



City of Savannah Zoning Board of Appeals

Arthur A. Mendonsa Hearing Room
March 23, 2017 - 10:00AM
MINUTES

March 23, 2017 City of Savannah Zoning Board of Appeals

This is a quasi-judicial proceeding. All those wishing to give testimony during these proceedings will please sign in. Witnesses will be sworn-in prior to giving testimony.

All proceedings of the Savannah Zoning Board of Appeals are recorded. Decisions of the Savannah Zoning Board of Appeals are final. Challenges to the decisions of the Savannah Zoning Board of Appeals must be filed through the Superior Court of Chatham County.

Note: All persons in attendance are requested to so note on the "Sign-In Sheet" on the table outside the entrance of the meeting room. Persons wishing to speak will indicate on the sheet.

I. Call to Order and Welcome

II. Invocation and Pledge of Allegiance

III. Notices, Proclamations and Acknowledgements

IV. Approval of Minutes

[1. February 23, 2017 Meeting Minutes](#)

[February 23, 2017 Meeting Minutes2.pdf](#)

Approval of the February 23, 2017 meeting minutes.

Motion

Approve minutes as written.

Vote Results (Approved)

Motion: Timothy Mackey

Second: Eli Karatassos

Tom Branch - Aye

Timothy Mackey - Aye

Eli Karatassos - Aye

David Moore - Aye

V. Approval of Final Agenda

[2. Approve March 23, 2017 Agenda](#)

Approval of the March 23, 2017 final agenda.

Motion

Approve agenda as submitted.

Vote Results (Approved)

Motion: Timothy Mackey

Second: David Moore

Tom Branch - Aye

Timothy Mackey - Aye

Eli Karatassos - Aye

David Moore - Aye

VI. Consent Agenda

[3. 404 E. 55th St. | Rear Setback Variance \(Accessory Structure\) | 17-001076-ZBA](#)

[☞ Staff Report 1076.pdf](#)

[☞ Maps and Images 1076.pdf](#)

Approval of the requested variances.

Motion

The subject property had a garage accessed from the lane. The garage was destroyed by Hurricane Matthew. The petitioners wish to use the same foundation for a replacement shed that is somewhat smaller than the garage and would be accessed from within the property.

Staff recommends approval of the requested variances.

Vote Results (Approved)

Motion: Eli Karatassos

Second: David Moore

Tom Branch - Aye

Timothy Mackey - Aye

Eli Karatassos - Aye

David Moore - Aye

[4. 2011 Bull Street | Mid-City Design Variance - Stoop | 17-001150-ZBA](#)

[☞ Maps and Images 1150.pdf](#)

[☞ 16-006162-PLAN - Bull at 37th Street SDP - Comments 2.pdf](#)

[☞ 2011 Bull St COA Variance Plans 02.13.2017.compressed.pdf](#)

[☞ COA - 2011 Bull Street 17-000837-COA.pdf](#)

[☞ Staff Report 1150.pdf](#)

Approval of the requested variance.

Motion

The Historic Preservation Officer recommends approval of the proposed variance from Section 8-3222(6)(d)(vi) requiring front stoops or porches. Staff recommends approval of the requested variance.

Vote Results (Approved)

Motion: Eli Karatassos

Second: David Moore

Tom Branch - Aye

Timothy Mackey - Aye

Eli Karatassos - Aye

David Moore - Aye

VII. Old Business

VIII. Regular Agenda

[5. 18 East State Street | Sign Variance | 17-000750-ZBA](#)

📎 [Maps and Images 750.pdf](#)

📎 [COA - 18 East State Street 16-000884-COA Denied.pdf](#)

📎 [Staff Report 750.pdf](#)

Denial of the proposed use of the sign.

Motion

Board recommends denial of the proposed signage.

Vote Results (Approved)

Motion: David Moore

Second: Timothy Mackey

Tom Branch - Aye

Timothy Mackey - Aye

Eli Karatassos - Aye

David Moore - Aye

[6. 210 Carolan Street | Expansion of Non-Conforming Use \(Warehouse\) | 17-000753-ZBA](#)

📎 [Maps and Images 753.pdf](#)

📎 [Staff Report 753.pdf](#)

Denial of the requested expansion.

Motion

Board recommends denial of the warehouse.

Vote Results (Approved)

Motion: Eli Karatassos

Second: David Moore

Tom Branch	- Aye
Timothy Mackey	- Aye
Eli Karatassos	- Aye
David Moore	- Aye

[7. 224 East 41st Street | Use Approval - Bar, Nightclub, Tavern | 17-001075-ZBA](#)

- 📎 [Staff Report 1075.pdf](#)
- 📎 [Maps and Images 1075.pdf](#)
- 📎 [Comments in Favor.pdf](#)
- 📎 [Comments Opposed.pdf](#)

Approval of the request to continue to April 27, 2017 City Zoning Board of Appeals Meeting.

Motion

The existing commercial uses in the mixed use area are of low intensity and primarily daytime activity. The proposed use would introduce a primarily evening activity into the area and would adversely impact the nearby residential properties. Staff recommends denial of the proposed use.

Should the board determine to approve the use, staff recommends the conditions that no sounds (music, amplified voice, or similar) shall be audible outside of the subject building, and the closing hours shall be limited to 11 p.m. Sundays through Thursdays and 1 a.m. Fridays and Saturdays.

Continued to April 28, 2017

Vote Results (Approved)

Motion: Eli Karatassos

Second: Timothy Mackey

Tom Branch	- Aye
Timothy Mackey	- Aye
Eli Karatassos	- Aye
David Moore	- Aye

[8. 302 West Park Avenue | Short Term Vacation Rental | 17-001115-ZBA](#)

- 📎 [Staff Report 1115.pdf](#)
- 📎 [Maps and Images 1115.pdf](#)
- 📎 [Comment.pdf](#)

Approval of the special use.

Motion

Staff recommends approval of the proposed use #8a (Short Term Vacation Rental).

Vote Results (Approved)

Motion: Eli Karatassos

Second: David Moore

Tom Branch	- Aye
Timothy Mackey	- Aye
Eli Karatassos	- Aye
David Moore	- Aye

[9. 307 West Park Avenue | Appeal of Victorian COA Denial | 17-001116-ZBA](#)

[☞ Staff Report 1116.pdf](#)

[☞ Historic Maps 1916-1954-1976.pdf](#)

[☞ Maps and Images 1116.pdf](#)

[☞ Petitioner's Submittal Packet - 307 West Park Avenue 17-000747-COA.pdf](#)

[☞ COA - 307 West Park Avenue 17-000747-COA Denied.pdf](#)

Denial of the appeal.

Motion

The standard for review of decisions of the Visual Compatibility Officer is limited to determining whether the staff either abused its discretion in reaching its decision or committed a procedural error. Abuse of discretion occurs where the staff misstates or misapplies the relevant law. An abuse of discretion also can occur if the staff clearly errs in a material factual finding.

The petitioner alleges no procedural error, and staff finds no procedural error occurred in the denial of the COA for the replacement windows. Further, staff finds that the decision (see attached COA document) correctly cites the relevant law and is substantially correct in material fact. There is no apparent abuse of discretion, either in statement of law, application of law, or finding of fact.

The petitioner's appeal rests upon a claim that the windows replaced were also nonconforming vinyl windows, perhaps installed prior to the creation of the Victorian Planned Neighborhood Conservation District, and upon an assertion that the windows in question are not easily visible from the public right-of-way, being side and rear windows only. The import of these assertions falls within the discretion of the Visual Compatibility Officer, and do constitute an abuse of discretion.

If no abuse of discretion or finding of procedural error is found, the ZBA can take no action. Where either standard is met, the ZBA may: (1) approve; (2) modify and approve; (3) reject; or (4) remand the application to the staff for reconsideration of any portion of the application affected by the error. Decisions of the Board must be in the form of a resolution and the resolution must contain a statement of the grounds for the decision or the action.

With no procedural error or abuse of discretion found, staff recommends denial of the appeal of the staff's decision to deny after-the-fact approval of the use of vinyl-clad, double-hung windows.

Vote Results (Approved)

Motion: Eli Karatassos

Second: Timothy Mackey

Tom Branch	- Aye
Timothy Mackey	- Aye
Eli Karatassos	- Aye
David Moore	- Aye

IX. Other Business

X. Adjournment

Respectfully Submitted,

Jack Butler, SZBA Secretary

The Chatham County - Savannah Metropolitan Planning Commission provides meeting minutes which are adopted by the respective Board. Verbatim transcripts of minutes are the responsibility of the interested party.