



C H A T H A M C O U N T Y
Z O N I N G B O A R D O F A P P E A L S

Arthur Mendonsa Hearing Room
112 East State Street, Savannah 9:00 A.M.
Minutes

August 24, 2010 Chatham County ZBA Meeting

Members Present: Brian Felder, Chairman
Lucy Hitch, Vice Chairman
Steven Day
Clifton Kennedy
Terrance Murphy
Wayne Noha
Coren Ross

Members Not Present:

Staff Present: Marcus Lotson, Assistant Secretary
Constance Morgan, Administrative Assistant

Advisory Staff Present: Bob Sebek, County Zoning Administrator

I. Call to Order and Welcome

1. [Call to Order](#)

Chairman Felder called the August 24, 2010 CZBA meeting to order at 9:00 A.M.

II. Notices, Proclamations and Acknowledgements

III. Petitions Ready for Hearing

IV. Approval of Minutes

2. [Approval of the July 27, 2010 CZBA Meeting Minutes](#)

Attachment: [27Julyczbaminutes.pdf](#)

Board Action:

Approval of the July 27, 2010 CZBA Meeting Minutes as submitted, with the necessary corrections should there be any. - PASS

Vote Results

Motion: Anthony Wayne Noha
Second: Terrence Murphy
Brian K. Felder - Aye
Lucy Hitch - Aye
Clifton Kennedy - Aye
Terrence Murphy - Aye
Anthony Wayne Noha - Aye

V. Item(s) Requested to be Removed from the Final Agenda

The Consent Agenda consists of items for which the applicant is in agreement with the staff recommendation and for which no known objections have been identified nor anticipated by staff. Any objections raised at the meeting will result in the item being moved to the Regular Agenda.

VI. Consent Agenda

VII. Old Business

VIII. Regular Agenda

3. [Presentation on the Proposed Amendment to the existing Marsh Buffer Requirements - Charlotte Moore](#)

Board members had requested that staff review the potential text amendment to the environmental standards in the overlay district; specifically to the 50 foot building setback requirement. Ms. Charlotte Moore gave Board members a brief background on why the present text exists. She explained that since the adoption of this amendment in 2001 it has been very typical for these variances to be requested. She also explained that when the EO was adopted it added an additional buffer to the existing 25 foot buffer. In the ordinance this is referred to as the riparian buffer. She presented the board with a handout on the **existing** and the **proposed** Environmental Standards.

Brian Felder stated that his observation was that staff is preserving an extra 10 feet for 120 lots. He added that prior to 2001 hundreds or thousands of houses were built at 25 feet. So, staff is choosing to help 120 lots that are unbuilt on, but continue to take from hundreds or thousands of houses built prior to 2001. He questioned why the 120 lots were given special treatment when the other hundreds or thousands of people who came before are essentially having their property effected after the fact by a zoning change. He stated that it would appear that the latter would be the bigger issue and questioned staff as to why not make the change to 35 feet across the board.

Ms. Moore responded that based on staff reports there's a development expectation of vacant parcels but, there is also an expectation of any improved property.

Mr. Noha stated that he felt that it would be equitable to bring everyone to a common setback.

Mr. Kennedy said that he felt that anything that was done to take from a property owner is illegal. He said "that if anyone took this matter through court it would be over ruled. Property rights are protected in this country by the constitution and we just don't go back after the fact and change things." He stated that he was against the vote in 2001 and he added that if the marsh is to be protected we need to be aware of what goes into it not how far or how close a building is to it.

Speaking on the issue: Ms Marianne Heimes stated that she was involved in the Islands Land Use Plan and that the original plan differs from the plan today. The purpose for this was to protect the marsh. She said that she agreed that a lawn between a home and the marsh is not good. She questioned if lowering the setback would really protect the marsh? She concluded that staff is aware of the concerns of the Board and asked that they be allowed to go back and continue to work with the Board's suggestions.

After further brief discussion, board members agreed to the edited text that Ms. Moore presented as follows:

EXISTING TEXT

- (1) The minimum building setback from the marsh line shall be 50 feet. However, this standard shall not apply to lots of record at the time of enactment of this provision having no residential structures on them. Such lots shall be subject to the general County setback and buffer standard of 25 feet. See Sec. 4-6.1 (footnote) for additional standards. The setback requirement shall not apply to any type of marina, commercial marine use, or public docking facility.
- (2) 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. However, this standard shall **not** apply to lots of record at the time of enactment of this provision (November 16, 2001 for the Islands Community and [date enacted] for the Southeast Community), having no residential structures on them. Such lots shall be subject to the general County setback and buffer standard of 25 feet. See Sec. 4-6.1 (footnote).
- (3) The riparian buffer and setback standards established in this section shall not apply to existing habitable structures within the buffer or setback that are damaged by fire or natural disaster and seek to rebuild on their existing footprint, except where they are 100 percent destroyed and reconstruction of the building would not intrude upon any setback or drainfield area.
- (4) 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.

PROPOSED TEXT

[Text to be repealed shown in strikethrough; proposed text is underlined]

- (1) ~~The minimum building setback from the marsh line shall be 50 feet. However, this standard shall~~

~~not apply to lots of record at the time of enactment of this provision having no residential structures on them. Such lots shall be subject to the general County setback and buffer standard of 25 feet. See Sec. 4-6.1 (footnote) for additional standards. The setback requirement shall not apply to any type of marina, commercial marine use, or public docking facility.~~

- ~~(2)(1) 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. However, this standard shall not apply to lots of record at the time of enactment of this provision (November 16, 2001 for the Islands Community and [date enacted] for the Southeast Community), having no residential structures on them. Such lots shall be subject to the general County setback and buffer standard of 25 feet. See Sec. 4-6.1 (footnote).~~

A 35 foot riparian buffer is required. In addition to a 25 foot marsh buffer as required by O.C.G.A. §12-7-1, the Georgia Erosion and Sedimentation Control Act, a 10 foot local marsh buffer shall also be required. The state buffer is measured from the Department of Natural Resources jurisdictional marshline as established by Coastal Resources Division in accordance with the Coastal Marshlands Protection Act of 1970. The local buffer is measured from the state buffer.

- (2) No more than 30 percent of the local buffer may be altered by pruning or selective clearing for access and maintenance of view corridors.
- (3) The riparian buffer and setback standards established in this section shall not apply to existing habitable structures within the buffer or setback that are damaged by fire or natural disaster and seek to rebuild on their existing footprint, except where they are 100 percent destroyed and reconstruction of the building would not intrude upon any setback or drainfield area.
- (4) 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.

Board Action:

Accept the text amendment as presented so that it brings lots of record and improved lots to a more equitable fashion to all property owners in chatham county. - PASS

Vote Results

Motion: Anthony Wayne Noha

Second: Terrence Murphy

Brian K. Felder - Aye

Lucy Hitch - Aye

Clifton Kennedy	- Abstain
Terrence Murphy	- Aye
Anthony Wayne Noha	- Aye

IX. Other Business

4. [Resignation of Mr. Terrance Murphy](#)

Mr. Murphy announced that due to other commitments, he would no longer be able to continue to serve the board effectively therefore; effectively immediately, he would resign as board member, .

Chairman Felder accepted Mr. Murphy's resignation and asked that staff draft a letter to fill the vacancy.

X. Adjournment

5. [Submittal](#)

There being no other business to come before the Board the Chairman of the Chatham County Zoning Board of Appeals declared the meeting adjourned at 9:40 A.M.

Respectfully submitted,

Marcus Lotson,
Assistant Secretary

/ cm

The Chatham County - Savannah Metropolitan Planning Commission provides meeting summary minutes which are adopted by the respective Board. Verbatim transcripts of minutes are the responsibility of the interested party.

