



Chatham County Zoning Board of Appeals

July 23, 2024 9:00 a.m.
Meeting Minutes

JULY 23, 2024 CHATHAM COUNTY ZONING BOARD OF APPEALS

Members Present: James Coursey, Chair
Kewaan Drayton
Robert Vineyard
Meredith Stone
Jenna Barzaga
Ben Polote

Member Absent: Tia Acker-Moore

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
Pamela Everett, Esq., Assistant Executive Director, Compliance & Operations

Chatham County Staff Present: Jefferson Kirkland, Environmental Program Manager

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 June 25, 2024 Meeting Minutes](#)

📎 [june-25-2024-chatham-county-ZBA-minutes.pdf](#)

Motion

Approve of the June 25, 2024 meeting minutes.

Vote Results (Approved)

Motion: Benjamin Polote, Jr.

Second: Robert Vineyard

James Coursey

- Aye

Meredith Stone

- Not Present

Robert Vineyard

- Aye

Benjamin Polote, Jr.	- Aye
Kewaan Drayton	- Aye
Ashley Field	- Not Present
Jenna Barzaga	- Aye
Tia Acker-Moore	- Not Present

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

2. 117 North Street | Variances to reduce front and rear setbacks| ZBA -0624-000488

📎 [application.pdf](#)

Motion

Item removed from the final agenda.

Vote Results (Approved)

Motion: Robert Vinyard

Second: Meredith Stone

James Coursey	- Aye
Meredith Stone	- Not Present
Robert Vinyard	- Aye
Benjamin Polote, Jr.	- Aye
Kewaan Drayton	- Aye
Ashley Field	- Not Present
Jenna Barzaga	- Aye
Tia Acker-Moore	- Not Present

VII. Consent Agenda

VIII. Old Business

IX. Regular Agenda

3. 105 Nobel View | Variance to reduce rear marsh buffer | ZBA-0624-000487

📎 [application.pdf](#)

📎 [PLAT.pdf](#)

📎 [PLANS.pdf](#)

📎 [Staff Report_ZBA-0624-000487_abm.pdf](#)

📎 [105 Noble View Photos.pdf](#)

Ms. Anna McQuarrie, Senior Planner, Development Services/ Special Projects presented the Staff Report. **Ms. McQuarrie** stated the Petitioner is requesting a variance from Chatham County's 10-foot riparian buffer required by the Environmental Overlay (EO) zoning district to construct a residential single-family structure on the vacant lot. The property is 0.59 acres and located within the PUD/EO (Planned Unit Development - Environmental Overlay) zoning district within South Harbor at 105 Noble View. For all properties built along marshland, a 25-foot riparian buffer is required by state law and an additional 10 feet are required as part of the Chatham County EO Zoning District for a total buffer of 35-feet. The Petitioner, Steve Stowers, on behalf of the property owners, Cassidy and Daniel Willard,

requested to eliminate Chatham County's 10-foot riparian buffer. The proposed design has a total lot coverage of 7,728 square feet (30%) with 3,973 square feet building coverage, 3,172 square feet driveway coverage, and 583 square feet walkway coverage. Portions of the proposed concrete back porch, service yard and stairs, and concrete driveway extends into the County's ten feet of required riparian buffer. The parcel is 0.59 acres and located within the PUD/EO Zoning Districts. The parcel is part of South Harbor Subdivision Phase G, Lot 87. According to the covenant for Phase G, the minimum living area is 3,000 square feet and minimum side setback is 20 feet. The marsh jurisdictional line was established February 24, 2024, and is located along the edge of the lot line. The State Waters and Buffer Determination was conducted July 15, 2024, and determined the parcel is exempt from the State Water Buffer. This letter does not exempt property owners from the Chatham County Environmental Overlay District 35-foot riparian buffer. This lot was cleared and filled by the previous homeowners. The lot received a FEMA Letter of Map Revision Based on Fill (LOMR-F) on September 15, 2021, that removed a portion of the property from the Special Hazard Flood Area. This does not exempt the property from the Environmental Overlay District standards.

Ms. Quarrie stated this petition is regarding the Environmental Overlay District, which has the intent "to establish supplemental standards to bolster those currently in the Chatham County Zoning Ordinance in order to 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." Further, "the 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."

While this property was cleared of vegetation, filled, and removed from the floodplain, it is in an environmentally sensitive area, where sea level rise is projected to impact the surrounding waterbodies and wetlands. This property backs into a salt marsh, which is expected to be inundated with water as sea level rises 1-foot by 2040 and 1.6-2-feet by 2060. Saltmarshes are dynamic, not static, ecosystems and are expected to migrate upland as water rises. Development decisions require thoughtful consideration of future conditions as opposed to solely relying on historical development patterns and current environmental conditions.

Ms. McQuarrie stated that due to the current state of the lot, Staff is recommending approval of the variance request on the condition the Applicant shall have a riparian buffer restoration plan approved by the Chatham County Departments of Engineering and Building Safety and Regulatory Services prior to issuance of a building permit. Such a plan shall be submitted by a landscape architect or design professional and shall include native plants and a diversity of species. Vegetative restoration seeks to prevent coastal squeeze and additional loss of saltmarsh, while also protecting the property through nature-based solutions. The lot is cleared and there is currently no vegetation. The elevation has been changed because it is filled.

This lot was cleared, filled, and removed from the floodplain by the previous owners. The vegetated buffer no longer exists and all the natural flood protection on site was removed. The application of this chapter does not create an unnecessary hardship. According to Comprehensive Plan 2040 there are approximately 228 square miles of wetlands in Chatham County (). Environmental Overlay Districts throughout the County must consider wetlands for development purposes; however, Staff recognize this lot presents a unique situation as there is no vegetation within the buffer area. Based on the EO ordinance and variance criteria, MPC Staff recommends **approval** of the request for a variance to eliminate the Chatham County's 10-foot required EO riparian buffer to construct a residential single-family structure on the lot with the following condition:

1. Prior to issuance of a building permit, the Applicant shall have a riparian buffer restoration plan approved by the Chatham County Departments of Engineering and Building Safety and Regulatory Services. Such a plan shall be submitted by a landscape architect or design professional and shall include native plants and a diversity of species.

Mr. Robert Vineyard, Board Member, asked for clarity on why last month the Board unanimously voted against a Riparian Buffer and this month they are being asked to approve a Riparian Buffer. He asked what the difference was other than one lot is cleared, and the other was not. How much of the buffer is being taken by the construction.

Ms. McQuarrie said the Board did approve the variance month. The current lot has no vegetation. Staff working with the Building and Safety Department and the Engineering Department thought the best way to move forward with this was to require a condition upon approval since there is no vegetation to protect it. The lot has been filled, therefore being removed from the flood plain. Since there is no vegetation to protect within the buffer area, Staff felt with the condition, there can be vegetation restored while also allowing the homeowner to build. The restoration plan would need to be approved by the Chatham County Building Safety Department and Chatham County Engineering Department prior to having building permits on the lot.

Mr. Jefferson Kirkland, Chatham County Environmental Program Manager, said he concluded that the lot was exempt from the 25-foot State Waters Buffer in accordance with the 18% rule which is a variance or exemption by rule when a lot platted before 2016 is when the buffer encumbers more than 18% of the upland of the lot. The State Waters Buffer's intent is to prevent sediment from moving into State Waters during construction. That buffer goes away when construction activities are completed. It is triggered by the ENS law. The County Riparian Buffer is a buffer in perpetuity. Its purpose is to protect Riparian assets from things such as heat, pollutants from the yard, and offers a wildlife corridor. The 35-foot Riparian Buffer is administered by Building and Safety in the Zoning Regulation. The 25-foot State Waters Buffer is administered by the Department of Engineering and that is in the Soil Erosion and Sedimentation Control Ordinance.

Mr. Coursey said he understood that the current owner did not fill the lot, but he asked if there should be any concern about the fill dirt.

Mr. Jefferson said the previous owners obtained a determination from his department several years ago. It has now expired. They cleared the lot and filled it. They were able to get the LUMO which allowed the fill in this flood plain. The lot then changed hands. Nothing had been done for one to two years. The previous owners did not check with the Building and Safety Department, but they did go through the Engineering Department.

Mr. Coursey asked if there was a site plan.

Ms. McQuarrie presented the site plan.

Mr. Daniel Willard, Property Owner, said the essential challenge with the lot was the shape. With the buffer in the back and the front, it squeezes the buildable site close to the neighbor. The idea is in keeping with the neighborhood and the other homes on the street. The home across the street is a mirror image of this lot. This is a .59-acre lot, to be able to build and capitalize on the size of the lot with the strictures, they are just trying to stay within the aesthetics of the neighborhood.

Mr. Coursey asked since you are so close to the buffer are there going to be drainage plans to move water away from the marsh? What are you going to do with the water coming off the roof?

Mr. Willard said they will do whatever the Building Department requires them to do.

Mr. Vineyard asked what the setback from the road is.

Mr. Willard said it appears to be 20 feet. In this area, you are required to build up. The porches end up protruding out further due to the construction and the look of the house.

BOARD DISCUSSION

Space down Mr. Vineyard the lot has been cleared, the vegetation is gone, and the Staff recommends approval. He supports the Staff's recommendation.

Mr. Coursey said the style of the house is in keeping with those around it. They are all built vertically.

There being no further discussion, Mr. Coursey entertained a motion.

Motion

Approval of the request for a variance to eliminate the Chatham Countys 10-foot required EO riparian buffer to construct a residential single-family structure on the lot with the following condition:

The petitioner performs vegetative restoration within the 35-foot Chatham County Environmental Overlay riparian buffer and submits a planting plan designed by a qualified professional that includes native plants and diversity of species to the Chatham County Department of Engineering and BSRS Staff and obtains approval prior to beginning construction.

Vote Results (Approved)

Motion: Meredith Stone

Second: Benjamin Polote, Jr.

James Coursey	- Aye
Meredith Stone	- Aye
Robert Vinyard	- Aye
Benjamin Polote, Jr.	- Aye
Kewaan Drayton	- Aye
Ashley Field	- Not Present
Jenna Barzaga	- Aye
Tia Acker-Moore	- Not Present

[4. 1 Brasseler Blvd | Variance for reduction in rear and side yard setbacks for expansion of existing non-conforming structure | ZBA-0424-000467](#)

🔗 [Application.pdf](#)

🔗 [STAFF REPORT - ZBA-0424-000467 - 1 Brasseler BLVD - BVC.pdf](#)

Mr. Brad Clement, Senior Planner, Development Services presented the Staff Report. **Mr. Clement** said the Applicant is requesting the following:

- A limited variance to the western and southern building setback line (reduced from 100 feet)
- A limited variance to the southern buffer (reduced from 50 feet). The expansion of an existing non-conforming structure.

Mr. Clement said the subject property consists of one parcel approximately 7.68-acres, currently developed for the light manufacturing of medical equipment. The original building was constructed in 1981 per the County Assessor's website. The subject parcel and all adjacent parcels are all zoned PUD-C (Planned Unit Development Community). The new construction proposed reflects an expansion of the long-established operation of the site with building design of a similar type. Placement and configuration of the site improvement reflect the Petitioner's desire to preserve and maximize expansion of existing parking areas as well as to expand and improve the overall function and efficiency of the site's overall operation. All adjacent development within the PUD-C area was subsequent to the construction and established operation of the subject parcel. The proposed setback encroachments are chiefly the result of two controlling factors: the orientation of the existing construction and the desire to expand consistent with the existing construction. The new construction could be placed on the lot in a manner that would not require encroachment variances. The requested variance appears to be driven by the Petitioner's design choices which are at least in some sense informed by the desire to maintain the symmetry of the with existing structures placement and orientation. No alternative plan was presented to Saff which likely could have alleviated the need for the requested setback variance.

MPC Staff recommends **approval** of the Petitioner's request. While the Board has no authority to enforce the adoption of a particular Site Plan, the Board of Appeals may limit the setback encroachment relief it is

willing to grant, so the Staff further recommends only granting sufficient setback relief so as to allow the submitted Site Plan to move forward.

Mr. Joshua Yellin, Agent for Petitioner, said the site is located at 1 Brasseler Boulevard. This area was initially developed as the Georgetown Industrial Park. It is still listed that way on the FLUM. It is intended to be an industrial development. The variances they are asking for today is just trying clean up the site due to changes they did not have any control over. As mentioned, when the building was originally constructed, it was developed within the setback. Because of that, any expansion or development of this site now needs to come before this Board for an expansion of a non-conforming use. They are asking for permission to give them the authority to state that this building is actually correct and that it can be expanded. The other variances they are requesting relate to the rear and side yard setback. This was likely constructed in 1981 as Industrial Development. The County's PUD Ordinance was then adopted after the fact. The PUD Ordinance states Industrial Developments do not have any side yard or setback buffers. Somehow, a multi-family project came in on an Industrial Parcel. That use is permitted there in the PUD. Because of the multi-family use, that threw off all of our setbacks. Now they have to have a 30-foot setback against the Residential which was never required when they developed this site. They carefully situated the expansions to increase the buffer in a way to have minimal impact on the adjacent property. The multi-family site is maxed out on density. They will not be expanding, adding any new units or buildings. On one side of our property there is a 30-foot drainage easement. Even with the setbacks they are requesting, they are still 150 feet away from the nearest multi-family building. On the southern portion of the site, it is the same, they will be 150 feet away from the building. They worked on the preliminary landscaping plan for this development. A landscape buffer will be planted. There is an existing ditch that is necessary for stormwater.

Mr. Coursey asked where the stormwater would be going.

Mr. Chuck Singleton, Coleman and Company, said at this point they are in the preliminary design. In preparation we have looked at the overall development pattern and the plan for development. It is their understanding at this point, this site actually discharges stormwater. There is a drainage easement along the north side and on the east side of the property there is a linear drainage detention facility on the opposite side, and it all conveys into the marsh from there.

Mr. Clement said the site plans were taken to the Engineering Review Department to see if this kind, could be built and meet the strictures. Staff had the discussion with the Engineering Department to make sure the Petitioner was not asking for variances on something that could not be built.

BOARD DISCUSSION

None

Motion

Approval of the Petitioner's request for a limited variance to the western and southern building setback line (reduced from 100 feet), a limited variance to the southern buffer (reduced from 50 feet), and the expansion of an existing non-conforming structure.

Vote Results (Approved)

Motion: Robert Vinyard

Second: Meredith Stone

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

Jenna Barzaga	- Aye
Tia Acker-Moore	- 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.