



## Chatham County Zoning Board of Appeals

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Virtual Meeting  
January 26, 2021 - 9:00 A.M.  
Minutes

### January 26, 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. Notices, Proclamations and Acknowledgements

#### III. Petitions Ready for Hearing

#### IV. Approval of Minutes

##### 1. Approval of November 17, 2020 Meeting Minutes

📎 [November 17, 2020 Meeting Minutes.pdf](#)

The minutes were approved as submitted.

#### **Motion**

Approve minutes as submitted.

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

Motion: Jeff Notrica

Second: Robert Vinyard

James Coursey - Aye

Meredith Stone - Aye

Robert Vinyard - Aye

Jeff Notrica - Aye

Benjamin Polote, Jr. - Aye

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

#### VI. Consent Agenda

## VII. Old Business

## VIII. Regular Agenda

### [2. 503 Herb River Drive | Marsh Buffer Setback Variance Request | 1170-000093](#)

📎 [Staff Report 000093.pdf](#)

📎 [Site Plan.pdf](#)

📎 [Map.pdf](#)

📎 [Pictometry Herb River Drive.pdf](#)

📎 [Aerial Photo.pdf](#)

**Mr. Marcus Lotson, Director of Development Services**, stated the petitioner is requesting approval of a 7-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 within an R-1/EO (One Family Residential – Environmental Overlay) zoning district.

The subject parcel is a conforming lot of approximately one and a half acres in size. The site is developed with a single-family residence of approximately 2,900 square feet. While the site has a total lot area of approximately one and a half acres, the buildable upland is approximately one-half acre. Even so, the lot is a conforming lot of record and meets the minimum requirements for the zoning district.

The owner proposes to demolish an existing deck and patio and construct an in-ground swimming pool and new deck in the rear yard, which abuts marsh. The proposed construction would encroach by 7 feet into the 35-foot marsh buffer setback.

The south side of Herb River Drive has ten residentially developed lots that abut marsh. The upland portion of the subject property is bisected by a marsh inlet. The southern portion of the lot is accessed via a wooden boardwalk. There are no habitable structures on the southern portion of the lot.

The marsh buffer setback standard was amended in 2010 to establish a countywide 35-foot setback requirement. The existing home, constructed in the 1980's, meets the marsh buffer setback.

**Mr. Jefferson Kirkland, Chatham County Engineering**, stated it appears that they are staying out of the State waters buffer, which is the buffer that my department enforces. It looks like the only impact to a buffer this Board is considering would be the County buffer. The purpose of this buffer is to prevent pollution from moving off this site into State waters. During construction, they would need soil erosion BMPs installed. Since they are asking for 7 feet of variance, they would only have 3 feet to install those buffers because you cannot install those in the 25 foot State waters buffer. They also need to make sure the pool backflow is not run into the marsh.

**Mr. Ben Neufeld, petitioner**, stated in order to get a good width on the pool, we would need the requested variance. There are a couple of other pools on this street. I'm open to negotiation if a 5 foot variance is more beneficial. The only demolition that would occur will be about 4 feet off the existing deck. We were told by the pool contractor that the pool requires a 5 foot decking around the whole pool.

**Mr. Kirkland**, stated the 25 foot State waters buffer cannot be disturbed at all. That includes equipment passing through it.

**Mr. Jim Coursey, Chairman**, asked if the existing deck is elevated.

**Mr. Neufeld**, stated yes. The hard deck is approximately 4 feet high.

### **Public Comments:**

**Mr. Fredrick Muller**, stated he is not necessarily opposed to the project. My concern is the precedent this will set for the rest of the neighborhood.

**Motion**

Motion to approve a 3 1/2 foot marsh buffer variance with conditions as follows:

Dewatering shall require dechlorination or removal off site.

Chatham County Engineering shall approve water runoff solution to avoid marsh impacts.

**Vote Results ( Approved )**

Motion: Robert Vinyard

Second: Jeff Notrica

James Coursey - Aye

Meredith Stone - Aye

Robert Vinyard - Aye

Jeff Notrica - Aye

Benjamin Polote, Jr. - Aye

**IX. Other Business**

3. Election of Chairman

Mr. Jim Coursey was nominated as Chairman.

**Motion**

Elect Mr. Jim Coursey as Chairman

**Vote Results ( Approved )**

Motion: Jeff Notrica

Second: Benjamin Polote, Jr.

James Coursey - Aye

Meredith Stone - Aye

Robert Vinyard - Aye

Jeff Notrica - Aye

Benjamin Polote, Jr. - Aye

**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.***