



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
February 25, 2014
Minutes

February 25, 2014 Chatham County Zoning Board of Appeals

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

Members Not Present: Lucy Hitch

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

Advisory Staff Present: Robert Sebek, Chatham County Zoning Administrator
 Jeff Kirkland, County Engineer

I. Call to Order and Welcome

II. Notices, Proclamations and Acknowledgements

III. Petitions Ready for Hearing

IV. Approval of Minutes

1. [Approval of the January 28, 2014 CZBA Meeting Minutes](#)

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. [1 Bloomsbury Place - B-131202-00109-1 - Height Variance Request](#)

Attachment: [Bloomsbury Aerial.pdf](#)

Attachment: [Tax Map.pdf](#)

Attachment: [Elevations.pdf](#)

Attachment: [1 Bloomsbury Feb Staff Report.pdf](#)

Marcus Lotson gave the following summary;

This petition is a continuance from the last meeting January 28, 2014. The public hearing was continued in order to allow the applicant to research the General Declaration of Covenants and restrictions of the Landing Association relative to building height. The petitioner, James Reardon, for Wes and Emily Stone, is requesting approval of a 4 foot height variance from the 36 foot maximum allowed by the Chatham County Zoning Ordinance for a new single family residential structure. The County Zoning Ordinance permits a maximum height of 36 feet for single family residential structures. The proposed residence is similar in square footage and height to adjacent properties. Due to lot size and mature trees which create a visual buffer, the proposed additional height is unlikely to negatively impact adjacent properties. Staff recommends **approval** of the four foot height variance request for 1 Bloomsbury Place.

Ms. Ross stated that she had some concerns regarding this property last month and that she took those concerns to the neighboring property owners. After some discussion with those neighbors they too have decided that they have no objections to the requested variance.

Board Action:

Approval of the requested four foot height variance for One Bloomsbury Place - PASS

Vote Results

Motion: James Overton

Second: Coren Ross

James Blackburn Jr. - Aye

Quentin L. Marlin - Aye

Anthony Wayne Noha - Aye

James Overton - Aye

Coren Ross - Aye

VIII. Regular Agenda

3. [816 Wilmington Island Road - B-140122-00004-1 - 10 foot marsh buffer setback variance](#)

Attachment: [staff rpt.pdf](#)

Attachment: [Maps.pdf](#)

Present for the petition:

Marcus Lotson gave the following summary;

The petitioner is requesting approval of a 10 foot marsh buffer setback variance from the 35 foot requirement of the Chatham County Zoning Ordinance in order to construct an in ground swimming pool within an R-1-A (One family residential) zoning district. In reviewing the plans submitted, staff feels that there are redesign alternatives available to the petitioner. Based on those findings, staff is recommending denial of the request.

Speaking on the petition: Stephen Jackson, Attorney for Dr. Mark Kamaleson, stated that his client purchased the property with the intent to add a swimming pool. The owner's intent was to build a pool outside the 25 foot buffer. Mr. Jackson stated that it would be difficult to meet the 35 foot buffer requirement. He asked that the designer, Mr. Jeffrey Kramer, be allowed to address the board with the specifics.

Mr. Blackburn, Jr. asked if the area from the house to Wilmington Island Road developed?

Mr. Lotson stated no.

Mr. Blackburn, Jr. asked if there was at least 2 acres of land undeveloped?

Mr. Lotson responded that there was a substantial amount. He said he talked to the petitioner; it was not typical in this area to construct pools in the front yard. However, staff believed there was a substantial amount of area in the backyard to construct a pool without infringing into the marsh setback.

Mr. Noah asked the year the house built?

Mr. Lotson responded that it was built in 2007, but there was a home on the property that was razed.

Mr. Noah questioned as to what year did the requirements change to the standard 35 foot?

Mr. Lotson responded 2010.

Mr. Noah asked since there was a home there, it would have made the 50 foot setback ?

Mr. Lotson responded, yes.

Mr. Stephen Jackson, Attorney stated with regard to the hardship, when the petitioner purchased the property in 2007 his intent was to put a pool on the property at a later date using the 25 foot setback.

Mr. Noah stated that the setback would have been 50 feet at the time the petitioner purchased the property because there was a home on the property. He said that just because the house is demolished does not mean that it would be under the 25 foot.

Mr. Jackson stated his clients have a large family. He said with regard to the design, a lot of attention was given to safety for the area around the pool. They have six children and the goal was to provide a safe area and be able to use the area in the back of the home. He said they were requesting the 10 foot encroachment so DNR would have the 25 feet from the existing seawall.

Mr. Jeff Kramer stated it was mentioned that the lot is big but there is also a big house on the lot. He said the house was designed to have a pool in the back. He said it was his understanding that the setback requirement was changed years later. On the design, the blue line represented the 35 feet. And if you pulled the pool back towards the house it would be tight. He said the pool was larger than average but the house was also larger. If you took the pool and knocked off 10 feet then add the spa and children's pool across the house and the steps it would be tight. He said they also had a safety glass to prevent the children from going into the pool. He said there was only 8½ feet from where the pool started and the deck ended.

Ms. Ross asked if he was the architect on the house?

Mr. Kramer responded no.

Mr. Noah stated the garage looked like it was setback about 5 feet or 10 feet from the main house. He said the pool may fit in that area.

Mr. Cramer stated he felt if you downsized the pool it would not match the house. Also, with the two winged steps and slide everything horizontally, he felt you would be in the pool when you came down the steps.

Ms. Ross stated that the aesthetics and the design of the house did not create a hardship.

Mr. Jackson stated the goal for his clients was to provide a safe place for the children.

Mr. Kramer stated most places like gated communities don't allow pools in the front yard.

Ms. Ross stated she felt there was enough room for the pool in the backyard.

Mr. Noah stated the ordinance says "that the minimum building setbacks from the marsh line shall be 50 feet. However, this should not apply to lots of record at the time of enactment of this provision having no residential structure on it." He said this was at the 50 foot.

Mr. Sebek stated that was the old ordinance; this was in effect at the time the house was built.

Mr. Noah stated and now they were under the 35 foot. He said section 2 of the ordinance says that the "minimum riparian buffer shall be 35 feet." He asked if that changed?

Mr. Lotson stated that was correct.

Mr. Noah stated in general he understood that everyone who lived on the water wanted to have the view. Oftentimes, they forget that later they may want to put in a pool or add a deck. He said the petitioner has at least 600 feet in front of the house to the road. He said he felt if the house was moved 10 or 20 feet it would have allowed more use of the front yard or the river side. He said the standards were set at 35 feet a couple of years ago for a reason – consistency.

Board Action:

Denial of the ten foot marsh buffer setback variance from the 35 foot requirement. - PASS

Vote Results

Motion: James Blackburn Jr.

Second: Coren Ross

James Blackburn Jr. - Aye

Quentin L. Marlin - Aye

Anthony Wayne Noha - Aye

James Overton - Aye

Coren Ross - Aye

4. [1 Adams Point - B-140122-00005-1 - Variance to Section 3-3 of the Zoning Ordinance](#)

Attachment: [Photos One Adams point.pdf](#)

Attachment: [One Adams Point.pdf](#)

Attachment: [Tax Map.pdf](#)

Attachment: [Staff Report.pdf](#)

Marcus Lotson gave the following summary;

The petitioner is requesting a variance to section 3-3 of the ordinance which requires that only one electrical meter per residential lot be allowed. This property is located at 1 Adams Point within the Landings subdivision. The property was before the Board in June 2013 and the petitioner received two variances related to the construction of the detached garage. They received a 152 square foot variance to the 900 square foot maximum for accessory structures in front yards as well as a height variance. The petition before the Board was a request to vary the standard so that a second electrical meter could be placed on that same structure. From staff's perspective there needs to be some compelling reason for a second meter to be allowed. It was staff's understanding that the general reason for this requirement was to avoid multiple dwellings being established in single family neighbors. Although, staff does not believe this to be the case with this petition, staff was not provided any compelling reason to vary the ordinance. Therefore, staff recommends denial of the petitioner's request.

Mr. Noha questioned if staff had received any correspondence from The Landings Association regarding this petition.

Mr. Lotson responded that he had not, but typically this was not something that the Association would weigh in on.

Mr. Overton questioned why the petitioner would request a separate meter.

Mr. Lotson stated that in conversation with the petitioner his explanation was the cost and difficulty of running the existing meter from the home to the accessory structure. In addition, he talked with Building and Safety and it was estimated about 150 feet to do that, but still did not believe that it was an extreme distance.

Mr. Overton affirmed that it was more based on cost as opposed to topography.

Mr. Lotson responded yes.

Mr. Overton asked if it was a two-story structure?

Mr. Lotson responded, 1½ story with multi-car garage and storage above.

Mr. Noah explained that the power usually comes down a common line and split. He said the house in question would probably be on the left side. Usually, the meter was not 5 feet from where it came into the house. He said usually its more towards the interior. He understood the difficulty of getting power from the interior of the home moved over.

Mr. Lotson stated the purpose for this requirement in the ordinance was not likely to be infringed upon in this case because of where it was located. And it was not likely that this was going to be converted into a residence.

Mr. Noah asked if the sign was properly posted?

Mr. Lotson responded that it was.

Mr. Marlin asked if there was anyone from the public wanting to speak?

There was no one present.

There was brief period of comments, questions and concerns from the board.

Board Action:

Petition continued to the next schedule meeting, March 25, 2014. - PASS

Vote Results

Motion: Anthony Wayne Noha

Second: Coren Ross

James Blackburn Jr. - Nay

Quentin L. Marlin - Aye

Anthony Wayne Noha - Aye

James Overton - Aye

Coren Ross - Aye

Attachment: [Staff report.pdf](#)
Attachment: [Maps.pdf](#)

Present for the petition:

Marcus Lotson gave the following summary;

The petitioner is seeking a variance to Section 3-3 of the Chatham County Zoning Ordinance in order to allow a second electrical meter on a single lot of record. The subject property is an approximately fifty acre parcel of land located north of Interstate 16 near the City of Bloomingdale in unincorporated Chatham County. The development pattern in the vicinity of the subject property is characterized by large rural lots some of which are developed with single family residences, also a number of large tracts of undeveloped land. The petitioner intends to construct a new single family residence on the northern portion of the lot. The proposed home site is approximately 600 feet north of the current meter making it impractical to create a physical connection to the current meter. Staff recommendation is for approval.

Speaking on the petition: Gregory Jacobs, property owner informed board members that he was not aware that on his fifty acres he could not have a separate meter. He explained what he was told by the electric company on how the meter would be put in but once he applied for the permit for the barn he was told that he would need a variance. Thus he has come before this board to request a variance. He ask that his request be approved.

Board Action:

Approval of the requested variance to allow a second electrical meter on a single lot of record. - PASS

Vote Results

Motion: James Blackburn Jr.

Second: James Overton

James Blackburn Jr. - Aye

Quentin L. Marlin - Aye

Anthony Wayne Noha - Aye

James Overton - Aye

Coren Ross - Aye

IX. Other Business

X. Adjournment

6. [Adjournment of the February 25, 2014 CZBA Meeting](#)

There being no further business to come before the board Chairman Marlin declared the February 25, 2014 CZBA meeting adjourned

Respectfully submitted,

Marcus Lotson, Secretary

Note: Minutes are not official until signed.

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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.