. An MPC policy for principal use signs in the Gateway Savannah area was established in the late 1980s. The Gateway Savannah sign policy limits the height and size of principal use signs to 100 feet and 300 square feet, respectively, within one-quarter mile of the Abercorn Street and Interstate 95 interchange. The rationale for this policy was to allow the businesses closest to Interstate 95 the signage necessary to advertise to the vehicular traffic on Interstate 95. However, the policy does not consider that business establishments have other mediums to advertise, including the Georgia Welcome Center, billboards, and the Interstate Signage Program administered by the Georgia Department of Transportation. The latter sign program identifies travel-oriented businesses available at each interstate exit. Therefore, the taller signs and larger signs are not necessary to reach potential patrons traveling I-95. Also, this policy does not supersede Ordinance and a text amendment was not approved to codify this language.
6. The Comprehensive Plan adopted in 2006 addresses signage through the following policy statements:

4.1.7 Issue/Opportunity #7: Quality Of Life.

Many of the issues identified in this chapter are interrelated with land use planning, environmental protection, transportation, and other topics, but rise to the level of “quality of life” considerations. The following policies fall into this category.

Policy 7.1 – Scenic Views and Sites. Overall, some of the area’s scenic views are being lost with the rise in commercial and residential development. Without adequate land use and buffer controls, the likelihood of these scenic areas to be impacted will increase and long term loss will occur. *It shall be City and County policy to vigorously enforce signage standards and prevent proliferation of billboards and other unnecessarily large signs.*

GOAL G. PROVIDE A TRANSPORTATION NETWORK THAT EFFICIENTLY FACILITATES MOVEMENT INTO AND WITHIN CHATHAM COUNTY.

Objective 1. Develop a comprehensive transportation system plan that will facilitate access and growth while protecting the quality of life in the community.

Strategy a. Implement a transportation plan which includes:

Improved highway safety and beautification programs and improved traffic control and signage;

7. The two properties are currently developed with limited service hotels.
8. 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. The B-C zoning classification does not have a minimum requirement for lot width or lot area.

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

Strict application of the regulations of Section 7.3 would not cause unnecessary hardship. Adherence to the 20 foot height and 120 square foot maximums does not deprive the property owner of all reasonable use of his/her land. The property is within a B-C zoning classification, which allows a variety of commercial, office, and retail uses. The properties are currently developed with limited service hotels.

- 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 properties within the B-C zoning classification and located on streets classified as “other” are subject to the 20 foot height maximum.

- 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, may cause detriment to the adjacent single family residences to the south of the subject property and would impair the purposes of the Ordinance and the Comprehensive Plan.

Staff Recommendation

All of the conditions necessary for granting the 105 foot sign height variance appear not to be met. No extraordinary or exceptional conditions pertain to this site and the 20 foot height and 120 square foot area maximums do not deprive the property owner of all reasonable use of his/her land. Thus, staff is recommending **DENIAL** of the variance.

Mr. Benenhaley stated that the reason for the request is the hotels have no visible signage. Because of the location and due to the sign problem they have a very low occupancy rate.

CZBA ACTION: Mr. Day made a motion that the Chatham County Zoning Board of Appeals **approve** the petition as submitted. Mr. Murphy seconded the motion. The motion passed 4 – 1. Opposed to the motion was Mr. Noha. Abstained was Mr. Cohen.

**RE: Petition of Mark Roth
 B-090527-00040-1
 1910 Stone Street**

The petitioner is requesting approval of a 25 foot marsh buffer variance from the 50 foot marsh buffer 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 new single family residence.

Findings

1. The subject property is located at 1910 Stone Street and is within the R-1 A/EO (One-Family Residential/ Environmental Overlay) zoning classification.
2. The subject parcel is irregular in shape and includes access to tidal waters. The parcel has an approximate minimum width of 60 feet and an approximate minimum depth of 80 feet

in the buildable area. The buildable area of uplands consists of approximately 4800 square feet. Development standards established for lots within the R-1-A E/O zoning classification served by public water and public sewer require a minimum lot area of 30,000 square feet and a minimum lot width of 70 feet. This parcel is a legal nonconforming lot.

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 is currently undeveloped, however the shell of an existing single family residence exists within the marsh. The petitioner is requesting the variances listed above in order to construct a new single family residence.
4. Section 4-12 of the Chatham County Zoning Ordinance establishes a minimum 35 foot riparian buffer, 30 percent of which may be altered by pruning and selective clearing for access and to maintain view corridors. The petitioner is requesting to encroach 10 feet into the riparian buffer.
5. The petitioner is proposing to construct a single family detached residence with an approximate footprint of 1300 square feet.
6. Staff is not aware of any opposition to or support for the petition.
7. 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 does not meet the minimum lot area requirements and is not considered a conforming lot of record. The R-1-A requires a minimum lot are of 30,000 and a lot width of 70 feet for properties served by a well and septic system.
 - 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. Adherence to the 50 foot marsh buffer and 35 foot riparian buffer restricts the property owner from using the lot as a single family detached residence. The property is within an R-1 zoning classification, in which the

primary use is a single family detached house. The uplands portion of the property is undeveloped.

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 abutting a river or salt water marsh developed with a single family residence at the time the Environmental Overlay was adopted are subject to the 50 foot marsh buffer and the 35 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. If the lot was currently vacant and a new structure was proposed for the subject property, the marsh setback would be 25 feet and the structure would meet the requirement. The purpose of the marsh and riparian setback is to protect the natural wetlands, stream beds and rivers from man-made encroachments that might exacerbate runoff conditions and inadvertently pollute said waterways.

Staff Recommendation

The property is a nonconforming legal lot of record and the 50 foot marsh and 35 foot riparian buffers would deprive the property owner of the primary use, a single family detached residence, of the R-1 zoning classification. Thus, staff is recommending APPROVAL of the marsh and riparian buffer variances subject to:

1. Approval of the quit claim of the vacated Stone Street right-of-way, as indicated on the site plan, by the Chatham County Commission.
2. Approval by the Chatham County Health Department.

Mr. Goins stated that the subject parcel does not meet the minimum lot area requirements and is not considered a conforming lot of record. The R-1-A requires a minimum lot area of 30,000 and a lot width of 70 feet for properties served by a well and septic system. This creates a hardship.

Mr. Roth stated that the reason for the request is because of his mother-in-law's health condition, an elevator had to be installed and also the master bedroom had to be on the first floor.

Mr. Cohen asked how big is the elevator?

Mr. Roth stated about 4850 square foot.

Mr. Felder asked what were the two ditches for?

Mr. Davis stated that the ditch will be eliminated.

Mr. Fedler asked the petitioner if the request is granted would he let the marsh line go back to a natural state.

Mr. Roth stated yes.

Mr. Mahoney stated that DNR gave the okay to take down the dock; then when the contractor proceeded to rebuild it, DNR said they needed a permit.

Ms. Kearney stated that she supports the petition because the marsh has not been disturbed.

CZBA ACTION: Mr. Cohen made a motion that the Chatham County Zoning Board of Appeals approve the petition as submitted with recommendations on the buffer and also what staffs recommends. Mr. Noha seconded the motion. The motion passed 5 – 1. Opposed to the motion was Mr. Day.

**RE: Petition of Renee & Frank Cardillo
B-090623-00042-1
212 Hillary Road**

The petitioner is requesting approval of a 16 foot marsh buffer variance from the 50 foot requirement and a one (1) foot riparian buffer variance from the 35 foot requirement of Section 4-12 of the Chatham County Zoning Ordinance in order to install a swimming pool.

Findings

1. The subject property is located at 212 Hillary Road and is within the R-1A (One-Family Residential) zoning classification.
2. The subject parcel is somewhat rectangular in shape, with a minimum width of 140 feet and a minimum depth of 120 feet. Development standards established for lots within the R-1-A zoning classification served by public water and private sewer systems require a minimum lot area of 15,000 square feet and a minimum lot width of 75 feet. The parcel area is approximately 16,400 square feet.
3. The petitioner is requesting the buffer variances to permit installation of a swimming pool.
4. 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 is currently developed with a 2186 square foot single family detached residence constructed in 1981. The existing structure meets the minimum marsh buffer requirement. The petitioner is requesting to encroach 16 feet into the marsh buffer.
5. Section 4-12 of the Chatham County Zoning Ordinance establishes a minimum 35 foot riparian buffer, 30 percent of which may be altered by pruning and selective clearing for access and to maintain view corridors. The existing structure does not encroach into the

riparian buffer. The petitioner is requesting to encroach one (1) foot into the riparian buffer.

6. Staff is not aware of any opposition to or support of the request.
7. 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 meets the minimum lot width and lot area requirements and is considered a conforming 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. Adherence to the 50 foot marsh buffer and 35 foot riparian buffer does not restrict the property owner of all reasonable use of his/her land. The property is within an R-1 zoning classification, in which the primary use is a single family detached house. The property is currently developed with a 2186 square foot single family detached residence.

- 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 abutting a river or salt water marsh developed with a single family residence at the time the Environmental Overlay was adopted are subject to the 50 foot marsh buffer and the 35 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. If the lot was currently vacant and a new structure was proposed for the subject property, the marsh setback would be 25 feet and the structure would meet the requirement. The purpose of the marsh and riparian setback is to protect the natural wetlands, stream beds and rivers from man-made encroachments that might exacerbate runoff conditions and inadvertently pollute said waterways.

Staff Recommendation

All of the conditions necessary for granting a 16 foot marsh buffer variance and a one (1) foot riparian buffer variance appear not to be met. No extraordinary or exceptional conditions pertain to this site. The 50 foot marsh and 35 foot riparian buffers do not deprive the property owner of all reasonable use of his/her land. Thus, staff is recommending **DENIAL** of the marsh and riparian buffer variances.

Mr. Cardillo stated that he would like to install a pool, but with the way the house sits on the lot, he would be intruding in the marsh and riparian buffers and would like a variance to intrude so he will be able to install the pool.

Mr. Felder asked if the pool would be fiberglass or concrete.

Mr. Cardillo stated fiberglass.

Mr. Felder asked what kind of material will be around the pool deck?

Mr. Cardillo stated cool deck.

Mr. Day stated that his only concern was with the type of surface because of the increase of runoff with the concrete surface.

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

**RE: Petition of Alvin & Natasha Collins
 B-090626-00047-1
 113 Westminister Drive**

Mr. Goins gave the following Staff Report.

The petitioner is requesting approval of a waiver of the standard that a child care center shall only be permitted on a lot or plot of ground which abuts a collector street, major arterial, or secondary arterial.

Findings

1. The subject property located at 113 Westminister is within the PUD-C (Planned Unit Development – Community) zoning classification.
2. Child care centers are permitted by right in the PUD-C zoning classification with the condition that they be located on a street classified as a collector or greater. Westminister is not classified as a collector or greater street.
3. A Child Care Center has operated at this site since 2005, but the child care center never received the waiver of the street classification requirement.
4. The child care center currently has the capacity to serve 12 children.

5. Staff has received two phone calls from surrounding property owners expressing concern about on-street parking issues and potential impacts on property values of being in close proximity to a daycare center.
6. **The Board of Appeals shall be authorized to waive this requirement, if on the basis of evidence presented, it finds that the traffic to be generated by a particular use can be accommodated on other streets without creating traffic congestion and traffic hazards on such streets which would be detrimental to the neighborhood served by such other streets. Provided that approval for any center established requiring access along a residential or lesser classified street shall be limited to a maximum of 75 children during the daytime hours and no greater than 50 children between the hours of 9:00 p.m. and 6:00 a.m.**

See attached report from the Zoning Administrator.

Staff Recommendation

Staff concurs with the recommendation of the Zoning Administrator.

Ms. Collins stated that she has all of her requirements met for the child care center and that she is before the Board today for the parking concern on the property.

Ms. Ruben stated that she is here on the behalf of the Board of Directors for the Georgetown Community Association. They are in opposition with the petition due to the fact of the parking and congestion of traffic in front of the property.

Ms. Newman stated she is in opposition with the petition due to the fact of the traffic concerns and the safety of the children.

Ms. Williams stated she is in opposition with the petition due to the fact of the traffic concerns and the safety of the children.

Ms. Thomas stated that she is in support with the petition and believe the child care center does no harm to the neighborhood.

Dr. Jackson stated that he is in support with the petition and it is an asset to the community and it has also meets all the state requirements.

Mr. Seltzer stated that he is in support with the petition and believe the child care center does no harm to the neighborhood.

Mr. Collins stated that he is in support with the petition and this child care center is their only income and everything they have was approved by the state.

Mr. Kenny stated that he is in support with the petition and believe the child care center does no harm to the neighborhood.

Mr. Norris stated he is in opposition with the petition due to the fact of the traffic concerns and the safety of the children.

Mr. Day stated the only problem he has with this petition is the concern with not having a circular driveway.

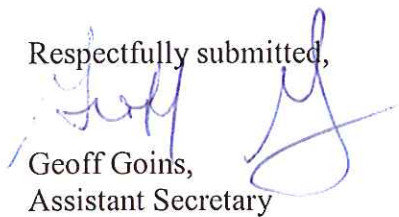
CZBA ACTION: **Mr. Noha** made a motion that the Chatham County Zoning Board of Appeals continue the petition until the next regularly schedule meeting on August 25, 2009. **Mr. Day** seconded the motion and it was unanimously passed.

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 11:10 A.M.

Respectfully submitted,



Geoff Goins,
Assistant Secretary

GG/jm