



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
May 27, 2014 9:00 A.M.
Minutes

May 27, 2014 Chatham County Zoning Board of Appeals

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

Members Not Present: Lucy Hitch
Coren Ross

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

Advisory Staff Present: Robert Sebek, Chatham County Zoning Administrator

I. Call to Order and Welcome

1. [Call to Order](#)

Chairman Quentin Marlin called the May 27, 2014 CZBA Meeting to order

II. Notices, Proclamations and Acknowledgements

III. Petitions Ready for Hearing

IV. Approval of Minutes

2. [Approval of the April 22, 2014 CZBA Meeting Minutes](#)

Attachment: [April 24th CZBA Meeting Minutes .pdf](#)

Board Action:

Approval of the April 22, 2014 Chatham County

Zoning Board of Appeals Meeting Minutes as submitted. - PASS

Vote Results

Motion: Anthony Wayne Noha

Second: James Blackburn Jr.

James Blackburn Jr. - Aye

Quentin L. Marlin - 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. [108 Shipyard Road - B-140425-00047-1 - Request for Use Approval](#)

Attachment: [Staff Report.pdf](#)

Attachment: [Photo.pdf](#)

Attachment: [Aerial View.pdf](#)

Attachment: [Tax Map.pdf](#)

Present for the petition was: Attorney Parker Morgan

Marcus Lotson gave the following summary:

The petitioner, Harold Yellin, Agent for Claude Shore Sr. is requesting use approval for Use #61c of the Chatham County Zoning Ordinance with the intent of establishing a package store at 108 Shipyard Road Suite C. Section 4-5.2 of the Ordinance requires that Zoning Board of Appeals approval be granted prior to establishing this use when the property lies within a BN (neighborhood-business) zoning district. The intent of the BN zoning district is to provide convenient shopping facilities consisting of convenience goods and personal services in neighborhood market areas of from three thousand (3,000) to five thousand (5,000) people. Within the shopping center there are restaurants that sell alcohol by the drink as well as a convenience store that sells beer and wine by the package.

Staff finds that the petition does not conflict with any of the criteria set forth therein and is likely to have negligible impacts, if any, on the surrounding area and the community at large and is recommending approval of the petitioner's request.

Mr. Noha asked that the record show that he would recuse himself due to his affiliation with the

petitioner.

Speaking on the petition: Attorney Parker Morgan stood for Attorney Harold Yellin who is the agent for Mr. Claude Shore. Mr. Morgan stated that he did not have much to add to the staff report that was presented by Mr. Lotson. However he did add that the petitioner would have to continue on to County Commission for alcohol licensing. He asked if there were any questions from the Board, he would gladly answer.

Jamal Barrow, concerned neighborhood resident stated that he was opposed to the opening of a package store in the area. He stated that though the Patels are responsible business owners, a package store would not be appropriate in this area. He listed his concerns as; 1) the impact the business would have on the young children in the neighborhood; 2) safety; 3) the decline of property value.

Mr. Morgan responded to Mr. Barrow's concerns stating that there were other commercial businesses in the neighborhood that sold beer and wine and that all of his concerns would be heard through the police department as part of the alcohol licensing approval process. He added, in his opinion, approval of the proposed use would not cause a decline in property value.

There was a brief period of discussion between board members and staff.

Board Action:

Approve the staff recommendation to establish Use # 61c at 108 Shipyard Road Suite C. - PASS

Vote Results

Motion: James Overton

Second: James Blackburn Jr.

James Blackburn Jr. - Aye

Quentin L. Marlin - Aye

Anthony Wayne Noha - Abstain

James Overton - Aye

Coren Ross - Not Present

4. [818 Perry Cove - B-14024-00045-1 - Marsh Buffer Setback Variance Request](#)

Attachment: [Staff Report 0521.pdf](#)

Attachment: [County Engineering and DNR Letters.pdf](#)

Attachment: [Sketch Plan.pdf](#)

Attachment: [Tax Map.pdf](#)

Attachment: [Photos.pdf](#)

Present for the petition was: Mr. William Shira

Mr. Marcus Lotson gave the following summary;

The petitioner is requesting a 34 foot marsh buffer setback variance from the 35 foot

requirement of the Chatham County Zoning Ordinance in order to construct a 3 1/2 foot high wooden retaining wall. In October of last year, the applicant filed a petition for and received a variance for the construction of an access drive at the subject property. The property at that time was not developed. The property is now in the process of being developed as a single family residence. The proposed wall would be constructed on the east, north and west sides of the property. Staff is in agreement with the Chatham County Engineers' office that a retaining wall should not be built at this location as a retaining wall generally redirects moving water to adjacent properties and increases the rate of erosion. The property was developed as a single family residence and no evidence has been submitted that suggest a retaining wall is a necessity at the subject property. Staff recommendation is **denial**.

Speaking on the petition: William Shira, petitioner thanked board members for allowing him to present his proposal. He presented pictures of a neighboring retaining wall and explained that he would also like to construct something similar in order to help delineate his property. He added that by outlining the boundary, it would help to provide safety for his grandchildren during their stay over. There was brief discussion with the board where the petitioner presented additional diagrams of the proposed wall and informed the board of previous conversations held with Mr. Kirkland of the Chatham County Engineering Department regarding his proposal. He stated that Mr. Kirkland advised him on what steps to take during this process and he was under the impression that his request would be approved by staff. He concluded that he has spoken with neighboring residents and there were no objections to his request. He asked that the petition be approved as submitted.

Board Action:

Approve the petitioner's request. - PASS

Vote Results

Motion: Anthony Wayne Noha

Second: James Overton

James Blackburn Jr. - Nay

Anthony Wayne Noha - Aye

Quentin L. Marlin - Aye

James Overton - Aye

Coren Ross - Not Present

IX. Other Business

5. [Discussion Regarding DNR Determination](#)

Board members voiced concerns and questions regarding a recent newspaper article entitled: Marsh Buffer Revision Changes Little in Chatham County.

Bob Sebek, County Zoning Administrator summarized the article. He explained that in areas that do not have a local jurisdiction to determine state waters, DNR has been making that determination; but apparently DNR has not been measuring from the wretched vegetation but from the marsh line. Chatham County's procedure has been to measure from wretched vegetation. He concluded that the DNR buffer only applies to construction and erosion control during construction whereas Chatham County buffer applies to the property.

X. Adjournment

6. [Adjournment of the May 27, 2014 CZBA Meeting](#)

There being no other business to come before the Board, the chairman declared the May 27, 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.