



## Chatham County Zoning Board of Appeals

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Virtual Meeting  
August 25, 2020 - 9:00 A.M.  
Minutes

### August 25, 2020 Chatham County Zoning Board of Appeals

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 July 28, 2020 Meeting Minutes](#)

[July 28, 2020 Meeting Minutes.pdf](#)

The minutes were approved as submitted.

#### **Motion**

Approve minutes as submitted.

#### **Vote Results ( Approved )**

Motion: Robert Vinyard

Second: Coren Ross

James Coursey - Aye

Quentin Marlin - Aye

Lucy Hitch - Aye

Coren Ross - Aye

Meredith Stone - Aye

Robert Vinyard - Aye

Jeff Notrica - Aye

#### V. Item(s) Requested to be Removed from the Final Agenda

## VI. Consent Agenda

## VII. Old Business

## VIII. Regular Agenda

### [2. 4 The Point on Modena Island | Variance | ZBA-0720-000047](#)

📎 [Staff Report 000047.pdf](#)

📎 [Site Plan.pdf](#)

📎 [Pool Exhibit.pdf](#)

📎 [Map.pdf](#)

📎 [Aerial.pdf](#)

📎 [State Waters Buffer Determination.pdf](#)

**Mr. Marcus Lotson, Director of Development Services**, stated the petitioner is requesting approval of a 26 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, patio and spa within an R-1/EO (One Family Residential – Environmental Overlay) zoning district.

The owner proposes to construct an in-ground swimming pool, pool deck and spa on site in the rear yard which abuts marsh. The property is landscaped down to the marsh line and there is approximately 20 feet between the residence and the edge of the marsh. Portions of the existing home and patio currently encroach into the marsh buffer.

There are 45 residential lots on Modena Island. Based on recent aerial imagery, 12 of these lots are developed with swimming pools. Each of these pools appear to encroach into the current 35-foot marsh buffer setback, but it is unknown if they were constructed prior to the current regulations.

The marsh buffer setback standard was amended in 2010 to establish a County wide 35-foot setback requirement. Chatham County tax records indicate that the current owner purchased the property in 2017. No change in the regulations occurred during the time in which the property owner has resided in this location.

**Mr. Jefferson Kirkland, Chatham County Engineering**, stated this is a case where there is no state waters buffer required because of an exemption built into the rule; however, they still need a variance from this Board. Anything you grant here would not require further variance from another body.

**Mr. Loston**, asked Mr. Kirkland to explain the difference between the state waters buffer requirement and the local requirement, and why this property is exempted from the state waters buffer.

**Mr. Kirkland**, stated when you are developing a property by the marsh in Chatham County there are two types of buffers you need to consider: one is the state waters buffer, which my department is empowered by state law to determine when and where those buffers exist. That buffer is triggered by the state Erosion Sedimentation Act. The idea is that any time you do a land disturbing activity near waters of the state you are required to have a 25 foot undisturbed buffer. The purpose of that buffer is to prevent sediment from leaving the construction area and entering waters of the state. That buffer goes away once you finish construction and stabilize the ground. In Chatham County, we have opted to include a 35 foot riparian buffer in the Environmental Overlay district and this parcel is in this district.

**Ms. Mary Jones, petitioner**, stated she would like to install a pool in her backyard. Most people on the Island have pools and they are close to the marsh. Behind my house is mostly marsh, not water.

### No Public Comments

### Motion

Motion to deny the 26-foot marsh buffer setback variance request for 4 The Point.

**Vote Results ( Approved )**

Motion: Coren Ross

Second: Robert Vinyard

|                |       |
|----------------|-------|
| James Coursey  | - Aye |
| Quentin Marlin | - Aye |
| Lucy Hitch     | - Aye |
| Coren Ross     | - Aye |
| Meredith Stone | - Aye |
| Robert Vinyard | - Aye |
| Jeff Notrica   | - Aye |

[3. 3 Chapel Pointe Circle | Variance | ZBA-0720-000049](#)

📎 [Map.pdf](#)

📎 [Staff Report 000049.pdf](#)

📎 [Rear of House.pdf](#)

📎 [Proposed Roof.pdf](#)

📎 [ARB Approval.pdf](#)

📎 [Aerial.pdf](#)

**Mr. Marcus Lotson, Director of Development Services**, stated the petitioner is requesting a 10- foot rear yard setback variance from the 25-foot rear yard setback requirement to facilitate the construction of a roof extension over an existing patio.

The subject property is located at 3 Chapel Point Circle in Phase 2 of the Chapel Park subdivision in Berwick Plantation. The lot is a conforming lot of record and is approximately 5,000 square feet in size. The properties in the subdivision are generally consistent in size, averaging 50 feet in width and 100 feet in depth.

The petitioner is seeking the requested variance to accommodate a proposed 10X10 covered patio to be located in the rear of the property, in the location of an existing uncovered patio.

The rear yard of the subject property abuts a portion of the subdivision's common area, which is wetlands. The existing residence is approximately 50 feet from the tree line of the common area. The rear yard of the subject property also includes a six-foot wooden fence between adjacent properties.

The intent of the rear yard setback is to provide uniform and adequate separation between structures and adjoining property lines. The Zoning Ordinance provides that under specific criteria these setbacks may be varied. The location of the proposed addition and the adjacent property makes it unlikely that any negative impacts will occur. The HOA Architectural Review Board has approved this request.

**Mr. Harry Ness, petitioner**, stated the back of the house is 25 feet from the setback line and we already have a 10 x 10 cement pad, that encroaches in the setback. Our goal is to put a roof over the cement pad so we can sit outside and enjoy our backyard out of the sun. I had a kidney transplant in 2005 and, with the medicines I take, makes me 10 times more susceptible to skin cancer than the average person. If we sit outside in the morning anywhere up to 2:00 P.M., the sun is bright and shines right on the cement pad. After the sun goes down, the mosquitos are bad.

**No Public Comments**

**Motion**

Motion to approve the 10-foot rear yard setback variance from the 25-foot requirement of the Chatham County zoning Ordinance for 3 Chapel Pointe Circle.

**Vote Results ( Approved )**

Motion: Robert Vinyard

Second: Meredith Stone

|                |       |
|----------------|-------|
| James Coursey  | - Aye |
| Quentin Marlin | - Aye |
| Lucy Hitch     | - Aye |
| Coren Ross     | - Aye |
| Meredith Stone | - Aye |
| Robert Vinyard | - Aye |
| Jeff Notrica   | - Aye |

[4. 235 Commodore Drive | Variance | ZBA-0820-000053](#)

📎 [Staff Report 000053.pdf](#)

📎 [235 Commodore Drive - Map.pdf](#)

📎 [Aerial View.pdf](#)

📎 [Fence at 235 Commodore Drive Support.pdf](#)

📎 [Fence Line.pdf](#)

**Mr. Marcus Lotson, Director of Development Services**, stated the petitioner is requesting a 4-foot fence height variance and a 5-foot setback variance to allow a 10-foot-high fence in a portion of the side yard of an existing single family residence.

The subject property is located at 235 Commodore Drive on Whitemarsh Island within an R-1-A/EO (One family residential / environmental overlay) zoning district. The property is a conforming lot of record and is approximately 22,000 square feet in size, developed with a single-family residence. On June 23rd, the Board heard a variance request for the subject property to allow a 14-foot-high fence. The request was denied.

Prior to seeking a building permit, the petitioner had constructed a privacy fence that was 14 feet in height and 44 feet in length along a portion of the eastern property line. The petitioner has since filed for a building permit with Chatham County. The intent of the fence was to provide screening from the adjacent residence, which is a three-story home with two floors built over parking. The proposed, redesigned fence would be 10 feet in height. The neighboring property owner has supplied a letter indicating that they do not oppose the variances.

Staff finds that no portion of the existing fence is within the rear yard; therefore, the six-foot maximum height would apply per Section 5-1.3a. Based on this finding, a four-foot height variance would be required. The current fence was placed in the same location as a previous fence, on the property line. Therefore, a 5-foot setback variance would also be necessary.

The geometry of the subject property is such that the width of the side yard is limited. However, the previous owner chose the location to install the pool and this is not a part of the consideration for the justification of a variance.

**Mr. Guy Davidson, petitioner**, stated since the last meeting, my neighbor and I have met and we are both in agreement to the 10 foot height. The previous owner installed a swimming pool on the side of the

property and they had a 6 foot wooden fence along the side line. At that time, the lot next door was vacant. Since we purchased the home three years ago, the lot next door was developed with a three story home. Since the pool was installed so close to the property line, it doesn't give us many options to create privacy for a pool deck. We have removed the portion of the fence that the DNR requested to be removed. DNR has come back out and issued a compliance letter.

**No Public Comments**

**Motion**

Motion to approve the fence height and setback request for 235 Commodore Drive based on the variance criteria of the ordinance.

**Vote Results ( Approved )**

Motion: Meredith Stone

Second: Robert Vinyard

|                |       |
|----------------|-------|
| James Coursey  | - Nay |
| Quentin Marlin | - Aye |
| Lucy Hitch     | - Nay |
| Coren Ross     | - Nay |
| Meredith Stone | - Aye |
| Robert Vinyard | - Aye |
| Jeff Notrica   | - Aye |

**IX. Other Business**

**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.***