



Chatham County Zoning Board of Appeals

Virtual Meeting
June 23, 2020 - 9:00 A.M.
Minutes

June 23, 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 May 26, 2020 Meeting Minutes

☞ [May 26, 2020 Meeting Minutes.pdf](#)

Minutes were approved as submitted.

Motion

Approve as submitted.

Vote Results (Approved)

Motion: Robert Vinyard

Second: David Simons

James Coursey - Aye

Quentin Marlin - Aye

Lucy Hitch - Aye

Coren Ross - Aye

Meredith Stone - Aye

David Simons - Aye

Robert Vinyard - Aye

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

VI. Consent Agenda

VII. Old Business

VIII. Regular Agenda

[2. 102 Bryan Woods Road | File No. ZBA-0520-000036 | Sign Height and Area Variance](#)

- 📎 [Staff Report 000036.pdf](#)
- 📎 [102 Bryan Woods Road - Map.pdf](#)
- 📎 [Aerial Bryan Woods.pdf](#)
- 📎 [East View Existing.pdf](#)
- 📎 [Exhibit 2 Bryan Woods.pdf](#)
- 📎 [Proposed Sign.pdf](#)
- 📎 [Existing Monument - Exhibit 1.pdf](#)
- 📎 [West View Proposed.pdf](#)

Mr. Marcus Lotson, Director of Development Services, stated the petitioner is requesting two variances from the Chatham County Sign Ordinance. A 6 foot height variance from the 8 foot height maximum and a 5 foot 8 inch sign area variance to replace an existing sign with a new sign. The subject property is located at 102 Bryan Woods Road at the southeast corner of the intersection of U.S. Highway 80 and Bryan Woods Road. The property is developed with a medical office, which is in the process of being renovated and expanded. There are two existing, free standing signs on the property: a primary monument sign adjacent to the intersection and a secondary freestanding sign at the vehicular entrance.

The proposed sign is intended to replace the existing primary monument sign and would be 14 feet in height. The east side of the intersection is developed with office uses. The west side is developed residential and free standing signs of the proposed height are not prevalent in the area. In addition, Bryan Woods Road is identified in Section 4-12 (Environmental Overlay) of the Zoning Ordinance as a designated roadway which has stricter signage regulations. The designated roadways were identified in conjunction with the Southeast and Islands Community Plans, with the intent of protecting them from visual impacts of larger scale signage. Examples of the type and size of sign proposed are not present along Bryan Woods Road or U.S. Hwy 80 between Islands Expressway and the subject property. The proposed variances are driven by the sign design choices of the applicant.

Ms. Bobbie Stephens, agent for the petitioner, stated several months ago they performed a flag test using a boom truck with a banner the size of the proposed sign. Mr. Hinchey and Ms. Foster rode up and down Highway 80, going east and west, while we raised the banner up to where they felt it was the minimum height to be clearly seen from Highway 80. Since Highway 80 is 5 lanes and 55 MPH, low signs are not visible. The parcel is unique because it sits at the western base of the Turner's Creek Bridge, where the right of way is 80 feet behind the edge of the pavement. No other property in the area has that large of a setback. Also, on the western slope of the bridge about half way up, DOT has added a message board in the right of way close to the edge of the road, making visibility more compromised. The vegetation on the property also adds to the detriment of seeing the sign. The doctors' names on the sign are two feet off the ground and they are planning to add more doctors.

Mr. Paul Hinchey, President and CEO of St. Joseph's/Candler, stated that since 2003, when the office was opened, the area has gotten much larger. That office went from seeing 25 patients a day to 65. Because of the growth on the Island, we have outgrown that building. We are expanding the building as large as we can. It will be a 25 percent increase in space, allowing us to go from three to five full time doctors. That would allow us to see a little over 110 patients a day. We have gotten feedback that the location is hard to find. The location blends in with the background of the community.

Mr. Quentin Marlin, Chairman, stated he has seen SUV's blocking the sign and asked if that has been a problem.

Mr. Hinchey, stated yes. It's been a really big problem.

Mr. David Simons, Board Member, asked how big is Memorial's office building sign?

Ms. Stephens, stated she wasn't sure, but they have a lot less vegetation.

Mr. Jefferson Kirkland, Chatham County Engineering, stated that the Memorial site cleared a buffer without authorization several years ago. That's one of the reasons there is less vegetation on that site and we had to initiate enforcement action for them to restore that buffer.

Ms. Lucy Hitch, Board Member, asked if the sign could be moved back.

Ms. Stephens, stated it already sits about 4 feet behind the right of way, which is what's allowed but it has utility lines in front.

No Public Comments

Motion

Motion to approve the petition as submitted based on the variance criteria having been met and that an undue hardship would be applied if a variance is not granted.

Vote Results (Approved)

Motion: David Simons

Second: Lucy Hitch

James Coursey	- Aye
Quentin Marlin	- Aye
Lucy Hitch	- Aye
Coren Ross	- Aye
Meredith Stone	- Aye
David Simons	- Aye
Robert Vinyard	- Nay

[3. 170 Sylvania Road | ZBA-0520-000032 | Accessory Structure Variance](#)

📎 [Staff Report 170 Sylvania.pdf](#)

📎 [170 Sylvania Road - Map.pdf](#)

📎 [Exhibit 1 Wetlands Sylvania Rd.pdf](#)

📎 [Stree View.pdf](#)

📎 [Sketch.pdf](#)

Mr. Marcus Lotson, Director of Development Services, stated the petitioner is requesting a variance from Section 3-6.1 of the Chatham County Zoning Ordinance. This section requires that the accessory structures be located in the rear yards.

The subject property is located at 170 Sylvania Rd. approximately 800 feet west of Chevis Road within the Ogeechee Farms area. The property is irregularly shaped and is approximately 5 acres in size. The majority of the property is impacted by wetlands.

Per the Chatham County Zoning Ordinance Section 3-6.1 accessory structures, among other requirements, shall be located in rear yards only. The applicant is seeking relief from this standard in order to place an accessory structure in the side yard of the existing residence.

The development pattern in the vicinity of the subject property consists of rural residential lots developed with single family detached buildings, as well as manufactured homes. The petitioner's property is developed with a single family residence and has no lot constraints related to the size and shape. However, the constraints caused by the lack of buildable area compared to the overall lot size are significant. Based on observation, accessory buildings are quite common in the area and are often located other than in rear yards. This is likely due to the average lot size in the area and the age of some of the neighborhoods.

Because the subject property and the adjacent properties are heavily wooded, it is unlikely that the proposed placement of the structure will negatively impact the abutting lots or the area in general.

Mr. Peter Gibson, petitioner, stated the home is surround by wetlands and the only place to put the garage is on the side of the home. You can't see the residents from the road.

Mr. Robert Vinyard, Board Member, asked if the garage will be the same material as the home.

Mr. Gibson, stated yes.

No Public Comments

Motion

Staff recommends approval of the variance to allow an accessory building in the side yard at 170 Sylvania Road.

Vote Results (Approved)

Motion: Robert Vinyard

Second: Coren Ross

James Coursey	- Aye
Quentin Marlin	- Aye
Lucy Hitch	- Aye
Coren Ross	- Aye
Meredith Stone	- Aye
David Simons	- Aye
Robert Vinyard	- Aye

[4. 235 Commodore Drive - ZBA-0520-000037 - Fence Height Variance](#)

📎 [Staff Report 000037.pdf](#)

📎 [235 Commodore Drive - Map.pdf](#)

📎 [Fence Line.pdf](#)

📎 [Fwd_ Public Hearing - ZBA-0520-000037 - Neighbor Laffitte Opinion.pdf](#)

📎 [Photo.pdf](#)

Mr. Marcus Lotson, Director of Development Services, stated the petitioner is requesting a fence height variance from Chatham County Zoning Ordinance Section 5-1.3 Walls and Fences Erected in Residential Districts. This section states, in part, that *“Walls and fences erected for the specific purpose of providing security for accessory recreational uses, such as swimming pools and tennis courts, may be 10 feet in height provided such fence shall be setback at least one foot from the property line for each foot it exceeds six feet in height, and provided such accessory recreational use is located within a rear yard.”*

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.

The petitioner has constructed a privacy fence that is 14 feet in height and 44 feet in length along a portion of the eastern property line. 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 construction of the wall was completed without a permit from Chatham County, but subsequently a permit has been applied for. The Ordinance does permit fences up to 10 feet in height for accessory recreational uses, but it requires them to be located in rear yards and to be setback 1 foot for each foot of height over 6 feet.

The wall does not comply with the location, setback, or height requirements of the Ordinance. To be compliant under the code, the wall would need to be a maximum of 10 feet in height, setback from the property line and be within the rear yard. Within residential zoning districts, fences and walls in front and side yards cannot exceed 6 feet in height.

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.

Chatham County Engineering provided us a letter from the Georgia Department of Natural Resources, Coastal Resources Division. They did a visit to the property at the County's request. In the letter dated June 19, 2020 it states "staff conducted a site visit on June 18, 2020 at the request of Chatham County Engineering, it was found that a part of the newly constructed wall extended in jurisdictional coastal marsh lands and must be removed. A compliance inspection of the dock was done and also revealed a run up float that we didn't have on file".

Mr. Jefferson Kirkland, Chatham County Engineering, stated he visited this site awhile ago and the concern he had was it looked like some of the fence was in the marshland and this was confirmed.

Mr. Guy Davidson, petitioner, stated when we bought this property we got permits to renovate, but I guess the fence wasn't part of the permits and we didn't realize we needed a separate permit for the fence. That's why it was built without a permit. Once we realized we needed a permit, we submitted to the Chatham County building department and received a permit for this fence. About a week after the County issued the permit, they called and said they made a mistake and we needed to come before this Board for a variance. In regards to the DNR's letter, we will comply and bring the fence back a few feet. We will also submit documentation on the jet dock. The dock was put in by the previous owners. The purpose of this fence is to buffer the noise and to create a screening of site lines between the neighbor and I. The previous owner installed the pool 5 feet from the side line. The pool was installed in 2013 and we bought the house in 2018. At the time the pool was constructed, the lot next door was vacant. So the previous owner never had a concerned of a house overlooking the pool. Due to the shape of the lot with the marsh setback, it limits what you can do. The plan is to cover the plywood with hard coat stucco and both my neighbor and I plan to let Ivy grow up on both sides and add wash lighting to create a high end feel. Only us and our neighbor will be able to see the wall.

Ms. Coren Ross, Board Member, asked the petitioner to elaborate on the conversations he had with his neighbor regarding the fence.

Mr. Davidson, stated he thinks they understand where they are coming from. The neighbor is not opposed to replacing the fence and making it taller. Their concern is to not make it taller than necessary.

Mr. Bates Lovett, stated he is in a awkward position because he is also the attorney for the City of Savannah. I have some supervisory issues regarding the MPC and also to the Chatham County Zoning Boards of Appeals, it's a fine line for me to walk to get involved. I reached out to the the GMA and asked them their option about my participation in this and the response I got back was "Mr. Lovett you're in the business of enforcing codes and ordinances so when you start agreeing with variances outside of what's written in the code, you're going to open yourself up to problems". What I can consent to is that Robert McCorkle is representing Guy Davidson with this matter. Mr. McCorkle contacted me about this matter and, once a lawyer is involved, I must speak to the lawyer and not the neighbor. I told Mr. McCorkle I would be comfortable talking with Guy, if he would allow it, but I didn't want it to be awkward or unethical.

So what I can consent to is 10 feet along the line because that's what is within the code. It's not a variance significantly from what's already written in the Chatham County Ordinance and that's what I can agree to.

Mr. Simons, asked if the 10 feet Mr. Lovett agreed to was only for the back yard?

Mr. Lotson, stated yes, the ordinance reads the max of 10 feet is permitted in the rear yards, so a 10 foot wall in the side yard would still require a variance.

Motion

Motion to continue to the July 28, 2020 CZBA Meeting.

Vote Results (Rejected)

Motion: Robert Vinyard

Second: Coren Ross

James Coursey	- Nay
Quentin Marlin	- Nay
Lucy Hitch	- Nay
Coren Ross	- Aye
Meredith Stone	- Nay
David Simons	- Nay
Robert Vinyard	- Aye

Motion

Motion to deny the requested variance for property at 235 Commodore Drive.

Vote Results (Approved)

Motion: Robert Vinyard

Second: Lucy Hitch

James Coursey	- Aye
Quentin Marlin	- Nay
Lucy Hitch	- Aye
Coren Ross	- Aye
Meredith Stone	- Nay
David Simons	- Nay
Robert Vinyard	- 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.