



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 A. Mendonsa Hearing Room  
110 E. State Street  
August 26, 2014 9:00 A.M.

**August 26, 2014 Chatham County Zoning Board of Appeals**

**Members Present:** Quentin Marlin, Chairman  
James Overton, Vice Chairman  
James Blackburn Jr.  
Coren Ross  
Wayne Noha  
Lucy Hitch

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

**Advisory Staff Present::** Robert Sebek, Chatham County Zoning Administrator

**I. Call to Order and Welcome**

**II. Notices, Proclamations and Acknowledgements**

**III. Petitions Ready for Hearing**

**IV. Approval of Minutes**

1. [Approval of the July 22, 2014 CZBA Meeting Minutes](#)

Attachment: [July 22, 2014 CZBA Meeting Minutes .pdf](#)

**Board Action:**

Approval of the July 22, 2014 CZBA Meeting Minutes. - PASS

**Vote Results**

Motion: Lucy Hitch  
Second: James Overton  
James Blackburn Jr. - Not Present

Lucy Hitch	- 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

##### 2. [2504 Nottingham Drive - Side Yard Setback Variance Request - B-140529-00054-1](#)

Attachment: [Tax Map.pdf](#)  
Attachment: [Elevations.pdf](#)  
Attachment: [Roof Plan.pdf](#)  
Attachment: [Street Views.pdf](#)  
Attachment: [Photos.pdf](#)  
Attachment: [Staff Report August 26.pdf](#)

**Present for the petition was:** Ervin and Charlotte Williams

Marcus Lotson gave the following summary:

Mr. Lotson gave a little background information regarding the petition to remind the board of the matters regarding this petition. He stated that petitioner is requesting a five foot side yard setback variance from the five foot requirement of the ordinance to accommodate the expansion of an existing single family residence. The petition was originally heard by the board on June 24, 2014 at this meeting the Board moved to continue this item so that the applicant could consider design alternatives. He added that the petitioner had previously constructed a masonry wall on the property line between his property and the adjacent residence without a building permit. At this point the petitioner proposed to extend the roof line over the adjacent wall which would create an encroachment. The petitioner, at the time was requesting a five foot side yard setback variance; however the roof overhang would encroach onto the neighboring property. At that time, staff recommended denial of the request. The board moved to continue the item in order to give the petitioner the opportunity to reconsider a redesign that would take him away from the neighboring property. Since that time the petitioner has hired a contractor.

**Speaking on the petition:** Dale Stewart, contractor for the petitioner gave a brief outline on the petitioner's proposed changes to the site. This would include the re-covering of the carport and extending the roof to the existing masonry wall (stopping half way across the wall) and putting in a six inch seamless gutter to divert the run-off water back into the

petitioner's yard.

**Lucy Hitch**, Board member questioned if there has been any communications, particularly in writing, received from the neighbor on whose property the existing wall now sits.

**Ervin Williams**, petitioner responded that the neighboring property owner was present at the previous hearing to speak in favor of his request but could not be present here today. However; she had informed him that she continues to support his petition.

**Lucy Hitch** stated that her concern was if the neighboring property owner decided to sell her property; because the wall is on the property line she would not be able to provide a clear title. She asked if anything had been provided in writing that had been drafted by an attorney that would provide some protection in that event.

**Mr. Williams** stated that the wall was not on his neighbor's property.

**Ms. Hitch** asked if staff had verification that the wall was not on the property line.

**Robert Sebek**, County Zoning Administrator stated that the petitioner was allowed to build to the property line; but that he had no knowledge as to whether or not the wall was on or over the property line. He added that the problem with the wall was that there was no permit given to construct it. He continued that if the board chooses to approve something similar to the petitioner's request, staff would in addition need an after the fact permit for the wall showing how it was constructed. Because staff has no way of determining what was there, it may require an engineer to sign off that the wall meets standards. If the contractor can confirm that the wall meets the standards this may be all that staff needs.

**Chairman Marlin** asked if Mr. Stewart was involved in the initial construction of the wall.

**Mr. Stewart** responded no. However, initially there was a roof over the area; when the roof was removed there were beams that were holding the roof was attached with hangers to the tops of 4x4s. and not to the wall itself.

**Lucy Hitch** re-iterated for clarity that when the roof was removed the 4x4s were visible.

**Mr. Stewart** responded yes. He added that the intent is not to place the roof load on the brick wall but to place it on the 4x4 posts.

**Chairman Marlin** questioned Mr. Stewart as to how confident he was regarding the gutter system. He stated concerns with run-off pouring onto the neighboring property and asked him to describe the system a little more.

**Mr. Stewart** described the system as a six inch seamless gutter with 3x4, 3inch x 4inch down spouts on either end with a 40 ft. wall.

**Coren Ross** asked if this was the type of system that has the screening on the top. She stated that she noticed some beautiful fig trees on the property and if there was the chance that the system could get clogged causing spillage over to the neighboring property.

**Mr. Stewart** responded that the screening was necessary especially with such huge trees and that the type of screening that he would be using would be the type that uses surface tension.

**Mr. Noha** asked if there had been any correspondence from neighboring property owners since the last meeting.

**Mr. Lotson** responded no.

**Mr. Overton** asked if the petitioner was replacing a roof and how long was the previous roof on. After the response from Mr. Williams of eight to ten years, he stated that it would have been required to have been committed eight to ten years ago and there is no record of this. If this was a new roof and not a replacement roof there would be a requirement for a variance. He asked what would be the required setback without a variance.

**Mr. Sebek** responded that a roof would be allowed to encroach two feet into the setback and at this point it would be a three foot variance although this whole structure goes out there. He then made the correction that the eave is allowed to encroach two feet into the setback in this case the entire structure is encroaching into the setback. So, this would require a five foot variance.

**Mr. Overton** confirmed that the staff recommendation for the requested variance was to deny. He asked staff what was the basis for this recommendation.

**Mr. Lotson** responded that the primary basis for staff recommendation was: the existing masonry wall which was constructed without a permit causes some potential liability issues associated with the construction in its future. Any addition to that, staff felt would be inappropriate.

**Mr. Overton** asked if the petitioner obtained an engineer's certificate stating that the wall was capable of supporting the added roof structure would this be sufficient to alleviate staff concerns regarding the structural safety of the wall.

**Mr. Lotson** stated that this would relieve his concerns regarding the safety of the wall; however, he did not believe that it meets the intent of the ordinance relative to setbacks.

**Mr. Noha** stated that he was not present at the first meeting when this application was reviewed; he asked what were the concerns, if any, of the neighbors at that point.

**Mr. Lotson** responded that the only person who spoke regarding this petition was the person whose property is immediately adjacent to the wall. The property is owned by a church and the pastor of that church resides in the property; she indicated that she does not have any issues with Mr. Williams' proposal.

**Mr. Overton** commented that he was aware that staff had not done an extensive survey on this particular neighborhood or subdivision but he asked if staff could estimate on how many conditions there were like this where the structure was built to the property line.

**Mr. Lotson** responded that it was not uncommon in a lot of the neighborhoods throughout the county where structures like this existed. This type of project is usually a weekend type project and there is no survey so staff is not aware of where they are relative to property lines. By a visual inspection, they appear to be very close or on the property line in many cases.

**Ms. Hitch** stated that in her opinion Mr. Williams may want to ask for another continuance in order to have the law verified that it is structurally sound and what other concerns that the county has.

**Mr. Overton** asked if the board were to approve this item could they ask that it be contingent upon staff receiving a engineering report and not have this item return before the board.

**Ms. Charlotte Williams**, Co-applicant questioned if the board will not approve the proposed changes presented will they allow the petitioner to return the property to way it was prior to construction.

**Bob Sebek**, commented if the board decides to approve this item as submitted today, rather than compel the Williams to incur the expense of having an engineer inspect this, he would like the opportunity to have the contractor meet with a member of his staff on the site to determine whether or not this would be satisfactory. However, if it can be confirmed that it meets the requirements the Williams may have to go to the next step.

**Board Action:**

Approval of the submitted plans as shown  
contingent upon approval of BSRS personnel - PASS  
accepting the wall as structurally sound and if  
found not to be so, the petitioner will receive  
proper documentation needed from an engineer.

**Vote Results**

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

**VIII. Regular Agenda**

3. [513 Suncrest Boulevard - File No. B-140729-00069-1](#)

Attachment: [Staff Report.pdf](#)  
Attachment: [Aerial - Suncrest Blvd.pdf](#)  
Attachment: [Suncrest Plat.pdf](#)  
Attachment: [Elevations and Floor Plans.pdf](#)  
Attachment: [Tax Map.pdf](#)  
Attachment: [Photos.pdf](#)  
Attachment: [Correspondence from Adjacent Property Owner.pdf](#)  
Attachment: [Letter from Thomas Lamas.pdf](#)

Present for the petition was: Bart Redmond, Agent

Marcus Lotson gave the following summary;

The petitioner is requesting a variance to Section 3-6 of the Chatham County Zoning Ordinance which governs accessory buildings. The request is being made due to the impending construction of a proposed single family residence on the same lot as an existing residence. The subject property is located at 513 Suncrest Boulevard within the R-I-C/EO (one family residential / environmental overlay) district. A single dwelling unit is currently on the property which consists of a two story building with a three bay garage on the ground floor and a residence on the upper floor. The petitioner would like to construct a new single family residence on the marsh side of the lot. In order to do so the existing residence would have to be decommissioned to become an accessory structure. Under the accessory structure guidelines of the ordinance accessory structures are allowed to be 900 square feet maximum and one story in height this structure exceeds both of these maximums. Staff recommends **denial** of the variance request.

**Speaking on the petition:** Bart Redmond, agent for the petitioner gave a brief summary of his proposal. He stated that the petitioner would like to decommission the garage apartment and turn it into a family recreation room keeping the garages in tack. He added that their options are in the regulations.

**Mr. Noha** asked Mr. Redmond if he knew whether or not the lots could be subdivided which would allow both homes to exist.

**Mr. Redmond** responded that it had not been looked into at this point but this home would need a septic tank and a well. He stated that he would have to have a secondary drain field option.

**Mr. Overton** questioned if the petitioner wanted to add a pool in the future would there be enough land here to add the pool without coming back before the board requesting another variance.

**Mr. Redmond** responded that at this point his client has not considered a pool addition. But at the request of the board they would take it under advisement. However; the question before this board today is whether or not there will be a breezeway on the subject property.

**There was a brief period of questions and answers from the board.**

**Jeff Ansley**, neighboring property owner voiced his concerns regarding the changes that

may be allowed to the subject property. He informed board members that since 1995 he has had to pay high taxes due to the fact that when he has made the same request as the petitioner he has been denied.

**William Donaldson Jr.** neighboring property owner stated that his concern was the properties becoming more than single family homes. He stated that it did not matter how large or how small the homes were only that they remain single family homes.

**Judith Lames**, surrounding property owner stated that her concern was that the R-1-C zoning remains as is. She added that the rental was on the lot line and that she did not want the subject property to become rental property.

**Cathleen Ansley**, neighboring property owner stated that she was opposed to the petitioner's request due to the fact that they can subdivide the property. If the property is subdivided this may open the property to becoming a rental property. She concluded that she did not want to see rental property on this island.

There was a brief period of board discussion.

**Board Action:**

**Denial** of the variance request to exceed the height and square footage for accessory structures. - FAIL

**Vote Results**

Motion: James Blackburn Jr.  
Second: James Overton  
James Blackburn Jr. - Aye  
Quentin L. Marlin - Nay  
Lucy Hitch - Nay  
Anthony Wayne Noha - Nay  
James Overton - Aye  
Coren Ross - Nay

**Board Action:**

Approval of the variances request to exceed the height and square footage for accessory structures. - PASS

**Vote Results**

Motion: Lucy Hitch  
Second: Coren Ross  
James Blackburn Jr. - Nay

Lucy Hitch	- Aye
Quentin L. Marlin	- Aye
Anthony Wayne Noha	- Aye
James Overton	- Nay
Coren Ross	- Aye

4. [15 Government Road - File No. B-140725-00065-1](#)

Attachment: [Staff Report.pdf](#)  
Attachment: [Tax Map.pdf](#)  
Attachment: [Sketch Plan.pdf](#)  
Attachment: [Aerial - Government Rd.pdf](#)  
Attachment: [Building Elevations.pdf](#)

Present for the petition was: Jeff Whitlow, Agent for Laurie DeVegter

Marcus Lotson gave the following summary:

The petitioner is requesting a 20 foot front yard setback variance from the 55 foot requirement of the ordinance to construct a new single family residence. Government Road is approximately 16 feet wide where it abuts the property. The substandard right of way width impacts the buildable area of the lot and there are no other developed lots on the north side of Government Road to serve as a point of reference. The infrequent use of the road suggests that any impacts caused by a variance to the setback standard would be negligible. Staff recommends **approval** of the petitioner's request.

**Speaking on the petition:** Laurie DeVegter, property owner stated that she has communicated with her neighbors to let them know her plans but she did not know exactly when the property was subdivided. She added, if needed she would gather this information to present to the board at a later time.

**Board Action:**

Staff recommends **approval** of the 20 foot front yard setback variance for 15 Government Road. - PASS

**Vote Results**

Motion: James Blackburn Jr.  
Second: Anthony Wayne Noha

James Blackburn Jr.	- Aye
Lucy Hitch	- Aye
Quentin L. Marlin	- Aye
Anthony Wayne Noha	- Aye
James Overton	- Aye
Coren Ross	- Aye

**IX. Other Business**



5. Potential Fill of Board Vacancy

Mr. Lotson informed board members that staff has received a letter through the County Clerk's office regarding filling of the vacancy on this Board. Attorney Daniel Jenkins, from the Law Firm of Karsman, McKenzie & Hart, has applied for the vacant seat. He added that staff will follow up with the clerk's office in following this process if he is selected.

**X. Adjournment**

6. Adjournment of the August 26, 2014 Chatham County Zoning Board of Appeals

There being no other business to come before the board, Chairman Marlin declared the August 26, 2014 Chatham County Zoning Board of Appeals Meeting adjourned.

Respectfully submitted,

Marcus Lotson, Secretary

**Note: Minutes are not official until signed.**

/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.*