



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, 9:00 A.M.
Minutes

October 26, 2010 Chatham County ZBA Meeting

This is a quasi-judicial proceeding. All those wishing to give testimony during these proceedings will please sign in. Witnesses will be sworn-in prior to giving testimony. All proceedings of the Chatham County Zoning Board of Appeals are recorded. Decisions of the Chatham County Zoning Board of Appeals are final. Challenges to the decisions of the Chatham County Zoning Board of Appeals must be filed through the Superior Court of Chatham County.

Note: All persons in attendance are requested to so note on the "Sign-In Sheet" on the table outside the entrance of the meeting room. Persons wishing to speak will indicate on the sheet.

I. Call to Order and Welcome

1. [Call to Order](#)

Chairman Brian Felder called the October 26, 2010 Chatham County Zoning Board of Appeals Meeting to order at 9:06 a.m.

II. Notices, Proclamations and Acknowledgements

III. Petitions Ready for Hearing

IV. Approval of Minutes

2. [Approval of the August 24, 2010 CZBA Minutes](#)

Attachment: [24Augustczbaminutes.pdf](#)

Board Action:

Approval of the August 24, 2010 CZBA Minutes as submitted. - PASS

Vote Results

Motion: Anthony Wayne Noha

Second: Clifton Kennedy

Steven Day - Aye

Brian K. Felder - Aye

Clifton Kennedy	- Aye
Anthony Wayne Noha	- Aye
Coren Ross	- Aye

3. [Approval of the September 28, 2010 Meeting](#)

Attachment: [28Septczbaminutes.pdf](#)

Board Action:

Approval of the September 28, 2010 CZBA Meeting Minutes as submitted. - PASS

Vote Results

Motion: Anthony Wayne Noha

Second: Clifton Kennedy

Steven Day - Aye

Brian K. Felder - Aye

Clifton Kennedy - Aye

Anthony Wayne Noha - Aye

Coren Ross - 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

4. [Request to Move Items on the Agenda](#)

Chairman Felder stated that as a courtesy to the petitioners that were present for the September 28th meeting, but were unable to have their petitions heard, that these petitions be moved in order that they may be heard first under Regular Agenda.

Board Action:

Staff request to move agenda items, 103 Shipwatch Road and 2131 Hart Avenue, to be heard first under the Regular Agenda. - PASS

Vote Results

Motion: Anthony Wayne Noha
Second: Coren Ross
Steven Day - Aye
Brian K. Felder - Aye
Clifton Kennedy - Aye
Anthony Wayne Noha - Aye
Coren Ross - Aye

5. [103 Shipwatch Road-00063-1](#)

Attachment: [ZA Response Letter.pdf](#)
Attachment: [103 Shipwatch Plat.pdf](#)
Attachment: [Shipwatch Photo.pdf](#)
Attachment: [103 Shipwatch Rearview.pdf](#)
Attachment: [Elevations 103 Shpwatch Road.pdf](#)
Attachment: [Floorplan 103 Shipwatch Road.pdf](#)
Attachment: [103 Shipwatch Staff Report.pdf](#)

Present for the petition was: Edgar Smith, Agent

Marcus Lotson gave the following summary:

The petitioner is requesting an appeal to a decision made by the Zoning Administrator. Also, a 21' rear yard setback variance a 30' riparian buffer variance and a 45' marsh buffer variance. Staff recommendation is for **Denial**.

Speaking on the Petition: Edgar Smith, agent for the petitioner gave background information on the subject property and explained the plans for the proposed construction. He asked that the Board approve the petition.

Maryann Heimes, Island Historian and neighboring resident stated that the minor addition that the petitioner proposes will in no way harm the marsh or the wetlands. She added that she was in support of the petition and urged the Board to approve the petitioner's request.

Wayne Williamson, property owner stated that it was his original intent to enclose the porch but only with glass walls. From an aesthetics standpoint, this will be a see through feature from the road to the marsh. He added that he has received approval from The Marshes Association and that he has gone through the permitting process. He also pointed out that the majority of the property on the marsh has some sort of enclosure. He asked that the Board support the petition.

Board Action:

- PASS

Approval of the petitioner's request as submitted.

Vote Results

Motion: Steven Day	
Second: Clifton Kennedy	
Steven Day	- Aye
Brian K. Felder	- Aye
Clifton Kennedy	- Aye
Anthony Wayne Noha	- Aye
Coren Ross	- Aye

6. [2131 Hart Ave- 00065-1](#)

- Attachment: [2131 Hart Avenue Staff Report.pdf](#)
- Attachment: [AERIAL MAP.pdf](#)
- Attachment: [Plot Plan Hart Avenue.pdf](#)
- Attachment: [Floor Plan Hart Ave.pdf](#)
- Attachment: [Left and Right Elevation Hart Avenue.pdf](#)
- Attachment: [Rear Elevation Hart Avenue.pdf](#)

Present for the petition was: Jessie Washington, Agent

Marcus Lotson gave the following summary:

The petitioner is requesting a 3' rear yard setback variance from the 25' requirement in order to add an addition to the rear of the home. The proposed addition will serve as a master bedroom, bath and a den. Staff finds that there will be no negative impact to adjacent property or the neighborhood and recommends **approval**.

Board Action:

Staff recommends **approval** of the 3 foot rear yard setback variance request. - PASS

Vote Results

Motion: Coren Ross	
Second: Anthony Wayne Noha	
Steven Day	- Aye
Clifton Kennedy	- Aye
Anthony Wayne Noha	- Aye
Coren Ross	- Aye
Brian K. Felder	- Aye

7. [45 Village Green Circle-00074-1](#)

- Attachment: [Architectural Review Letter.pdf](#)

- Attachment: [Village Green Aerial.pdf](#)
- Attachment: [Village Green Elevations.pdf](#)
- Attachment: [Village Green Site Plan.pdf](#)
- Attachment: [Staff report.pdf](#)

Present for the petition was: Susan Gilliamson

Marcus Lotson gave the following summary:

He stated that the petitioner is requesting a 9' rear yard setback variance from the established 10' rear yard setback in order to construct an addition onto an existing single family residence. He directed Board Members to the handout in their packets; a letter from the Landings Association Archetctural Review Board granting their approval of the proposed additions. There was a brief question and answer period from Board members.

Speaking on the petition: Susan Gilliamson, petitioner stated that as far as the lot coverage is concerned there is nothing out of the ordinary. The proposed construction will be a screen porch in order to hide from the mosquitoes. She said that there will remain plenty of wooded area or back yard space once the addition is added. She concluded that she has not recieved any negative feedback from neighbors. There was a period of questions and answers.

Board Action:

Staff recommends **approval** based on the proposed addition's insignificant impact on adjacent properties and the surrounding environment and that it does not impair the intent of the zoning ordinance. - PASS

Vote Results

Motion: Coren Ross
Second: Clifton Kennedy
Steven Day - Nay
Brian K. Felder - Nay
Clifton Kennedy - Aye
Anthony Wayne Noha - Aye
Coren Ross - Aye

8. [19 Delegal Road-00066-1](#)

- Attachment: [Delegal Site Plan.pdf](#)
- Attachment: [Delegal Aerial.pdf](#)
- Attachment: [Staff Report.pdf](#)

Present for the petition was: Dave Justini

Marcus Lotson gave the following summary:

The petitioner is requesting a 7' rear yard setback variance from the 25' requirement of the Chatham County Zoning Ordinance. The request is being made to accommodate a modification by enclosure of an existing attached screen porch. The existing home is approximately 3,000 square feet and the existing porch is approximately 900 square feet. The petitioner's intent is to enclose the existing porch. In researching the property it was found that the porch, which does encroach into the setback, did not appear to be constructed through the normal permitting process; it may have been done by the previous owner without permission. Staff recommendation is **denial**.

Discussion: Mr. Day questioned staff regarding their recommendation. He asked if staff's recommendation was due to the previous owner not complying to the normal permitting process.

Mr. Lotson's reply was that not only was the porch built without permits, it encroaches into the setback. He explained that staff's view of this was that had he gone through the normal permitting process it would have required a public meeting giving the opportunity for the public to comment.

Mr. Day interrupted that it seems as though staff is taking this position. The petitioner is not requesting to build an addition, he is requesting to enclose the existing one. Staff, in essence, is recommending denial because the addition has been built not because the petitioner wants to enclose it.

Mr. Noha added that this was what he was hearing also and that the two wrongs do not make a right.

Mr. Day stated that the impact on the marsh and the area; there is no impact. The petitioner is doing absolutely nothing that will have an impact on the neighborhood, the property, or the environment; so why is he here?

Mr. Lotson's response was that he is here because he requires a permit primarily.

Mr. Day stated that we are not in the business of issuing permits.

Mr. Felder corrected Mr. Lotson and stated that the petitioner requires a variance.

Dave Justini, agent for the petitioner interjected that there is an existing screen in porch with three walls and a screened roof. He has been contracted to add a solid roof over the screened walls.

Mr. Lotson clarified that if there is an encroachment by recommending approval of an addition on that encroachment staff is legalizing an illegal use.

Bob Sebek explained that his position on this petition was that if the petitioners were changing the structure, whether or not it was approved originally or not, they are modifying an existing structure and going from a screened enclosure to an enclosure that will be heated and cooled i.e, conditioned space. Because of this change or any change, the petitioner will require approval especially if staff does not have any record as to whether or

not there was an original approval.

Dave Justini, agent/contractor for the petitioner, distributed photographs of the subject site. He explained the design of the property and what the homeowner has contracted him to do. There was a period of questions and answers.

Chairman Felder charged staff with making sure that future applicants provide clear and precise information and drawings on what it is that he is proposing.

Board Action:

Staff recommends **denial** of the seven foot rear yard setback variance request based on that it would impair the intent of the zoning ordinance in that procedures associated with permitting do not appear to have been adhered to. - PASS

Vote Results

Motion: Coren Ross
Second: Steven Day
Steven Day - Aye
Brian K. Felder - Aye
Clifton Kennedy - Nay
Anthony Wayne Noha - Nay
Coren Ross - Aye

IX. Other Business

9. Resignation of Mr. Steven Day

Mr. Day stated that he has served on the Chatham County Zoning Board of Appeals for nearly ten years. He informed Board members that he will tenure his resignation effective on January 1, 2011.

Chairman Felder thanked Mr. Day for his dedicated service. He requested that staff provide a letter of proclamation to Mr. Day and Mr. Murphy in appreciation of their service. He also requested that a letter be sent to the County Commission requesting an appointment to fill the vacancy left by Mr. Day .

10. Election of Officers

Ms. Lucy Hitch was elected to serve as the Chairman of the Chatham County Zoning Board of Appeal and Mr. Clifton Kennedy was elected as Vice Chairman. Officers will be sworn in in January 2011.

Board Action:

Board recommendation to appoint Ms. Lucy Hitch as Chairman of the Board. - PASS

Vote Results

Motion: Brian K. Felder

Second: Steven Day

Steven Day - Aye

Brian K. Felder - Aye

Clifton Kennedy - Aye

Anthony Wayne Noha - Aye

Coren Ross - Aye

Board Action:

Board recommendation to appoint Mr. Kennedy to serve as Vice Chairman of the CZBA. - PASS

Vote Results

Motion: Anthony Wayne Noha

Second: Coren Ross

Steven Day - Aye

Brian K. Felder - Aye

Clifton Kennedy - Aye

Anthony Wayne Noha - Aye

Coren Ross - Aye

X. Adjournment

11. [Submittal](#)

There being no other business to come before the Board, Chairman Brian Felder declared the October 26, 2010 CZBA Meeting adjourned.

Respectfully submitted,

Marcus Lotson,
Assistant Secretary

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.