



## Chatham County Zoning Board of Appeals

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Arthur A. Mendonsa Hearing Room  
April 23, 2024 - 9:00 A.M.  
Meeting Minutes

### APRIL 23, 2024 CHATHAM COUNTY ZONING BOARD OF APPEALS

Members Present: James Coursey, Chair  
Kewaan Drayton  
Ben Polote  
Meredith Stone

Member Absent: Robert Vinyard, Vice-Chair

Others Present: Edward Morrow, Current Planning/Development Services Director  
Brad Clements, Current Planning/Development Services Senior Planner  
Nykobe Richardson, Development Services Intern  
Sally Helm, Administrative Assistant II, Development Services/Current Planning  
Hind Patel, IT Helpdesk & Support

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

Chatham County Staff Present: Jefferson Kirkland, Environmental Program Manager

#### I. Call to Order and Welcome

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

Mr. Coursey Called the meeting to order at 9:04 a.m. He explained that this is a quasi-judicial proceeding. He asked that all those wishing to give testimony during these proceedings 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

#### III. Notices, Proclamations and Acknowledgements

#### IV. Petitions Ready for Hearing

#### V. Approval of Minutes

##### [2. Approval of the March 26, 2024 meeting minutes](#)

📎 [march-26-2024-chatham-county-ZBA-minutes.pdf](#)

#### Motion

The Chatham County Zoning Board of Appeals does hereby approve the March 26, 2024 meeting minutes.

**Vote Results ( Approved )**

Motion: Meredith Stone

Second: Kewaan Drayton

James Coursey	- Aye
Meredith Stone	- Aye
Robert Vinyard	- Not Present
Benjamin Polote, Jr.	- Aye
Kewaan Drayton	- Aye
Ashley Field	- Not Present

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

**VII. Consent Agenda**

**VIII. Old Business**

**IX. Regular Agenda**

[3. Variance | 2304 E. Boulevard | Request for variance to reduce the County's riparian buffer of 35ft. |ZBA-0324-000452](#)

🔗 [Application.pdf](#)

🔗 [2024-02-27\\_2304\\_East\\_Blvd \(1\).pdf](#)

🔗 [Kirkland Exhibit.pdf](#)

🔗 [2304 East BLVD. - Staff Report-ZBA-0224-000452 .pdf](#)

**Brad Clements, Senior Planner for Development Services/Current Planning**, said the Petitioner is requesting a variance to allow the construction of a pool that will encroach into Chatham County's 35-ft Environmental Overlay buffer. The subject property is approximately 0.7-acres and is currently split zoned One Family Residential – Environmental Overlay (R-1/EO) and Marsh Conservation – Environmental Overlay. The property is constructed with a wooden head wall with a protected property area of approximately 0.3-acres. The proposed construction is planned entirely within the ~0.3-acres of protected property also within the R-1/EO zoned portion. As a result of the presence of the wooden head wall the Petitioner has received an exemption from the from the State Waters Buffer. Additionally, on February 27, 2024, the Petitioner was given a determination of exemption from the buffer by the Chatham County Environmental Programs Manager stating that the proposed disturbance is located landward of the serviceable bank stabilization.

The Petitioner/property owner Brandon Lino, participated in the County's Site Plan Review meeting prior to submitting plans and variance application materials to the County. During the discussion both the presence of the Head Wall and the property's location in an AE – 11 FEMA SFHA were discussed as well as the construction limitations that would affect the Petitioner's ability to submit approvable plans for the construction. Once the County made its State Waters Determination, the Petitioner proceeded with application materials. Ultimately, the County determined that its Environmental Overlay 35-ft Riparian Buffer) would still be applicable even with their determination that the State Water Act was not applicable.

1. Relevant Environmental Overlay District Standards: The purpose of the Environmental Overlay District is to, "to establish supplemental standards to bolster those currently in the Chatham County Zoning Ordinance in order to, a) protect and enhance community character; b) provide for safe and orderly development; and c) protect environmental quality, especially the estuarine system that surrounds the community. Maximum building height shall be 36 feet above grade or the 100-year

base flood elevation; whichever is higher, excluding appurtenances otherwise exempted by the Zoning Ordinance. A 35-foot riparian buffer as measured from the Department of Natural Resources jurisdictional marsh line as established by the Coastal Resources Division in accordance with the Coastal Marshlands Protection Act of 1970 is required. The buffer must remain undisturbed at all times, except as permitted in paragraph (2) of this section. The requirement of the riparian buffer does not exclude the property owner from compliance with any other State or local buffers of State waters. Except that for marinas, only the provisions of Coastal Marshlands Protection, Chapter 391-2-3 shall apply. No more than 30 percent of the riparian buffer may be altered by pruning or selective clearing for access and maintenance of view corridors.

The proposed construction is not vertical in nature. The Petitioner's proposal does not impact existing vegetation which is absent from the subject property. The Petitioner's proposal does not in any way include further encroach into the existing marshlands but cannot meet the 35 ft buffer requirement as being applied by the County. The proposed construction will be 28'-8" from the head wall and meet the otherwise controlling setbacks for the zoning district. The State has exempted this property from Coastal Marsh Protection Jurisdictional Buffer and the County has provided an exemption letter.

This variance request requires the analysis of State and local laws regarding riparian buffers and consideration of future environmental conditions. While the property is exempt from State riparian buffers, this does not exempt the property from the local Chatham County riparian buffer in the Environmental Overlay District. The intent behind the development standards varies by law and will be discussed below. The Zoning Board of Appeals may authorize a variance in an individual case upon a finding that:

(a) **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.**

The subject property does represent extraordinary and exceptional conditions as compared with other similarly zoned adjacent properties. (Presence of Head Wall)

(b) **The application of this chapter to this particular piece of property would create an unnecessary hardship.**

The applications of this chapter creates a hardship for this particular property and creates a contradictory application of Riparian standards. The property has been exempted from State restrictions as it has been determined to present as stabilized shoreline and not Riparian in nature.

This parcel is in a high-risk AE-11 flood zone (Special Flood Hazard Area), granting this encroachment variance in no way impacts the Petitioners ability to secure building permits unless all additional and unrelated floodplain issues are satisfactorily addressed.

(c) **Such conditions are peculiar to the particular piece of property involved.**

This property possesses a head wall which stabilizes the shoreline and protects the property from coastal erosion and other typical riparian effects.

(d) **Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Chatham County Zoning Ordinance.**

This variance would not impact the public good or impair the purpose or intent of this ordinance. In this unique situation, this particular application brings into question the nature and intent of the ordinance as it exists. This proposal does not include any vertical construction, removal or other impacts to riparian vegetation, or increase any marshland encroachment.

Based on the variance criteria, exemption by the State and the County's February 27, 2024 correspondence, MPC Staff recommends approval of the Petitioner's request for a variance.

**Mr. Jefferson Kirkland, Environmental Program Manager, Chatham County Engineering**, said I am happy to answer any questions you may have.

**Mr. Coursey** asked if there was any marsh grass or marsh plants in the yard.

**Mr. Kirland** said no, at the time of the visit there were none.

**Mr. Brandon Leno, Petitioner**, after being sworn in said I am here for questions or concerns.

**Mr. Coursey** asked how old the sea wall was.

**Mr. Leno** said it was there when I purchased the property, possibly since 2017.

**Mr. Coursey** said the side portion of the sea wall looks substantial and above the surface of the yard. Coming down horizontally on the dock side, it is harder to tell.

**Mr. Leno** said there are two different materials. The side that is angled is built out of steel and railroad ties. The other side is wooden.

**Mr., Coursey** asked if they were built at the same time.

**Mr. Leno** stated he was unsure.

**Mr. Coursey** said I have no problem giving a variance with condition that the sea wall be maintained and not allowed to deteriorate.

#### **PUBLIC COMMENT**

None

#### **BOARD DISCUSSION**

None

**Mr. Coursey** asked for a motion to approve with the condition proposed that the sea wall be maintained in perpetuity as to not allow the marsh to encroach.

Mr. Polote made motion that was seconded by Mr. Drayton. All in favor, motion passed.

#### **Motion**

The Chatham County Zoning Board of Appeals does hereby approve the request to reduce the County's riparian buffer of 35 feet, with the condition that the retaining area of the wall be maintained in perpetuity as to not allow the marsh to encroach.

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

Motion: Benjamin Polote, Jr.

Second: Kewaan Drayton

James Coursey	- Aye
Meredith Stone	- Aye
Robert Vinyard	- Not Present
Benjamin Polote, Jr.	- Aye
Kewaan Drayton	- Aye
Ashley Field	- Not Present

#### **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.***