



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
April 23, 2013 9:00 A.M.
Minutes

April 23, 2013 Chatham County Zoning Board of Appeals

Members Present:

Coren Ross, Vice Chairman
Brian Felder
James Overton
James Blackburn
Quentin Marlin
Wayne Noha

Members Not Present: Lucy Hitch, Chairman

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

Advisory Staff Present: Bob Sebek, County Zoning Administrator

I. Call to Order and Welcome

1. [Call to Order](#)

Vice Chairman Coren Ross called the hearing of the Chatham County Zoning Board of Appeals meeting to order at 9:05 A.M.

II. Notices, Proclamations and Acknowledgements

III. Petitions Ready for Hearing

IV. Approval of Minutes

2. [Approval of the February 26, 2013 CZBA Minutes](#)

Attachment: [February26.pdf](#)

Board Action:

Approval of the February 26, 2013 CZBA meeting minutes as submitted. - PASS

Vote Results

Motion: Brian K. Felder

Second: James Overton

James Blackburn - Not Present

Brian K. Felder - Aye

Quentin L. Marlin - Aye

Anthony Wayne Noha - Aye

James Overton - 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

3. [10 Sandy Creek Road - Fence Height and Marsh Buffer Variance Requests](#)

Attachment: [Correspondence from Neighbor.pdf](#)

Attachment: [Plat.pdf](#)

Attachment: [maps.pdf](#)

Attachment: [Correspondence.pdf](#)

Attachment: [Photo set 1.pdf](#)

Attachment: [Photo set 2.pdf](#)

Attachment: [Staff Report 0423.pdf](#)

Attachment: [Cowsar Letter.pdf](#)

Present for the petition was: Mr. Mark Bandy, Agent

Mr. Marcus Lotson gave the following summary:

He stated that the petitioner, Mark Bandy for Robert Deen, petition for 10 Sandy Creek Road was heard during the last CZBA meeting. The petitioner at that time had requested a number of variances and a portion of his previous petition was approved at that time. He explained that at the previous meeting the Board moved to continue the item until this meeting in order to give Mr. Bandy the opportunity to address some of the outstanding issues including; 1) a fence that has been constructed along the property line of the subject property and; 2) the pool which encroaches eight feet into the marsh

buffer. He concluded that since then he has had time to have conversations with both Mr. Bandy and the neighboring property owner. He stated that he has not received any new exhibits or plans from the property owners representative. Based on this fact, staff recommendation remains denial of the marsh buffer setback variance and for the fence height variance.

Speaking on the petition: Mr. Bandy agent for Robert Deen stated that he came to the board initially with four variances. He stated that the board granted approval of two of those variances last month. The two outstanding issues are the fence and the encroachment of the pool. He apologized for his client not being able to attend today's hearing. He added that the pool contractor did receive a pool permit. He stated that however, when the pool contractor went to receive the pool permit it did not come up as marsh front property so it was signed off on without this information. He explained that the pool contractor proceeded to build the pool but the problem is that the contractor has a 38ft setback at one point but the sea wall cuts in and this is where he is running into the encroachment. He asked if there were any questions or concerns regarding the pool before he went on to discuss the height variance.

Mr. Felder stated that the drawings indicated that there is a 38 foot setback but in actuality you are closer than 38 ft. He added that this is a very detailed drawing.

Mr. Bandy responded that this is where the encroachment occurs. Unfortunately, he added, that this is on the pool contractor as well. He pointed out for clarification where the encroachment occurred. He concluded that the petitioner is willing to do what is necessary in order to rectify this problem.

Vice Chairman Coren Ross commented that she was aware that a lot of this problem was from communication issues and the lack of recognition of the properties having been marsh front property.

Robert Sebek, Zoning Administrator stated that he had a copy of the site plan that Mr. Bandy has which is a typical site plan that the department receives for different types of residential uses. It does show the sea wall on the plan and that the department was not aware that it was marsh front property. He explained that the conflict comes in because typically there is a box on the computer screen that indicates marsh front lots which would trigger a marsh survey before the work begins. Once this is laid out, staff can confirm that everything is where it should be built. Unfortunately, this is not in the computer and this is what Mr. Bandy is referring too. He presented another drawing as the pool plan that was provided with the application that shows the pool as more than 35 feet from the water. The contractor acknowledged that he had to be 35 ft. from the marsh. The contractor did not build the pool where he initially said that he would. With this documentation it shows the pool being built where it should have been built.

Mr. Bandy agreed that he would be willing to remove some of the decking around the pool. He stated that he could remove, from his understanding, at least four feet from

the encroachment.

Jeff Kirkland, Chatham County Engineer presented the board with a drawing depicting a typical occurrence in Chatham County. He explained the drawing and its representation. He stated that his job was to determine the point of wretched vegetation which is where the movement of water tugs debris and vegetation from the banks of a body of water, be it a creek, a trout stream, or the salt marsh. When construction is done near state waters, if they are salty or fresh water, you are required to preserve a 25ft undisturbed buffer. The State law requires that the buffer is measured from the point of wretched vegetation. So in this case you can see out here the line that has been marked as the point of wretched vegetation. In his example he described two separate properties; one line where the property owner will be required to measure the 25 foot state waters buffer from the point of wretched vegetation. However; they will have to respect the county buffer as measured from the coastal resources division jurisdictional determination and this is more representative of the property being discussed here.

Mr. Bandy thanked Jeff Kirkland for explaining to the board so eloquently how this works. He stated that there are two different lines and that the petitioner is well outside the 25ft but they eight feet within the other line.

Dr. Cowsar, neighbor stated that his concerns were mostly regarding the fence but he did have some questions regarding the pool. He stated his understanding of the regulations, it is to protect the small children that there is suppose to be a fence around the swimming pool. There is no fence to protect Mrs. Deen's grandchildren or any visitor with small children that may come to visit. He went on to add that the marsh is around one perimeter of the property and there is a fence on his side of the property and he was not sure what was on the other side.

Carol Cowsar stated that her position was made clear at the March hearing. It appears to her that once an exception is made that a precedence is set for other homeowners to request similar variations or considerations. On what grounds then would the zoning board be able to deny. The marsh and water waves are very precious resource and only a few that are privileged enough to live on the marsh or any other water waves and as good stewards it is imperative the we live by the restrictions that were put in place to protect them. Any disregard puts this delicate eco- system in jeopardy.

Board Action:

Denial of the one foot height variance from the six foot height maximum for fences in the front yard to accommodate an existing seven foot high wooden privacy fence - PASS

Vote Results

Motion: Brian K. Felder
Second: James Overton
James Blackburn - Not Present
Brian K. Felder - Aye
Quentin L. Marlin - Nay
Anthony Wayne Noha - Aye
James Overton - Aye
Coren Ross - Aye

Board Action:

A 34 foot march buffer setback variance from the 35 foot requirement of the Chatham County Zoning Ordinance to accommodate an existing stone paver deck and fire pit - PASS

Vote Results

Motion: Quentin L. Marlin
Second: James Blackburn
Lucy Hitch - Aye
Quentin L. Marlin - Aye
Anthony Wayne Noha - Not Present
James Overton - Aye
Coren Ross - Aye
James Blackburn - Aye
Brian K. Felder - Not Present

Board Action:

Approval to grant the variance subject to the removal of the 4ft decking. - PASS

Vote Results

Motion: Coren Ross
Second: Anthony Wayne Noha

James Blackburn	- Not Present
Brian K. Felder	- Nay
Quentin L. Marlin	- Aye
Anthony Wayne Noha	- Aye
James Overton	- Nay
Coren Ross	- Aye

Board Action:

To approve the accessories structure - PASS

Vote Results

Motion: James Blackburn

Second: Quentin L. Marlin

James Blackburn	- Aye
Brian K. Felder	- Not Present
Lucy Hitch	- Aye
Quentin L. Marlin	- Aye
Anthony Wayne Noha	- Not Present
James Overton	- Aye
Coren Ross	- Nay

Board Action:

Board request to continue the hearing to further discuss the pool and fence - PASS

Vote Results

Motion: Quentin L. Marlin

Second: James Blackburn

James Blackburn	- Aye
Brian K. Felder	- Not Present
Lucy Hitch	- Not Present
Quentin L. Marlin	- Aye
Anthony Wayne Noha	- Not Present
James Overton	- Aye
Coren Ross	- Aye

Board Action:

Staff recommends denial of the eight foot marsh buffer setback variance from the 35 foot requirement and the one foot height variance from - PASS

the 6 foot maximum for fences in the front yard at 10 Sandy Creek Road.

Vote Results

Motion: Quentin L. Marlin

Second: Anthony Wayne Noha

James Blackburn	- Not Present
Brian K. Felder	- Aye
Quentin L. Marlin	- Aye
Anthony Wayne Noha	- Aye
James Overton	- Aye
Coren Ross	- Aye

Board Action:

Approval of the pool variance because of the permeable surface and because it is outside of the DNR. - FAIL

Vote Results

Motion: Quentin L. Marlin

Second: Anthony Wayne Noha

James Blackburn	- Not Present
Quentin L. Marlin	- Aye
Anthony Wayne Noha	- Aye
James Overton	- Nay
Coren Ross	- Nay
Brian K. Felder	- Nay

4. [11 Longbridge Road - File B-130327-00016-1 - Marsh Buffer Setback Variance Request](#)

Attachment: [Plat.pdf](#)

Attachment: [Correspondence.pdf](#)

Attachment: [Photos.pdf](#)

Attachment: [Staff Report.pdf](#)

Present for the petition was: Phillip McCorkle, Agent for John Patterson

Mr. Lotson gave the following summary;

The petitioner is requesting a 16 foot marsh buffer setback variance from the 35 foot requirement of the Chatham County Zoning Ordinance in conjunction with the construction of a pool and pool house at a single family residential development located at 11 Longbridge Road. The subject site is zoned PUD/EO. The pool and pool house while shown on the approved plans, were not individually permitted. This oversight was discovered during the inspections process. In consultation with the Georgia Department of

Natural Resources (DNR), the contractor was advised in writing prior to construction that due to the presence of a bulkhead, the State buffer requirement would not be enforced. This is the policy of the DNR as it relates to the marsh buffer. The County Engineers office also indicated that they have no objection to the requested variance. Since the DNR does not enforce the marsh buffer from the marsh line because of the existing permitted bulkhead, and the extenuating circumstances of the plan review process, approval of the requested variance from the local ordinance can be justified. Staff recommends **approval** of the request.

Speaking on the petition: Phillip McCorkle, Agent briefly presented the petitioner's request to the board and explained the oversight. He asked that the petitioner's request be granted.

Board Action:

approval of the 16 foot marsh buffer setback variance request for 11 Longbridge Road. - PASS

Vote Results

Motion: Quentin L. Marlin

Second: Anthony Wayne Noha

James Blackburn - Not Present

Brian K. Felder - Aye

Quentin L. Marlin - Aye

Anthony Wayne Noha - Aye

James Overton - Aye

Coren Ross - Aye

5. [150 Fairwind Road - File B-130328-00018-1 - Variance Request for Second Electrical Meter](#)

Attachment: [Dixon Cottage ZBA sign.pdf](#)

Attachment: [150 Fairwind Road Aerial Map.pdf](#)

Attachment: [Dixon cottage Ga Power recepticle.pdf](#)

Attachment: [Staff Report.pdf](#)

Attachment: [Fairwind Photos.pdf](#)

Present for the petition:

Mr. Lotson gave the following summary;

Board Action:

APPROVAL of the request for a second electrical meter at 150 Fairwind Road SUBJECT - PASS TO CONDITIONS.

Vote Results

Motion: Brian K. Felder
Second: Anthony Wayne Noha
James Blackburn - Not Present
Brian K. Felder - Aye
Quentin L. Marlin - Aye
Anthony Wayne Noha - Aye
James Overton - Aye
Coren Ross - Aye

6. 46 Shipwatch Road - File B-130326-00015-1 - Marsh Buffer Setback Variance Request

Attachment: [Staff Report.pdf](#)

Attachment: [Petitioner Submitted Exhibits.pdf](#)

Present for the petition was: Shauna Kucera, Agent

Mr. Lotson gave the following summary;

The petitioner is requesting an 18 foot marsh buffer setback variance from the 35 foot requirement of the Chatham County Zoning Ordinance for the purpose of enclosing a portion of an existing wooden deck. The subject property located at 46 Shipwatch Road, contains an approximately 2,500 square foot wood framed two-family residential structure. The structure was constructed in 1991 and has an existing uncovered wooden deck which currently encroaches into the marsh buffer setback. The petitioner is requesting an 18 foot marsh buffer setback variance from the 35 foot requirement of the Chatham County Zoning Ordinance in order to enclose a portion of the existing deck. The amount of deck proposed to be enclosed is approximately 230 square feet. Although the deck exists, it does not constitute an encroachment as wooden uncovered decks are exempt. There are no apparent or exceptional conditions pertaining to this piece of property because of its size shape or topography. The application of the development standards to this particular piece of property would not create a hardship in the development of the property. The property is not different from other property in the neighborhood. Relief, if granted, would impair the purposes and intent of the Chatham County Zoning Ordinance. The conditions required for the granting of a variance do not appear to be present. Staff recommends **denial** of the requested variance.

Speaking on the petition: Shauna Kucera, Agent for the petitioner gave a brief presentation requesting that the petition be approved.

Board Action:

APPROVAL of the 18 foot marsh buffer setback variance request for 46 Shipwatch Road. - PASS

Vote Results

Motion: James Overton

Second: Anthony Wayne Noha

James Blackburn - Not Present

Brian K. Felder - Not Present

Quentin L. Marlin - Aye

Anthony Wayne Noha - Aye

James Overton - Aye

Coren Ross - Aye

7. [14 Marsh Harbor Cove - File B-130321-00014-1 - Marsh Buffer Setback Variance Request](#)

Attachment: [Staff Report.pdf](#)

Attachment: [Site Plan.pdf](#)

Attachment: [Aerial Photo.pdf](#)

Attachment: [Letter from petitioner.pdf](#)

Present for the petition was: Pete Callejas

Marcus Lotson gave the following summary;

The petitioner is requesting an 18 foot marsh buffer setback variance from the 35 foot requirement of the Chatham County Zoning Ordinance for the purpose of constructing a covered porch addition on an existing single family residential structure. The residence is currently within the marsh buffer setback. There are no apparent or exceptional conditions pertaining to this piece of property because of its size shape or topography. The application of the development standards to this particular piece of property would not create a hardship in the development of the property. The property is not different from other property in the neighborhood. Relief, if granted, would impair the purposes and intent of the Chatham County Zoning Ordinance. The conditions required for the granting of a variance do not appear to be present. Staff is recommending denial of the request for an 18 foot marsh buffer setback variance from the 35 foot requirement for 14 Marsh Harbor Cove.

Speaking on the petition: Pete Callejas, Agent explained the proposed design of the porch. He stated that there were two things that he would like to do; 1) build the porch and; 2) build the chimney, where partial improvement is in the interior of the great room. He added that he would be willing to tie into existing gutter and subsurface drainage. He stated that there is an existing HVAC stand that sits above the base flood elevation so he is requesting to set this on the existing service yard and build a privacy wall around it. He asked the board to consider the addition of the chimney.

Mr. Wayne Noha asked if the petition were to be approved would there have to be an additional variance.

Mr. Marcus Lotson responded that the relocation of the air conditioning units to the existing service yard would not require a variance because he would not be expanding that area.

Board Action:

APPROVAL of the marsh buffer setback variance request with conditions. - PASS

Vote Results

Motion: Anthony Wayne Noha

Second: James Overton

James Blackburn - Not Present

Brian K. Felder - Not Present

Quentin L. Marlin - Aye

Anthony Wayne Noha - Aye

James Overton - Aye

Coren Ross - Aye

IX. Other Business

X. Adjournment

8. [Adjournment of the April 23, 2013 CZBA Meeting](#)

There being no other business to come before the board, Vice Chairman Coren Ross declared the April 23, 2013 CZBA meeting adjourned.

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.