



Chatham County Zoning Board of Appeals

Arthur A. Mendonsa Hearing Room
June 27, 2023 - 9:00 A.M.
Meeting Minutes

JUNE 27, 2023 CHATHAM COUNTY ZONING BOARD OF APPEALS

Members Present: James Coursey, Chairman
Robert Vinyard, Vice Chairman
Kewaan Drayton
Ashley Field
Meredith Stone

Members Absent: Benjamin Polote
Coren Ross

Others Present: Edward Morrow, Interim Development Services Director
Melissa Paul-Leto, Development Services Planner
Mary E. Mitchell, Administrative Assistant
Hind Patel, IT Helpdesk & Support

Virtual Attendance: Pamela Everette, Esq., Assistant Executive Director, Compliance & Operations

Chatham County Staff Present: Jefferson Kirkland, Environmental Program Manager
Yolanda Washington, Zoning Administrator

I. Call to Order and Welcome

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

Mr. Coursey called the meeting to order at 9:05 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 were 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 May 23, 2023, Meeting Minutes](#)

[☞ May 23, 2023 Meeting Minutes.pdf](#)

Motion

The Chatham County Zoning Board of Appeals does hereby approve the May 23, 2023, Meeting Minutes.

Vote Results (Approved)

Motion: Meredith Stone

Second: Ashley Field

James Coursey	- Aye
Meredith Stone	- Aye
Robert Vinyard	- Aye
Kewaan Drayton	- Aye
Ashley Field	- Aye

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

[4. 50 Diamond Causeway | Variance to Sec. 3-6.1 | File No. ZBA-0523-000387](#)

[☞ Map.pdf](#)

[☞ Application.pdf](#)

[☞ PHOTO.pdf](#)

[☞ PHOTO 2.pdf](#)

[☞ Staff Report.pdf](#)

Mr. Edward Morrow explained that this petition has been continued to the next meeting. The Petitioner will seek a rezoning. They have plans to go before the Metropolitan Planning Commission (MPC). Staff determined that during their evaluation that a variance was not the appropriate course of action for the Petitioner. Mr. Morrow was hopeful that he was not speaking out of turn but believes the Petitioner will seek a rezoning for Office and Institutional use or any kind of Professional use.

Mr. Coursey stated that, therefore, this Board will not be considering anything regarding this matter. He entertained a motion to remove this item from the Final Agenda.

Motion

The Chatham County Zoning Board of Appeals does hereby approve to remove this petition from the Final Agenda as requested.

Vote Results (Approved)

Motion: Meredith Stone

Second: Kewaan Drayton

James Coursey	- Aye
Meredith Stone	- Aye
Robert Vinyard	- Aye
Kewaan Drayton	- Aye
Ashley Field	- Aye

VII. Consent Agenda

VIII. Old Business

IX. Regular Agenda

[5. VARIANCE | 4 Vandy Court | Request for an approximately 3-foot reduction to the 35-foot marsh buffer setback | ZBA-0523-000388](#)

☉ [Application.pdf](#)

☉ [4 Vandy Court Variance Submittal- PLANS.pdf](#)

☉ [Staff Report.pdf](#)

☉ [Applicant's Exhibit A.pdf](#)

Ms. Melissa Paul-Leto gave the Staff report. The Petitioner is requesting approximately a 3 feet variance to encroach into the minimum 35-foot marsh buffer setback requirement. The requested variance would allow the property owners to construct a dining room addition and a screened in porch to the rear of the property at 4 Vandy Court. Ms. Paul-Leto showed the Board the site plan. She explained that in the back of the Petitioner's yard, which is existing now, what is attached is what is going to be proposed. Pointing to an area, Ms. Paul-Leto stated that the Petitioner's house starts from there to the rear of the property. An oak tree is here, and they are trying to create an addition to the dining room. They also have a screened in porch, and a fire pit. She stated that because of this, they are moving their addition around the oak tree, and at this point, is where the Petitioner touches the 35-foot marsh buffer setback. She explained that although the requested variance is really 35 inches, she is rounding it off to three feet. It is not all the way 35 inches as over here it does not touch it, but on the left side is where it touches the 35 inches.

Ms. Paul-Leto stated that the property consists of one parcel, 0.18 acres, 7,840 square feet in size and is in the Planned Unit Development Environmental Overlay Zoning District of the Landings subdivision. She stated that the property is located southwest of Vandy Court. This single-family residence was constructed approximately in 1990. She explained the variance criteria show that, as she has aforesaid, an oak tree is in the rear yard behind the house that is keeping the Petitioner from staying away from the 35-foot marsh buffer setback. The design of the addition would be built to the side of the tree to keep from damaging the roots as well as damaging the tree itself. Staff finds there is an exceptional condition due to the oak tree's placement and size. There is a small portion of the proposed screened in porch that will be encroaching 35 inches or approximately 3 feet into the marsh and buffer setback. The location of the oak tree and the proposed screened porch meet at a point where the 35-foot marsh buffer setback place on the land has created a hardship for the Petitioner. The condition that is peculiar to the property is the location and the size of the oak tree that is being preserved and considered to the proposed designed of the addition.

Ms. Paul-Leto stated that based on the variance criteria, Staff recommends approval of the Petitioner's request to encroach three feet into the required 35-foot marsh buffer setback with the following condition:

There shall be gutters placed on the new roof design to direct water flow away from the marsh.

Ms. Paul-Leto entertained questions from the Board. She stated that the architect and property owners were here to answer questions also.

PETITIONER COMMENTS

Mr. Frank Stevens, architect, said he designed this layout for John and Nora Sweet. They were committed from the beginning to save the tree. However, they need the space, so they have done a lot to try to do so. They even agreed to use helical piers and above ground grade beams so that no pressure will be put on the roof bed that is around it. Half of the building is cantilevered out past the ten-foot radius around the tree. Mr. Stevens showed the Board the drawings of the proposed additions and alterations.

Mr. Coursey asked Mr. Stevens if he was placing the drawings into the record or if this was his only copy.

Mr. Stevens stated that the Board may have the drawings for their records.

Mr. Coursey explained that for the records, he was marking the drawings as Applicant's Exhibit A. He asked Mr. Stevens if he had anything else to present to the Board.

Mr. Stevens answered no.

Mr. Coursey asked the Board if they had questions for the Petitioner.

Ms. Field stated that the porch was mostly the encroachment. Is this correct?

Mr. Stevens answered yes, the screened porch was most of the encroachment.

Ms. Field asked if the section that cuts across is concrete, brick or processed pavers.

Mr. Stevens asked Ms. Field to please repeat her question.

Ms. Field explained that next to the diagram, it looks like a porch with a brick quarter.

Mr. Stevens asked Ms. Field if she was saying the grade where the bottom is sitting,

Ms. Field answered yes.

Mr. Stevens explained that they are brick pavers.

Ms. Field asked if the entire area would be brick pavers.

Mr. Stevens answered yes. But they can use pervious if the Board prefers.

Mr. Coursey invited Mr. Kirkland, Chatham County Environmental Program Manager, to come forward and make comments.

Mr. Kirkland came forward and explained that all the concerns he would raise have already been addressed. The Petitioners have made a lot of considerations to minimize impacting the lot. Therefore, he could not think of anything else to add. He stated that the Petitioners knows how to keep the equipment away from the tree as much as possible during the construction. The Petitioners have gone through a lot of trouble to save the tree.

Mr. Coursey asked Mr. Kirkland if the gutter work is sufficient from his standpoint.

Mr. Kirkland answered that he is not worried about the gutter as much as he is the tree. He believes the Petitioners have plenty of room to redirect the water.

Mr. Coursey asked if someone had a picture of the tree.

Mr. Sweet came forward and stated that his wife and he are the homeowners. He showed the Board a picture of the oak tree.

Mrs. Sweet said they had three arborists look at the tree. Two of the arborists advised them on how to best protect the tree. They will spend \$150.00 to feed the tree as they have done in the past. When the pilings go in, they will bring a sandblasting machine and work with the builders to ensure that they are placing the footings in the best location. She thanked the Staff for coming to their home to see the tree.

Mr. Coursey thanked Mr. & Mrs. Sweet for saving the tree. Many people in Chatham County have taken a "cut them all down" approach and replant them. It is nice to see someone making the extra effort to save a healthy tree.

PUBLIC COMMENTS

None.

BOARD DISCUSSION

Mr. Vinyard agreed with Mr. Coursey regarding cutting down the trees. He believes this is a great effort in spending a lot of money to save the tree. These trees are a treasure, and they need to be protected even more than they are.

The Board was in agreement with the Staff recommendation.

Mr. Coursey entertained a motion.

Motion

The Chatham County Zoning Board of Appeals does hereby approve the request to encroach 3-feet into the required 35-foot marsh buffer setback with the following condition:

1. There shall be gutters placed on the new roof to direct water flow away from the marsh.

Vote Results (Approved)

Motion: Robert Vinyard

Second: Meredith Stone

James Coursey	- Aye
Meredith Stone	- Aye
Robert Vinyard	- Aye
Kewaan Drayton	- Aye
Ashley Field	- Aye

[6. VARIANCE | 216 Grimboll Point Road | Reduction of side yard setback | ZBA-0523-000383](#)

[Public Comment.pdf](#)

[Staff Report - 216 Grimboll PT Road - ZBA0523-00383.pdf](#)

Mr. James Zerillo gave the Staff report. The Petitioner is requesting a 2-foot, 6-inch reduction of the 7-foot side yard setback requirement to accommodate an open-air carport which was constructed in error within the setback area Mr. Zerillo explained that per the applicant, the concrete slab was poured in error to align with the slab of the accessory dwelling unit in the rear of the property. The accessory dwelling unit was constructed sometime before 2008. Therefore, it was preexisting on the property. He showed the Board an image which showed that the accessory dwelling unit (ADU) and the footing were over the setback line. After they realized that it was constructed in error, they stopped working on it.

Mr. Zerillo explained that as far as the exceptional conditions are concerned, the ADU that the carport is aligned with is over 15 years old and was constructed by the previous owner. The general contractor aligned the concrete padding and footing to the existing ADU's concrete foundation on the driveway. He said that Staff found that relocating the driveway could cause the driveway to be less functional as it would have to be moved over to the setback line. In addition, it would not align with the ADU, which has the first story garage. Staff did not find any unusual conditions. If the variance is granted, it would not cause substantial detriment to the public good; however, it would be an expansion of the existing nonconforming property.

Mr. Zerillo reported that Staff recommends approval of the Petitioner's request for a 2-foot 6-inch reduction to the 7-foot side yard setback to accommodate an open-air carport which was constructed in error within the setback area.

There shall be gutters placed on the new roof designed to direct water flow away from the marsh.

Mr. Zerillo entertained questions from the Board.

PETITIONER COMMENTS

Mr. Michael Johnson of Shaw Architectural came forward and stated that they designed the additions to this house. He explained that they began the design and modification of the house prior to having a survey. They aligned with the garage that sits in the back. There is a pull through carport that pulls into the garage. Towards the end of the project, they finally received the survey. As they know, a lot of the surveys are running a bit behind. They realized that they were over the setback. Mr. Johnson said a change was made in their drawings to move the carport over and swing the driveway back around as it was a little crooked. However, it was a failure on their part as they failed to update the foundation plan. When it was vertical, they realized their error and had the contractor stop the work and they investigated what happened. They had estimates done and corrected the work. This was quite an expensive correction. So, they are here today seeking a variance. They are hopeful that the Board will see that the alignment of this carport is really a better and more functional design for the owner. Mr. Johnson said they have no problems addressing the drainage and gutter issue. As a matter of fact, they are doing much of this on site now as they have some water issues. He entertained questions from the Board.

Ms. Field asked what kind of water issues they have on site.

Mr. Johnson said some areas behind the property are water ponds and pools. They are creating some drainage areas and rock beds to mitigate some of this.

Mr. Coursey asked Mr. Kirkland, County Engineer, if there were any water issues he wanted to speak about.

Mr. Kirkland explained their biggest concern is that the neighbors are not impacted. The Petitioner should not change any flow patterns that already exist. He assumes that if the Petitioner is trying to correct existing issues, they would not push water off their lot onto anybody else's property.

PUBLIC COMMENTS

No one was present or online. Staff received an email from Ms. Bridget Olano who resides at 5 Pinewood Avenue. Ms. Olano stated that if the variance is granted, that the property owner be required to put up a 6 feet privacy fence along the back of their property.

BOARD DISCUSSION

The Board agreed with the Staff recommendation.

Mr. Coursey entertained a motion.

Motion

The Chatham County Zoning Board of Appeals does hereby approve the variance request for a 2-foot and 6-inch reduction to the 7-foot side yard setback to accommodate an open-air carport which was constructed in error within the setback area.

1. There shall be gutters placed on the new roof designed to direct water flow away from the marsh.

Vote Results (Approved)

Motion: Meredith Stone

Second: Kewaan Drayton

James Coursey - Aye

Meredith Stone - Aye

Robert Vinyard - Aye

Kewaan Drayton - Aye

Ashley Field - Aye

X. Other Business

XI. Adjournment

[7. Adjourned](#)

There being no further business to come before the Board, Mr. Coursey adjourned the meeting at 9:30 a.m.

Respectfully Submitted,

Edward Morrow
Interim Development Services Director

EM:mem

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.