

SAVANNAH ZONING BOARD OF APPEALS

ARTHUR A. MENDONSA HEARING ROOM

112 EAST STATE STREET

July 28, 2009

2:30 P.M.

REGULAR MEETING

MINUTES

MEMBERS PRESENT:

Timothy Mackey, Chairman  
Paul Robinson, Vice - Chairman  
Stephanie Bock  
John P. Jones

TECHNICAL STAFF PRESENT:

Keith Shipman, City Zoning Inspector

MPC STAFF PRESENT:

Jack Butler, Assistant Secretary  
Jessica Mayfield, Administrative Assistant

RE: Called to Order

Mr. Mackey called the July 28, 2009 meeting of the Savannah Zoning Board of Appeals to order at 11:00 a.m.

RE: MINUTES

1. Approval of SZBA Minutes – June 23, 2009.

**SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals approve the minutes of June 23, 2009 as submitted. Ms. Bock seconded the motion and it was unanimously passed.**

RE: Consent Agenda

RE: Petition of Virginia Brown, For  
Coastal Empire Habitat for Humanity  
B-090629-51268-2  
1803 LeGrand Street

Mr. Butler gave the following Staff Report.

The petitioner, Virginia Brown, For Coastal Empire Habitat for Humanity, is requesting approval of a 3.5-foot front yard variance and a 7-foot rear yard variance in order to build a single-family home.

**Findings**

1. The subject property is a 4,369-square foot lot located at 1803 LeGrand Street.
2. The subject property is 48.5 feet in width by 90 feet in depth.
3. The subject property currently holds a dilapidated two-story structure on a 974-square foot footprint.
4. The property is zoned RM-25 (Residential-multifamily, 25 units per acre).
5. The development standards for a single-family lot in the RM-25 district call for 6,000 square feet in area and 60 feet in width.
6. The petitioner seeks to raze the existing dilapidated structure and construct an approximately 1,000-square foot single-story residence similar to other residences in the neighborhood.
7. The petitioner has sited the proposed structure such that it meets side setbacks for the district, but the proposed structure will encroach on the front setback by 3.5 feet (porch) and on the rear setback by 7 feet.
8. 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.**

The subject parcel is 72.8% of the required lot size for the area.

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

The application of this chapter to this particular piece of property would not create an unnecessary hardship.

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

Such conditions are not peculiar to the particular piece of property involved.

- d. **Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Savannah Zoning Ordinance.**

Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Savannah Zoning Ordinance.

**Staff Recommendation**

Staff recommends approval of the requested 3.5-foot front setback variance and 7-foot rear setback variance.

**SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals approve the petition as submitted. Ms. Bock seconded the motion and it was unanimously passed.**

**RE: Petition of Walter Blount, For  
Zion Hill Baptist Church  
B-090629-51540-2  
101 East Lathrop Avenue**

Mr. Butler gave the following Staff Report.

The petitioner, Walter Blount, For Zion Hill Baptist Church, is requesting approval of a 29 percent lot coverage variance (79 percent instead of 50 percent) in order to expand an existing church sanctuary.

**Findings**

1. The subject property is a 4,310-square foot lot containing an existing 2,918.5 square foot church building.
2. The subject property is located at 101 East Lathrop Avenue.
3. The subject property is zoned RB-1 (Residential-Business).
4. The current sanctuary covers 67.7% of the lot area.
5. The minimum lot size for an institutional use in an RB-1 zoning district is 6,000 square feet.
6. Maximum lot coverage in the RB-1 zoning district is 50%.
7. The petitioner proposes to expand the existing church sanctuary with a 52-square foot landing, an 85-square foot addition, and a 21.2-square foot landing, for a total of 158.2 square feet of additional building area.
8. The proposed expansion would make the structure 3,076.7 square feet in area for a proposed lot coverage of 71.4%, an increase of 3.7% in lot coverage.
9. 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.**

The subject property is 72% of the minimum lot size for institutional uses in the RB-1 zoning district.

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

The application of this chapter to this particular piece of property would not create an unnecessary hardship.

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

Such conditions are not peculiar to the particular piece of property involved.

- d. **Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Savannah Zoning Ordinance.**

Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Savannah Zoning Ordinance.

**Staff Recommendation**

The petitioner is requesting an increase in lot coverage in order to improve handicapped access to the structure. Although the total proposed lot coverage is large (71.4%), it is only 3.7% more than the current lot coverage and is not typical for the neighborhood, which consists primarily of small residential lots. The existing lot is 28% undersized for the zoning district. Staff recommends approval of a 3.7% lot coverage variance.

**SZBA Action:** Mr. Jones made a motion that the Savannah Zoning Board of Appeals **approve the petition as submitted.** Ms. Bock seconded the motion and it was unanimously passed.

**RE: Petition of John Sumner, For  
JSRB Ventures  
B-090629-51701-2  
542 East 31<sup>st</sup> Street**

Mr. Butler gave the following Staff Report.

The petitioner, John Sumner, For JSRB Ventures, is requesting approval of an 11-foot rear yard setback variance in order to construct a residence to within 14 feet of the rear property line.

**Findings**

1. The subject property is a 2,343-square foot, 45-foot wide by 52-foot deep existing lot of record located at 542 East 31<sup>st</sup> Street.
2. The property is zoned RM-25 (Multifamily Residential, 25-units per acre).

3. The minimum lot size for a single-family residential lot in an RM-25 zoning district is 6,000 square feet.
4. The subject property is 39% of the minimum lot size.
5. The petitioner is proposing to build a 28-foot wide by 33-foot deep (924-square foot, 1,100 square-foot overall) single family residence.
6. The petitioner proposes to locate the structure at six feet from the front setback line, which is consistent with setbacks on the block face.
7. The proposed structure will be situated within 14 feet of the rear property line, encroaching on the 25-foot rear yard setback that is required in the RM-25 zoning district.
8. 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.**

The piece of property in question is 39% of the minimum lot size in the district.

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

The application of this chapter to this particular piece of property would not create an unnecessary hardship.

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

Such conditions are not peculiar to the particular piece of property involved.

- d. **Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Savannah Zoning Ordinance.**

Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Savannah Zoning Ordinance.

**Staff Recommendation**

The requested setback variance would allow the petitioner to construct a residential structure on the property in question that is substantially similar in layout and design to existing structures in the vicinity. Staff recommends approval of an 11-foot rear yard setback variance.

**SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals approve the petition as submitted. Mr. Robinson seconded the motion and it was unanimously passed.**

**RE: Petition of Khoa Nguyen  
B-090629-51857-2  
15-15 ½ Darling Street**

Mr. Butler gave the following Staff Report.

The petitioner, Khoa Nguyen, is requesting approval of a 6.58-foot lot width variance and a five-foot side yard setback variance for Lot A and a 13.25-foot lot width variance for Lot B in order to subdivide a lot with two residences into two separate lots, each with a single residence.

### **Findings**

1. The subject property is a 25,323-square foot, 100-foot wide lot of record located at 15-15 ½ Darling Street.
2. The property is zoned R-6 (Single-family Residential).
3. The subject property has two existing single-family residences in place: a 2,017-square foot residence; and a 1,360-square foot residence.
4. The petitioner seeks to separate the two residences by subdividing the lot into individual parcels of 53.42 and 46.75-feet in width respectively.
5. The placement of the structure on lot A (the 53.42-foot wide lot) is directly on the property line, requiring a variance of five feet from the required five-foot side yard setback requirement.
6. 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.**

The particular piece of property is over four times the minimum size for the zoning district.
  - b. **The application of this chapter to this particular piece of property would create an unnecessary hardship.**

The application of this particular piece of property would not create an unnecessary hardship.
  - c. **Such conditions are peculiar to the particular piece of property involved.**

Such conditions are not peculiar to the particular piece of property.
  - d. **Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Savannah Zoning Ordinance.**

Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Savannah Zoning Ordinance.

**Staff Recommendation**

Staff recommends approval of a 6.58-foot lot width variance and a five-foot side yard setback variance for Lot A and a 13.25-foot lot width variance for Lot B.

**SZBA Action:** Ms. Bock made a motion that the Savannah Zoning Board of Appeals **approve** the petition as submitted. Mr. Jones seconded the motion and it was unanimously passed.

**RE: Regular Agenda**

**RE: Petition of Tyhesha Johnson  
B-090527-31428-2  
5219 Skidaway Road**

**Petition was withdrawn per staff's request.**

The petitioner is requesting an appeal of the Zoning Administrator's decision to deny an increase in a use (child care) which must be approved by the Board of Appeals pursuant to the requirements of Section 8-3025(a)(22b) of the Savannah Zoning Ordinance. The ordinance allows a maximum of 18 children in a home-based daycare center.

**Findings**

1. The petitioner's property is a 21,780 square foot (approximately 0.5 acre) parcel located on Skidaway Road just north of DeRenne Avenue.
2. The subject property is in an R-6 (Single-Family Residential) zoning district.
3. The petitioner is operating a permitted in-home day-care center for up to 18 children from this location.
4. The petitioner is requesting an increase in the capacity of the in-home facility from 18 to 25 children.
5. The City Council has amended the Zoning Ordinance to set a maximum occupancy for in-home day-care facilities of 18 children.
6. Relief, if granted, would cause substantial detriment to the public good, and impair the purposes and intent of the Savannah Zoning Ordinance.

**Staff Recommendation**

The number of children permitted in an in-home day-care is a limit set by the City and may not be varied by the Zoning Board of Appeals. The petitioner may seek to change the classification of the day care facility from "in-home" to commercial through petition through the MPC to the

City Council.

Staff concurs with the Zoning Administrator's interpretation of the ordinance and recommends denial of the requested expansion of the use beyond 18 children.

The petition was continued on June 23, 2009, to seek an opinion on the variability of maximum occupancy from the City Attorney.

**SZBA Action: Mr. Robinson made a motion that the Savannah Zoning Board of Appeals withdrawal the petition as submitted. Mr. Jones seconded the motion. The motion passed 3 – 1. Opposed to the motion was Ms. Bock.**

**RE: Petition of Labor Ready Southeast, Inc. dba Labor Ready  
B-090527-31837-2  
1802 B East Broad Street**

Present for the petition was Mr. Khalidi.

Mr. Butler gave the following Staff Report.

The petitioner, Labor Ready Southeast, Inc dba Labor Ready, is requesting approval of a variance of a separation requirement that a use (47d – Temporary day labor employment center) be located not less than 300 feet from any residential use.

### **Findings**

1. The subject property is a 9,000-square foot lot located adjacent to a 27,000 square feet associated lot at 1802 B East Broad Street.
2. The property is zoned I-L (Light Industrial).
3. The petitioner is proposing to operate a temporary day-labor contracting business from the location.
4. The proposed use (47-d) is permitted in the IL zoning district, provided the use is set 300 feet from the nearest residential use.
5. The petitioner's property is located directly across E. 34<sup>th</sup> Street from a residential block. The separation between the petitioner's property and the residential properties is approximately 40 feet.
6. The petitioner has made provisions to locate all persons awaiting employment inside the subject property.
7. The petitioner is requesting a waiver of the required separation distance of 300 feet.
8. 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.**

The particular piece of property is in an I-L (Light Industrial) zoning district located in the middle of a residential R district.

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

The application of this chapter to this particular piece of property would not create an unnecessary hardship.

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

The conditions are not peculiar to the particular piece of property involved.

- d. **Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Savannah Zoning Ordinance.**

Relief, if granted, could cause substantial detriment to the public good, if persons awaiting employment are not housed within the property or are permitted to loiter in the residential neighborhood.

### Summary Of Findings

The petitioner currently operates a furniture construction and materials reclamation business from the subject property. The proposed use would impose less impact on the neighborhood than the current use. The right of way of 34<sup>th</sup> Street provides a substantial buffer between the petitioner's property on the south side of the right of way and the residential properties on the north side of the right of way.

Staff recommends approval of the requested separation variance, however the petitioner should be required to file a site plan with the MPC staff providing provisions for housing persons awaiting employment within the site.

**Mr. Khalidi** stated that several changes have been made. Their outreach consultant contacted all property owners within a 300 radius and hosted an open house. The site plan has been redesigned with a rear door that services the court yard.

**Mr. Hartridge** explained in detail the new site plan and gave a brief history on the project.

**Mr. Khalidi** called upon Ms. Osborne, Mr. Washington, Ms. Hamilton, Mr. Green, Mr. Case, Mr. Wynell, Mr. Giktis, Mr. Taharka, Mr. Burns, Pastor Jackson, Ms. Futch, Ms. Eady to explain that they are in support of the petition.

**Ms. Slaughter** stated she is opposed to the request because it would be harmful to the neighborhood.

Ms. Curry stated she is opposed to the request because of the traffic that Labor Ready would bring to the neighborhood.

**SZBA Action:** Mr. Jones made a motion that the Savannah Zoning Board of Appeals **approve the petition as submitted.** Mr. Robinson seconded the motion and it was **unanimously passed.**

**RE: Petition of William Halford, III  
B-090629-51959-2  
137 East 51<sup>st</sup> Street**

Mr. Butler gave the following Staff Report.

The petitioner, William Halford, III, is requesting approval of a 15 percent lot coverage variance (51.3 percent instead of 36.3 percent) in order to construct a carport over an existing parking pad.

**Findings**

1. The subject property is a 4,059-square foot existing lot located at 137 East 51<sup>st</sup> Street.
2. The property is zoned R-6 (Single-family Residential).
3. The petitioner seeks to build an attached, open-sided 620-square foot carport addition on an existing two-story outbuilding to the rear of the property. The outbuilding has a footprint of 225 square feet with a 90-square foot shed.
4. The location of the proposed carport is a paved pad of approximately the same size as the proposed carport.
5. The standard for lots in an R-6 zoning district is 6,000 square feet (minimum 60-feet in width) with a maximum building coverage of 30 percent.
6. The zoning administrator may administratively grant a variance in lot coverage on undersized lots equal to the percentage by which the subject property is below minimum size. In this case, the zoning administrator has determined that the maximum lot coverage could be 36.3 percent.
7. The petitioner is requesting a variance to allow additional 15 percent of lot coverage, bringing the coverage of the subject parcel to 51.3 percent.
8. 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.**

There are no extraordinary or exceptional conditions pertaining to the particular piece of property.

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

The application of this chapter to this particular piece of property would not create an unnecessary hardship.

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

Such conditions are not peculiar to the particular piece of property.

- d. **Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Savannah Zoning Ordinance.**

Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Savannah Zoning Ordinance.

**Staff Recommendation**

Staff recommends approval of the requested variance to allow 51.3 percent lot coverage. The variance will allow the petitioner to expand the structure in question to a similar size to those on adjoining properties.

**SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals approve this petition based on that the carport will not be closed in. Ms. Bock seconded the motion and it was unanimously passed.**

**RE: Petition of Seaborne Tompkins, For  
Saule Goodelle  
B-090629-52373-2  
103-105 Fahm Street**

Present for the petition was Mr. McCorkle.

Mr. Butler gave the following Staff Report.

The petitioner, Seaborne Tompkins, for Saule Goodelle, is requesting approval of a parking variance from the 75 spaces required in order to open a nightclub in a former gymnasium.

**Findings**

1. The subject property is a gymnasium building on a 30,399-square foot parcel located at 103-105 Fahm Street.
2. The property is zoned B-G (General Business).
3. The petitioner is proposing to open a nightclub in the building. The building would have

a maximum occupancy of 299 persons.

4. The Zoning Administrator has determined that the proposed nightclub would require a total of 75 parking spaces to be provided.
5. The petitioner seeks a waiver of the required 75 on-site parking spaces, proposing to provide shuttle service between the Ellis Square public parking structure and the proposed nightclub. No more detailed plans were provided by the petitioner.
6. Under the provisions of Section 8-3095, the Board of Appeals may approve an alternative parking plan following a public hearing.

**Staff Recommendation**

The petitioner has not provided a workable plan for remote parking adequate to the needs of a nightclub operation with a potential occupancy of nearly 300 patrons under the intent of Section 8-3088. Staff recommends denial of the requested parking variance.

**SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals deny the petition as submitted. Ms. Bock seconded the motion and it was unanimously passed.**

**RE: Other Business**

**RE: Adjournment**

There being no further business to come before the Savannah Zoning Board of Appeals, the meeting was adjourned at 12:45 p.m.

Respectfully submitted,

Jack Butler,  
Assistant Secretary

JB/jm