

SAVANNAH ZONING BOARD OF APPEALS
ARTHUR A. MENDONSA HEARING ROOM
112 EAST STATE STREET

September 22, 2009

2:30 P.M.

REGULAR MEETING MINUTES

MEMBERS PRESENT:

Timothy Mackey, Chairman
Stephanie Bock
John P. Jones

MEMBER ABSENT:

Paul Robinson, Vice - Chairman

TECHNICAL STAFF PRESENT:

Keith Shipman, City Zoning Inspector

MPC STAFF PRESENT:

Jack Butler, Assistant Secretary
Constance Morgan, Administrative Assistant
Jessica Mayfield, Administrative Assistant
Mary Mitchell, Administrative Assistant

RE: Called to Order

Mr. Mackey called the September 22, 2009 meeting of the Savannah Zoning Board of Appeals to order at 2:35 p.m.

RE: MINUTES

1. Approval of SZBA Minutes –August 25, 2009.

SZBA Action: Mr. Jones made the motion that the Savannah Zoning Board of Appeals approve the minutes of August 25, 2009 as submitted. Ms. Bock seconded the motion. The motion passed unanimously.

RE: Consent Agenda

**RE: Petition of Evelyn Reddish,
B-090827-36450-2
521 East 56th Street**

Mr. Butler stated that the attorney for the petitioner, Evelyn Reddish, has requested to remove Board of Appeals File No. B-090827-36450-2 from the Consent Agenda and continue it to the October 27, 2009 Regular SZBA Meeting.

SZBA Action: Ms. Bock moved that the Savannah Board of Appeals continue SZBA File No. B-090827-36450-2 to the October 27th 2009 SZBA Meeting. Mr. Jones seconded the motion. Voting were: Mr. Jones, Mr. Mackey, and Ms. Bock.

**RE: Petition for Donna Shannon
B-090827-37247-2
208 West Park Avenue**

Mr. Butler stated that a Board Member would have to recuse herself from this item which would leave the Board without a quorum therefore staff request that SZBA File No. B-090827-37247-2 is continued to the next SZBA Regular Meeting on October 17, 2009.

Mr. Jones **moved** that the Savannah Board of Appeals approve staff request to continue SZBA File No. B-090827-37247-2 to the October 27, 2009, SZBA Meeting. Mr. Mackey seconded the motion.

SZBA Action: The motion passed with none opposed. The motion was to approve staff request to continue SZBA File No. B-090827-37247-2 to the October 27, 2009, SZBA Meeting. Voting were: Mr. Jones, Mr. Mackey, and Ms. Bock.

**RE: Petition of Angel & Shamira Davis
B-090827-39592-2
1206 Abercorn Street**

Jack Butler made the following report:

Nature of Request

The petitioners, Angel & Shamira Davis, are requesting approval of a use (beauty and health care supplies) that requires approval of the Zoning Board of Appeals.

Findings

1. The subject property is a currently vacant single-story commercial building located at 1206 Abercorn Street, at the corner of Abercorn Street and Duffy Lane.
2. The subject property is zoned 2-R (Victorian District, Mixed use residential).
3. The petitioner proposes to operate a health and beauty supply shop, which is permitted in the 2-R district with Zoning Board of Appeals approval.
4. The uses on adjoining properties are a restaurant (south), a parking lot (east), multi- and single-family attached housing (north) and a church (west).

5. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals shall hear and decide upon requests for permission to establish uses upon which the Board of Appeals is required to pass under the terms of this chapter. The application to establish such use shall be approved on a finding by the Board of Appeals that:

a. The proposed use does not affect adversely the general plans for the physical development of the city, as embodied in this chapter, and in any master plan or portion thereof adopted by the mayor and aldermen.

Approval from the Board of Appeals is required; however, the proposed use is consistent with the traditional neighborhood use designation of the City's Tricentennial Comprehensive Plan.

b. The proposed use will not be contrary to the purposes stated for this chapter.

The proposed use is not contrary to the purposes stated in Article H of the Savannah Zoning Ordinance.

c. The proposed use will not affect adversely the health and safety of residents and workers in the city.

The proposed use is not expected to adversely affect the health and safety of area residents.

d. The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.

The proposed use should not pose a detriment to the use or development of adjacent properties or the general neighborhood.

e. The proposed use will not be affected adversely by the existing uses.

The proposed use will not be adversely affected by uses currently existing.

f. The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of such use.

The petitioner intends to add a use (retail sales of health and beauty supplies) to an existing commercial structure.

g. The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement, noise or fume generation or type of physical activity.

The proposed use is not a hazard and is unlikely to create a nuisance.

- h. The standards set forth for each particular use for which a permit may be granted have been met.**

The parcel is of sufficient size to accommodate the proposed use.

Staff Recommendation

All of the requirements necessary to the approval of the request appear to be met. Staff recommends approval as part of the Consent Agenda.

Mr. Jones **moved** that the Savannah Zoning Board of Appeals approves staff recommendation. Ms. Bock seconded the motion.

SZBA Action: The motion carried with none opposed. The motion was to approve the staff recommendation for the use of a beauty and health care supplies that requires approval of the Zoning Board of Appeals. Voting were: Mr. Mackey, Mr. Jones, and Ms. Bock.

**RE: Petition of Harley Krinsky
B-090827-35868-2
0 Hamilton Street**

Present for the petition Harley Krinsky.

Mr. Butler gave the following Staff Report:

Nature of Request

The petitioner, Harley Krinsky, is requesting approval of a 20-foot rear setback variance (from the 25-foot rear setback required) and a 23-foot front setback variance (from the 50-foot front setback required) in order to build a single-family residence.

Findings

1. The subject property consists of two vacant recorded lots near the intersection of Hamilton Court and Ott Street totaling 4,571-square feet in area, 55-feet wide by approximately 82-feet deep.

The subject property is located on a residential street with a 30-foot right-of-way in an R-4 (four-family residential) zoning district.

2. The development standard for single-family lots in an R-4 zoning district is 6,000 square feet in area and a minimum lot width of 60-feet, with a 50-foot front setback (measured from the center of the right-of-way), a 25-foot rear setback and 5-foot side setbacks.

3. The petitioner proposes to construct a single-family residence 26 feet in width and 58-feet in depth (1,508 square feet in footprint). The proposed structure would encroach to within five feet of the rear property line, and to within 12 feet of the front property line, while achieving 14-foot, six-inch side setbacks.

The existing structures along Hamilton Court are 16 feet from the edge of pavement (approximately 31 from center of right-of-way).

4. The petitioner proposes to build a structure to within 12-feet of the edge of pavement (27 feet from the center of the right-of-way).
5. 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 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 harm to the detriment of the public good or impair the purposes and intent of the Savannah Zoning Ordinance.

Staff Recommendation

There is ample room on the subject property to build a residence of the desired scale without encroaching on the rear setbacks or on front setbacks to the degree proposed. The proposed structure would encroach on the front setback by an additional three feet beyond that of all other structures on the block face, and would encroach on the rear setback by far more than any principal structure on lots on the vicinity. It is recommended that the board grant a front setback variance of 20 feet (equal to the front setbacks on the block face) and deny the requested rear setback variance.

Speaking on the Petition:

Harley Krinsky, petitioner stated the house that he has proposed to set on the lot in question is a house that was built for Section 8 development in Atlanta. The development came to a standstill and he was approached by the owner of the manufactured plant to place some of these houses in the Savannah area. The depth of the house is not negotiable. He added that he is trying to provide fair market rate homes for low income or subsidized renters in the area. He added that the house was constructed to meet this demand.

Mr. Jones **moved** that the Zoning Board of Appeals approve the staff recommendation.
Ms. Bock seconded the motion.

SZBA Action: The motion passed with none opposed. The motion was to approve the staff recommendation to grant the front setback variance, not the rear setback variance.

Voting were: Mr. Mackey, Mr. Jones, and Ms. Bock.

**RE: Petition of Marcus Hall for
The Stanford Group, LLC
B-090827-36034-2
2601 Tremont Road**

Present for the petition was: Mr. Marcus Hall.

Mr. Butler gave the following Staff Report:

Nature of Request

The petitioner, Marcus Hall, For The Stanford Group, LLC, is requesting approval of a 2.5-foot front setback variance (from the 50-foot front setback required) and a 20-foot rear setback variance (from the 25-foot rear setback required) in order to situate a manufactured home on a lot.

Findings

1. The subject property is an irregularly shaped, roughly triangular conforming lot of record (100 and 120-feet long on its longer legs) located at 2601 Tremont Road.
2. The property is zoned R-M-H (Residential, Manufactured Home).
3. The petitioner proposes to locate a 70 foot long by 14 foot deep manufactured home on the southern edge of the property. The proposed orientation of the structure would place it five feet from an access lane on the south and five feet from the rear property line to the west.

4. The R-M-H zoning district requires a 25-foot rear yard. Depending on the interpretation of “rear”, the proposed orientation of the structure would encroach on one of the property lines by 20-feet (to within five feet).
5. Tremont Road is a 50-foot residential right-of-way. The R-M-H zoning district requires a 50-foot from center of right-of-way front setback.
6. The subject property is approximately 91-feet in depth from Tremont to the apex of the rear property lines.
7. 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 irregularly shaped, but is almost 50 percent larger than the minimum lot size for 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 petitioner desires to orient a manufactured home on the subject property to Dodge Avenue, rather than to Tremont Street. There is adequate room to locate the proposed structure on the property without encroaching on required setbacks, if the structure is oriented to Tremont Street. Staff recommends **denial** of the proposed variances.

Speaking on the Petition:

Mr. Marcus Hall, petitioner, asked for advice on how to place the manufactured home at the lot location without encroaching on the setbacks.

Keith Shipman, zoning inspector, advised Mr. Hall to delay his petition for 30 days in order to meet with the Inspections Department to re-examine the site plan.

Patricia McCoy, President of Tremont Park Community Organization, stated that the petitioner has placed the manufactured home on the subject property. She added that she does not believe that this lot is large enough for the proposed trailer and asked that the petition is denied.

Mr. Hall, petitioner, explained that it has been brought to his attention that the previous manager has not maintained the property as he was contracted to do. He stated that he will not renew their contract but that he will take full control of the park once again.

Jennifer Jenkins, neighborhood resident stated that the park is not properly maintained and the residents are not happy about it.

She added that the house was not adequately placed on the lot and it presents an eye sore in the neighborhood. She stated that she was opposed to the petition.

Mr. Hall requested a continuance to the October 27, 2009 meeting date in order to review the site plan and the concerns of the neighborhood residents.

Ms. Bock **moved** that the Zoning Board of Appeals grant the petitioner's request. Mr. Jones seconded the motion.

SZBA Action: The motion passed with none opposed. The motion was to grant the petitioner's request to continue SZBA File No. B-090827-36034-2 to the October 27, 2009, SZBA Meeting. Voting were: Mr. Jones, Mr. Mackey and Ms. Bock.

**RE: Petition of Lenorris Williams,
B-090827-36555-2-2
106 Stella Avenue**

Mr. Butler gave the following staff report:

Nature of Request

The petitioner, Lenorris Williams Sr., is requesting approval of a 12-foot side setback variance (from the 15-foot side setback required) in order to construct a carport onto an existing garage.

Findings

1. The subject property is a 4,493-square foot (0.1 acres) non-conforming lot of record located at the intersection of Stella Avenue and Hadley Street.

2. The subject property is in an R-4 (Four-family Residential) zoning district.
3. The petitioner proposes to build an enclosed carport over an existing concrete pad by attaching the carport to an existing block garage. The carport will be located within three feet of the Hadley Street property line.
4. The ordinance requires a minimum side separation of 15 feet from rights-of-way.
5. The existing garage encroaches to within 2.1 feet of the side property line.
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.

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.

Summary of Findings

The proposed carport would not increase the encroachment already present on the site, and is not unusual in the neighborhood. Staff recommends approval of the requested 12-foot side setback variance.

Mr. Jones **moved** that the Savannah Board of Appeals approve staff recommendation. Ms. Bock seconded the motion.

SZBA Action: The motion carried with none opposed. The motion was to approve the staff recommendation of the requested 12 foot side setback variance. Voting were: Mr. Mackey, Mr. Jones, and Ms. Bock.

**RE: Petition of Darrel Daise
B-090827-38440-2
1213 Love Street**

Present for the petition was: Ellen Wyatt.

Jack Butler gave the following staff report.

Nature of Request

The petitioner, Darrel Daise, For CHSA, is requesting approval of an 8.8-foot side yard setback (from the 15-foot setback required) in order to construct a single-family residence.

Findings

1. The subject property is a vacant non-conforming 54-foot by 90-foot, 4,841 lot of record located at 1213 Love Street, on the corner of Love Street and Cumming Street.
2. The subject property is in an R-4 (Four-family Residential) zoning district.
3. The petitioner proposes to construct a 1,120-square foot single-family residence on the subject property. The proposed residence will have an irregular footprint covering roughly 40 feet in depth and 40 feet in width.
4. The ordinance requires that structures be situated with a 15-foot minimum street-side setback.
5. The proposed structure would be situated 8-feet, 9 inches from Cumming Street.
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 subject property is 90 percent of the required minimum lot width and 83 percent of the required minimum lot 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 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’s house design encroaches on the required side setback by 6-feet, 3-inches. It meets or exceeds all other setback requirements. All other structures along Cumming Street face Cumming Street, but are closer than the ordinance required 15-foot setback. Staff recommends **approval** of the requested 6-foot, 3-inch side setback variance from Cumming Street.

Speaking on the Petition: Ellen Wyatt, CSHA, stated that she would answer any questions from the Board and that the Housing Department fully supports this development.

Ms. Bock **moved** that the Savannah Board of Appeals approve the requested 6-foot, 3-inch side setback variance from Cumming Street. Mr. Jones seconded the motion.

SZBA Action: The motion carried with none opposed. The motion was to approve the requested 6-foot, 3-inch side setback variance from Cumming Street. Voting were: Mr. Mackey, Mr. Jones, and Ms. Bock.

**RE: Petition of Darrel Daise
B-090827-38567-2
1221 Love Street**

Present for the petition was: Ellen Wyatt

Mr. Jack Butler gave the following staff report:

Nature of Request

The petitioner, Darrel Daise, for CHSA, is requesting approval of an 8-foot front yard setback variance (from the 30-foot required), a 6-foot, 9-inch side setback variance (from the 15 feet required) and a variance of one off-street parking space (from the two required spaces) in order to construct a single-family residence.

Findings

1. The subject property is an existing, non-conforming 3,221-square foot lot of record located at the southwest corner of Love and Cumming streets.
2. The subject property is located in an R-4 (Four-family Residential) zoning district.
3. The subject property is approximately 36 feet wide by 90 feet deep.
4. The petitioner proposes to build a 1,120-square foot single-family residence on the subject property. The proposed structure would be 57-feet deep by 24-feet wide.
5. The petitioner proposes to install a single-vehicle driveway and a shed in the rear yard of the proposed structure.
6. The proposed structure would encroach to within 6-feet, 8.5 inches of the street-side property line along Cumming Street, and to within 8 feet of front property line along Love Street.
7. The ordinance requires a minimum 15-foot setback from street side yard property lines.

The R-4 zoning district requires a minimum front setback of 50 feet from the centerline of Love Street, which is a 40-foot right-of-way. This would ordinarily make the front setback 30 feet from the front property line.

8. The average front setback among existing structures along Love Street is 8 feet from the front property line (or 28-feet from the center of Love Street).
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 non-conforming, being approximately 54% of the minimum lot size for a single-family residence in an R-4 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.

Summary of Findings

The requested setback variances would allow the construction of a single-family residence that is substantially similar to those already present in the vicinity and would allow placement of the structure on the lot in a manner that is standard in the vicinity. Staff recommends approval of the necessary 22-foot front yard setback variance (from the 50-foot from center of right-of-way required), and a 6-foot, 9-inch side setback variance along Cumming Street (from the 15 feet required).

However, there is adequate space on the parcel to provide off-street parking for a second vehicle without substantially modifying the proposed site plan, and on-street parking may not be used to provide off-site parking. Staff recommends **denial** of the requested parking space variance.

Speaking on the petition: Ellen Wyatt, CHSA, stated that typically this area has on street parking. She requests approval to allow the one off street parking space.

Mr. Jones **moved** that the Savannah Zoning Board of Appeals approve the petitioner's request with the denial of the parking space variance. Ms. Bock seconded the motion.

SZBA Action: The motion passed with none opposed. The motion was to approve the petition for the necessary 22-foot front yard setback variance and to deny the petition for a variance of one off-street parking space. Voting were: Mr. Jones, Ms. Bock, and Mr. Mackey.

**RE: Petition of Teinique Gadson, for
Neighborhood Improvement Association
B-090827-38678-2
1402 Church Street**

Present for the petition was Ms. Teinique Gadson

Mr. Jack Butler gave the following staff report:

Nature of Request

The petitioner, Teinique Gadson, for Neighborhood Improvement Association, is requesting approval of a 10-foot, 1-inch side setback variance (from the 15-foot side setback required), a 15-foot front setback variance (from the 25-foot front setback required) and a variance of one off-street parking space from the two spaces required in order to construct a single-family residence.

Findings

1. The subject property is a 38-foot by 89-foot (3,395-square foot) non-conforming lot of record located at the corner of Church Street and DeLyon Street.
2. The subject property is located in an R-4 (Four-family Residential) zoning district.
3. The minimum dimensions for a single-family property in an R-4 zoning district are 6,000 square feet and 60 feet in width.
4. The petitioner proposes to construct a single-family residence that is 20-feet in width and 51-feet in depth, including a porch.
5. The proposed residence will encroach on the required street-side setback of 15 feet by 10-feet, 1-inch (to within 4-feet, 11-inches of the side property line), and on the front setback by 15 feet (to within 10 feet of the front property line).
6. In the vicinity of the subject property, side-lots on DeLyon Street vary from approximately one to eight feet, with (the petitioner states) an average of 5.6 feet in width. The front setbacks on Church Street vary from 13.5 to 8.8 feet (an average of 11.14 feet).
7. The petitioner is requesting a variance from one of two required off-street parking spaces. The petitioner proposes to construct a storage shed in the rear yard and to retain as much yard space as possible and is seeking to reduce the lot area devoted to parking.
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 property is 56 percent of the minimum lot size required in the 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 structure that the petitioner proposes to build is a modest residential home that would be situated on the lot in a position similar to that of neighboring properties. Staff recommends **approval** of the requested 10-foot, 1 inch street side-yard setback variance, and approval of a 15-foot front setback variance, provided that the city Traffic Engineer confirms that safe sight-lines are maintained for both Church and DeLyon streets.

The requested variance from the required two parking spaces is not justified. The standard of two parking spaces is minimal, and there is sufficient space on the property to provide space for a second parking space. Further, the expected vehicle use would result in on-street parking, which may not be used to meet parking requirements. Staff recommends **denial** of the requested parking space variance.

Speaking on the Petition:

Teinique Gadson, Neighborhood Improvement Association, Stated that the City Housing Department supports this development and she asked that the petition is approved as submitted.

Alma Addison, 1410 Golden Street, asked how the subject property would affect her property.

Gary Udinsky, developer, stated that the majority of the residents in the area do not need the two car parking spaces. He stated that the neighborhood would be better served by providing more green space and not paving over the green space to provide parking. He asked that the Board render their decision by viewing what would better serve neighborhood.

Ms. Bock **moved** that the Savannah Zoning Board of Appeals approve the request for the setback variances but deny the approval of the off street parking.

SZBA Action: The motion carried with none opposed. The motion was for approval of the petition for the 10-foot, 1 inch street side-yard setback variance, and approval of a 15-foot front setback variance, provided that the city Traffic Engineer confirms that safe sight-lines are maintained for both Church and DeLyon Streets and deny the petition for a variance of one off-street parking space.

**RE: Petition of Willie Dasher, for
Dasher Construction
B-090827-38755-2
900 West 42nd Street**

Present for the petition was: Mr. Willie Dasher

Jack Butler gave the following staff report:

Nature of Request

The petitioner, Willie Dasher, For Dasher Construction, is requesting approval of a 10-foot rear-yard setback variance (from the 30 feet required) and an 8-foot, 1-inch side-yard variance (from the 15 feet required) in order to construct a single-family residence.

Findings

1. The subject property is a non-conforming, 2,530-square-foot lot of record located at 900 West 42nd Street, which is a 40-foot right-of-way. The property is at the corner of 40th and Stevens streets.
2. The subject property is zoned R-4 (Four-family Residential) in the PNC (Planned Neighborhood Conservation) district of Cuyler-Brownsville.
3. The subject property is roughly 37 feet wide by 67 feet deep.
4. The petitioner proposes to construct a 1,120-square foot single family residence. The proposed residence would be 28-feet wide by 47-feet deep in footprint.
5. While the proposed structure can be situated so as to meet the required 5-foot side setbacks, it would be located within 20 feet of the rear property line. The required rear setback in the R-4/PNC zoning district is 30 feet.
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 subject property is 74 percent of the required lot width and 65 percent of the required lot depth for the R-4/PNC 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

Staff recommends **approval** of the requested variances with the condition that the petitioner receive approval from the Visual Compatibility Officer (Zoning Code Section 8-3029 3(a) for the structure design.

Speaking on the petition:

Willie Dasher, petitioner, stated that he has volunteered for the City of Savannah Dream Maker Program and asked that the request is approved as submitted.

Ellen Wyatt, CHSA, addressed the request for the Visual Compatibility Officer (VCO). She stated that her office is in the process of putting together the VCO and that they will submit it on the following day. The submittal will be done for both 900 & 904 West 42nd Street.

Mr. Mackey questioned where in the city the request is coming from for these side yard and front yard setbacks. He added that it appears that they are concentrated in one area.

Ellen Wyatt replied that it is concentrated in the Sustainable Fellwood area with the new construction there. The targeted areas are Cuyler Brownsville and West Savannah. She added as time moves on Savannah Gardens and Strathmore will be a targeted area also.

Mr. Jones **moved** that the Savannah Zoning Board of Appeals approve the petitioner's request.
Ms. Bock seconded the motion.

SZBA Action: The motion carried with none opposed. The motion was for approval of the requested variances with the condition that the petitioner receives approval from the Visual Compatibility Officer (Zoning Code Section 8-3029 3(a) for the structure design. Voting were: Mr. Jones, Mr. Mackey and Ms. Bock.

**RE: Petition of Willie Dasher, for
Dasher Construction
B-090827-39281-2
904 West 42nd Street**

Present for the petition was: Mr. Willie Dasher.

Jack Butler gave the following staff report:

Nature of Request

The petitioner, Willie Dasher, For Dasher Construction, is requesting approval of a 10-foot rear-yard setback variance (from the 30-foot requirement) in order to construct a single-family residence on the property.

Findings

5. The subject property is a non-conforming, 2,474-square-foot lot of record located at 904 West 42nd Street, which is a 40-foot right-of-way.
6. The subject property is zoned R-4 (Four-family Residential) in the PNC (Planned Neighborhood Conservation) district of Cuyler-Brownsville.
7. The subject property is roughly 37 feet wide by 67 feet deep.
8. The petitioner proposes to construct a 1,120-square foot single family residence. The proposed residence would be 28-feet wide by 47-feet deep in footprint.
9. While the proposed structure can be situated so as to meet the required 5-foot side setbacks, it would be located to within 20 feet of the rear property line. The required rear setback in the R-4/PNC zoning district is 30 feet.
10. 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 74 percent of the required lot width and 65 percent of the required lot depth for the R-4/PNC 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.

Summary of Findings

Staff recommends **approval** of the requested variance with the condition that the petitioner receive approval from the Visual Compatibility Officer (Zoning Code Section 8-3029 3(a)) for the structure design.

Ms. Bock **moved** that the Savannah Zoning Board of Appeals approve the staff request as submitted. Mr. Jones seconded the motion.

SZBA Action: The motion carried with none opposed. The motion was to approve the requested variance with the condition that the petitioner receives approval from the Visual Compatibility Officer (Zoning Code Section 8-3029 3(a), for the structure design. Voting were: Mr. Jones, Ms. Bock and Mr. Mackey.

**RE: Petition of Joe Singleton
B-090827-39395-2
631 Sherman Avenue**

Present for the petition was: Joe Singleton.

Jack Butler gave the following staff report:

Nature of Request

The petitioner, Joe Singleton Jr., is requesting approval of a one-foot front yard setback variance (from the required 50-foot from center of right-of-way) and a 4-foot side yard setback variance (from the required 15-foot setback) in order to construct a single-family residence.

Findings

The subject property is non-conforming, 4,087-square foot lot of record located at 631 Sherman Avenue, at the corner of Sherman Avenue and the unopened portion of O'Byrne Street.

1. The subject property is 40 feet wide and 100 feet deep and located in an R-4 zoning district.
2. The petitioner proposes to construct a single-family residence 24 feet in width and 55 feet in depth (1,320 square feet in area).
3. The R-4 zoning district requires a minimum 60-foot wide lot of 6,000 feet in area.
4. The required setbacks for this property are 50 foot front setback (measured from the center of the right-of-way), 5 foot side setback for the eastern property line, 15 foot side setback from the western property line (technically abutting a street), and 25 foot rear setback.
5. The petitioner would situate the proposed residential structure 5 feet from the eastern property line (meeting the standard), 25 feet from the rear property line (meeting the standard), 11 feet from the western property line (four feet closer than permitted), and 24 feet from the front property line (1 foot closer to the center of the right-of-way of Sherman Avenue than permitted).
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 subject property is approximately 67% of the required lot width.

- (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 or intent of the Savannah Zoning Ordinance.

Staff Recommendation

The proposed building location encroaches on the right-of-way of O’Byrne Street on an unopened portion of the street between Sherman and I-516 (a portion unlikely to be opened). The proposed building location is similar to that of the current building location and would encroach on the setback from Sherman Avenue by no more than the existing house or nearby structures do. Staff recommends **approval** of the requested 1-foot front setback variance and 4-foot side setback variance.

Speaking on the petition:

Joe Singleton, petitioner, explained that the requested variance from the city's inspector was based on the average of the 5 houses on either sides of the subject property. He added that he would just like to confirm that corrections had been made and everything was clear.

Ms. Bock **moved** that the Savannah Zoning Board of Appeals approve the petitioner's request. Mr. Jones seconded the motion.

SZBA Action: The motion passed with none opposed. The motion was to approve the requested 1-foot front setback variance and 4-foot side setback variance. Voting were: Ms. Bock, Mr. Jones, and Mr. Mackey.

**RE: Petition of George Hunter, for
Heritage Homes
B-090827-39722-2
1203 East Waldburg Street**

Present for the petition was Herbert Lambert

Jack Butler gave the following staff report.

Nature of Request

The petitioner, George Hunter, for Heritage Homes, is requesting approval of a variance of two off-street parking spaces (from the two spaces required) in order to construct a single-family residence.

Findings

- 1) The subject property is a non-conforming 1,519-square foot existing lot of record located at 1203 E. Waldburg Street.
- 2) The subject property is 25 feet wide by 60 feet deep.
- 3) The subject property is in an R-4 (Four-family Residential) zoning district.
- 4) The petitioner is proposing to build a 21-foot wide by approximately 36-foot deep (756 square feet) single-family residential structure on the subject property.
- 5) The proposed residential structure would be situated to within 2 feet, 8 inches of the western property line and to within 1 foot, four inches of the eastern property line.
- 6) The required side setback in the R-4 zoning district is 5 feet.
- 7) Because the proposed structure substantially fills the subject property, there is no space on the lot for the required two off-street parking spaces.
- 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 property is approximately one-quarter of the required minimum lot 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 chapter to this particular piece of property would 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 proposed structure would encroach excessively on adjacent properties. No side setback variances have been requested, but would be necessary in order to build the proposed structure. No alternative parking plan (other than on-street parking) is suggested or available. Staff recommends **denial** of the requested parking variance.

Speaking on the petition:

Rev. Lambert, Heritage Homes, stated that he has viewed the property from all angles in order to provide off-street parking. The majority of the residents park on the street.

Willie Williams, neighborhood resident, explained that the developer has dug up the foundation around his house in their attempt to construct a new dwelling. Prior to development the developer has maintained that 3 feet 6 inches of the subject property belongs to him in fact it does not. He stated that the builder will not be able to rebuild on the lot area. Reverend Lambert, Heritage Homes, stated that he was not responsible for digging around Mr. Williams' foundation. He stated that the house does not go into the footprint of Mr. Williams' yard and that this house will be constructed smaller than the original house.

Discussion:

Ms. Bock reviewed the site plan and explained that the petitioner is required 5 feet from the property line not from the neighbor's house. She further explained that the builder could not include the neighboring side yard property in his 5 feet. The ordinance states there has to be five feet from the property line.

Mr. Shipman stated that he believed the petitioner was reviewing the side yard requirements. He read from the zoning ordinance: "set forth in subsection 8 when lots have a lot width of 40 feet or less the zoning administrator shall be authorized to reduce the side yard requirements for such lots however; there shall not be less than a five foot side yard between dwellings".

Mr. Mackey asked Mr. Lambert if he would be able to provide (in writing) authorization from the zoning administrator that will okay his proposal.

Mr. Shipman stated that if the staff at the zoning department reviewed this then the question for a side yard variance would not have come up. It would have been reviewed and attached it in the notes that the zoning administrator had approved it.

Speaking on the petition:

Reverend Lambert stated that he had spoken with Tiras Petrea regarding this matter and he had explained to him that he only needed to go before the Board on the matter of off-street parking. He added that Mr. Petrea had informed him that the administrator had the authority to okay the side yard variance but he did not receive anything in writing.

Jack Butler stated that this petition came before the Zoning Board of Appeals in February and it was denied. Mr. Jones made the motion and Ms. Bock seconded it and it was unanimously denied for a setback variance. It was dated on March 31st.

Speaking on the petition:

Investor's Lending Group, agent, stated that originally the house should not have been torn down. He said that he had approval to rehab the house. The original footprint was erased. This is where the problem began. The original builder was fired and Heritage Homes has been contracted to rebuild the house.

Mr. Hunter, Heritage Homes, explained that there has been a miss communication prior to taking over the project. The original set of plans was denied, since has been redrawn by a different architect and was approved. He confirmed that Mr. Randolph Scott, City Zoning Administrator, had informed him that he had the authority to make amendments beyond the city statue and that he did authorize the house to be where it is, as it is so the only issue to address today is the off-street parking.

Mr. Mackey instructed Mr. Shipman to contact Mr. Scott. He stated that on one side of the Plan was 1 foot 4 inches and on the other side is 2 feet 8 inches. This does not equate to 5 feet. He asked Mr. Hunter to address these issues on the plan.

Jack Butler interjected that Mr. Scott does have it in his authority to grant a minimal 5 foot undersized lot to grant a setback variance administratively provided that there is 5 feet separation between the building wall. It appears they are achieving this though it is not entirely on their property. There is 5 feet from the adjoining property on this side and from the adjoining property on this side which meets the minimal requirement for a undersized lot. Therefore; provided if Mr. Scott confirms that he has done this but he has not given them the application they will only need the parking variance.

Mr. Mackey stated that: 1) this is not delineated on the map; 2) he would like to require that this is shown on the map and; 3) if Mr. Randolph chooses to do what is mentioned and authorizes it then it needs to be in writing and presented before the Board. He added that he would not want to be a part of making any recommendation that will physically encroach on anyone else's property.

Mr. Shipman returned and stated that Mr. Scott did approve the side yard setback based upon the ordinance of the side yard requirements. He did include it in the notes in the permitting section but it is not in the records with the application.

Mr. Mackey stated that this will have to be put in writing.

Mr. Jones **moved** that the Zoning Board of Appeals continue the petition to the October 27, 2009 SZBA Meeting. Ms. Bock seconded the motion.

SZBA Action: The motion carried with none opposed. The motion was to continue SZBA File No. B-090827-39834-2 to the October 27 SZBA Meeting in order to receive the proper documentation from the zoning administrator regarding the setback variances. After such, the Board will consider the parking variance. Voting were: Mr. Jones, Ms. Bock, and Mr. Mackey.

**RE: Petition of Melvin & Oveta Smalls
B-090827-398434-2
2122 East 40th Street**

Present for the petition was: Oveta Smalls.

Jack Butler gave the following staff report:

Nature of Request:

The petitioners, Melvin & Oveta Smalls, are requesting approval of a 25-foot front setback variance (from the 25 feet required), and a 5-foot side setback variance (from the five feet required) in order to retain a garage that was constructed without a building permit.

Findings:

1. The subject property is a conforming 7,721-square foot lot of record located at 2122 East 40th Street, which is a 50-foot public right-of-way.
2. The subject property is zoned R-6 (Single-family Residential).
3. In September of 2007, the petitioners installed a canopy over their driveway. In March of 2009, the canopy was enclosed to form an enclosed garage.
4. No building permit was ever issued for the work.
5. The enclosed garage is within inches of the front property line and the east side property line.

6. The side setback in the R-6 zoning district is 5 feet from the property line. The enclosed garage would require a 5-foot side setback variance.
7. The front setback required in the R-6 zoning district is 50-feet from the center of the right of way (25 feet from the front property line). The enclosed garage would require a 25-foot front setback variance.
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 in question.

- (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, other than requiring the petitioner to remove the parking structure.

- (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, could cause substantial detriment to the public good, and impair the purposes and intent of the Savannah Zoning Ordinance.

Staff Recommendation:

The petitioner's assertions that they were unaware of the requirement for a building permit before constructing the enclosed garage in violation of both front and side setbacks is not a compelling reasons to approve the requested variances. Staff recommends **denial** of the request.

Speaking on the petition:

Oveta Smalls, petitioner, stated that the reason for the carport was for her safety and to preserve the home that she now resides. She added that she feels that she has made a substantial contribution to the community. She asked that the Board approve the petition as submitted.

Russ Finland, contractor, stated that the carport is not a detriment to the neighborhood but an addition. He will submit a permit to the city to do the connection and if the requirement is granted the city will go along with the plans to connect the carport to the house. He asked that the petition is approved as submitted.

Mr. Jones **moved** that the Savannah Zoning Board of Appeals approve the petition as submitted. Ms. Bock seconded the motion.

SZBA Action: The motion carried with none opposed. The motion was to approve the 25 foot front yard and 5 foot side yard setback variances. Voting were: Mr. Jones, Ms. Bock, and Mr. Mackey.

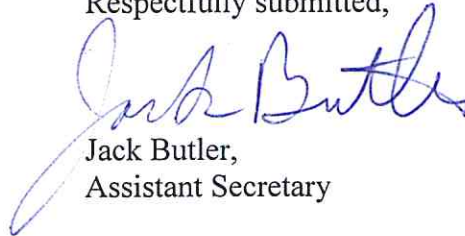
RE: Other Business

There was no Other Business to discuss at this time.

RE: Adjournment

There being no further business to come before the Savannah Zoning Board of Appeals, the meeting was adjourned at 4:40 p.m.

Respectfully submitted,



Jack Butler,
Assistant Secretary

JB/cbm