

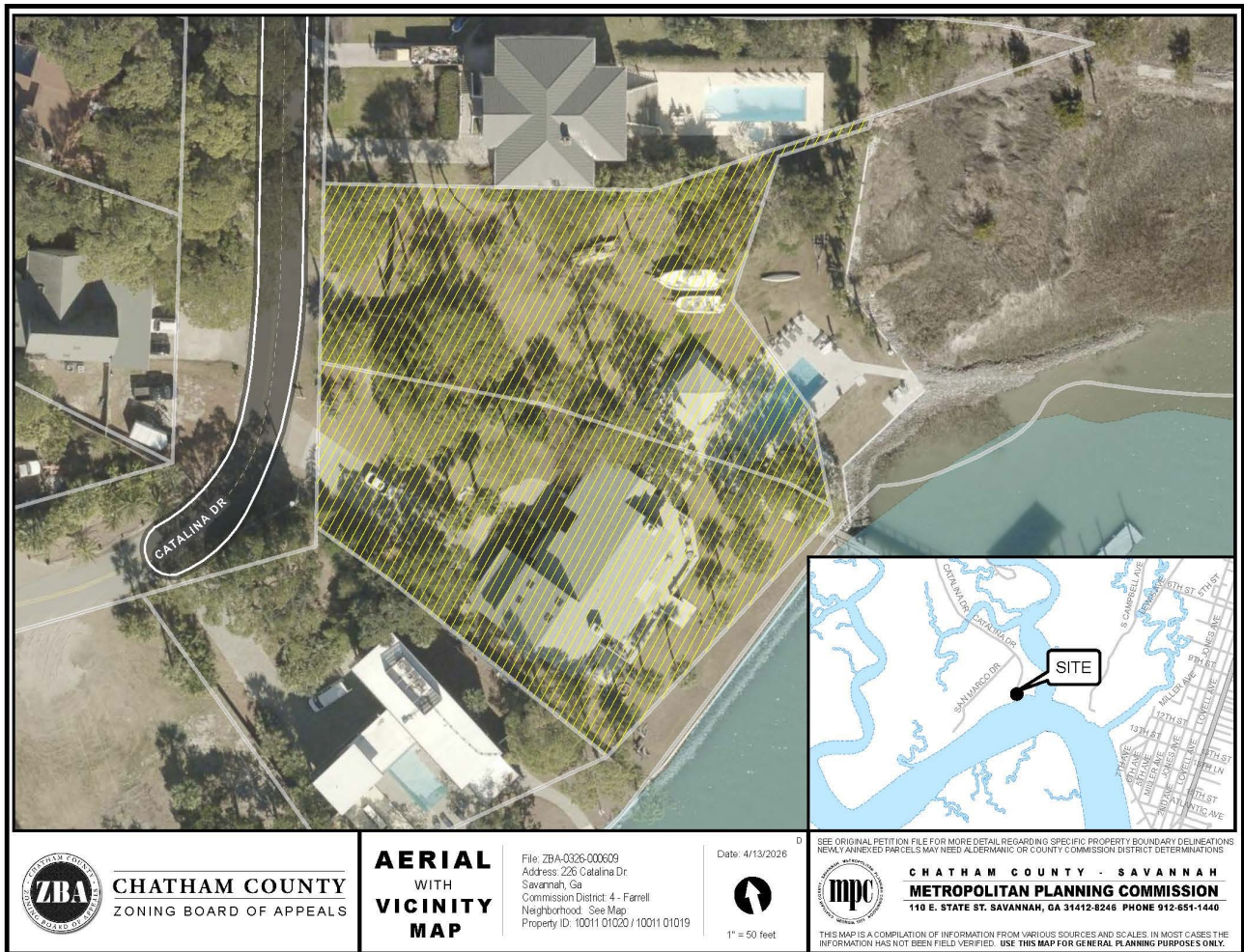
CHATHAM COUNTY ZONING BOARD OF APPEALS MPC

STAFF REPORT

PETITIONER: Don Smith
FILE NO: ZBA-0326-000609
ADDRESS: 226 Catalina Dr
PIN: 10011 01020
DATE: April 28, 2026

Nature of Request

The petitioner is requesting a variance to increase the maximum fence height from 6 feet to 8 feet for a fence in the front and side yard.



Aerial & Site Map of 226 Catalina Dr

Side Plan

Submitted Fence Site Plan

Background:

Within Residential zoning districts, or in any district listed in the C or R Use Schedule, walls and fences shall not exceed six feet in height in front and side yards, nor eight feet in height in rear yards. For the purposes of this lot front and side yard shall mean any portion of the property that is between the rearmost façade of the residence and Catalina Dr.

This parcel is in the R-1 (One-Family Residential) zoning district. The current parcel is the combination of two parcels, recorded in 2021.

The petitioner has applied for a fence permit to install an 8-foot-tall fence to match the fence on the neighboring property, as well as others in the vicinity. Upon review the petitioner was informed that a 6-foot-tall fence would be permitted by right, but the petitioner's request would require a variance.

Findings:

1. The subject property is a 1 acre of upland area and is a part of the Spanish Hamock Subdivision.
2. This petition is regarding the Fences and Walls section of the zoning ordinance.
3. The parcel (currently shown incorrectly in SAGIS) is the result of the recombination of two parcels in 2021. The existing residence was originally constructed wholly on just one of the previous parcels. Following the recombination several accessory elements have been constructed on the newly combined portion of the property.
4. The property is bounded to the rear by wetlands. In no way shall an approval of this variance request be construed as to give permission to encroach into the wetland or required buffers.

Variance Criteria:

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.**

No, the property does not present extraordinary or exceptional conditions based solely on its size, shape, or topography..

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

No, application of this chapter to the subject property would not create an unnecessary hardship; while the residences location on the property being situated towards the rear does create a large portion of the property to be considered "front" and "side" yards this is not irregular in the neighborhood's context.

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

No.

- (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.**

The fence while it would not be in keeping with the intent of the ordinance, would seem to be in pattern with much of the neighboring properties that have installed a similarly tall fence. As a result, this would not be a detriment to the public good.

Recommendation

MPC staff recommends **approval** of the variance to increase the height of a fence in the front and side yard from 6 feet to 8 feet.

Note: This recommendation could change subject to new information provided at the Zoning Board of Appeals meeting. Final decisions will be made by the Zoning Board of Appeals at the public hearing based on information provided at the meeting, as well as information submitted for the staff report.