



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

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

**November 27, 2012 Chatham County ZBA Meeting**

**Members Present:** Lucy Hitch, Chairman  
James Overton  
Wayne Noha  
Brian Felder

**Members Not Present::** Coren Ross, Vice Chairman  
Quentin Marlin  
James Blackburn

**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](#)

Chairman Hitch called the November 27, 2012 CZBA meeting to order. She explained the agenda and welcomed everyone present.

**II. Notices, Proclamations and Acknowledgements**

**III. Petitions Ready for Hearing**

**IV. Approval of Minutes**

2. [Approval of the October 23, 2012 CZBA Meeting Minutes](#)

Attachment: [Oct23.pdf](#)

**Board Action:**

Approval of the October 23, 2012 CZBA Meeting - PASS  
Minutes as submitted.

**Vote Results**

Motion: Brian K. Felder

Second: Anthony Wayne Noha

James Blackburn - Not Present

Brian K. Felder - Aye

Lucy Hitch - Aye

Anthony Wayne Noha - Aye

James Overton - Aye

Coren Ross - Not Present

**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. [20 Cottonvale Road-Variance Request to Street Classification Requirement](#)

Attachment: [Staff Report.pdf](#)

Attachment: [Aerial Map.pdf](#)

Present for the petition was: Holly Young, Agent/Realtor

Marcus Lotson gave the following summary:

The petitioner is requesting approval of a variance to the street classification requirement in the establishment of a proposed church at this location. The zoning ordinance states that the church is an allowed use in the R-A zoning district with conditions; those conditions are that it abut a street classified as a collector or greater by the Chatham County Street Classification Map and that it should be no less than 50 feet from any property line except where the property line is the right of way of a street. The proposed use, a church, is not likely to have a detrimental impact on the surrounding neighborhood due to the fact that adequate land exists to meet and exceed the required development standards relative to off street parking, buffering, setbacks and others. The subject parcels are approximately 5.5 acres in size which will also allow for any necessary offsite improvements deemed necessary by Chatham County Engineering relative to traffic control. Staff recommends approval of the request to waive the requirement that a church be located on a collector or greater at 20 and 30 Cottonvale Road.

**Speaking on the Petition:** Holly Young, realtor stated that she was present to answer any questions or concerns from the board but that she had no additional comments.

**Board Action:**

Staff Recommends Approval - PASS

**Vote Results**

Motion: Brian K. Felder

Second: Anthony Wayne Noha

James Blackburn - Not Present

Brian K. Felder - Aye

Lucy Hitch - Aye

Anthony Wayne Noha - Aye

James Overton - Aye

Coren Ross - Not Present

4. [6705 Johnny Mercer Blvd-Request to Establish a Use](#)

Attachment: [Staff Report.pdf](#)

Attachment: [Aerial Map.pdf](#)

Attachment: [Photo 1.pdf](#)

Present for petition: Charlotte Dixon, Petitioner

Marcus Lotson gave the following summary:

The Petitioner is requesting a use approval in order to establish a bakery at 6705 Johnny Mercer Boulevard within a P-D-N/TC (Planned Development Nonconforming /Town Center Overlay) zoning district. The proposed use, a bakery, is not likely to operate at a level of intensity that will be more disruptive than existing or previously permitted uses at this site. The building has functioned as a retail use for many years. Staff finds that the proposed use meets the requirements of section 8-4 of the Chatham County Zoning Ordinance and will not be a detriment to the neighborhood in general. Staff recommends approval of a use, a bakery, within a P-D-N/TC (Planned development Nonconforming / Town Center Overlay, at 6705 Johnny Mercer Boulevard.

**Speaking on the petition:** Charlotte Dixon, petitioner stated that she did not have any comments to add but that she was in favor of the recommendation of staff. She briefly informed the board members of the details of her business operation.

**Board Action:**

Staff Recommends Approval. - PASS

**Vote Results**

Motion: Anthony Wayne Noha

Second: Brian K. Felder

James Blackburn - Not Present

Brian K. Felder - Aye

Lucy Hitch - Aye

Anthony Wayne Noha - Aye

James Overton - Aye

Coren Ross - Not Present

5. [9 Shearwater Court - Riparian Buffer Setback Variance Request](#)

Attachment: [Staff Report.pdf](#)

Attachment: [Aerial Map.pdf](#)

Present for the petition was: Harold Yellin, Agent

Marcus Lotson gave the following summary:

The petitioner is seeking approval of a 10 foot riparian buffer variance from the 35 foot requirement of the Chatham County Zoning Ordinance. There are exceptional conditions pertaining to this piece of property because of its size and shape. The application of the development standards to this particular piece of property would create a hardship in the development of the property. The property is different from other properties in the neighborhood. Relief, if granted, would not impair the purposes and intent of the Zoning Ordinance. The conditions required for the granting of a variance appear to be present. Staff recommends approval of the 10 foot riparian buffer variance request from the 35 foot requirement of the Chatham County Zoning Ordinance for the subject property (9 Shearwater Court).

**Speaking on the petition;** Harold Yellin, agent for Patrick and Julia Dillon, stated that when the petitioner purchased this property in 1993 there was a 10 foot buffer which gave the petitioner a buildable lot. He is requesting to go to the 25 foot line at the present. This property is a pie shape lot that the owners are trying to sell. The sale of the lot is difficult due to its unusual shape. He added that the petitioners did consider asking for more than a 10 foot variance but decided that this would be the distance that makes the most sense. It still provides for a 25 foot buffer which was the previous benchmark issued by the DNR. It is also the distance that this board has given in the past. Although he would love to ask for more; as a compromise, to only ask for a 10 foot variance makes the most sense. In conclusion he stated that Mr. & Ms. Dillon were present to answer any questions and that he respectfully requested approval of the variance sought.

James Overton questioned staff regarding the concerns mentioned in a letter from Mr. & Ms. Mark Toth to the environmental impact that this would have.

Marcus Lotson stated that in regards to the Toth concerns that staff did consult with the Chatham County Engineering Office. The findings were that the engineering office did not object to the variance requested but found that it fit with the ordinance requirements because of the extreme requirement relative to the buffer and that the lot would essentially become unbuildable. However, their office did not comment on the environmental issues.

Gary Whiteback, neighboring resident stated that he had concerns regarding the environmental issues. He stated that there are times when the water is almost to his house. When he walks the lots the markers show that the water is 10 feet past the blue markers. He asked if there was any concern regarding this. He stated that he would hate to have someone purchase a house to get close to the water to find out later that the water is getting closer to their house.

Harold Yellin applauded Mr. Whiteback on how eloquently he spoke regarding the setback. He stated that the property at 9 Shearwater Court would be further from the marsh than any other piece of property on that street. He stated that the speaker spoke volumes for not going with 10 feet but increasing it to 25 feet.

**Board Action:**

Staff Recommends Approval. - PASS

**Vote Results**

Motion: Anthony Wayne Noha

Second: James Overton

James Blackburn - Not Present

Brian K. Felder - Aye

Lucy Hitch - Aye

Anthony Wayne Noha - Aye

James Overton - Aye

Coren Ross - Not Present

6. [12 Caretakers Lane-Marsh Buffer Setback Variance Request](#)

Attachment: [Staff Report.pdf](#)

Attachment: [Plot Plan.pdf](#)

Attachment: [Aerial Map.pdf](#)

Attachment: [Chatham County Department of Engineering Letter.pdf](#)

Present for the petition was: Terry Coleman, Agent & Terry Mundy, Architect

Marcus Lotson gave the following summary:

The petitioner is requesting approval of an eight foot marsh buffer setback variance for the purpose of providing vehicular access via an improved driveway to an undeveloped

residential property. There are no 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 8 foot setback variance request for 12 Caretakers Lane.

**Speaking on the petition:** Terry Coleman, agent, gave a brief history on the subject property and the path that brought him to this stage. He added that the DNR reduced the frontage of the property. This has placed a hardship on the property.

April Mundi, Architect and builder of the subject property, stated that they are down to 15 feet of useable space. She added that what was not shown in the pictures were the actual cable box and power cable. She explained the actual space needed versus the space that was available. She added that the developer never actually developed the lot but only added fill to it. This only allowed the marsh line to freely grow.

**Board Action:**

Approval of the petition - PASS

**Vote Results**

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

**IX. Other Business**

7. [Update of Board Member Expired Terms](#)

Mr. Lotson briefly discussed with the board that terms had expired for three of its members. He stated that a letter will be sent to the commission informing them of the expired terms and a request to appoint members to fill the vacancies. He asked those members whose terms had expired if they would continue to serve until a new replacement is appointed or that they are re-appointed.

Mr. Lotson also gave a status update on the UZO (Unified Zoning Ordinance). He stated that the Planning Commission is reviewing the ordinance chapter by chapter and commenting on it to staff and making revisions. The topic now is Uses and Use Conditions. This is being discussed during Regular MPC Meetings as well as Planning Meetings. He added that this process will be lengthy. He explained the process to the board and added that staff hopes to have the completed draft by the end of 2013.

## X. Adjournment

### 8. Adjournment of the November 27, 2012 CZBA Meeting

There being no other business to come before the board the Chairman declared the November 27, 2012 CZBA Meeting adjourned.

Respectfully submitted,

Marcus Lotson, Secretary

Note: Minutes are not official until signed.

***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.***