

SAVANNAH ZONING BOARD OF APPEALS

MPC STAFF REPORT

PETITIONER: ADAM RAGSDALE
7 EAST CONGRESS STREET
SAVANNAH, GA 31401

FILE NO: 13-001614 ZBA

ADDRESS: 102 AND 106 EAST 37TH STREET

DATE: APRIL 25, 2013

Nature of Request

The petitioner, Adam Ragsdale, as Agent for Ernest Mitchell/Christ Church Anglican, is requesting approval of variances to allow the construction of a church and associated parish house/classroom building. The petitioner is requesting a 10-foot height variance to permit the sanctuary building (only) to be 55 feet above ground level; a 10-foot rear setback variance to allow 32 feet of the parish house/classroom building (only) to be built on the lot line at 36th Street Lane; building footprint variances of 1,300 square feet (sanctuary) and 300 square feet (parish house/classroom building) to allow the structures to exceed the 5,500 maximum building footprint standard in the zoning district; and a 240-foot variance (over the 150-foot maximum permitted in the ordinance) in separation distance to allow remote parking on a private lot 390 feet from the subject property.

Findings

1. The subject property consists of two lots located at 102 & 106 E. 37th Street at present comprising a single two-story frame house that has been deemed a historically contributing structure to the district. The properties are zoned TC-1 (Traditional Commercial in the Mid-City/Thomas Square Zoning District).
2. The petitioners are proposing to construct a church sanctuary of 6,800 square feet and an attached parish house/classroom building of 5,800 square feet, after recombining the two lots into a single parcel of 0.53 acres (23,086 square feet), while possibly relocating a 1,300 square foot single family residence on the property. The total coverage proposed is 13,900 square feet.
3. The petitioner is requesting a 10-foot height variance. 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 that would require construction of a building 55 feet in height (not counting any steeples or spires) that would cause the structure to exceed the maximum allowed building height by 10 feet.

- (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 detriment to the public good, violating the key tenets of the district by exceeding the scope and mass designed for the area, as well as overshadowing non-commercial and non-institutional buildings in the area.
- 4. The petitioner is requesting a 10-foot rear setback variance to allow 32 feet of the parish house/classroom building (only) to be built on the lot line at 36th Street Lane. 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 that would require construction of a building at a zero lot line adjacent to a lane. The proposed building has not been built or designed, and could easily be constructed to observe the required setbacks.
 - (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 detriment to the public good, violating the key tenets of the district by exceeding the design standards for the area.
- 5. The petitioner is requesting approval of building footprint variances to allow the structures to exceed the 5,500 maximum building footprint standard in the zoning district. 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 Site Administrator has determined that the coverage proposed should be calculated on the basis of all structures on the property. The petitioner proposes to

construct 12,600 square feet of church sanctuary and parish hall/classroom building(s) and to possibly retain the contributing 1,300 square foot (footprint) historic frame structure already present on the structure. This would exceed the maximum 5,500 square foot building footprint by 7,100 square feet (129 percent). There are no extraordinary or exceptional conditions pertaining to the particular piece of property in question that would require the petitioner to exceed the maximum lot coverage by 129 percent.

- (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 detriment to the public good, violating the key tenets of the district by exceeding the design standards for the area.

- 6. The petitioner proposes to meet the parking requirements for the proposed use with remote parking, as well as on-site parking. The remote parking is located 390 feet from the subject property (240 feet further than the 150-foot maximum separation permitted for remote parking). The petitioner seeks a 240-foot variance in separation distance to allow remote parking on a private lot 390 feet from the subject property. 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 proposed church complex is 38,094 square feet, including multiple stories. The required parking at 1 space per 1,000 square feet of gross floor area is 38 parking spaces. Given the scope of the proposed complex and the relatively constrained lot can only support 10 spaces. The remaining 28 spaces would be located at the Georgia Infirmary, 390 feet away.
- (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 of the Savannah Zoning Ordinance.

Staff Recommendation

The petitioner is requesting four variances from development standards in order to construct a monumental institutional structure on a property zoned TC-1, the less intensive of the two Traditional Commercial zoning districts in the Mid-City District. Because the structure has not been submitted for review or even designed yet, the design elements that would require variances are being “designed in” to the proposed building and are not existing “conditions” in the context of justifying variances.

The staff makes the following recommendations:

- 1) Requested 10-foot height variance – staff recommends **denial**;
- 2) Requested 10-foot setback variance (north edge of property) – staff recommends **denial**;
- 3) Requested 7,100 square foot variance in maximum building footprint – staff recommends **denial**;
- 4) Requested 240-foot variance in separation for remote parking – staff recommends **approval**.