



Chatham County Zoning Board of Appeals

Arthur A. Mendonsa Hearing Room
June 25, 2024 - 9:00 A.M.
Minutes

JUNE 25, 2024 CHATHAM COUNTY ZONING BOARD OF APPEALS

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

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 and explained that this is a quasi-judicial proceeding. He asked that all those wishing to give testimony during these proceedings, please sign in. 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 the April 23, 2024 CZBA Meeting minutes

📎 [april-23-2024-chatham-county-zoning-board-of-appeals-minutes.pdf](#)

Motion

The Meeting Minutes of April 23, 2024, were approved.

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	- Not Present
Tia Acker-Moore	- Not Present

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

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

Motion

Remove item from agenda.

Vote Results (Approved)

Motion: Benjamin Polote, Jr.

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	- Not Present
Tia Acker-Moore	- Not Present

VII. Consent Agenda

VIII. Old Business

IX. Regular Agenda

[5. 270 Berwick Blvd | Variance to increase maximum allowable height | ZBA-0424-000468](#)

🔗 [270 Berwick Blvd Height Variance Application.pdf](#)

🔗 [AERIAL-SITE MAP ZBA-0424-000468.pdf](#)

🔗 [27736.0002 - Height Study Exhibit 05.17.2024.pdf](#)

☞ [Chatham HP 190815-001 Oct 24 2019.pdf](#)

☞ [Aycock public comment- 270 Berwick Blvd property.pdf](#)

☞ [Staff Report-ZBA-0424-000468 - 270 Berwick BLVD..pdf](#)

☞ [Lukas - Opposition to Height Variance Berwick Blvd Construction - Additional Signatures.pdf](#)

☞ [Final Paper Petitions- Opposition.pdf](#)

☞ [Jason MacMillan_ Public Hearing Notice June 25th 2024.pdf](#)

☞ [Berwick GPR Final Report.pdf](#)

Mr. Brad Clement presented the Staff report. He stated that the Petitioner is seeking a variance for multi-unit apartment dwelling units as a part of the Berwick Master Plan Development area. It is currently a vacant site. The site, as a part of the original Master Plan, was intended for church use, but was changed to congregate care. In 2023, it was changed to apartments, which is what is going forward now. Mr. Clements stated that the density for the parcel, according to the master plan is capped at the County's maximum amount is 24 units per acre. The current proposal is 20 units per acre. However, the variances being sought are not attached to a specific Site Development Plan. He explained that what the Board sees as shown on the exhibits, represents a concept plan as to how the buildings would be aligned and how they would be located on the site. This could change as the current site plan is presently undergoing review by various County departments. Therefore, it is likely to change in some minor way, but not in a significant form and certainly not in units. There are only so many units that can fit on this parcel, which is 12.90. Therefore, the 20 dwelling units per net acre, puts it at approximately 240 dwelling units of two types. One building being proposed would be 56 feet high. This is a 20-foot increase, which is the variance being sought. The other building type are garden buildings. A 10-foot variance is being sought to increase the height to 46 feet. The County's standards in all zoning districts is 36 feet.

Mr. Clement stated that when Staff reviews applications for height variances, they typically see these in apartments. This is how they are able to get to the density that was previously approved. It is just modern construction techniques. He stated there are several people present that have other issues related to this development that they would like to speak about. Not necessarily the types of heights, but this application is solely related to the increase and the height to allow for the density as allowed for the Master Plan in the County's ordinance. Mr. Clement said based on this, Staff recommends approval of the height variances just as this Board has done several times in the past for construction of this type in other locations throughout the unincorporated area. He said, however, Staff has attached some conditions to this because there is not a specific Site Plan tied to this variance request. Those types of requests would go to the Planning Commission and not the Zoning Board of Appeals. But as this Site Plan is being refined, they are seeking the variance now as a concurrent step to seeking approval of this site plan.

Mr. Clement further explained, therefore, what they have done was to capture a percentage of buildings tied to the height variances as requested to perform to what is presented in the concept plan. They have also asked that the general orientation of the final site resemble that as presented in the concept plan where the taller buildings are more to the center of the site where the lower height buildings are around this. This accommodates for structure and screening from the nearby residential areas. There are townhomes to the south and single family-dwellings to the north. He was sure that some of these residents are present at today's meeting.

Mr. Clement showed the Board an elevation and site model provided by the developer. He stated this was the Stonebridge home model, the Stonelake townhomes model location of the existing vegetative buffers, and a monster model building representing the 56-height increase. Mr. Clement stated, however, the model does not represent the structure that will be built but shows the line of sight and ground level to those buffers. He said that you will not be able to see through the windows of the apartments from the adjacent homes, nor would the people in the apartments be able to see through the trees into the backyards of the adjacent homes. Therefore, Staff feels that the obstruction of views have been met. Therefore, Staff's recommended approval of the height variance is to reach the preapproved density for this tract in this Master Plan Development. Mr. Clement entertained questions from the Board.

Mr. Vinyard said the properties are for the apartments. Is this correct?

Mr. Clement answered yes.

Mr. Vinyard asked if the density is already set out in the zoning.

Mr. Clement stated it is capped by the County's ordinance and the Master Plan Development document.

Mr. Vinyard asked if there was any movement in the County Commission to amend the Zoning Ordinance so that this Board would not have to sit here and do what he calls violating the ordinance by granting height restrictions alternatives, rather than just changing the Ordinance to allow this to happen?

Mr. Clement explained that what is ongoing with other departments is simply a matter of someone making the request and moving the paperwork through the County Commission for approval. They will have to look at the Standards and how they will apply. Savannah has several height regulations, certain density of development and certain locations in those overlay districts. The County will probably not be that complicated, but they will need some type of formula, and this takes time.

Mr. Coursey asked Staff to point out the little cemetery that he read about.

Mr. Clement explained that a study was done based on a report of a cemetery on the premises. The State did the research and determined that a cemetery was not there but gravestones that had been moved and placed on this parcel. A new story to the effect that a cemetery was discovered on the site drew a lot of attention. The media did not follow-up on the story, but it turned out not to be the case. It is in the southern west portion of the property. It is not currently a part of the Site Plan that he has seen or any of the Site Plans that have previously been submitted.

Mr. Coursey stated that he saw a reference to a wall or buffer around the cemetery. Is now off the table?

Mr. Clement pointed out that in Staff's exhibit 4, they will see the reference to the cemetery in its previous location. However, he said he does not have a specific Site Plan in hand.

Mr. Coursey stated that he understood what was being said, but he just wanted to ensure what his parameters of decision-making are this morning.

PETITIONER'S COMMENTS

Attorney Joshua Yellin, Agent for Flournoy Development Group, LLC, came forward. Attorney Yellin stated accompanying him were Mr. Charlie Sabin and Mr. Stephan Jean. He thanked the MPC Staff for the recommendation of approval. He stated that as Mr. Clement mentioned, this is not a new area. This is a common variance request and has come before the Board on numerous occasions and for numerous properties in this area. Attorney Yellin said he could count at least four properties that he has personally handled before this Board since 2017 along Highway 17 or within Berwick. These variances have been approved and recommended for approval by the Staff because the 36-foot height limitation on multi-family development is antiquated and is not in keeping with modern construction standards. Every single multifamily developer is coming in and looking to do a four-story building. As was also mentioned, the request for the variance, and this needs to be very clearly stated, has nothing to do with an increase in density. Everything about the height variance about making the building taller, is about developing a better project, both for the community around it and for the residents who will live here. Attorney Yellin said, therefore, what they have found is that there are three keyways that the height variance is warranted. First, and what the Board will see on the site plan, is that this site as it is currently laid out, is it is going through site plan review at Chatham County and is providing approximately 49 percent open space. Under the County's requirements, they are only required to have 20 percent of open space. So, they are more than doubling the open space on this project as amenities for the residents. Attorney Yellin explained that they could certainly shorten the buildings and take up some of the open space. The height increase has nothing to do with fitting more units here. It is about open space primarily, which is better. Since COVID, they have seen that every single apartment and every single renter that has come into town wants to have green space; wants to have amenities space, wants to have that feeling that it is not an urban development. Second, is for the ceiling heights. By providing for the increased height of the building, they obviously get taller ceilings for the residents in the units within the

building, which is great. People do not want to live in apartments with 8-foot or 9-foot ceilings. Attorney Yellin said lastly and very importantly for the context in the surroundings of the area, is that getting the height variance, and they have seen this before on each and every other project, is that they have the opportunity to come in with pitch proofs. This is important aesthetically for this area. Any developer could come in with a three-story building and a flat roof and make this completely out of context for the area. He said that by coming in with a pitched roof, they need the additional height; the height needs the variance, but they are able to design a product that is more in keeping and more aesthetically pleasing and more aligned with the neighbors.

Attorney Yellin said he just wanted to be clear about the reasons that they are coming in to request the height variance. As was mentioned, Staff is recommending approval for the height variance. More importantly, the reason Staff is recommending approval is based upon the exhibit, which has to do with the line of sight and the relationship between this property and the surrounding single-family homes. And then the townhomes, which on the Master Plan are also considered multifamily and how the views lineup from the adjacent site. As can be seen on both sides of the property and as can actually be seen in the exhibit, this site is currently heavily vegetated. Attorney Yellin explained that the Petitioner is preserving these buffers and maintaining the buffers in their state so that this site and the buildings within it will be very much insulated from the surroundings. This is a natural buffer, and on this side, they have 65 feet tall trees and as the Board can see, they have 85 feet tall trees. In addition, the distance between the buildings, between their largest building and the residents on all sides of the property is well over 100 feet. He believes it is close to 200 feet in most areas. Within the 200 feet as was mentioned, is the buffer areas.

Attorney Yellin said because the question was asked, he wanted to mention the gravestones that are here on this site. He can shed some light and background on the gravestones. This was not a cemetery of any type. What was found in approximately this location, were three gravestones from the Fox Family. The Fox Family was the prior owner. This all was the Berwick Plantation, and they were at one time owners of the plantation. They sold it to a family and somehow came back and put the graves on site. There are three of them, but what is unique about them is that they are haphazardly laid there. Therefore, a part of the report that they received concluded that they might have been placed there at a later date, and they are not disputing this as they understand that there are three gravestones on site. A ground penetrating radar analysis of the area and there are no other gravestones or no other bodies on site. But the area that does have the three stones is protected by a 25-foot buffer as recommended by the State. Therefore, this will never be developed upon. It is within the buffer area and cannot be touched. They have done the research on this and have found the gravestones and they do understand that they can't do anything there and they are not proposing to do anything there. They are seeking to preserve this section in place.

Attorney Yellin said, however, to go back to the height variance, they thank Staff for the recommendation of approval. The recommendation is in line with the prior four applications that have already been handled by this Board. He said they respectfully request that the Board approve this requested height variance as has been recommended by Staff. Attorney Yellin entertained questions from the Board.

Mr. Coursey stated that someone, he does not recall who, has a written presentation in opposition to this application. A photo is at the bottom of page 2 or page 3 of that presentation showing an opened undeveloped nonbuffered area between some adjacent townhomes.

Attorney Yellin stated that he does not believe that the property shown is their property. They have not cut down any trees or started any land disturbance yet. He pointed to an area and said he believes the property is connected to the Berwick Commercial Development with access to Highway 17/Ogeechee Road. Attorney Yellin said it is not their property.

Mr. Coursey asked if the adjacent property is fully developed.

Attorney Yellin asked Mr. Coursey if he was speaking about the property that has been clear cut.

Mr. Coursey answered yes.

Attorney Yellin said no sir. Their property is currently under construction.

Ms. Stone stated that given that height is being driven by the desire for open space and amenities that are supposed to benefit the community, what are some of that are being planned.

Attorney Yellin asked Mr. Toledo to address Ms. Stone's concern.

Mr. Felipe Toledo came forward and was sworn in by Mr. Coursey.

Mr. Toledo showed the Board the Site Plan and stated as for the amenities, there will be a club house on the front of the facility and a pool. There will also be an area that the residents may use for their pleasure. He asked Ms. Stone if her question pertained to amenities outside the development.

Ms. Stone answered yes.

Mr. Toledo said no. What he stated were private amenities for the use of this development.

Mr. Coursey asked Mr. Toledo to inform the Board about the garden building. What is the difference between it and the four-story apartment that is being proposed.

Mr. Toledo stated that he is not an architect, but as far as he can tell the Board, they build the massing model which is just a small building with density, and it probably has holes through it as passages. The architecture should conform to similarly to the style of the main apartment. However, they have not finalized their architecture.

Mr. Coursey said; therefore, this is just a name.

Mr. Toledo answered yes.

Mr. Coursey asked that the two-story townhomes as shown on the northern end of the depiction, shows three buildings. Will the buffer be maintained on the northern side?

Mr. Toledo answered yes. A buffer is on this side of the property and it has to be maintained.

Mr. Coursey asked Attorney Yellin if he said this is also 60 feet.

Attorney Yellin answered that according to the Site Plan, he believes it is two separate 25-foot undisturbed buffers. On the other side of the property there is slightly more. There is a drainage right-of-way which was previously the County's right-of-way. Some of them are adjacent. There is a 25-foot buffer on their side of the property. As you can see, it is undisturbed 25-foot on their side of the property and there is an additional 25-feet on the other side of the property. He just wants this to be clear. There are 50 feet total, 25 on their side; on the other side of the property on the southern boundary there is a 25-foot buffer also being proposed. But there are significant wetlands on that side, which they are not touching, and it provides a natural buffer adjacent to the proposed undisturbed 25-foot buffer.

Mr. Coursey asked if there is an underbrush under these trees that will be cleared.

Mr. Toledo answered not within the wetlands. On the side of the buffer, there might be some enhances produced as a part of the landscape plan.

Mr. Coursey asked the Staff if he was correct in understanding them to say that 200 units are being proposed as opposed to the maximum density.

Mr. Clement answered that the maximum density is 24 units. If you multiply this by 4.9 acres, it puts you into three hundred, but they are not close to that amount. Obviously, all of this is not a buildable area.

PUBLIC COMMENTS

Mr. Coursey explained that this is the point where the citizens are allowed to come with their comments. He had a number of cards in hand that have been completed by the persons who wishes to speak this morning. He said he will call the persons in the order that the cards were given to him.

Ms. Audrey Lukas resides at 6 Turning Leaf Court was called to come forward. Ms. Lukas was sworn in by Mr. Coursey. Mr. Coursey asked Ms. Lukas where her address is in relationship to this development.

Ms. Lukas answered that several of them present at today's meeting live at the Cottage at Autumn Lake, which is approximately one mile further on Berwick Boulevard. They also would be affected by the number of apartments that will be built here. They realize that this has already been approved. Their concern is about the height variance as well as aesthetically. They have already talked about the greenspace and the traffic. They have talked about the cohesiveness inside the Berwick Boulevard. Ms. Lukas asked the Board if they have been on the Berwick Boulevard.

Mr. Coursey answered that he has traveled on Berwick Boulevard.

Ms. Lukas said many of them know that they enjoy a tree line. She read the letter that she wrote to the Board regarding this application. She said that 56 feet is significantly high. They are concerned about their community. Ms. Lukas asked the Board to consider the wishes of the residents and please deny the variance.

Mr. Clement explained that the area shown in the color pink is the commercial area on Highway 17, the dark brown shaped parcel with the pond at the corner is the area.

Mr. Coursey asked Staff when the Master Plan was approved.

Mr. Clement answered that the Master Plan has been amended many times. The last amendment was in 2023 to affect the apartment use. They probably know better than he does about the congregate care center. This is when the first initial conversation about the cemetery came about. He believes it was as the individual stated, it was in 2019.

Mr. Coursey asked the Board if they had questions about the Master Plan. The Board had no comments. He called Mr. Dolle to come forward.

Mr. Christopher Dolle lives at 36 Harvest Moon Drive. He was sworn-in by Mr. Coursey. Mr. Dolle stated that he lives in the Village at Autumn Lake which is approximately one-half mile up the road from this development. He said to separate the height restriction from population density is absurd. The only way you get the population density is by increasing the height. If you have a 20-foot requirement, you will have a much lower population density. Therefore, the argument to say that this is just about a height variance is absurd. This is about population density. They want to put in as many houses here as the updated Master Plan will allow. He wants to know if this was the original Master Plan when the church owned that property in 2019. So, now they want to cram 500 people in this area in 12 or 13 acres. This is, therefore, what this height variance is all about. It is really about increasing the population density in this area. It is not sight lines; all of that is just a smoke screen. It really is about putting as many units in this area as they can fit. There are not very many apartment communities that have this density. He has gone around the areas and has looked at them. Popular in Pooler has about 15 per acre; he believed it is called "Crossroads." Fenwick and Olympics near them is about 12 units per acre. This almost doubles all of those in a regular residential single-family area. They are over pushing the limit to put 20 per acre here by saying that it is all about height variance. This is absurd.

Mr. Douglas Masini resides at 226 Carlisle Way, Villages at Berwick which is directly behind the church. Mr. Masini was sworn in by Mr. Coursey. Mr. Masini said he has been here since 2007 and watched Berwick change a lot. Mostly for the better. His concern is with the density of the people to be put in this area; the access and egress is just one. Anything you do on Berwick Boulevard near the church is going to block that road. They have just gotten the road redone and have gotten extensive construction here. They are now finally enjoying a nice, wide bicycling and walking path. Unfortunately, the traffic is getting a little too busy with this prolonged construction. All of them will be the beneficiary of that traffic and density. Mr. Masini said he is concerned about the fire and water. A lot of big buildings are being put here and the Fire Department is undergoing revitalization, and taking care of a single-family dwelling with maximum height of may be 25 to 30 feet will be totally different with dense people to rescue and a 56-foot building. Mr. Masini said he does not like this idea at all. He is concerned that all of them of paying amenity fees; they have various minimum fees, and he is not complaining about that. They get more than their dollars' worth, but as these come in, these people will not be paying for amenities.

Mr. Bill Reed resides at 412 Stonebridge Circle. He came forward and was sworn in by Mr. Coursey. Mr. Reed said he has lived at this address for the past 12 years with his wife and son. He likes the area a lot. The Berwick Boulevard community and neighborhood is a great place to live. Mr. Reed said he plans to live here the rest of his life. It is a strategic location, convenient to many of the necessities of life. They have military families, retirees, and young couples acquiring a first decent home to raise their children. This is a great place to live. At night, their area is quiet. There is very little noise and light pollution. Mr. Reed said that he would respectfully submit that the Petitioner's proposal is utterly incompatible with the existing neighborhood. The structure will tower above every single home in the vicinity and frown down upon the unfortunate residents. He seriously doubts that it would be concealed by an orchard of 60-foot-tall trees. He said he also has a good authority that an altitude 56 feet is not essential for a gable roof. The Petitioner's property is situated in a position that crucial to the stormwater drainage of 1000 local residents. Mr. Reed said he hopes and prays that this has been sufficiently explored and considered as they move into tropical cyclone season. The introduction of hundreds and hundreds of additional automobiles in this rather awkward spot is problematic. He asked the Board to deny this petition. Mr. Reed thanked the Board for their patience and especially thanked the Board for their public service.

Mr. Steve Archer resides at 418 Stonebridge Circle came forward and was sworn in by Mr. Coursey. Mr. Archer thanked the Board for their services, and he realized that they all are volunteers. Mr. Archer stated that he is a retired attorney and worked for the State of Georgia as an attorney almost 30 years. He retired basically retired into the Stonebridge Subdivision. He has lived here since 2006. When they initially moved into this subdivision, it was bounded on the south by a wooded area, which is the subject property, to the west by the property across Berwick property owned by Coastal Cathedral church. Coastal Cathedral at the time that they moved into their subdivision also owned the parcel that is being discussed today. Initially, it was church property; it was not a part of the Berwick POA because it was a religious organization. It never has been under a POA, but since the time that he has lived in Stonebridge that property has changed from an Early Childhood Development Center to an Assisted Living Development zoning and now to a multifamily zoning. It is not apartment zoning, but apartments are included in multifamily, but this is not the sole use for this property. You may have condominiums and townhomes here. When this property was purchased by this owner, there was a 36-foot height requirement limitation. The owner knowingly purchased this property with the 36-foot limitation. Now, as their area is increasing in development, there are a number of apartment complexes being built along the Ogeechee Road corridor. At the Kroger Shopping area, a new commercial development is here. The apartments that were referred to earlier have four stories and are at the dimensions that the Board is being asked for today to be allowed are all along this corridor. No traffic study has been done on how the traffic will impact Berwick Boulevard and Southbridge Boulevard. The only entrance to this property is off of Berwick Boulevard. So, when he reads the Staff's report and sees how the report describes the property, the description of the subject property is misleading.

Mr. Archer stated that Ms. Stone works with Mr. Patrick Shay. He wanted to divulge that his son and Mr. Shay's son are in business together and for transparency, he wanted to make the Board aware of this. The presumption under their statute is that the Zoning Ordinances is that the Applicant is not entitled to a variance, and what is being requested is not just a simple variance where you are wanting to place a storage building on the corner of your lot in violation of the setback line, etc. This is a substantial deviation of the height variance that all the communities have abided by for years. It is a 20-foot variance in one case and a 10-foot variance in the other. Therefore, when there is a discussion about the density of the property, the approved density that was mentioned earlier is the density that you can build up to. It is a limitation on density, it does not require you to go to that density, it can be less. Therefore, the effort here is misleading to think that the entire purpose of this variance is architecture. It may be a factor, but the main reason is the density to increase at least one building from three stories to four stories. The traffic that will exit from that location across Berwick Boulevard at Coastal Cathedral will probably be 200 plus cars. But 500 new people will be living in a 12-acre piece of land, all of them exiting from one exit onto Berwick Boulevard. No one has done any kind of study to know whether it will require widening of the roadway and add traffic lights, etc. Their zoning regulations have a purpose. Mr. Archer read the requirements of Section 10-63 Request for a Variance. The tree survey is not worth the paper that it is printed on at least on the Southbridge side. He wanted to submit that the Applicant has not met his burden and by the own admission of the MPC Staff, they have not carried the burden on all four of these issues that must be met in order to grant the variance.

Mr. Peter Trussell resides at 348 Stonebridge Circle came forward and was sworn in by Mr. Coursey. Mr. Trussell thanked the Board for their service. He is on the HOA Board, and he understands the thankless part. Mr. Trussell pointed out that he was not present only for himself, but for more than the 1000 residents in the Berwick development. They submitted a packet to the Board and in it are signatures that they obtained by sitting in front of their pool building and also did a Google document that was sent to the various neighborhoods in an effort to understand how many residents were opposed to this development. Mr. Trussell believes they have submitted 1094 signatures opposed to this variance request. This is a significant number of people to be interested in and take the time to sign the petition. The residents obviously oppose the petition for a variety of reasons, and the Board heard some of the reasons today regarding traffic issues, which are significant. When he moved here in 2020, getting in and out of their neighborhood was simple; now it actually takes two to three minutes to get out. He would not try to leave during rush hour as it would take much longer. Generally, this has become an issue as some developments were done along Ogeechee Road that his neighbors have already talked about, including one four-story apartment complex that actually backs up to Stonebridge. If you really want to see what really happens with a 50-foot tree barrier in an apartment complex, go to their neighborhood and see this part, then you will realize that you will see the buildings. It is inevitable. As had been said, in the Fall trees shed their leaves and then you are able to see all of those buildings. It is a fallacy to say that this 50-foot buffer zone is going to hide the buildings. A comment was made about the aesthetics of the building and needing to be 56 feet tall. If they are not going to see the buildings, then why do they care what it looks like. Therefore, it does not make sense to say on one hand the pitched roof is there, so it looks good, and on the other hand they are not going to be able to see it. The problem is when you go from 36 feet to 56 feet not only are you causing a privacy issue for the neighborhood, but you have also increased the number of apartments that are here. The potential for almost 400 parking spaces, coming in and going out all day, that 50-foot buffer will not buffer them from the noise. It will not buffer them from the headlights at night, and clearly when the place is lit up, it will not be aesthetically pleasing as it once was. They recognize that the developer has a right to develop this property, and they are not saying that the developer cannot, but one of the key things in approving such a variance is that it is in keeping with the overall character of the area. He wanted to submit to this Board that a 56-foot-tall apartment does not do that, nor does a 42-foot-tall or a 46-foot-tall garden building. Mr. Trussell asked the Board to deny the petition.

Ms. Kathleen Andrews resides at 108 Travertine Circle, was sworn-in by Mr. Coursey. Ms. Andrews explained that the developer is aware of the property size, configuration, the one-acre retention that is here, the zoning, etc. In 2019, they requested a PUD change taking it from a church to congregational care. This did not include zoning height changes. It was still 36 feet. Subsequently, the developer came back with another variance request. This time it was to be a multifamily project, 240 units. No other variance changes were requested at time. They did not request height nor density. But now the developer has returned requesting a variance in the building height for the same 240 units, this was an increase even after years of knowing the zoning height and the site considerations. Ms. Andrews said for five years they continued with the development plans while knowing the conditions. Now, they are citing a hardship for these conditions; even more egregious is the height request that they are asking for. The smaller building would go from two floors to three floors, 46 feet. This already 10 feet over the zoning regulations. In actuality, the height is now a three-story building because the roof configuration is a four-story structure. The larger Building would become 57 feet. She said that when you cross that 50-foot mark, you are talking five stories, not four stories. These buildings substantially exceed the zoning requirement. They will soar above the residential community that surrounds them, both in height and in scale, especially with most of the units going to be congregated in one big building. There is no way to buffer these buildings, you cannot hide a five-story building. The surrounding homeowners will be living in the shadow of these looming structures. They will not have privacy; they will not be able to sit on their patio, have cookouts with your family, or play with your children as you will be confronted with public display every time you walk out your door. Every time you look out your window, you will be faced with this soaring building. This development will put a 5-story high structure in the middle of single-family homes. This will create a hardship for the homeowners. Ms. Andrews said she did not see how this requested variance could be granted.

Mr. Rosen stated his name as Andrew Chase Rosen. He resides at 4109 Fenwick Villas Drive. Mr. Rosen was sworn in by Mr. Coursey.

Mr. Rosen stated that he supports the request as he believes it will be a nice product with the variance in place. He is aware that some people are afraid that any development will lower the property value.

However, he wanted to remind everyone that single-family homes near multifamily housing tend to rise in value more quickly than comfortable single-family homes. While he believes that it is a failure of our society that many families greatest investment is their shelter, he would like to congratulate his neighbors at Stonelake and Stonebridge for being the closest. They will benefit the most from this development. Traffic is a concern as well, especially with sprawling exclusionary neighborhoods such as Southbridge exist. This is why he believes it is important to actually promote density where land uses are mixed. Every resident who decides to use it finds that it is easier and more convenient to walk. Mr. Rosen said actually even when people drive in this case, these are cars that will not go on Highway 17.

Mr. Coursey said that before he closes the public comment session, he would like to ask the Staff and may be the Applicant as well to come back to the podium to address some of the issues that surfaced when the residents made their comments such as with water and sewer limitations.

Mr. Clement stated that the water and sewer are reviewed by the County agencies. If the water and sewer hurdles are not met, the petition does not go forward.

Mr. Coursey asked Staff to articulate on the fire and safety issues with the enhanced heights. He asked Attorney Yellin to also participate in this discussion.

Mr. Clement said this is another one of those issues that is reviewed by another agency. Presently, the Petitioner is undergoing fire, etc. One of the things is changing the configuration, not as it relates to height, but as it relates to the building configuration, and entrance in and out. He believes it is being discussed that there may be a second entrance with a locked gate. But this remains to be seen as he does not have a site plan to present to the Board.

Attorney Yellin said he would be brief as he realizes they have spent a long time on this petition. However, they heard some concerns that they want to address as best as they can. He said as mentioned and as he and Staff stated, this petition has nothing to do with density. Attorney Yellin explained that they could fit the same number of units on this property by designing the buildings differently. As he has said, density is not a consideration. The Site Plan or the concept plan was carefully considered. When they are talking about buffers and the line of sight, as the Board can see, they clearly could have pushed any of these buildings closer to their property line. They are intentionally putting them in the center of the site so as to minimize impacts on all adjacent properties. It is clearly why the tallest building is as far away as they can get from all adjacent properties. One homeowner is suggesting that they are not tall buildings at the vicinity, this is simply not true. Pointing to an area, he said the property over here is being constructed to a very similar height. Additionally, as to the Master Plan, he wanted to be very clear that this is multifamily and this site adjacent to them under the Berwick guidelines is also considered multifamily residential. These are similar product types as it the Berwick guidelines. The suggestion that they are coming in and they were fully aware of the height limitations of the site, is also a very unique site that is within a planned unit development. Attorney Yellin said that the Planned Unit Developments are treated very differently than if it was a residential multifamily zoning in the rest of the County. There is some debate to be had as to whether there is even a height limitation on this site because a PUD text itself does not describe a height limitation. The 26 feet comes from the multifamily designation within the County. Most PUDs are governed by covenants that control the sites individually. He said that their site, in particular, does not have a height limitation upon it. This is from the restrictive covenants that are in place from Berwick. There is no height limitation under the covenants. There are height limitations in other areas, but they are not present here. As it relates to access and traffic, there is in fact been a traffic study that has been circulated to the County for approval. The Applicant will be working with the County on this to assure to and to make any of the recommendations that come out of it. But, to say that they have not looked at traffic for the area, is simply not true. This is a part of the Site Plan review process, and they are working through this process currently, but they cannot obviously finalize that process until they know what the height of their building is going to be.

Attorney Yellin said Fire and Traffic Engineering from Chatham County have given preliminary approval for this design and for this access. The Applicant remains committed to working with them on it. Lastly, as it relates to property values adjacent to multifamily development, he wanted to thank the person who called in as he fully agrees and has seen in reality that there is no diminishing in property value when sites are related to adjacent to multifamily. His own home is going to be adjacent to four five story unit with no buffers adjacent to it. This is not causing any impact on his quality of life or on his neighborhood.

But they need multifamily housing, and this is a good site for multifamily housing. It is a site that is approved for multifamily housing of what they are asking for. What has been recommended for approval by Staff is a very limited height variance, similar to what the Board is seeing on the Plan, which would only increase the two buildings to 56 feet and 46 feet. The smaller townhomes within the current height parameters adjacent to the subdivisions and with large buffer areas adjacent to the remaining subdivisions.

Attorney Yellin said they respectfully request the Board's approval as this variance has been approved on at least five other occasions in the vicinity and as this approval is recommended for approval by Staff. He thanked the Board for their time today.

BOARD DISCUSSION

Mr. Coursey entertained the Board discussion.

Mr. Vinyard stated that he has listened to both sides. He certainly understands both sides. There are no questions about what the evidence is and there is no question about zoning. The only question is whether or not they are going to allow the variance. Mr. Vinyard said he has voted in the past for some of these and he has not voted for some. Each time they do this, it is a separate vote. They are not grandfathered in, and they do not grandfather every circumstance. Real estate is about the most personal thing that one can earn, but it is also its own thing. Every piece of real estate is different. Every development is different. Every question that comes before the Board is different because it depends on where it is being put; what's around it; and what the access is. There are a lot of surrounding factors. Mr. Vinyard said he is not concerned about how many people will live here nor how many headlights will be here. The only thing he is concerned about is whether or not it's 56 feet tall and someone is living next door to it in a single-family house. Mr. Vinyard said he lives in single family house at The Landings. If someone wanted to build a five-story apartment building in the back of him, he would be before the Board complaining about it. He is sure that most of them who live in single-family houses would be doing that.

Mr. Vinyard told Attorney Yellin that he certainly understood his client's wish to do away with the flat roof. However, this is a rather unique situation. It is unique in that it is totally surrounded on three sides by what he would call single-family homes, even though there are townhomes on one side. Mr. Vinyard said he could not support in good conscious the variance request.

Mr. Coursey thanked the members of the public for attending the meeting and voicing their concerns. He stated he was concerned about the height and feels there are things that could be done with the design. Mr. Coursey addressed the County, stating they are behind the eight-ball asking the board to continually grant variances and not be proactive about development changes in the community. There are a lot of people migrating this way looking for a better life and we are still operating with limited restrictions. These issues need to be looked at more carefully.

Mr. Coursey asked the Board if it would be appropriate to bifurcate, there essentially are two issues here. The 46-foot Garden Story building variance request and the 56-foot issue. Or consider them both as a whole.

Board discussion was they preferred voting as one request.

Motion

Denial of the height variances requested.

Vote Results (Approved)

Motion: Robert Vinyard

Second: Kewaan Drayton

James Coursey - Aye

Meredith Stone - Aye

Robert Vinyard - Aye

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

[6. 6 Amberly Court | Variance to Marsh Buffer set back | ZBA-0524-000480](#)

- 🔗 [Application.pdf](#)
- 🔗 [6 Amberly Ct_05-20-24.pdf](#)
- 🔗 [County Attorney Memo.pdf](#)
- 🔗 [Architectural Guidelines - 2022.pdf](#)
- 🔗 [Master Plan.pdf](#)
- 🔗 [Memo from TLA.pdf](#)
- 🔗 [Staff Report_ZBA-0524-000480_abm_06252024.pdf](#)

Prior to the item being presented, Mr. Coursey recused himself from this item. His law practice represents the Petitioner's family on separate matters. Mr. Vinyard, the Vice Chair sat as Chairman for this item.

Ms. Anna McQuarrie presented the Staff Report. **Ms. McQuarrie** said 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 proposed home design only accounts for the required State riparian buffer of 25 feet. The property is 0.16 acres and located within the PUD/EO (Planned Unit Development - Environmental Overlay) zoning district at 6 Amberly Court. For all properties built near marshland, a 25-foot riparian buffer is required by State law and an additional 10 feet is required as part of the Chatham County EO Zoning District for a total buffer of 35-feet. The Petitioner, Fred Wasson, on behalf of the property owners, Lynne and Don Howe, requested to eliminate Chatham County's 10-foot riparian buffer. The marsh jurisdictional line was established April 22, 2024, and is located behind the parcel. The proposed home design as shown above has a footprint of 3,032 square feet and extends into the County's ten feet of required riparian buffer. The previous owners of this parcel, Jill and Bob Kolbe, were previously granted a 10-foot variance from the Chatham County EO zoning district buffer in 2021. Previous staff recommend approval based on lot size and lack of perceived harm to the intent of the Zoning Ordinance, despite stating, "No hardship is created by the application of the standards of the relevant sections of the Zoning Ordinance. The proposed design of a single-family residence could be designed to meet the County's 35-foot minimum marsh land buffer setback requirement." Current Staff performed further investigation into the Petitioner's request and claims, the intent of the Environmental Overlay zoning district, and environmental conditions.

The parcel is 0.155 acres and located within the PUD/EO Zoning Districts. The parcel is part of the Landings subdivision and is a patio lot (number 1658). The Petitioner stated in the application, "You can see on the attached survey, the homeowners on either side of the lot do not meet the 35-foot buffer. While we know this does not set a precedence, the homes on either side are already closer to the marsh and have tower finished floor elevations and would be subject to greater flood damage than our proposed house plan as we will have a higher finish floor due to the current 3-foot free board requirement." Surrounding parcels along Amberly Court range in size from 0.14-0.28 acres. The lot adjacent to the subject parcel, 5 Amberly Court, is also 0.16 acres. Homes subject to the riparian buffer requirements along Amberly Court were built from 1985-1988. The EO Zoning District Environmental Standards (Sec.4-14. f) were revised 12/17/2010. Per the Landings Association Architectural Design and Development Guidelines the following standards apply to Patio Lot Dwellings; Minimum Conditioned Space Living Areas; 2,000 square feet (one-story) and 2,300 square feet (two-story) and Total Living area; 2,900 square feet. The Petitioner stated in the application, "The hardship created by not allowing us to meet the 25-foot buffer is due to the lot being a patio lot with a 10-foot rear set back. As you can see on the attached site plan. This is not a large home and it's a very typical patio home footprint. The fact that this site plan is very typical and compact design and still cannot fit the 35-foot buffer is the

hardship". The proposed home design has a footprint of 3,032 square feet, 44.83% lot coverage, and a total heated area of 2,842 square feet. The design is 58 square feet from the maximum conditioned area allowed and can be reduced in size while still meeting the minimum of 2,300 square feet for a two-story patio home. The parcel lies within the Flood Zones AE and X500. The Petitioner stated in the application that the approval would not affect the flood insurance rate for Chatham County since the 35-foot buffer requirement is already in place.

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. The CMPA declares the Marshlands are essential to maintain the health, safety, and welfare of all citizens of the state. The Chatham County Ordinance Environmental Overlay District intent is more aligned with the CMPA, than the GA Code § 12-7-6 (2020), which focuses on the "Control of Soil Erosion and Sedimentation" and requires a 25-foot riparian buffer. Protecting the marsh and waterways from soil erosion and sedimentation is critical to maintaining healthy wetlands, however, the CMPA recognizes marshlands as, "essential to maintain the health, safety, and welfare of all the citizens of the State." Climate change is expected to change the coastal landscape in many ways. Skidaway Island, along with other coastal areas in the County, will face increasing levels of sea level rise by mid-century. This property backs into a salt marsh, which is expected to be inundated with water as sea level rises an expected 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. There is expected to be a loss of natural flood protection to properties if the marsh is unable to migrate, causing a phenomenon known as "coastal squeeze." Development decisions require thoughtful consideration of future conditions as opposed to solely relying on historical development patterns and current environmental conditions. The report "Vegetated Buffers in the Coastal Zone" was written for the Georgia Department of Natural Resources Coastal Resource Division and describes the benefits of saltmarshes and buffers in Coastal Georgia. The excerpts below describe the benefits of salt marshes, and impacts of marsh migration, such as "coastal squeeze," which can cause additional flooding. Buffer areas are critical to protect both the environment and property owners. This does not create a hardship for the applicant, there are no extraordinary or exceptional conditions pertaining to this piece of property.

Based on the EO ordinance and variance criteria, MPC Staff recommends **denial** 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.

Mr. Vineyard asked when the additional 10-foot restriction was added.

Ms. McQuarrie said 2010.

Mr. Drayton said, for clarification, this can be built as designed without impeding the marsh.

Ms. McQuarrie said Staff believes the design would have to be changed, however, could still meet The Landings Architectural Guidelines. They are less than 60-feet away from the maximum allowed conditioned area.

Mr. Jefferson Kirkland, Chatham County Environmental Program Manager, said this particular property, in 2019 he was approached by the previous owners to issue a State Waters Determination and Buffer Determination. At the time he issued a determination that no State Waters Buffer was required on this property due to the fact that a State Waters Buffer of 25-feet would impede more than 18% of the upland of the buildable area. A letter should be re-issued for the current petitioner as those letters are only good for one year. He said he does not anticipate the site conditions to have changed substantially. He said he feels the determination today would stand as it did in 2019. He said furthermore, he does not feel the site conditions will change the opinion of Staff as they have described the site and conditions in the staff report.

Mr. Donald Howe, Petitioner/property owner, said he has lived in Savannah for 36 years. He purchased this property last December with the intent of building his retirement home there. This is a

marsh front patio lot in the Landings. The plat was dated 1980 and the houses were built on either side built then. Patio lots by design are small and barely above the minimum of the zoning district. This lot is 60-feet wide and has an average front to back depth of 113-feet. The marsh jurisdictional line was flagged by DNR two months ago. It is outside the property line by 10-11 feet. The 25-foot state buffer comes inside the property line by 15-feet and is 12% of the lot. The 35-foot Chatham County buffer comes inside the lot by 25-feet. That buffer totals approximately 22% of the total lot area. The elevation at the DNR flag marsh jurisdictional line is between 4 and 5 feet above sea level. The average elevation within the 10-foot buffer extension is 7.5-feet. Our plan in purchasing this lot and designing a retirement home to age in place has been to build a completely conventional patio home that blends in with the neighboring homes and completely complies with The Landings Architectural Guidelines for lots on this street. The Landings guidelines allow 2,300-2,900 total square feet with up to 2,200 on the first floor (this one being 1,900) the total living space is 2,840 square feet. It is a 1 1/2 story house, 50-feet wide, main living area on the first floor with the master bedroom elevated a couple of steps. There are two additional bedrooms upstairs. There is a two-car garage with golf cart space and parking for two cars in the driveway that are off the street and outside the garage. We looked at other patio homes in the Landings both in person and on-line before purchasing. This is the most common basic arrangement. Other considerations guiding our design were to preserve as many trees as possible and to take advantage of the marsh view as much as possible. We want to maintain as much privacy as possible despite the small lot size and close proximity of the neighbors' homes. As designed, the back of the house, facing the marsh, is in line with the neighboring houses on either side. The front, the garage is barely within the front set back and the driveway just long enough to park two cars. We received preliminary design approval from the Landings Architectural review committee on June 6th. The design was submitted to the ARC as pending the county buffer variance that we are asking for today.

A previous owner received a variance on this property, from this Board, in November of 2021 similar to what we are asking for today. The previous owner had a subsequent change of plans leading to our purchase of the lot this past December. This approval is not guaranteed but the previous approval led us to believe that if we designed a less intrusive encroachment into the buffer, we would be likely to obtain a variance. With the encroachment, this house aligns with the neighboring homes on each side. The Landings is over 97% built out. At the first of the year this was 1 of 3 out of 4,420 homes in the Landings that have not been built. Changing the standards for the last dew marsh front homes sites will not significantly change the effects of sea level rise on Skidaway Island. This is not a new development. In changes the buffer criteria for the last few lots is not going to change the future. This design is a conventional patio home, nothing extraordinary. What is unique to patio homes compared to many other properties in the County is they are intended to be given side housing on a minimal lot. Taking another 10-15 % of the buildable length of the lot, unanticipated at the time the lots were planned and platted and not done for the adjacent lots, would be specific to this property. There is not room to move the house forward on the lot, protect the oak trees, and have a functional driveway. There is not a way to take 10 feet out of the house and still have a reasonable floor plan. Without the variance, the floor plan will need significant redesign and result in a less desirable home impacting the future value of the property. Determination of hardship is fundamentally subjective, but it is definitely a negative impact to us. We are building a house similar in design and keeping with the neighborhood.

PUBLIC COMMENT

Ms. Mary Mowry, after being sworn in, stated she resides next door. She is in support of the Applicant's request.

Mr. Les Carter, after being sworn in, stated he lives next door. He said he is very environmentally conscious. If the variance is granted it will allow that house to align with the other houses adjacent to it. He said the variance will not harm any drainage and would object to saying the granting of this variance would be environmentally detrimental.

BOARD DISCUSSION

Mr. Vineyard said after visiting the site, he noticed that all the homes would be aligned. The lot is narrow, there was a variance granted before on this same lot and feels there is no harm.

Motion

Approval of the request for a variance to reduce Chatham County's EO riparian buffer by 10 ft to construct a residential single-family structure on the lot.

Vote Results (Approved)

Motion: Benjamin Polote, Jr.

Second: Kewaan Drayton

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

X. Other Business

XI. Adjournment

[7. Adjourned](#)

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.