



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
9:00 A.M 110 East State Street
Minutes

July 1, 2014 CZBA RESCHEDULED MEETING

Members Present: Quentin Marlin, Chairman
James Overton, Vice Chairman
Coren Ross
Lucy Hitch

Members Not Present: James Blackburn Jr.
Wayne Noha

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

Advisory Staff Present: Robert Sebek, Chatham County Zoning Administrator
Jeff Kirkland, Chatham County Environmental Program Coordinator

I. Call to Order and Welcome

II. Notices, Proclamations and Acknowledgements

III. Petitions Ready for Hearing

IV. Approval of Minutes

1. [Approval of the May 27, 2014 CZBA Meeting Minutes](#)

Attachment: [May 27 CZBA Meeting Minutes.pdf](#)

Board Action:

Approval of the May 27, 2014 CZBA Meeting Minutes as submitted. - PASS

Vote Results

Motion: James Overton
Second: Coren Ross

James Blackburn Jr.	- Not Present
Lucy Hitch	- Aye
Quentin L. Marlin	- Aye
Anthony Wayne Noha	- Not Present
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

2. [5 Vestry Lane - Rear Yard Setback Variance Request - B-140530-00055-1](#)

Attachment: [Staff report.pdf](#)

Attachment: [Vestry Lane Site Plan.pdf](#)

Attachment: [Tax Map.pdf](#)

Attachment: [Photos.pdf](#)

Attachment: [Correspondence from The Landings ARB.pdf](#)

Present for the petition was: Mr. Stephen Brennen, Agent

Mr. Marcus Lotson gave the following summary;

The petitioner is requesting a 4 foot rear yard setback variance from the 25 foot requirement to enclose an existing deck. The Landings Architectural Review Committee (ARC) has approved the development plans. The area of the proposed encroachment is not visible from any of the developed lots. The property abuts common area on the south and west sides and a substantial wooded buffer exists in this area. Staff recommends **approval** of the 4 foot rear yard setback variance from the 25 foot requirement for 5 Vestry Lane.

Speaking on the petition: Stephen Brennen, agent stated that he would not be abutting any of the residential lots nor would there be the removal of any surrounding trees. He added that the addition would look just like the existing structure.

Board Action:

Approval of the 4 foot rear yard setback variance. - PASS

Vote Results

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

Present for the petition was:

Mr. Marcus Lotson gave the following summary;

3. [2504 Nottingham Drive - Side Yard Setback Variance Request - B-140529-00054-1](#)

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

Present for the petition were: Ervin and Charlotte Williams, Petitioners

Mr. Marcus Lotson gave the following summary:

The petitioner is requesting a 5 foot side yard setback variance from the 5 foot requirement for the subject property located at 2504 Nottingham Drive. The property is one quarter acre in size and is developed with a single family residence constructed in 1985. The petitioner constructed a masonry wall sometime after 2008 on the east side of the residence without a building permit. The area was then covered to serve as a carport. Subsequently, the petitioner sought to replace and integrate the roof of the residence and the carport which came to the attention of the Zoning Administrator. As the masonry wall was built on the property line, the roof overhang now encroaches onto the neighboring property. Relief is sought to address a non compliant construction project which was underway on the site. Chatham County Building Safety and Regulatory Services halted the project due to non compliance. As currently designed, the project encroaches onto the neighboring property. Staff recommends **denial** of the five foot side yard setback variance request for 2504 Nottingham Drive.

Mr. Sebek, Chatham County Zoning Administrator informed the Board that county staff does not typically require a site plan for a roof replacement. Staff was not aware of what was being built until one of the inspectors went out to the site. He stated that the permit is on hold because of this issue. The county would not issue a permit where it is indicated that there would be a crossing over of the property line even if it were owned by the same owner. In the event that it was the same owner he would be required to do a recombination in order to ensure that the structure is on one parcel.

Speaking on the petition: Mr. Ervin Williams, petitioner stated that the improvements that he began were approved by the county. He presented copies of the submitted roof plan. He also presented pictures of the subject property and surrounding properties in the neighborhood. He explained how he reached the point to where a "Stop Work Order" was placed on the property and stated that at this

point he only wanted the roof replaced so that he could protect his property from further damage.

There was a period of discussion from the Board. In summary, the Chairman stated that the plans that were submitted did not show the property line nor did it show that it was an addition. Though the plans were approved, they were not approved to encroach along the property line. He continued that the Board does not have the authority to grant approval to encroach onto another property line.

Mr. Overton stated that at this point he did not think that the board had enough information in order to make a decision. He suggested to staff if the Board as a body could ask the County Inspections Department and the Building Permit Department to convene with Mr. Williams to see if there was some way to adjudicate this matter.

Mr. Lotson commented that it has been the Board's position that these petitions are dealt with on a case by case basis. The Board does not look at properties creating a precedent for other properties as it relates to development standards. Each one is on an individual basis. He added that if Mr. Williams met with county staff and if his architect was still available and possibly his contractor there maybe a design alternative that would allow him to enclose his roof; as to whether or not he could create a carport based on where the current masonry wall is---that would require a variance. He concluded that the setbacks are there for a reason and that reason is evident at this hearing.

Speaking on the petition: Doreen Small, Pastor of neighboring church property, 2506 Nottingham Dr. stated that though she was not an expert in real-estate, zoning, or property guidelines, on behalf of the church she was in support of the petitioner's request. She stated that she did not have a problem with Mr. Williams' encroachment onto the church's property.

Mr. Lotson added that there were a couple of remedies that the subdivision ordinance would allow if Mr. Williams were to acquire a portion of the adjacent property and recombine the property with his; 1) he would then have a little more width to work with and; 2) he would be able to meet the setback requirements. Both remedies, he added are possible if the church and Mr. Williams came to an agreement; whether it be an easement or of acquisition of a portion the property.

Mr. Sebek added that if Mr. Williams only wanted to finish the existing roof with shingles he could acquire a permit very quickly. This could be done in the same day.

Chairman Marlin informed the petitioner that the Board had lost its quorum and would not be able to vote on this petition today. He explained that the options would be to continue the petition to the next scheduled meeting; July 22, 2014 or if the petitioner felt that he needed more time it could be scheduled to the August 26th meeting.

Board Action:

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Vote Results

Motion:

Second:

IX. Other Business

4. Status Update of Board Member Terms and Vacancy

Mr. Overton asked how many members constituted the CZBA Board and what would be the process to fill the vacancy.

Mr. Lotson explained the process and assured Board members that he would speak with Mr. Thomson, MPC Executive Director regarding their concern.

X. Adjournment

5. Adjournment of the July 1, 2014 Rescheduled CZBA Meeting

There being no other business to come before the Board, Chairman Marlin declared the July 1, 2014 Chatham County Zoning Board of Appeals 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.