



# Chatham County Zoning Board of Appeals

Minutes  
January 27, 2026, 9:00am  
112 East State Street, Arthur Mendonsa Hearing Room

## January 27, 2026, Chatham County Zoning Board of Appeals

Members Present: Robert Vineyard, Chair  
Meredith Stone  
Benjamin Polote  
Keewan Drayton  
Jenna Watkins

Others Present: Edward Morrow, Current Planning/Development Services Director  
Sally Helm, Administrative Assistant II, Development Services/Current Planning  
Subhashi Karunaratne, Planner, Development Services  
Sadie Esch-Laurent, Planner, Development Services

### 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 December 16, 2025 Meeting Minutes](#)

[@ december-16-2025-chatham-county-zoning-board-of-appeals-minutes.pdf](#)

#### **Motion**

Approval of the December 16, 2025 meeting minutes.

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

Motion: Benjamin Polote, Jr.

Second: Jenna Watkins

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

Tia Acker-Moore

- Not Present

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

## VII. Consent Agenda

## VIII. Old Business

### [2. Variance to 35' Marsh Buffer | 23 Penrose Dr. | ZBA-0925-000585](#)

📎 [Application\\_Red.pdf](#)

📎 [Small Pool Plan 12.18.2025.pdf](#)

📎 [Staff Report 01.27.2026.pdf](#)

📎 [Ross 23 Penrose Drive Preliminary Tree Preservation Report.pdf](#)

📎 [Executive Suammery Jan27th meeting 12.18.2025.2.pdf](#)

📎 [State Waters and Buffer Determination.pdf](#)

**Ms. Subhashi Karunarathne, Planner for Development Services**, presented the Staff report. **Ms. Karunarathne** stated the petitioner initially appeared before the CZBA on October 28, 2025, requesting a variance to reduce the required 35-foot riparian buffer setback to 10 feet to construct a pool in the rear yard. The request was due to the presence of a mature live oak tree on the property, as locating the pool outside the buffer was expected to disturb the tree's root system. During the public hearing, the CZBA recommended that the applicant reevaluate the pool design and location to minimize impacts to both the riparian buffer and the live oak tree, and to return with a revised proposal at the January 27, 2026, CZBA meeting.

Following this re-evaluation, the applicant has submitted two alternative design concepts, both of which continue to require variances to encroach into the riparian buffer. The revised requests include: A variance to reduce the required 35-foot riparian buffer setback to 10 feet (original request); and A variance to reduce the required 35-foot riparian buffer setback to 20 feet. 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. Following a site visit on October 6, 2025, Chatham County determined that State Waters are present adjacent to the property at 23 Penrose Drive. However, because the proposed work is located landward of existing bank stabilization, no State Waters buffer is required. Erosion and sediment control BMPs remain required for all land-disturbing activities, and the determination does not exempt the property from obtaining any other applicable local, state, or federal permits. The determination is valid for one year from the date of the State of Georgia Coastal Marshlands Jurisdictional Determination.

The Petitioner is requesting a variance to Chatham County's 35-feet of riparian buffer. During the public hearing, the CZBA recommended that the applicant reevaluate the pool design to reduce impacts on the marsh buffer and the live oak tree and return with a revised proposal at the January 27, 2026, CZBA meeting. Following this re-evaluation, the applicant submitted revised concepts but continues to request a variance to reduce the required 35-foot marsh buffer setback to 10 feet, with an alternative option proposing a 20-foot setback. The hardship cited is the inability to construct the pool outside the buffer without compromising the health of the Live Oak tree. An arborist evaluation determined that the live oak is healthy, structurally sound, and a high value specimen worthy of preservation. The report concludes that constructing the pool closer to the marsh buffer would result in minimal disturbance to the tree's critical root zone, allowing the tree to be retained with appropriate protection measures. Conversely, relocating the pool outside the buffer would significantly impact the tree's root system, resulting in severe decline or the need for removal. The arborist therefore recommends the design option that minimizes root disturbance and preserves the live oak if construction occurs under arborist oversight with established tree protection measures.

The Chatham County Department of Engineering determined that State Waters are present adjacent to the property; however, because the proposed work is located landward of existing, serviceable bank

stabilization (bulkhead), no State Water buffer is required. Erosion and sediment control BMPs remain required, and the determination does not waive compliance with other applicable local, state, or federal regulations. While the proposed variance would allow encroachment into the 35-foot riparian buffer, the applicant has stated that this is intended to preserve the roots of a mature Live Oak tree by avoiding construction in other parts of the lot. However, the project still involves grading within the buffer area and the tree protection zone to install the pool and may damage the root system of the tree. Although the marsh itself will not be directly impacted, the encroachment does reduce the width of the protected buffer and may affect its intended function.

MPC staff recommends approval of the variance to reduce the required 35-foot setback from the marsh bulkhead to ten feet to allow for the construction of a pool in the rear yard.

**Mr. Michael Ross, Petitioner**, said the only difference in the ten foot and 20-foot variance request, is he was thinking the setback was ten feet off the bulkhead verses twenty feet. The arborist was thinking about it the same way.

**Ms. Karunarathne** said Staff counted ten feet from the 35-foot line towards the marsh, not the bulkhead.

**Mr. Vinyard, Chairman**, asked the petitioner if that was what he was talking about.

**Mr. Ross** said no, they were ten feet from the other direction. Either way if you are willing to approve ten feet in the other direction, that is fine.

**Mr. Vinyard, Chairman**, said the board is agreeing with Staff.

**Mike Small, Landscape Architect**, said when the design was drawn there were two options given. There were a twenty-foot and ten-foot option given.

#### Motion

Approval of the variance to reduce the required 35-foot setback from the marsh bulkhead to 10 feet to allow for the construction of a pool in the rear yard.

#### Vote Results ( Approved )

Motion: Benjamin Polote, Jr.

Second: Meredith Stone

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

## IX. Regular Agenda

### [3. Variance to max. height allowed | 3 Modena Way | ZBA-1225-000593](#)

📎 [Application\\_Red.pdf](#)

📎 [2025-11-25\\_Robertson Residence\\_CZBA Draft.pdf](#)

📎 [Public comment K & A Blocker.pdf](#)

📎 [public comment J. Baird.pdf](#)

📎 [2025-12-09\\_Robertson Residence\\_CZBA.pdf](#)

📎 [Public Comment Bud Robertson.pdf](#)

📎 [Staff Report.pdf](#)

**Ms. Subhashi Karunaratne, Planner for Development Services**, presented the Staff report.

**Ms. Karunaratne** stated the petitioner is requesting approval of an eleven (11) foot height variance from the 36-foot maximum height allowed by Section 4-6.1 of the Chatham County Zoning Ordinance to construct a single-family residence with a height of forty-seven feet to the roof top. The subject property, located at 3 Modena Way, is zoned R-1/EO. Development standards for the R-1 zoning district, where dwellings are served by public water and private wastewater systems, require a minimum lot width of seventy-five feet and a minimum lot area of 15,000 square feet. The subject parcel is currently vacant and contains approximately 27,820 square feet, with an approximate width of 132 feet and depth of 194 feet. The proposed development consists of a single-family residence with a building footprint of approximately 4,055 square feet. The proposal complies with all applicable setback requirements; however, the proposed building height of forty-seven feet exceeds the maximum permitted height of thirty-six feet. The proposed increase of height is based on the chosen design for the building. The subject property is located primarily within the 500-year floodplain, with a small portion adjacent to the marsh falling within the 100-year floodplain. The proposed development does not encroach into the 100-year floodplain or any applicable state or local buffer areas. Since the proposed use is a single-family residence, the floodplain ordinance does not require additional regulations for development within the 500-year floodplain.

There are no extraordinary conditions related to the size, shape, or topography of the property, which is considered a standard parcel within the zoning district and meets the minimum lot area and width requirements. Application of the regulations of the Zoning Ordinance would not create unnecessary hardship. Because the requested variance does not constitute a hardship under the variance criteria, MPC staff recommend denial of the petitioner's request for an eleven-foot height variance from the maximum permitted height.

**Mr. Ryan Claus, Architect for Petitioner**, said they realize this is a big ask. There were many aspects that went into the height request. Everything in this home has been designed under one footprint. The garage is underneath the home along with some small livable space. The car storage automatically raises the house. Storing the cars under the house eliminates creating more impervious surfaces on the site. If we had to reduce the stie of the home and keep all the programs they want in it, we are looking at an additional structure for a garage or potentially the livable space that is underneath, pulling that out and making a little house. The best productive reason for this layout is we are limiting the impact on the site. Instead of going out, we are going up. There are neighbors in this neighborhood that have had development issues. Based on the ordinance we are allowed to cover more surface area but are trying to be mindful of the goals of Chatham County and the Flood Plain Ordinance. There are eight other residences in the neighborhood that are several feet above the allowed height. This would be in keeping of the context of the neighborhood. A flat roof is possible, but it would create more maintenance than a pitched roof.

**Ms. Stone, Board Member**, asked what the sea level of the first floor is.

**Mr. Claus** said the slab was set at fifteen feet six inches. The next floor is eleven feet above that. The site itself varies seven feet at the lowest grass area and comes up to fifteen.

**Mr. Vinyard, Chairman** asked if the Petitioner would be happy with ten feet rather than eleven feet.

#### **Motion**

Approval of a variance to exceed the maximum permitted height by 10 feet due to the evidence of the neighbors in agreement and the other homes in the neighborhood.

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

Motion: Jenna Watkins

Second: Benjamin Polote, Jr.

James Coursey	- Not Present
Meredith Stone	- Aye
Robert Vinyard	- Aye
Benjamin Polote, Jr.	- Aye
Kewaan Drayton	- Aye
Jenna Watkins	- 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.***