



## Chatham County Zoning Board of Appeals

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Arthur A. Mendonsa Hearing Room  
April 26, 2022 9:00 A. M.  
Meeting Minutes

### APRIL 26, 2022 CHATHAM COUNTY ZONING BOARD OF APPEALS

Members Present: James L Coursey, Jr., Chair  
Robert Vinyard, Vice-chair  
Benjamin Polote, Jr.  
Coren Ross  
Meredith Stone

Members Absent:

MPC Staff Present Pamela Everett, Esq., Assistant Executive Director  
Marcus Lotson, Development Services Director  
Nirav Gandhi, Development Services Planner and Historic Preservation Planner  
Jacqualle Johnson, Development Services Planner Technician  
Melissa Paul-Leto, Development Services Planner  
Julie Yawn, Systems Analyst  
Mary E. Mitchell, Administrative Assistant  
Stacy Bennett, Administrative Assistant

#### I. Call to Order and Welcome

##### [1. Call to Order and Welcome](#)

**Mr. Coursey** called the meeting to order at 9:02 a.m. He explained that 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.

#### II. Pledge of Allegiance

##### [2. Pledge of Allegiance](#)

The Pledge of Allegiance was recited in unison.

#### III. Notices, Proclamations and Acknowledgements

#### IV. Petitions Ready for Hearing

#### V. Approval of Minutes

##### [3. Approval of February 22, 2022 Meeting Minutes](#)

📎 [February 22, 2022 CZBA Minutes.pdf](#)

**Motion**

The Chatham County Zoning Board of Appeals does hereby approve the Meeting Minutes of February 22, 2022.

**Vote Results ( Approved )**

Motion: Meredith Stone

Second: Benjamin Polote, Jr.

James Coursey	- Aye
Coren Ross	- Aye
Meredith Stone	- Aye
Robert Vinyard	- Aye
Benjamin Polote, Jr.	- Aye

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

[4. 2530 E President Street | Variance to Required Separation for Billboards | ZBA - 0422 - 000243](#)

**Motion**

The Chatham County Zoning Board of Appeals does here approve to remove 2530 East President Street, requesting a variance to required separation for billboards ZBA-0422-000243, from the Final Agenda.

**Vote Results ( Approved )**

Motion: Meredith Stone

Second: Coren Ross

James Coursey	- Aye
Coren Ross	- Aye
Meredith Stone	- Aye
Robert Vinyard	- Aye
Benjamin Polote, Jr.	- Aye

**VII. Consent Agenda**

**VIII. Old Business**

**IX. Regular Agenda**

[5. Variance Request I 16 Riverwatch Lane I File No. ZBA-0322-000249](#)

📎 [Staff report.pdf](#)

📎 [Site Plan and Site Exhibit.pdf](#)

📎 [Tax and Aerial Map.pdf](#)

📎 [Lot Images.pdf](#)

**Mr. Jacqualle Johnson** gave the staff report. The petitioner is requesting a 10-foot marsh buffer setback

variance from the 35-foot marsh buffer requirement in order to construct a single-family residence at 16 Riverwatch Lane.

**Mr. Johnson** explained that the subject property is approximately 0.26 acres in size and is located on the west side of Moon River in the PUD/EO (Planned Unit Development within an Environmental Overlay) zoning classification. The property is part of the Landings-Skidaway Island Neighborhood Association. The applicant is proposing to construct a two-story, single-family structure on a vacant lot. Among the conditions in the Environmental Overlay District, there is a minimum 35-foot marsh buffer setback requirement.

**Mr. Johnson** stated that the petitioner's property is approximately 111 feet in depth and 93 feet in width; the parcel is currently a vacant lot. The adjacent property to the subject parcel is a single-family residence. The proposed single-family structure would cover 50% of the lot. The site plan provided by the applicant indicates that the remaining development standards; including minimum front, side setbacks, maximum lot coverage, minimum open space, and parking requirements, would comply.

**Mr. Johnson** reported that, based on the findings in the staff report, staff recommends approval of a 10-foot marsh buffer setback variance from the 35-foot marsh buffer setback requirement. He entertained questions from the Board.

**Mr. Vinyard** did not have a question; but, stated that this property is one block from his home. He went onsite yesterday and walked the lot. Mr. Vinyard said he believes the request is in keeping with the houses that are there. Therefore, he had no objection and proposed that the request be allowed.

**Mr. Coursey** stated that he saw moss grass in the background and was wondering if much water has gotten here, especially during high tides.

**Mr. Vinyard** explained that a pond is here that only fills up when the tide is extremely high. Factually, where the house is being proposed to be built, is actually inline with the house that is right next door. As he understood, a porch will be encroached. As he has already stated, he walked to the back of the lot and did not see any objections to approving the request.

**Mr. Coursey** stated that he appreciates the fact that the oak trees will be saved. He asked the Board if they had questions for the staff.

### **PETITIONER COMMENTS**

**Mr. David DeLoach and Ms. Rachael Lee** were present on behalf of the setback zoning request for 16 Riverwatch Lane.

### **PUBLIC COMMENTS**

None

### **BOARD DISCUSSION**

The Board was in agreement with the staff recommendation.

#### **Motion**

The Chatham County Zoning Board of Appeals does hereby approve the variance request for 16 Riverwatch Lane.

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

Motion: Meredith Stone

Second: Coren Ross

James Coursey

- Aye

Coren Ross	- Aye
Meredith Stone	- Aye
Robert Vinyard	- Aye
Benjamin Polote, Jr.	- Aye

[6. 6800 Sandnettlles Dr | Riparian Buffer Setback Variance | ZBA-0322-000244](#)

📎 [Staff Report .pdf](#)

📎 [Map.pdf](#)

📎 [Support Letter.pdf](#)

📎 [Pics.pdf](#)

**Mr. Nirav Gandhi** gave the staff report. The petitioner is requesting an 8 foot variance on the 35 foot riparian buffer setback so they can place an in-ground swimming pool. The petitioner's property is approximately 164 feet in depth and 130 feet in width; the parcel currently contains one single family home. The adjacent property to the subject parcel is a single-family residence. Much of the back yard space is not developable because of the septic drain field area. The proposed variance would extend +/- 8 ft into the riparian buffer setback.

**Mr. Gandhi** explained that the subject property is approximately 0.46 acres in size and is located north of Sandnettlles Drive in the R-1-A/EO zoning district (Residential/Environmental Overlay). Among the conditions in the Environmental Overlay district, there is a minimum 35-foot marsh buffer setback requirement.

**Mr. Gandhi** stated the subject is a little smaller than most of the other lots on Saandnettlles Drive. However, it is about the same size as most of the homes in the Harbour Creek Subdivision. Every home on Sandnettlles Drive abuts the riparian buffer as well..

**Mr. Gandhi** explained that there are a number of configurations where the pool could be placed that would not require a variance. The pool could be placed closer to the home and turn it sideways without going into the buffer. Based on the staff finding, this would not cause any hardship. With a few design changes, a variance would not be needed.

**Mr. Gandhi** informed the Board that staff received a letter from a neighbor, **Kevin Berkman who resides at 6802 Sandnettlles Drive**. Mr. Berkman fully supports the request.

**Mr. Gandhi** reported that based on the findings in the staff report, staff recommends denial of the requested 8 ft marsh buffer setback variance from the 35-foot marsh buffer setback requirement. He entertained questions from the Board.

**Ms. Ross** asked staff what other design locations were considered.

**Mr. Gandhi** explained that when he says design options, he means that if the petitioner would move the pool closer to the house, there would not be a need for a variance, The pool could be placed closer to the home and turn it the long way and not require a variance.

**Ms. Ross** said she made a site visit here and she walked the property with the property owner. She believes, too, that just reorienting the pool the long way might involve six or twelve inches in the riparian. Ms. Ross asked staff if any drawings were done showing the accurate measurements to support their determination.

**Mr. Gandhi** answered that staff made no drawings, they just eyeballed this.

**Mr. Polote** asked if it was safe to say that the property owner is not opposed to the suggested reconfiguration.

**Mr. Gandhi** stated that, what is before the Board, is what the petitioner requested. However, he spoke with the petitioners and they are not opposed to doing what was suggested. When the petitioners make

their comments, they will talk directly with the Board about this option.

### **PETITIONER COMMENTS**

**Mr. David Howard** came forward and was sworn-in by Mr. Coursey. Mr. Howard said reorienting the pool is a point they can discuss. He made a slide presentation to the Board. He pointed out the basic layout of the pool. He said by turning the pool in the other direction as suggested, helps slightly on the setback. He explained that the portion on the upper blue line is the riparian intrusion. It is 184 square feet. There are only 17 feet from the edge of the pool, which is reasonably a small pool [12x24]. It is just a little larger than a hot tub. On the right side, there are 23 feet approximately across the rear; and, of course, 12 feet will be taken up by the pool. They could shift the pool to the right. The main reason they would not like to move the pool to the other side is due to the orientation of the sun coming in. From the edge of the pool to the face of the house is 17 feet, which is relatively small. Mr. Howard pointed to an area and said the side is just about long enough to put lawn chairs here.

**Mr. Howard** said they do not have a lot of room. The septic tank system is here; four large oak trees are on the right side, which they really don't want to move. Therefore, Mr. Howard said what they are really asking if they reorient the pool in this direction, they are talking about 184 square feet. They believe this is relatively minimal, given the architectural layout of the house. He showed a corner and said the more they pull the pool back, the less the dimension gets, which makes it harder to actually access the rest of the yard from that side. Mr. Howard said basically, this is their case. They are open to suggestions, compromises, etc..

**Ms. Ross** asked Mr. Howard if he had some more illustrations.

**Mr. Howard** showed the Board a picture of the overhead. He said this is as it sits now, which is relatively 17 feet, plus or minus. He pointed to an area and said this is about ten feet, the riparian line starts here and goes through there. Mr. Howard said about half the pool is within the riparian or 184 square feet.

**Mr. Coursey** asked Mr. Howard that on the other side of lawn chairs, is this the drain field?

**Mr. Howard** answered yes.

**Mr. Coursey** asked if the drain field stops at the decking.

**Mr. Howard** answered "yes" right at it. The Health Department has given them permission to come right to the edge. There are two more oak trees over here.

**Ms. Ross** asked Mr. Howard if his conversation with the Health Department included moving the pool right up to the drain field.

**Mr. Howard** said they did not discuss this with the Health Department. He said they could do this, but when you are sitting by the pool, you would rather look at the marsh than looking at the back of the house.

**Ms. Ross** said she understood what Mr. Howard was saying. She walked the area and saw what the Howards are trying to accomplish, and she applauds the design concept. But, she really cannot support having the pool on the edge. Ms. Ross said, since Mr. Howard has taken his photographs, a lot of undergrowth has been cleared. She understood what Mr. Howard was saying about looking over the marsh outwards, but there is also a pretty view looking out over the marsh from the other side. Ms. Ross said she was not sure if all of the trees are live oaks.

**Mr. Howard** said all the trees are live oaks. They have pruned a little and took some of the overhanging limbs off the trees. As has been said, they could move the pool over to the right, but then this does not leave enough room on either side to keep the lawn chairs here.

**Ms. Ross** said she understood what Mr. Howard was saying, but she was speaking about moving the pool all the way over, right up to the drain field. She said, however, from a design standpoint, it is not ideal and she understands this, but they have rules for a reason.

**Mr. Howard** asked what if they moved the pool back five feet, this would incur 110 square feet of the riparian. This would give him about 10 feet. This is just about minimal and this is where they would like to put the grill. A little dining table could be here, too. Then they would have enough room for about four or five lounge chairs. This would cut the intrusion about 60%. Is this a compromise?

**Ms. Stone** said what she is not seeing is how Mr. Howard is not able to achieve enough space for his lounge chairs. If the pool abuts right up to the drain field, he will still have ten feet on the left.

**Mr. Howard** [pointing to an area] said the sun is here on the west. Normally, you would not want your back to the sun if you are lounging at the pool in the afternoon, which is the normal period to be around the pool, and you are really looking at the back of the house over the pool. He said they prefer not to do this.

**Ms. Ross** said she understood this from a use standpoint, but the buffers are put in place for a reason. She asked staff if it was appropriate to ask for a comment on this proposed compromise moving the pool down closer to the house, but keep it on the left side.

**Mr. Lotson**, for clarification, asked Ms. Ross if she was asking whether it is appropriate to ask for a compromise?

**Ms. Ross** said a comment or a compromise.

**Mr. Lotson** asked Ms. Ross if she was saying a comment or a compromise from staff?

**Ms. Ross** answered yes.

**Mr. Lotson** stated that the petition, as has been proposed by the applicant, is what staff has given a full review to. Therefore, it would be difficult for staff to comment hypothetically at this point. If the applicant is considering a redesign, it would be more appropriate for him to continue the petition and bring the new option to staff. Then, staff will bring the Board a recommendation based on what is presented; unless there is something that the Board and the applicant are willing to agree to in terms of the amount of encroachment.

**Mr. Vinyard** said he did not believe that they are able to negotiate here, this is not the Board's purview.

### **PUBLIC COMMENTS**

None.

#### **Motion**

The Chatham County Zoning Board of Review does hereby continue the petition to the meeting of May 24, 2022.

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

Motion: Coren Ross

Second: Benjamin Polote, Jr.

James Coursey	- Aye
Coren Ross	- Aye
Meredith Stone	- Aye
Robert Vinyard	- Aye
Benjamin Polote, Jr.	- Aye

### **X. Other Business**

## XI. Adjournment

### 7. Adjourned

There being no further business to come before the Board, Mr. Coursey adjourned the meeting at approximately 9:50 a.m.

Respectfully Submitted,

Marcus Lotson  
Development Services Director

***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.***