

CHATHAM COUNTY ZONING BOARD OF APPEALS MPC

STAFF REPORT

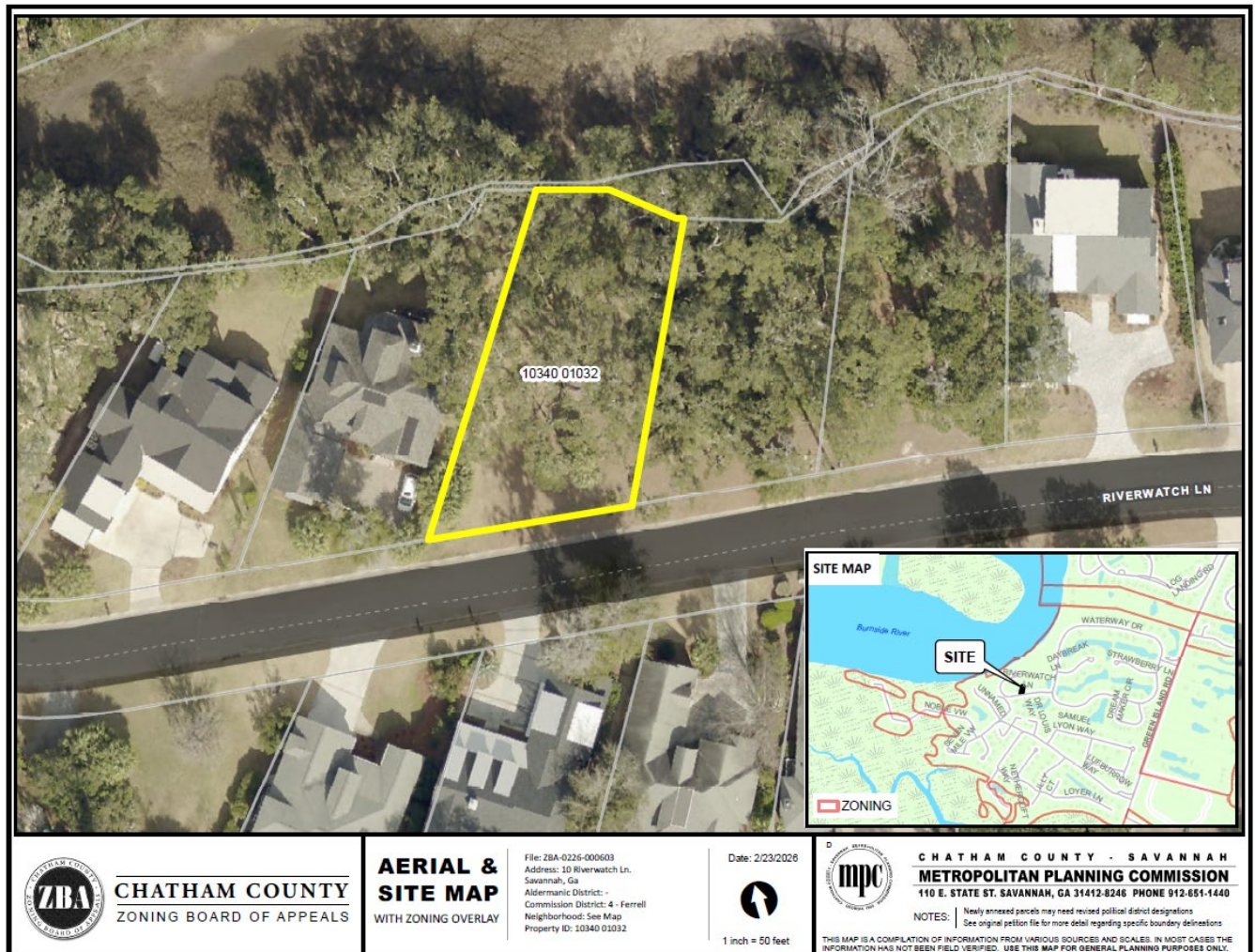
PETITIONER: Star Holland
FILE NO: ZBA-0226-000603
ADDRESS: 10 Riverwatch Lane
PIN: 10340 01031
DATE: March 24, 2026

Nature of Request

The petitioner is requesting a variance to reduce the required 35-foot riparian buffer setback by 6 feet and 3 inches in order to construct a single family dwelling. The request was attributed to the presence of mature live oak trees on the property, as locating the building outside the buffer was expected to disturb the trees' root systems.

The proposed construction includes a 6 feet 3 inches encroachment at the northeast corner and a 3 feet 9 inches encroachment at the northwest corner of the home, both of which extend into the 35-foot Chatham County Environmental Overlay buffer.

The Chatham County Environmental Program Manager determined that State Waters are located within 200 feet of the proposed disturbance area. As a result, pursuant to §24-804-3-(p) of the Chatham County Code, a 25-foot State Waters Buffer is required and must remain undisturbed during land-disturbing activities.



Aerial & Site Map of 10 Riverwatch Lane



Conceptual Site Plan

Background:

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 January 13, 2026 Chatham County determined that State Waters are present adjacent to the property at 10 Riverwatch Lane and pursuant to §24-804-3-(p) of the Chatham County Code, the proposed disturbance is located within 200 feet of State Waters; therefore, a 25-foot State Waters Buffer, measured horizontally, is required to remain undisturbed during land-disturbing activities. Additionally, 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 parcel is in the PUD-R/EO (Planned Unit Development Residential - Environmental Overlay) zoning district and subject to a riparian buffer of 35 ft 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.

The Petitioner is requesting a variance to Chatham County's 35-feet of riparian buffer. The hardship cited is the inability to construct the single-family dwelling outside the buffer without compromising the health of the Live Oak trees at the front of the property.

Findings:

1. The subject property is a 10454.4 square feet vacant parcel and is a part of the Moon River Landing Subdivision. The property is one of the 22 patio lots subdivided in the phase I of the Moon River Landing Subdivision. The patio lots range in size from 7,714 square feet to 17,324 square feet.
2. 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 following:
 1. *Georgia's coastal marshlands have long been recognized by the General Assembly and the Board as a vital natural resource system, a vital area of the state, and essential to **maintain the health, safety, and welfare of all the citizens of the State.***
 2. *The Coastal Marshlands Protection Act (CMPA) provides a grant of authority to the Board of Natural Resources and Coastal Marshlands Protection Committee to regulate certain activities that affect or have the potential to affect the coastal marshlands of the state, to ensure the values and functions of the coastal marshlands are not impaired and to protect the public interest.*
 3. *Stormwater management measures, impervious surface coverage standards, and marshlands buffer design and maintenance measures as applied to projects which are subject to permitting under the Coastal Marshlands Protection Act are warranted so as to protect this vital area and to protect the public interest.*

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.”

3. The parcel lies within the 100 year and 500-year Flood Zone.
4. Environmental Conditions:
 - a. Sea level rise is projected to impact nearby wetlands surrounding this property. The adjacent salt marsh is expected to experience approximately 0.72-1.05 feet of inundation by 2040 and 1.12–2.33 feet by 2060 ([NOAA Sea Level Rise Viewer](#)). As salt marshes migrate upland over time, development decisions should account for future conditions rather than solely existing environmental conditions.

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; however, it would result in the proposed pool being located too close to the live oak tree.

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

No. While the presence of wetlands and tree protection requirements are common throughout the County, the constraints on this property are not unique.

- (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.**

Yes, it would. The purpose of the Environmental Overlay District is to protect the marshlands and maintain their environmental function. Encroaching into the 35-foot buffer compromises this intent, particularly in light of sea level rise, future marsh migration, and the risk of coastal flooding. Allowing construction within the buffer sets a precedent that could undermine the integrity of this protective standard.

While the proposed variance would allow encroachment into the 35-foot riparian buffer, the applicant has stated that it is intended to preserve the roots of mature Live Oak trees by avoiding construction in other parts of the lot.

Recommendation

MPC staff recommends **denial** of the variance to reduce the required 35-foot riparian buffer setback by 6 feet

and 3 inches in order to construct a single family dwelling.

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.