



Chatham County Zoning Board of Appeals

CHATHAM COUNTY COMMISSION CHAMBERS
November 26, 2019 - 9:00 AM
Minutes

November 26, 2019 Chatham County Zoning Board of Appeals Meeting

This is a quasi-judicial proceeding. All those wishing to give testimony during these proceedings will please sign in. Witnesses will be sworn-in prior to giving testimony. All proceedings of the Chatham County Zoning Board of Appeals are recorded.

Decisions of the Chatham County Zoning Board of Appeals are final. Challenges to the decisions of the Chatham County Zoning Board of Appeals must be filed through the Superior Court of Chatham County.

Note: All persons in attendance are requested to so note on the "Sign-In Sheet" in the meeting room on the podium. Persons wishing to speak will indicate on the sheet.

I. Call to Order and Welcome

II. Notices, Proclamations and Acknowledgements

III. Petitions Ready for Hearing

IV. Approval of Minutes

1. Approval of the September 24, 2019 Meeting Minutes

☞ [September 24, 2019 Meeting Minutes.pdf](#)

Minutes were approved as submitted.

Motion

Approve minutes as written.

Vote Results (Approved)

Motion: Coren Ross

Second: James Coursey

James Blackburn, Jr. - Not Present

James Coursey - Aye

Quentin Marlin - Aye

Lucy Hitch - Aye

Coren Ross - Aye

Meredith Stone - Aye

David Simons - Aye

V. Item(s) Requested to be Removed from the Final Agenda**VI. Consent Agenda****VII. Old Business****VIII. Regular Agenda****2. 29 Sparnel Road - B 191021-00115-1 - Marsh Buffer Setback Variance**

☉ [Tax Map.pdf](#)

☉ [Aerial.pdf](#)

☉ [Application 00015.pdf](#)

☉ [Site Plan.pdf](#)

☉ [Neighborhood Context.pdf](#)

☉ [Staff Report-0015.pdf](#)

☉ [CMPA LineVerification Letter.pdf](#)

Ms. Candra Teshome, MPC Planner, stated the petitioner is requesting a 15 foot marsh buffer setback variance from the 35 foot requirement of section 4-12 of the Chatham County Zoning Ordinance. The property in question is a conforming lot of record and is approximately 7,100 square feet in size with an average depth of approximately 125 linear feet. The petitioner's intent is to construct a new single-family residence on the property. The property is adjacent to marsh along the rear property line, as many properties in the southwest portion of Skidaway Island, and therefore is subject to Chatham County's 35-foot marsh buffer setback. The existing residences within this portion of the subdivision were constructed as a part of The Landings Phase III. The marsh front lots here are now mostly developed. In the immediate vicinity along Sparnel Road, the subject lot is one of only two remaining undeveloped lots, and the only marsh front lot yet to be developed. Many of the neighboring properties, some of which appear to not meet the current marsh buffer requirements, were built in the early to mid-1990s before marsh buffer regulations were established in Chatham County. As currently designed, a portion of the rear of the proposed structure encroaches into the required setback. The undulating nature of the marsh line has a more significant impact on the subject property than other properties in the vicinity. Although the lot is buildable under the current setback requirements, a smaller footprint than is typical in the area would be required.

Ms. Teshome read an email received from Ms. Ardis Wood stating that the request for a 42% decrease in the allowable setback is substantial. Presumably, there is a good reason to have the present zoning. To so change it seems like poor judgement.

Ms. Lucy Hitch, Board Member, asked if any of the other adjoining properties were in the marsh setback.

Ms. Teshome, stated she did not have access to any surveys for the adjoining properties.

Mr. Quentin Marlin, Board Chairman, asked if any other design alternatives have been discussed with the petitioner that would not encroach 15 feet?

Ms. Teshome, stated no, not by our office.

Mr. James Blackburn, Board Member, stated that the Board has a general policy to not approve any encroachments.

Mr. Robert McCorkle, agent for the petitioner, stated his client is wanting to construct a single family home on an empty lot. The lot is much smaller and more oddly shaped than the surrounding properties. The marsh line comes up into this lot directly, unlike the surrounding neighbors. We have had the jurisdiction marsh line confirmed by the State of Georgia. Without the variance, it's likely that this lot could not be developed for a single family residence that would be comparable in size or nature to the other lots that surround it. The State of Georgia's marsh setback variance for this lot has been waived. Chatham County Department of Engineering has confirmed through our application with Mr. Alton Brown, that in fact we do qualify for the variance for the State of Georgia. So, there is no 25 foot state setback variance in this case. In these cases in the past, we

have been successful getting relief from the County's 35 foot setback requirement. At the time when most of these homes were constructed, there wasn't a County 35 foot setback requirement. We are asking 15 feet of the 35 feet and leaving the 25 feet. We ask the Board to support staff's recommendation for approval.

Ms. Meredith Stone, Board Member, asked if they have any architectural plans of what's proposed to be built.

Mr. McCorkle, stated no.

Mr. Jim Coursey, Board Member, asked if they were all the way to the front setback.

Mr. Blackburn replied no, 10 feet off of it.

Mr. McCorkle stated they have a revised version that shows the house pushed back to the front yard setback.

Public Comments:

Mr. Randy Parsons, neighbor, stated he has some concerns about how far the tide comes up into this lot. It goes up at least 20 feet into the lot. Before a structure can be built, they need to bring in a minimum of 30 truck loads of fill dirt and that is going to push the water that comes on that lot somewhere. We already get water on our property. Mr. Parsons submitted a letter from Chris Koncul Construction that explained what needed to be done on the lot in order for it to be built on. The letter stated a minimum of 30 truck loads of fill dirt must be brought in to make the property buildable. This requires a WHAFIS Model approval that must be secured by year end. After that, WHAFIS goes away in 2020 and the property is no longer buildable. A DNR marsh line delineation line must be agreed upon that is presently concurrent with the back lot line. A Chatham County variance must be approved because the rear lot line is over the property square foot limit. There exists the strong possibility that 35 to 40 pilings will be necessary to stabilize the house foundation because of the low lying nature of the property and its close proximity to unstable marsh conditions.

Mr. Blackburn, asked who the letter was addressed to?

Mr. Parsons, stated it was written for the lot owner so they knew what would have to be done to sell the lot and it was shared with me because they wanted me to purchase the lot.

Mr. Blackburn, asked Mr. Parsons if he knew how far his house encroached into the buffer.

Mr. Parsons, stated the porch and the corner of the house encroach.

Ms. Ross, asked what year was his house built.

Mr. Parsons, stated 1994.

Ms. Constance Squibb, stated she is in opposition. The lot isn't going to be able to hold a house like the rest on the street. It will have to be something like a small cottage style home. She believes if the variance gets granted it will open the door for others to want to get the same kind of variance.

Mr. McCorkle, stated he has the updated site plan. He also stated he has never seen the letter that Mr. Parsons presented. The updated site plan showed that the house has been moved back to touch the front yard setback line. A portion of the master bedroom and porch will encroach in the marsh line setback. The neighbor's property encroaches farther into the setback than what ours will.

Mr. David Simons, Board Member, asked Mr. Alton Brown if he believes this project will be okay to do. Is there going to be a problem in the future or is the building going to be safe?

Mr. Alton Brown, Resource & Land Consultants, LLC, stated this lot will conform with all the rest of the existing lots. He gave the history on the state setback.

Mr. Marlin asked if he knew if the County or MPC thought about doing exceptions like the state.

Mr. Brown stated not to his knowledge.

Mr. Blackburn asked if the petitioner could work with 10 feet instead of the requested 15 feet.

Mr. McCorkle stated his understanding that they need the 15 feet, but they might not use all 15 feet. **Minutes**

Mr. Brown stated the extra 2 to 3 feet is will be used for a construction path.

Ms. Hitch asked if this is the design they are using.

Mr. McCorkle stated yes.

Board Discussion for motion to deny:

Mr. Simons stated he supports MPC staff's recommendation and he doesn't support the denial.

Mr. Marlin stated that, in the past, the Board hasn't supported marsh buffer variances.

Mr. Coursey stated he is persuaded by the DNR statutory wavier. They acknowledge certain instances where the marsh buffer should not be applied. It appears that Chatham County's ordinance doesn't have this type of wavier. He believes the DNR is in a better position to decide these things instead of Chatham County. He is in favor of the variance.

Mr. Marlin stated Chatham County is in a good place. Why would we have a 35 foot verses 25 foot? We don't defer to the DNR on every occasion and we enforce the 35 foot regularly. That being said, I do think its somewhat persuasive to not have a buildable lot but is 15 feet necessary to get to buildable or could it be something less? He stated he would like to hear what is needed to be buildable, not what they would like.

Mr. Blackburn stated he thinks the plat showed 10 feet would be more than enough. 10 feet doesn't put that building footprint in the buffer.

Mr. Simons stated the petitioner did say that it may be a smaller amount, but they are asking for 15 feet so they would have a little space to move around while under construction.

Mr. Blackburn stated that's to disturb the marsh and 10 feet gets them everything they need in order to build on this lot with that design. Their own map shows that.

Ms. Stone stated she would be in favor of a continuance. She thinks there is more design information needed. She believes the house could be redesigned to fit the lot, and there is space in the front yard that could be used. She would like to see more information and study done.

Ms. Hitch stated she would consider a continuance. At this point, she would vote against the variance request. She stated her biggest concern is the land disturbance and it messing with the neighbor's drainage system. She still has questions about the pilings, fill dirt and drainage.

Mr. Marlin stated he thinks those questions are not for this Board. They still have to get a build permit.

Ms. Ross stated she understands Ms. Hitch's concerns, but thinks those are out of our purview.

Mr. McCorkle stated he believes that the petitioner would be okay with 10 feet, if that's what the Board decides.

Board Discussion for motion to continue:

Mr. Marlin asked what does the Board want to see when they come back at the next meeting.

Mr. Simons stated that several members of the Board stated that 10 feet would be adequate enough.

Ms. Hitch stated if they could make any improvement to the design to allow the 10 foot variance so that the house only intrudes 5 feet.

Ms. Ross asked Mr. McCorkle if the petitioner was okay with the 10 feet instead of the 15 feet.

Mr. McCorkle stated he got confirmation from the petitioner that they would like 15 feet, but could work with the 10 feet.

Ms. Stone stated, like before, she would like to see more information with an improved design that wouldn't

encroach so much in the rear but rather in the front yard.

Mr. Blackburn stated maybe next month we could have someone here from Chatham County Engineering.

Board Discussion for motion to approve the 10 foot variance:

Mr. Marlin suggested to add this language to the motion: a note to building to pay attention to the elevation of the fill dirt as related to the two adjoining properties regarding water runoff.

The motion was amended by Mr. Simons to add the additional language suggested by Mr. Marlin.

Motion

Motion to Deny the petitioner request for the 15 foot marsh buffer variance based on the precedence of this Board denying marsh buffer encroachments.

Vote Results (Rejected)

Motion: James Blackburn, Jr.

Second: Coren Ross

- James Blackburn, Jr. - Aye
- James Coursey - Nay
- Quentin Marlin - Nay
- Lucy Hitch - Aye
- Coren Ross - Aye
- Meredith Stone - Nay
- David Simons - Nay

Motion

Motion to continue until the next meeting to get more information and more study to fit in a 10 foot setback instead of the 15.

Vote Results (Rejected)

Motion: Meredith Stone

Second: Lucy Hitch

- James Blackburn, Jr. - Nay
- James Coursey - Nay
- Quentin Marlin - Nay
- Lucy Hitch - Aye
- Coren Ross - Nay
- Meredith Stone - Aye
- David Simons - Nay

Motion

Motion made to approve a 10 foot marsh buffer variance, with a note to building to pay attention to the elevation of the fill dirt as related to the two adjoining properties regarding water runoff.

Vote Results (Approved)

Motion: David Simons

Second: Coren Ross

James Blackburn, Jr. - Aye

James Coursey - Aye

Quentin Marlin - Aye

Lucy Hitch - Nay

Coren Ross - Aye

Meredith Stone - Aye

David Simons - Aye

IX. Other Business**3. Nomination of Officers**

The Board unanimously voted to keep the officers as is with Mr. Quentin Marlin, Chairman and Mr. James Blackburn, Vice-Chairman.

Ms. Melanie Wilson encouraged the Board members to reach out to the County Clerk and their Commissioner regarding the appointments.

Mr. Marlin asked if an email could go out to all Board members and the clerk be copied.

X. Adjournment

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.