

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

October 27, 2009

2:30 P.M.

REGULAR MEETING MINUTES

MEMBERS PRESENT:

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

MEMBER ABSENT:

None

TECHNICAL STAFF PRESENT:

Randolph Scott, City Zoning Inspector

MPC STAFF PRESENT:

Jack Butler, Assistant Secretary
Constance Morgan, Administrative Assistant

RE: Called to Order

Mr. Mackey called the October 27, 2009 meeting of the Savannah Zoning Board of Appeals to order at 2:45 p.m. He explained the agenda and the Board process for the benefits of those attending the meeting for the first time.

RE: Minutes

1. Approval of SZBA Minutes –September 22, 2009.

SZBA Action: Ms. Bock made the motion that the Savannah Zoning Board of Appeals continue the approval of the September 22, 2009 Meeting Minutes to the next scheduled SZBA Meeting on November 24, 2009. Mr. Jones seconded the motion. The motion passed unanimously.

RE: Regular Agenda

**RE: Petition of Brian L. Oman
B-090929-33606-2
918 Abercorn Street**

Present for the petition was Mr. Brian Oman

Mr. Jack Butler gave the following staff report:

Nature of Request

The petitioner, Brian Oman, is requesting approval of a five-foot side yard setback variance, a 40 percent lot coverage variance (from the 60 percent maximum coverage allowed) and a 1,526 square foot lot size variance (from the 3,000 square foot minimum allowed) in order to create a stand-alone lot for a garage apartment.

Findings

1. The subject property is a conforming lot of record located at 918 Abercorn Street at the corner of Abercorn and East Waldburg streets. The property encompasses two structures– a three-story frame residence and a two-story brick garage/apartment – and approximately 5,600 square feet in total area.
2. The property is zoned 2-R (Residential, Victorian District).
3. The property consist of five separate lots, with the three-story frame residence comprising four “condo” lots and the two-story garage/apartment on a separate lot.
4. The minimum lot size for a stand-alone single-family dwelling in the 2-R zoning district is 3,000 square feet.
5. The petitioner proposes to recombine the five lots existing on the site and then re-subdivide the property to make the two existing structures each stand on a separate parcel.
6. The three-story frame residence facing onto Abercorn Street is proposed to occupy a 3,381-square foot lot and the two-story garage/apartment is proposed to occupy a 1,474 square foot lot.
7. The garage/apartment structure is located on the proposed property lines (zero setback), exceeding the 60-percent maximum building coverage. The garage/apartment is separated from the three-story frame residence by a four-foot utility easement.
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 structures in question are existing on the site. The garage was expanded with a second story authorized by the Zoning Board of Appeals and the Historic Review Officer in 2006. No further expansion of either structure is proposed.

- (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. The petitioner divided the property into condominium units, but the changing housing market has dictated the recombination of the property. In order to make the garage/apartment a stand-alone residence, the requested variances are necessary.

- (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, and would allow the petitioner to reconfigure the ownership status of the parcels in question to a condition more closely resembling its original configuration.

Staff Recommendation

Staff recommends **approval** of the requested five-foot side yard setback variance, 40 percent lot coverage variance (from the 60 percent maximum coverage allowed) and 1,526 square foot lot size variance (from the 3,000 square foot minimum allowed) in order to create a stand-alone lot for the existing garage apartment.

Mr. Jones **made the motion** that the Savannah Zoning Board of Appeals approves the petition as submitted. Mr. Robinson seconded the motion.

SZBA Action: The motion carried with none opposed. The motion was to **approve** the petition as submitted. Voting were Mr. Jones, Mr. Robinson, and Ms. Bock

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

Present for the petition was: Rev. Lyndon Lambert

Mr. 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. Lyndon Lambert, developer, agreed that he had received approval from the city zoning administrator to develop the subject property in the manner that he has.

Randolph Scott, Zoning Administrator, stated that the petitioner does have the right to reduce the side yard setback but it cannot be within five feet of a dwelling and this is not the case here. The proposed development would be too close to the neighboring property. He added that if this had been explained in the beginning the petitioner would not have qualified. He explained the process.

Tom Michael, Architect, gave a little history of how he and the developer arrived at this point. He stated that during the process of rehabbing the house collapsed. This began the task of creating a new house for the property. He confirmed that the new house is 21ft wide, which is narrower than the pre-existing house, and it was shifted 2 ft so that it would be off the side property line.

Chairman Mackey stated that the neighboring property owner has stated that during this reconstruction the builder extended over to his property line. Chairman Mackey asked the petitioner (Rev. Lambert) did he have this property surveyed at any time.

Rev. Lambert responded that he had not had the subject property surveyed.

Michael Linton, agent for Investors Lenders, stated that the original property owners had the land surveyed.

Jack Butler, Zoning Secretary, explained that the Zoning Administrator empowered by the Zoning Ordinance may issue a variance for up to half of that distance. In other words the separation will be 5ft between structures not between each structure and the property line provided that he can maintain that 5ft separation. He added that the zoning administrator has not issued that variance, he has not had the evidence to issue that variance and in lieu of this the Board of Appeals denied that setback request in February of this year. The petitioner is not allowed to come before the Board again with this request until February of next year. The current question before this Board is for a parking variance, whereas staffs' recommendation is denial.

Tom Michael stated that rear parking on the lot as it is now is not obtainable. He requested that the Board approve the parking variance and allow him time to go back before the Zoning Administrator to work out an agreement on the setback issue.

Willie Williams, adjacent property owner stated that there is not 5ft between the two structures. He requested denial of the petition.

Tom Michael asked, in order to prevent an unfavorable ruling, for continuance in order to address the setback issue with the zoning administrator.

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

SZBA Action: The motion carried with none opposed. The motion was for **denial** of the parking variance. Voting on the motion were: Mr. Jones, Ms. Bock and Mr. Robinson.

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

The petitioner has requested that the petition is continued to the November 24, 2009 SZBA Meeting in order to meet with City Staff to determine the possible location of the trailer.

Mr. Jones made the motion that the Zoning Board of Appeals approves the petitioner's request. Ms. Bock seconded the motion.

SZBA Action: The motion carried with none opposed. The motion was to continue SZBA File No. B-090827-36034-2 to the November 24th scheduled SZBA Meeting. Voting were: Mr. Jones, Mr. Robinson, and Ms. Bock.

**RE: Petition of Mission Essential Inc.
B-090929-36136-2-2
13015 Abercorn Street**

Present for the petition Joshua Works.

Mr. Butler gave the following Staff Report:

Nature of Request

The petitioner, Joshua Works for Mission Essentials Inc., is requesting approval of a use (indoor shooting range, 8-3025(b) 30) which must be approved by the Zoning Board of Appeals.

Findings

1. The subject property is located at 13015 Abercorn Street Unit D1, the former “Boater’s World” facility in Savannah Crossings shopping center.
2. The property is zoned P-B-C (Planned Community Business).
3. The proposed use is permitted in the district with the approval of the Zoning Board of Appeals.
4. The petitioner is licensed by the State of Georgia and the U.S. Department of Justice (Bureau of Alcohol, Tobacco and Firearms) to operate the proposed business.
5. The petitioner has submitted a rough sketch of the interior of the structure showing retail sales area, classroom area, storage, and a range facility.
6. The petitioner submits that he has hired an architect, a firing range designer and an acoustical engineer to prepare the designs for the proposed facility.
7. The National Institute of Building Sciences (http://www.wbdg.org/design/firing_range.php) categorizes the issues surrounding shooting range design as ones of Occupancy, Ventilation and Lead, Noise Mitigation, Lighting, and Communication, along with the design and construction of the range, itself. There appears to be adequate space and separation at the proposed location to design a suitable range.

8. The board of appeals shall hear and decide upon requests for permission to establish uses. The application to establish such use shall be approved on a finding by the board of appeals that: (1) 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.

The Future Land Use Map of the Tricentennial Comprehensive Land Use Plan identifies the proposed location as “Regional Commercial”. The proposed use of an indoor shooting range in conjunction with a retail firearms and accessories store may be appropriate for the location, provided all nuisance and health impact factors (noise, lead and propellant fumes, etc.) are mitigated by design elements to not extend outside the subject structure.

- (1) The proposed use will not be contrary to the purposes stated for this chapter. The proposed use would provide a service presently missing in the City of Savannah (public access firearms safety and practice facility) and are consistent with the purposes of this chapter.
- (2) The proposed use will not affect adversely the health and safety of residents and workers in the city. The proposed use, if designed and operated properly, should not adversely affect the health or safety of residents and workers. By providing a venue for training in firearm safety and use, the proposed use would actively improve the overall safety of residents and workers. Care must be taken in the design and operation of the proposed facility to ensure that hazardous fumes and noise are properly captured and controlled within the facility. Operational plans for the facility must include steps to ensure that all firearms entering and leaving the facility are properly unloaded and secured by either trigger or barrel locks.
- (3) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood. If properly designed and operated, the proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood. If designed with noise and fume mitigation measures sufficient to keep all noise and fumes within the subject structure (the former Boater’s World building), and steps are taken in the operation of the proposed use to ensure that customers are not transporting loaded firearms into or out of the business, then the proposed use will not be detrimental to the uses of adjacent of neighborhood properties.
- (4) The proposed use will not be affected adversely by the existing uses.

The proposed use will not be affected adversely by the existing uses (shopping center).

- (5) The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of such use. The National Institute of Building Sciences recommends approximately 5,600 square feet for an indoor, eight lane shooting range. The petitioner has allotted 6,000 square feet for a six-lane indoor shooting range, with additional sound insulation added.
- (6) 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, if properly designed and operated, would not constitute a nuisance or hazard. The petitioner has a four-year track record of successful operation of a similar facility in Hinesville, GA, and has operated a retail firearms and accessories store in the same shopping center for some time.

The standards set forth for each particular use for which a permit may be granted have been met. The standards set forth for each particular use for which a permit may be granted appear to have been met, however specifics of design and operation should be reviewed carefully prior to the granting of any permits.

Staff Recommendation

The staff recommendation is for **approval** of the requested use, provided that the petitioner requires the use of trigger locks, barrel locks, or similar measures to immobilize weapons brought into and taken out of the facility by patrons.

Speaking on the petition:

Joshua Works, for Mission Essential, voiced his remedy for some of the concerns of Armstrong Atlantic State University's Faculty and some of its neighboring residents. He stated that he will practice safety measures and that he will teach these measures to those using the shooting range. He added that: 1) weapons will be unloaded when entering and exiting the facility; 2) when using the range the shooter will be accompanied by a range safety officer and; 3) the facility will offer rental and storage of firearms.

Ms. Norman, licensed gun carrier, stated that the range will allow her to shoot more frequently and with better accuracy. This will also allow her to better protect herself and her family in the event she has to do so. She stated that she did not feel that the gun range was an inducement to carrying a loaded gun on the Armstrong Campus due to its location across the street. She was in favor of the range.

Joe Simpson, customer of Mission Essentials, Stated that he feels that the gun range will be essential in bringing in new revenue to the City of Savannah and that the populous is in favor of the gun range.

Jim Bryant representing the landlord stated that he is looking forward to the range.

Nathan Viles offered brief words of support. He stated that all firearm owners should have shooting experience. The range will allow the novice familiarity of their weapons. He asked that the petition is approved.

Terrance Lukebow addressed the constitutionality of denying the range. He felt that this was an argument of the constitutionality of the second amendment. He questioned if the Board denied the petition if they in fact would not be infringing on the rights of the citizens. He asked that the Board approve the petitioner's request.

Marsha Moore, Armstrong Atlantic University, stated the concerns of the Faculty Senate regarding firearms brought into and taken out of the range.

Charles Castles stated that he carries a weapon in order to protect his family and others that may be victimized. He is in favor of a range that will teach others to handle firearms safely, how to use them properly, and to use them in a manner that does not harm anyone other than the person trying to harm another person. He asked that the Board approve the petition.

Mr. Jones made the motion that the Savannah Board of Appeals approves staff recommendation.
Mr. Robinson seconded the motion.

SZBA Action: The motion passed with none opposed. The motion was to approve the staff recommendation with conditions. The conditions were that the petitioner requires the use of trigger locks, barrel locks or similar measures to immobilize weapons brought into and taken out of the facility by patrons. Voting were: Mr. Jones, Mr. Robinson, and Ms. Bock.

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

Present for the petition was: Michael Hogan

Ms. Bock **recused** herself and stepped down from the dais.

Jack Butler gave the following staff report.

Nature of Request

The petitioner, Donna Shannon, is requesting approval of a use, 8-3028 (6) Inns or apartment hotels not to exceed 15 units, which may be permitted with Zoning Board of Appeals approval.

Findings

- 1) The subject property is a conforming 3,871-square foot lot of record located on West Park Avenue mid-block between Jefferson and Barnard streets.
- 2) The subject property is in a 3-R, residential district of the Victorian District zoning.
- 3) The subject property contains a three bedroom, two bath historic two-story frame house.
- 4) The Tax Assessor regards the property as “multifamily.”
- 5) The petitioner rents a first-floor two-bedroom apartment to transitory tenants through advertisement on vacation websites.
- 6) The Zoning Administrator has determined that the petitioner’s use is an “Inn,” under the definition of the use schedule.
- 7) The use is permitted in the 3-R zoning district with Board of Appeals approval.
- 8) 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:
 - 1) 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.

- 2) The proposed use is in an area designated for Traditional Neighborhood development on the Future Land Use Map of the Tricentennial Comprehensive Plan. The Traditional Neighborhood district includes mixed use development of residential and those commercial and civic uses deemed compatible with residential development. The proposed use (a two-bedroom Inn) is consistent with this district.
- (3) The proposed use will not be contrary to the purposes stated for this chapter.
The proposed use will not be contrary to the purposes stated for this chapter.
- (4) The proposed use will not affect adversely the health and safety of residents and workers in the city. The proposed use will not affect adversely the health and safety of residents and workers in the city.
- (5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood. The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood, provided no entertainment or meal services are offered in the Inn.
- (6) The proposed use will not be affected adversely by the existing uses.
The proposed use will not be affected adversely by the existing uses.
- (7) The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of such use. The proposed use will be on a lot of sufficient size to satisfy the space requirements of such use.
- (8) 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 (a one-unit, two-bedroom Inn operation) is unlikely to cause nuisance because of the number of persons who attend or use such facility. Noise and vehicular use should be similar to that of a residential rental use. Use of the facility by persons other than the residents and the guests of their two-bedroom rental unit should not be permitted.
- (9) The standards set forth for each particular use for which a permit may be granted have been met. The standards set forth for each particular use for which a permit may be granted have not been met

Staff Recommendation

By renting out their first-floor two bedroom apartment to short-term tenants, the petitioners are operating an Inn by the interpretation of the Zoning Administrator. Multifamily occupancy is permitted in the district by right, and would constitute a use of similar intensity to the requested one-unit, two-bedroom Inn. Provided the Inn facility is not used for receptions, parties or other gatherings of large numbers of persons, the requested use should not constitute a nuisance. Staff recommends approval of the requested use.

Speaking on the petition

Mr. Khalidi neighboring resident stated that he welcomes the project and feels that it is a great use of the real estate. He asked that the petition is approved.

Walter Hartridge, agent described the subject property and its use.

Michael Hogan, owner briefly displayed the subject area and voiced how he has sent out letters to surrounding property owners and residents of the area. He explained the color coded areas on the display.

Barbara Zinn, 202 W. Duffy Street stated that the Hogan's property is a huge asset to the neighborhood. She is in full support of the petitioner.

Christine Bowen, 117 W. Park Avenue stated that she is also in full support of the petitioner.

John E. Galik, 202 W. Duffy, stated he is in favor of the petitioner.

Ann Boesi, 312 West Duffy stated that the complexion of the neighborhood with its mixed use supports the Bed & Breakfast and the Vacation Rental. She is in favor of the petition.

Kathi Rich, 205 W. Waldburg Street stated that she has not had any nuisances from the Hogan's property. She supports the petition.

Ellen Wyatt, 224 W. Waldburg Street expressed her support for the petitioners.

Jerry Mims, 217 West Waldburg Street stated that he was in favor of the petition and encouraged the Board to approve the petition.

Harold Yellin, agent for Stephanie Bock stated the property is zoned 3-R. (verbatim) A B&B opened at 107 and 109 W. Park Avenue and has been open for at least 2-3 years. The B&B is not permitted as a matter of right. It does require the approval and is customary prior to opening and not after the opening of the B&B. ZBA approval is required in Victorian District not only in the 3-R but in the 2-R districts. According to his research there are only four B&B's in the Victorian Districts that are also zoned 2-R and 3-R. These four B&B's are very different in character than this neighborhood on Park Avenue. Park Avenue between Barnard and Jefferson is entirely residential on the north side, and entirely residential on the south side with the exception of the church; St Phillips Monumental AME, which has been here since 1961 and prior to that it is the greatest Methodist Church which was built in 1888. With the exception of the church which has been here 121 years it is residential on both sides of the street from Jefferson to Barnard. The four are permitted B&Bs. He gave a brief presentation displaying the B&Bs on site and the buildings that sat adjacent to them. The B&Bs were shown in yellow. One is located on Park Avenue, it is at 109 Park Avenue, next door to it is retail, across the street are offices, and then a funeral home. He displayed one of the B&Bs in the Victorian area but stated it is in a very different neighborhood. The Catherine Wood House located on Waldburg Street, across the street the Masonic Lodge, offices, offices; all in the same block directly behind it a very different kind of neighborhood. The Garden Inn at 282; a restaurant, a restaurant, retail again the neighborhood is very different. Also the traffic count on Henry Street is 8200 vehicles a day according to the 2004 Traffic Study. The fourth B&B is on Drayton Street. It is the Confederate House. It is surrounded by offices, offices, condo, apartments, the Mansion and Forsythe Park. Again, this is a very different neighborhood.

On this stretch of Park Avenue, a bus picks up the guest from next door and then there was a trolley to pick up guest from next door. This is a different neighborhood. This is clearly why some people oppose the B&B here. We do not think that this particular use belongs to this particular neighborhood. There have been nice things said about Mr. Hogan and Donna Shannon and I'm certain that they are true, but what happens is that once you refer to the use the use states; "people can come and go but the uses stays". We hope that they stay for a long time but if Ms. Shannon sells to another buyer and that buyer to another buyer the one thing that stays is the use and that is what is here today to be approved. The ZBA is required for a reason. We think that the overall mission is still whether or not this B&B belongs in this particular neighborhood on Park Avenue between Barnard and Jefferson. We believe it does not belong. We would also like to introduce that there is a petition, that I would like to introduce into the record, from folks that live at 201A West Park Avenue, 209, 404, 204A, 203 West, 206A West 210 West and they all live in the neighborhood. It may be some confusion as to whether some folks are the owners of certain units or those who are residents. With the exception of Ms. Bock, these are all folks who reside in this area and live day to day on this street. Thank you very much for your consideration.

Roger Carson, 16 West Duffy Street stated that there has been no resolution passed by the Victorian District Association. He only represents the Association as the treasurer. He stated that the concerns of the association; once a Bed & Breakfast is placed in the area there may be 1) the need for additional parking on the street, 2) the need for designated parking space for unloading; and; 3) that the association would like to see commercial at the end of the block and not the interior.

Ms. Carolyn, Jordan 206A West Park Avenue, stated that she is opposed to the petition. She explained that she and the other residents of the block have not signed the petition. She continued that it appears that she and the other residents are a problem for the petitioner and explained that whenever there are guest at the petitioner's establishment Ms. Shannon calls for the police and the residents are harassed.

She feels that once the petitioner has established her business she will be forced out of her neighborhood.

Ms. Bock stated that the Zoning Administrator has received complaints for over a year before notices were served.

Mr. Randolph Scott, Zoning Administrator, stated that he did receive a complaint regarding the address that he believed was from (tape inaudible). He stated that all he could say about this is that he was happy that this was brought forth for two reasons; 1) it is not a Bed & Breakfast, it is an Inn. It would be a Bed and Breakfast if it were owner occupied but it is split and it is not occupied; 2) the use would be permitted but I have not had the opportunity to address this term, that has been loosely thrown, as vacation rental. There is no such thing as vacation rental legally within the city limits. I have classified those as an Inn or B & B or the particular use that is allowed. I have received complaints but the complaints are in the general area. This use and the folks not being aware that they require a certificate of occupancy and may obtain building permits to come up to code for uses other than a residential use and this could be non residential. Even if they are permitted there are a number of things that we have to do. We have more than 80 around. The complaint was that they were occupying there. There were no complaints on record of noise or disturbances or of the police dispatched to the area regarding activity.

Mr. Hartridge requested that the case is considered on its merit. He stated that this is a capable use.

Mr. Yellin stated that a church is not a commercial activity it is a religious institution and it is considered by the ordinance to be residential by nature not commercial.

Ms. Patricia Borim neighborhood resident stated that the petitioner has been very unfriendly. She asked that the petition is denied.

Mr. Jones made the motion to that the Savannah Zoning Board of Appeals denies the staff recommendation. Due to the lack of a second the motion failed.

Mr. Robinson made the motion that the Savannah Zoning Board of Appeals approves the staff recommendation as submitted. Mr. Mackey seconded the motion.

SZBA Action: The motion carried. The motion was to approve the staff recommendation as submitted. Voting for the motion was Mr. Robinson and Mr. Mackey. Mr. Jones voted against the motion.

Ms. Bock returned to the dais.

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

Present for the petition was: Robert McCorkle

Mr. Jack Butler gave the following staff report:

Nature of Request

The petitioner, Evelyn Reddish, is requesting approval of a 4.5-foot side setback variance (from the 5-foot setback required) for an existing carport built without a building permit.

Findings

1. The subject property is a conforming 7,385-square foot lot of record located at 521 East 56th Street.
2. The property is zoned R-6 (Single-family Residential).
3. At some time in the past, the petitioner installed a carport/garage within one-half foot of the side property line. No building permit was obtained for the construction.
4. The R-6 zoning district requires a minimum of five feet side setbacks.
5. The petitioner is requesting a 4.5-foot variance in order to obtain a permit for the illegally constructed garage.
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 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 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 detriment to the public good or impair the purposes and intent of the Savannah Zoning Ordinance.

Staff Recommendation

The petitioner states that flooding is an issue on the petitioner’s property and on adjoining property. The carport/garage is so situated that rain runoff falls on the adjoining property. The petitioner says that she was advised by the contractor who built the carport that no permit was needed. Staff recommendation is for **approval**.

Speaking on the petition:

Robert McCorkle, agent, gave brief background information on the subject property and requested that the petition be approved.

Donald Evan, neighbor, stated that he has lived next door to the petitioner for many years and has not had any problems. He was in favor of the petition.

William Baker, neighbor, stated that he was in favor of the petition.

Mr. Robinson made the motion that the Savannah Zoning Board of Appeals approves the staff recommendation. Mr. Jones seconded the motion.

SZBA Action: The motion passed with none opposed. The motion was to approve the staff recommendation. Voting were: Mr. Robinson, Mr. Jones, and Ms. Bock.

**RE: Petition of John Mitchell for
New Legacy
B-090929-32485-2
1502 Chester Street**

Present for the petition was John Mitchell

Mr. Jack Butler gave the following staff report:

Nature of Request

The petitioner, John Mitchell, for New Legacy Community Development Corp., is requesting approval of a 10-foot, 1-inch side setback variance (from the 15-feet required) and a variance of one parking space (from the two on-site parking spaces required) in order to construct a single-family residence.

Findings

1. The subject property is an approximately 30 by 90-foot vacant non-conforming lot of record located at 1502 Chester Street on the corner of Chester and McIntyre streets.
2. The property is zoned R-4 (Four-family Residential).
3. Chester Street is a 60-foot right-of-way and is classified as a local residential street.
4. The petitioner proposes to construct a 960-square-foot, single-family residence on a 20 by 54-foot footprint (including front porch).
5. The petitioner proposes to locate the residence within 10 feet of the front property line (40-feet from center of right-of-way), 5-feet, 1-inch of the west property line, 4-feet, 11-inches of the east property line (McIntyre Street), and 25-feet of the rear property line.
6. The R-4 zoning district requires a minimum 6,000-square foot lot (60-foot width and 100-foot depth), a 50-foot from center of right-of-way front setback, a 25-foot rear setback and a 5-foot side setback. There is also a requirement for a minimum 15-foot side setback from right-of-way lines.
7. The front setback of houses along Chester Street is approximately 40 feet from the center of the right-of-way. The Zoning Administrator has calculated that the required variance to locate the proposed structure in the proposed location is 5.9 feet.
8. The majority of structures along McIntyre Street are located on or near the side property line (zero setback). The siting of the proposed structure at 4-feet, 11-inches from the East property line along McIntyre Street would require a 10-foot, 1-inch variance (from the 15-feet required by the ordinance).
9. The petitioner has provided site plans showing spaces for two off-street parking spaces as required by the ordinance. The petitioner is requesting a reduction in the number of off-street parking spaces by one.
10. The Zoning Administrator has determined that the proposed location of the house would encroach on the sight-line required under section 8-3013. The existing structures on all three other corners of the intersection of Chester and McIntyre streets encroach on the required sight line. The petitioner is requesting a variance from this requirement to allow a similar degree of encroachment.
11. 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 in question is half the required width and less than half the required area of conforming lots in the R-4 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 make the lot effectively un-buildable.
- (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 setback variances and vision clearance variance are in keeping with the development pattern in the neighborhood. Staff recommends approval of the required setback variances (5.9-foot front setback variance, and 10-foot, 1-inch east side setback variance) and the requested vision clearance variance.

The requirement for off-street parking cannot be met with on-street parking. However, the subject parcel is less than half the minimum lot size required in the R-4 zoning district. Therefore staff recommends that the petitioner be required to construct only a single parking space, but retain the curb-cut, open space and street apron for the required two spaces, should the need for the second space be demonstrated.

Speaking on the petition: John Mitchell, petitioner, stated that he is in agreement with staff and asked that the petition is approved as submitted.

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

SZBA Action: The motion passed with none opposed. The motion was to approve the staff recommendation as submitted. Voting were: Mr. Jones, Mr. Robinson and Ms. Bock.

RE: Other Business

E-Agenda Discussion and scheduling

Mr. Butler asked Board Members to update the contact information sheet in their packets and return them to the administrative assistant. He explained the e-agenda process to the Board Members.

Ms. Bock requested that she receive her packet regular mail.

Mr. Jones stated the he would be unable to purchase paper to print the large construction maps that are included in the packages. He asked if they could down size to a smaller readable print to minimize his cost on paper.

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

/cbm