



# Chatham County Zoning Board of Appeals

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Arthur A. Mendonsa Hearing Room  
October 22, 2024 9:00 a.m.  
Minutes

## OCTOBER 22, 2024 CHATHAM COUNTY ZONING BOARD OF APPEALS

Members Present: James Coursey, Chair  
Kewaan Drayton  
Jenna Barzaga  
Robert Vineyard

Member Absent: Benjamin Polote  
Meredith Stone

Others Present: Edward Morrow, Current Planning/Development Services Director  
Brad Clements, Current Planning/Development Services Senior Planner  
Mary Mitchell, Administrative Assistant  
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

### II. Pledge of Allegiance

### III. Notices, Proclamations and Acknowledgements

### IV. Petitions Ready for Hearing

### V. Approval of Minutes

#### [1. Approval of the August 27, 2024 Meeting Minutes](#)

[📎 august-27-2024-chatham-county-ZBA-minutes.pdf](#)

#### **Motion**

Approval of the August 27, 2024 Meeting Minutes

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

Motion: Robert Vinyard

Second: Kewaan Drayton

James Coursey

- Abstain

Meredith Stone

- Not Present

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

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

[2. 9 Gilliam Avenue | Variance to front yard setback | ZBA-0924-000504](#)

**Motion**

Item removed from the final agenda.

**Vote Results ( Approved )**

Motion: Jenna Barzaga  
Second: Kewaan Drayton

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

**VII. Consent Agenda**

**VIII. Old Business**

**IX. Regular Agenda**

[3. 406 Suncrest Blvd | Variance for SE corner of lot | ZBA-0924-000509](#)

[Application.pdf](#)

[ZBA-0924-000509 - STAFF REPORT - 406 Suncrest BLVD.pdf](#)

**Mr. Brad Clement, Senior Planner for Development Services**, presented the Staff report. **Mr. Clement** stated the Petitioner is requesting a variance to the required 25-foot rear yard setback for single-family dwellings in the R-1A zoning district. The Petitioner proposes to construct a screened enclosure to cover an existing concrete pad situated within the fenced backyard of the residence. The dimensions of the screened enclosure will be fifteen feet by 27.7 feet, and will, if approved, encroach up to eight feet into the rear setback. The subject property is approximately 0.44-acres with 100 feet of frontage on Suncrest Blvd. The property contains a single-family dwelling built in or about 1986 with a dock added in 2016, according to the Chatham County Tax Assessor. The parcel is located on Talahi Island and is currently zoned R-1-AEO. Per the Zoning Ordinance, the dwelling requires a five-foot side yard setback and a twenty-five-foot rear yard setback.

There is no hardship regarding the application of this chapter to this property. The hardship affecting the proposed development in the manner sought is created by the size and placement of the dwelling on the subject lot. The requested variance appears to be driven only by the Petitioner’s desire to increase the enjoyment of their current backyard space. While not due to hardship, the requested variance is unlikely

to cause substantial detriment to the public good or impair the purposes and intent of the Chatham County Zoning Ordinance.

As the requested variance does not represent a hardship within the meaning of the variance criteria, the MPC Staff recommends **denial** of the Petitioner's request to permit a rear setback encroachment.

**Ms. Abigail Woods, Owner, and Petitioner**, said when they initially wanted to do the screened in porch and had the land surveys done, they miss calculated that it would touch a setback. They put in a request for a permit and at that time were told they would need to submit a request for a variance. The neighbors support their request.

**Mr. Vineyard, Board Member**, asked if the Petitioner approached anyone in Talahi Estates regarding this request

**Ms. Woods** said when they looked at the covenants, it talks about buildings on the side of their property lines and the front yard of the property lines. There is no covenant stating there are rules for building in the back yard. They did not reach out to the president. After some guidance, she called him. During the conversation with the president, he said that this is not something they needed to seek approval from them. They dealt with the lake management and their easements and based on their proposal , they are not touching the ten-foot easement in the back yard.

**Mr. Vineyard** asked if there was any kind of group or committee there that had to review architectural drawings or anything.

**Ms. Woods** said no.

**Mr. Vineyard** asked if an architect drew the plans and if the Petitioner was planning to have a contractor do the work.

**Ms. Woods** said they signed the homeowner's affidavit, her father-in-law and brother are in construction, and they would help them build it.

**Mr. Clement** said at this stage of the process, engineering drawings are not required. The Applicant has been informed that when they move onto the building stage, design plans will be required. If a variance is given, it is Staff's recommendation that it match the dimensions indicated on the Conceptual Plan as opposed to relief from a specific distance.

**Mr. Vineyard** said he is more concerned about the Petitioner avoiding denial from the Board and a lawsuit from her neighbors by somehow amending this plan. If she does not need a variance, he does not see what the problem would be. Is there any reason why the plans could not be changed to build within the setback?

**Ms. Woods** said they could shorten the patio or change the configuration. The biggest issue would be cutting the corner off. They were hoping to put an outside table. They would like to get the variance, but if they cannot, they will change their plans.

**Ms. Barzaga, Board Member**, said she has property in Talahi Island and was told the HOA was optional. She said she has never been contacted by the HOA and does not know who they are. Ms. Barzaga said she recommends that a letter from the neighbors directly nearby be requested. This is a very tight knit community.

**Mr. Vineyard** said his first thought is to stick with the Staff's recommendation and the Petitioner amends their plans to avoid not only having to come back to the ZBA, but also not to have any problems with the neighbors. On the other hand, they have, in the past, granted changes for less than two feet, especially where they do not have to worry about the County or State easement because it is a waterway.

**Mr. Drayton, Board Member**, said he was interested in learning more about the conversation with the lady who said it could possibly block her view.

**Ms. Woods** said the lady lives two houses to the north. She was under the impression that Ms. Woods

was trying to change the zoning for the neighborhood, so she called very upset. When they were trying to talk to talk with her over the phone about what they were trying to do, the lady asked her why she thought it would be in their interest to block everyone's view on the lake. Ms. Woods said she told they are not trying to build on the lake. This setback is from my house not the lake easement. From her home and standpoint, she has a twenty-foot shed sitting in her viewpoint. She showed her that she would not be blocking her view. She talked with her direct neighbors as their three homes are very open to each other. The neighbors to the south signed a letter that was submitted with the application stating they had no issues with the petition. The neighbors on the north verbally said they had no issues. Once the neighbor, two doors down, realized they did everything they were supposed to and they are not trying to build on the lake or change the zoning in the neighborhood, she is okay.

**Mr. Clement** said Staff received several calls with questions about the HOA and what it means. There were no opposition discussions.

**Mr. Drayton** asked if the Petitioner had the chance to speak with any of the neighbors that had similar structures in their back yards.

**Ms. Woods** said the neighbors directly to the north have a screened in porch that spans the entire back side of their house. This house is built further back, so it does not encroach any setbacks. Their issue is the previous owner did an addition in 2019 adding an extra den which might have been the old screened in porch. Once they wanted to add the porch themselves, they lost a significant amount of their building area because they added that on previously.

**Mr. Coursey** asked how large the pad will be for this.

**Ms. Woods** said the pad will be fifteen feet by twenty-seven feet.

**Mr. Coursey** asked if there were any Riparian Buffer issues with this.

**Mr. Jefferson Kirkland, Environmental Program Manager for Chatham County**, said this is an unusual case because it is a pond that is solely contained on one property which makes it, not waters of the state, but private property. Additionally, there is a functional bulkhead on the pond side of this property. There are no state waters buffers. He does not believe there are any Riparian Buffers in the County Zoning Ordinance, but that would be a question for the Zoning Administrator. The only concern he would have would be not to redirect any additional storm water that impacts the neighbors and try not to discharge them directly to the pond. There is room for any additional flow from what little bit will be converted to an impervious area.

## **BOARD DISCUSSION**

**Mr. Coursey** said there is only two feet of encroachment, and the neighbors do not want to make statements. Mr. Vineyard and he are lawyers and anytime we hear any type of neighbor contention, it sometimes means you could end up in court in the future. There was no discussion as to support or deny due to the possibility of future neighbor disputes or dealing with an unofficial HOA.

**Mr. Vineyard** said from looking at the home on Zillow, it looks like there is a deck style porch and a balcony off the second floor. How much further out will the porch be from where the balcony is?

**Ms. Woods** said the balcony extends six feet and spans eight feet. It is essentially the span of a door with windows. They will keep it.

**Mr. Vineyard** asked if the porch would replace the deck.

**Ms. Woods** said they will keep the deck. It has a tree growing through it. To change it and screen it in, means they would have to take the tree down and seek permits to add an addition since it would not be attached to their home.

**Mr. Vineyard** asked for clarification as to where the porch would be going.

**Ms. Woods** said if you look from the lake to the house at the back, the tree on the left sits out further than

the screened in porch.

**Mr. Clement** said that is why, if the Board chooses to grant the variance, they recommend limiting that to fifteen feet extension from the rear of the house, because it is a connected structure.

**Motion**

Approval of the Petitioners request to permit a rear setback encroachment with the condition; the structure can be no more than 15-feet in length from the back of the house.

**Vote Results ( Approved )**

Motion: Robert Vinyard

Second: Kewaan Drayton

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

**X. Other Business**

4. 2025 Nomination of Officers

**Mr. Coursey, Chairman**, said he sent a letter yesterday to Staff and the Commission that he would be resigning at the end of the year. He has taken an appointed position on a Statewide Board that will be time-consuming. December 31, 2024 will be his last day. Mr. Coursey said he has enjoyed working with this Board.

**Mr. Vineyard** suggested waiting until November to nominate new officers in the hope that more members will be present.

**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.***