



Chatham County Zoning Board of Appeals

April 27, 2021 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. Pledge of Allegiance

III. Notices, Proclamations and Acknowledgements

IV. Petitions Ready for Hearing

V. Approval of Minutes

1. Approval of the February 23, 2021 Meeting Minutes

[February 23, 2021 Meeting Minutes.pdf](#)

The February 23, 2021 meeting minutes were approved as submitted.

Motion

Approve minutes as submitted.

Vote Results (Approved)

Motion: Robert Vinyard

Second: Benjamin Polote, Jr.

James Coursey	- Aye
Lucy Hitch	- Aye
Coren Ross	- Aye
Meredith Stone	- Aye
Robert Vinyard	- Aye
Jeff Notrica	- Aye
Benjamin Polote, Jr.	- Aye

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

VII. Consent Agenda

VIII. Old Business

IX. Regular Agenda

[2. 10 Lillibridge Crossing | Rear Yard Setback Variance | ZBA-0321-000112](#)

[☞ Staff Report.pdf](#)

[☞ Application.pdf](#)

[☞ Map.pdf](#)

[☞ Pictometry.pdf](#)

[☞ 10 Lillibridge Crossing Site Plan 0001.pdf](#)

Mr. Marcus Lotson, Director of Development Services, stated the petitioner is requesting 5-foot 6-inch rear yard setback variance from the twenty-five-foot required rear yard setback for the conversion of an existing, unenclosed deck into a new sunroom.

The subject property is located at 10 Lillibridge Crossing in The Landings subdivision. The proposed encroachment is in the northwest corner of the property. The rear of the property abuts a wooded buffer of approximately 100 feet in width. The adjacent residence is also screened by a vegetative buffer.

An encroachment was approved for a portion of the rear of the residence when it was constructed in 1988. The existing deck was not considered an encroachment at the time because it is uncovered. The proposed sunroom, which is approximately 225 square feet, would encroach by 5-feet 6, inches as currently designed.

The Declaration of Covenants, administered by The Landings Association, requires that the Landings Architectural Review Committee approve the proposed design and encroachment. Although not related specifically to the requirements mandated by the Chatham County Zoning Ordinance to obtain a building permit, that approval is required by the neighborhood covenants and guidelines. Per documents provided by the petitioner, that approval was granted on 2-18-2021.

In review of the site and of the proposed encroachment, it does not appear that any neighboring properties or common areas will be impacted by the requested rear yard setback encroachment. Based on the site lines from adjoining properties and the vegetation, the requested variance, if approved, is unlikely to be a detriment to the area.

Ms. Shauna Kucera, agent for the petitioner, stated we have already received approval from The Landings Association. The neighbor to the north has provided support for the project. That is the only neighbor that could see it. We do have a very large buffer that protects us from McWhorter Road.

No Public Comments

Motion

Approve a 5-foot six- inch rear yard setback variance from the twenty-five-foot rear yard setback requirement for 10 Lillibridge Crossing.

Vote Results (Approved)

Motion: Robert Vinyard

Second: Coren Ross

James Coursey - Aye

Lucy Hitch - Aye

Coren Ross - Aye

Meredith Stone - Aye

Robert Vinyard	- Aye
Jeff Notrica	- Aye
Benjamin Polote, Jr.	- Aye

[3. 120 West Tahoe Drive | Use Approval - Child Care | ZBA-0321-000115](#)

[☞ Staff Report.pdf](#)

[☞ Map.pdf](#)

[☞ Street View.pdf](#)

[☞ Aerial.pdf](#)

Mr. Marcus Lotson, Director of Development Services, stated the petitioner is seeking a variance from the following condition in order to establish Use#20a Childcare Center at the subject property:

Condition: b. Such uses shall only be permitted on a lot or plot of ground which abuts a collector street, major arterial, or secondary arterial. The Board of Appeals shall be authorized to waive this requirement, if on the basis of evidence presented, it finds that the traffic to be generated by a particular use can be accommodated on other streets without creating traffic congestion and traffic hazards on such streets which would be detrimental to the neighborhood served by such other streets. Provided that approval for any center established requiring access along a residential or lesser classified street shall be limited to a maximum of 75 children during the daytime hours and no greater than 50 children between the hours of 9:00 p.m. and 6:00 a.m.

The subject property is located at 120 West Tahoe Drive within a residential subdivision known as The Lakes at Cottonvale. The property, and the remaining lots in the subdivision, have an R-A (Residential-Agriculture) zoning classification. The property does not abut a collector or arterial classified street as required as a condition of the use.

The Use Table of the Chatham County Zoning Ordinance states that the proposed use is permitted in the R-A zoning classification with the following conditions:

- a. Provided that one-hundred square feet of outdoor play space is provided each child in districts requiring Board of Appeals use approval. In other districts 100 square feet of outdoor space is required per child for any group using the play area at one time. Provided that within the RMH-1 zoning district, such use shall only be permitted as an accessory use to a Manufactured Home Park subject to the site plan review procedures of Sec. 4-6.5.
- b. Such uses shall only be permitted on a lot or plot of ground which abuts a collector street, major arterial, or secondary arterial. The Board of Appeals shall be authorized to waive this requirement, if on the basis of evidence presented, it finds that the traffic to be generated by a particular use can be accommodated on other streets without creating traffic congestion and traffic hazards on such streets which would be detrimental to the neighborhood served by such other streets. Provided that approval for any center established requiring access along a residential or lesser classified street shall be limited to a maximum of 75 children during the daytime hours and no greater than 50 children between the hours of 9:00 p.m. and 6:00 a.m.
- c. The architectural character including the orientation and exterior appearance of any structure shall be characteristic of the neighborhood within which such structure is located.
- d. Any structure containing greater than one dwelling unit shall not be utilized as a childcare center, except where permitted as a home occupation with six or fewer children.
- e. Such use shall provide the number of off-street parking spaces required for educational and institutional uses as set forth in Sec. 6-3(j) schools - Off-Street Parking Requirements plus safe and functional off-street patron pick-up and delivery spaces.
- f. There shall be no on-site outdoor recreation activities after 9:00 p.m. or later than one hour after dusk, whichever occurs first.

g. Where an abutting use is residential, visual buffers shall be provided so as to shield all parking areas, and play areas, and outdoor activity areas from the abutting property. Such buffer shall consist of trees or other vegetation of such height and depth as determined by the Board or of an appropriately designed fence or wall or a combination thereof.

h. One illuminated sign not to exceed three square feet in area shall be permitted in residential districts; provided that where such use is adjacent to or directly across from a nonresidential use or district, the Board of Appeals may allow a principal use sign of up to 12 square feet in area when it shall be located on the side of the property facing the nonresidential use or district. Exterior drawings, graphics, or pictorials are prohibited.

i. In those requiring Board of Appeals approval, the Board of Appeals shall have the right and discretion, considering the traffic patterns and volume and the general character of the neighborhood, to limit the number and ages of children allowed at any particular Child Care Center so as to alleviate any undue interference with the character of the neighborhood as well as to impose such other requirements as are reasonably necessary to accomplish such purposes.

The zoning and development pattern is residential in nature and not designed for nonresidential traffic, parking or loading. The loading and unloading of children at the site will likely require activity in the public right of way that could cause safety concerns. It does not appear that the lot is of sufficient size to accommodate safe pick up and drop. The proposed use is likely to increase vehicular activity at the site which could cause a nuisance.

Mr. Jeff Notrica, Board Member, asked staff if they have received any comments from the neighbors?

Mr. Lotson, stated he received one phone call from a neighbor on West Tahoe Drive and they stated they did oppose the change but they did not submit anything in writing.

Ms. Chantelle Hester, petitioner, stated she currently has a family home child care center and is trying to increase the number of children, so I will have space for more families. Three neighbors in the community have used my center for care. I have been doing this for 7 years and have not had any neighbors complain. I will only have my car in the driveway from 7:30 a.m. to 5 p.m. We have purchased another home and this one can be the child care center only. I'm able to have more kids, I will hire a part-time worker so there will be one other car in the driveway.

Ms. Coren Ross, Board Member, asked staff since the petitioner has stated she bought another residence to live in and this one is only for the child care center, does that change the use of the property and does it have an impact?

Mr. Lotson, stated this is the first I'm hearing this but, as I understand it, this may cause a permitting issue for the petitioner. A child care center in a residential district would require that property to have a full time resident.

Ms. Lucy Hitch, Board Member, asked the petitioner if her intent was to increase the number of children to 15?

Ms. Hester, stated, at this time, I am not planning to go up to the maximum number of children. I plan on staying at the minimum of 12.

Ms. Ross, asked what was the square footage of the home and how many bedrooms? What are the ages of the kids you are currently accommodating?

Ms. Hester, stated right now I have ages 1-4. The house is 3 bedroom and 2 bathrooms with full kitchen and dining. I also have a sunroom I use for outside time, in case the weather is bad. I'm not sure of the square footage of the home.

No Public Comments

Motion

Deny the request to establish Use 20a Childcare Center at 120 West Tahoe Drive.

Vote Results (Approved)

Motion: Coren Ross	
Second: Jeff Notrica	
James Coursey	- Aye
Lucy Hitch	- Aye
Coren Ross	- Aye
Meredith Stone	- Nay
Robert Vinyard	- Aye
Jeff Notrica	- Aye
Benjamin Polote, Jr.	- Aye

[4. 7460 LaRoche Avenue | Variance from Section 3-3 | ZBA-0321-000113](#)

[📎 Staff report.pdf](#)

[📎 Application.pdf](#)

[📎 Maps.pdf](#)

Mr. Marcus Lotson, Director of Development Services, stated the petitioner is seeking a variance to Section 3-3 of the Chatham County Zoning Ordinance in order to receive service to an existing second electrical meter on a single lot of record. The code section allows only one meter for each lot of record. The intent of the regulation is to minimize the opportunity to create multiple residential uses on property that is zoned for single family use.

The subject property is located on the east side of LaRoche Avenue abutting the Herb River. It is an approximately 30 acres tract, of which approximately 2 ½ acres are upland. The property is zoned R1/EO (One family Residential / Environmental Overlay). Although it is residentially zoned, historically it operated primarily as a fishing camp and boat launch.

The property is surrounded on three sides by water and the fourth side abuts LaRoche Avenue. The nearest residences are south of the property, on the opposite side of Herb River.

Under previous ownership, the existing dock and accessory buildings were powered by a secondary electrical meter that is still present but not in service. The intent of the Ordinance section in question is, in part, to prevent multiple residences being established on single lots. The petitioner clearly has a unique circumstance, in terms of the use of the property, and is not likely intent on establishing multiple residences. Relief, if granted, is not likely to have a negative impact on neighboring properties.

Mr. Bob Vinyard, Board Member, asked there is not going to be any change to the current use of the property?

Mr. Lotson, stated no.

Ms. Lucy Hitch, asked the property is currently zoned residential and the owner is not going to use it as commercial?

Mr. Lotson, stated no. My understanding is there is also an existing residence on this property which he lives in and he is going to continue to live in. This is not a commercial use

Mr. Jonathan Javetz, petitioner, stated he is not operating as a fish camp and this is his private residence. I want to activate the existing power meter that's already there, so I can supply power to the buildings and dock. The reason I need the second meter is because the house is set back away from this area. With the sheds and dock, I don't want to run underground wires.

No Public Comments

Motion

Approve the variance to Section 3-3 of the Chatham County Zoning Ordinance to allow the operation of a second electrical meter at 7460 LaRoche Avenue.

Vote Results (Approved)

Motion: Robert Vinyard

Second: Coren Ross

James Coursey - Aye

Lucy Hitch - Aye

Coren Ross - Aye

Meredith Stone - Aye

Robert Vinyard - Aye

Jeff Notrica - Aye

Benjamin Polote, Jr. - Aye

X. Other Business

XI. 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.