**CHATHAM COUNTY ZONING BOARD OF APPEALS MPC**

**STAFF REPORT**

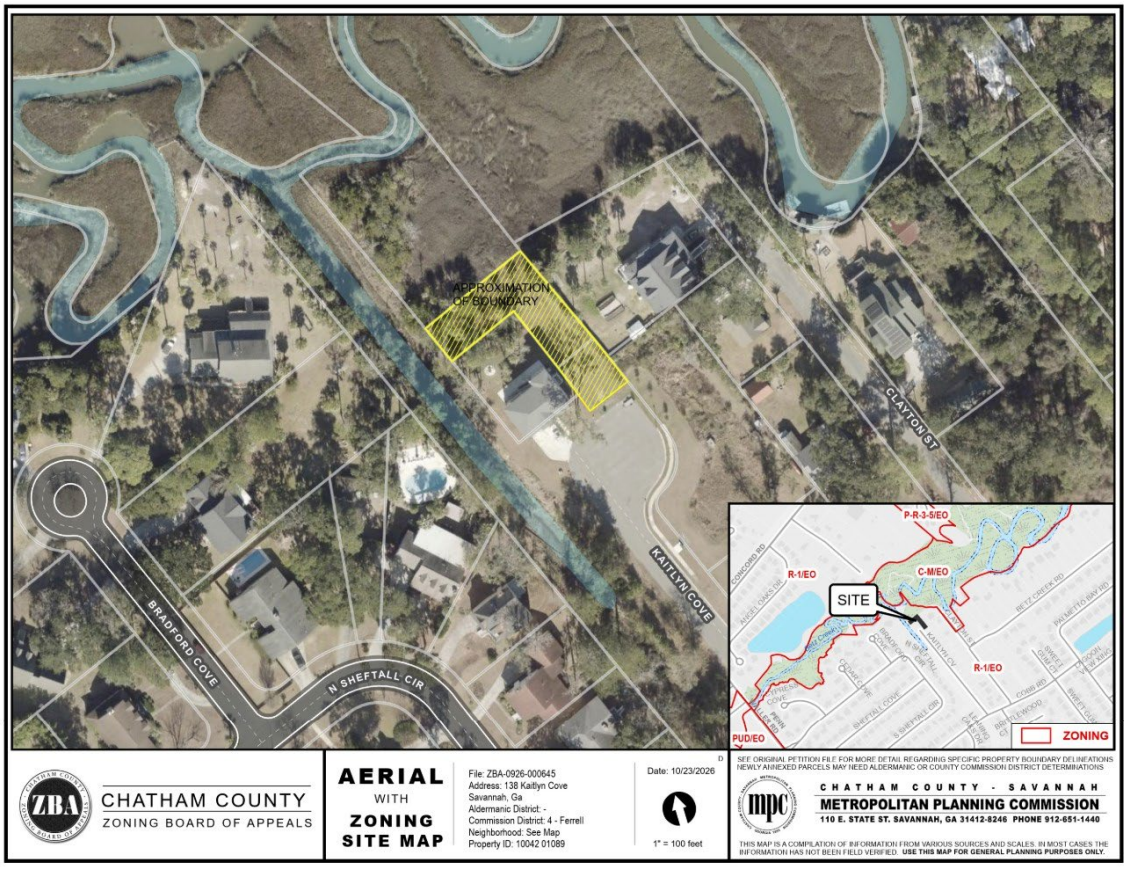
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| **PETITIONER:** | **Greg Holland** |
| **FILE NO:** | **ZBA-0926-000645** |
| **ADDRESS:** | **138 Kaitlyn Cove** |
| **PIN:** | **10340 01031** |
| **DATE:** | **October 27, 2026** |

## Nature of Request

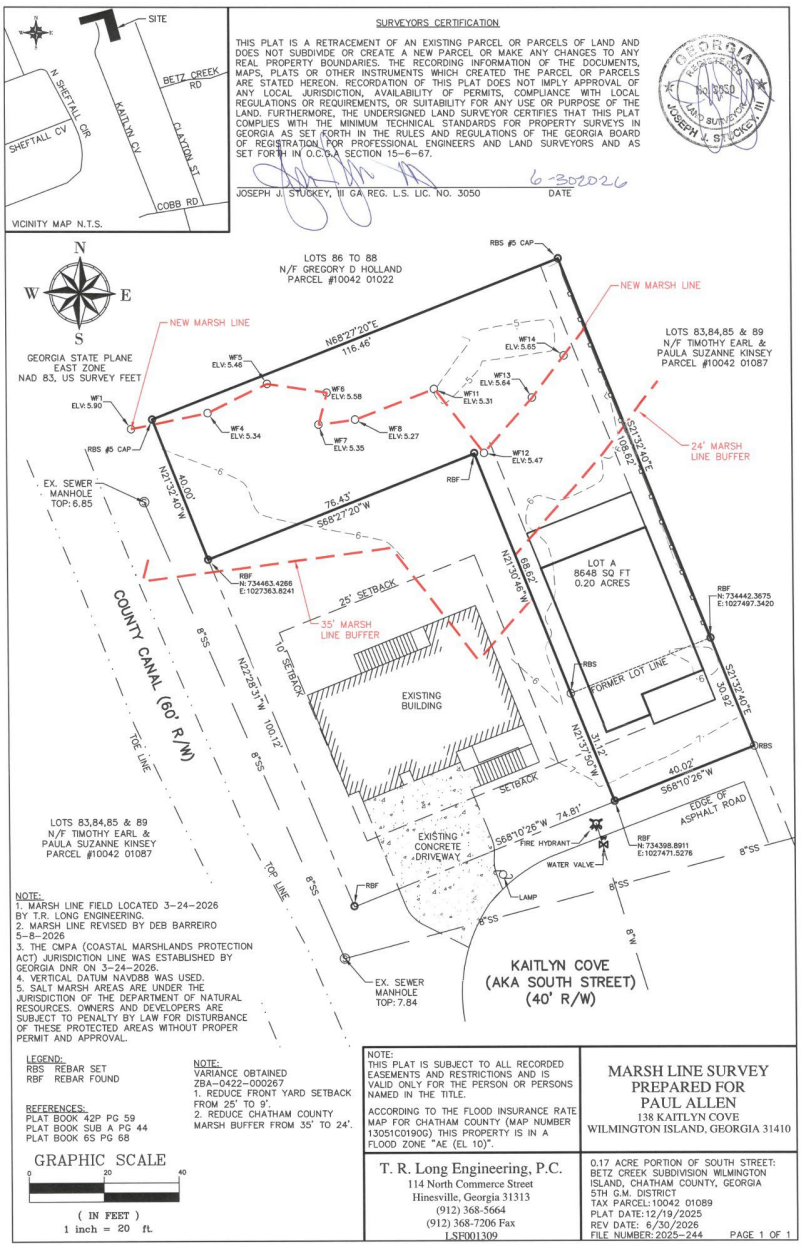
The petitioner is requesting two variances to allow for the construction of a single-family residence:

1. Reduce the front setback from 25 feet to 11 feet.
2. Reduce the Chatham County Marsh Jurisdictional Buffer from 35 feet to 22 feet.

Previously this property received two similar reliefs to the front setback and wetland buffer. Since that time the Petitioner has acquired a portion of now former public ROW to extend the lot further out of the wetland area. That ROW is in the process of combining into the existing parcel with the requested relief ultimately being intended to apply to the resulting final parcel.




*Aerial & Site Map of 138 Kaitlyn Cove*




*Conceptual Site Plan*

**Background:**

For all properties built near marshland, a 25-foot riparian buffer is required by state law, and a 35-foot buffer that exceeds the state buffer by 10 feet is required as part of the Chatham County EO Zoning District. Following a site visit Chatham County made a provisional determination that State Waters are present adjacent to the property at 138 Kaitlyn Cove 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 R-1/EO zoning district and subject to a riparian buffer of 35 feet 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 fully outside the buffer. Via the combination of a reduced front setback and acquisition of new property allowing the structure to move even further away the petitioner is making best effort to build outside of the wetland buffer as much as is possible.

**Findings:**

1. The property is one of the 2 lots at the end of the Kaitlyn Cove along the marsh. The lot once fully combined will be 0.20 acres or approximately 8,700 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 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 a inundation by 2040 and only increasing through 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.

5. The authority of the Chatham County Zoning Board of Appeals is to grant a variance to only the County's mandated buffer and does not have the authority to reduce the state mandated 25 foot buffer. Reduction will also require action by the state through its own processes for any development past that point.

**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.**

Yes the properties shape does mean that the largest portion of the property that would normally be built upon is totally within the wetland buffer, if not the wetland itself.

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

Application of this chapter to the subject property would create an unnecessary hardship as relief is necessary to allow for reasonable use.

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

Neutral. While the presence of wetlands and tree protection requirements are common throughout the County, the constraints on this property are somewhat 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.**

Neutral. 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. As this lot is existing without reasonable buildable area without relief, whether this is a viable and safe long-term development could be a question.

Reducing the front setback is an attempt to mitigate the buffer impacts to a reasonable degree.

**Recommendation**

MPC staff recommends **APPROVAL with CONDITIONS** of the variance to reduce the required 35-foot riparian buffer setback by 13 feet and to reduce the front setback from 25 feet to 11 feet subject to the following:

1. The Petitioner will also require action by the relevant state agencies before any work can occur in the 25 foot buffer.
2. The Petitioner shall combine the existing property with the area of former Right of Way consistent with the document titled "Marsh Line Survey Prepared for Paul Allen" dated 6/30/2026

*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.*