



City of Savannah Zoning Board of Appeals

Arthur A. Mendonsa Hearing Room
July 27, 2023 - 10:00 A.M.
Meeting Minutes

JULY 27, 2023 CITY OF SAVANNAH ZONING BOARD OF APPEALS

Members Present: Stephen Merriman, Jr., Chair
Michael Condon, Vice Chair
Betty Jones
Stephen Plunk
Armand Turner

Member Absent: Larry Evans
Karen Jarrett

MPC Staff Present: Melanie Wilson, MPC Executive Director
Edward Morrow, Interim Development Services Director
Melissa Paul-Leto, Development Services Planner
Mary Mitchell, Administrative Assistant
Hind Patel, IT Helpdesk & Support

Virtual Attendance: Pamela Everett, Esq., Assistant Executive Director, Compliance & Operations

City of Savannah: John Anagnost, Zoning Plans Examiner

I. Call to Order and Welcome

[1. Call to Order and Welcome](#)

NOTE: The Chair, Mr. Stephen Merriman, Jr., does not vote unless there is a tie.

Mr. Merriman called the meeting to order at 10:03 a.m. He explained that this is a quasi-judicial proceeding. All those wishing to give testimony during these proceedings were asked to please sign in. They were sworn in by Mr. Merriman. He explained that 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.

II. Invocation and Pledge of Allegiance

[2. Invocation and Pledge of Allegiance](#)

The Invocation was given by Mr. Merriman. The Pledge of Allegiance was recited in unison.

III. Notices, Proclamations and Acknowledgements

IV. Item(s) Requested to be Removed from the Final Agenda

V. Item(s) Requested to be Withdrawn

VI. Approval of Minutes

[3. Approve June 22, 2023, Meeting Minutes](#)

[📎 June 22, 2023 Meeting Minutes.pdf](#)

Motion

The Savannah Zoning Board of Appeals does hereby approve the June 22, 2023, Meeting Minutes.

Vote Results (Approved)

Motion: Michael Condon

Second: Betty Jones

Stephen Merriman, Jr. - Abstain

Michael Condon - Aye

Stephen Plunk - Aye

Betty Jones - Aye

Armand Turner - Aye

VII. Approval of Final Agenda

VIII. Consent Agenda

IX. Old Business

X. Regular Agenda

[4. Lot Width Variances | 1506 LeGrand Street | 23-003267-ZBA](#)

[📎 TAX MAP 23-003267-ZBA.pdf](#)

[📎 Staff Report 1506 LeGrand St.pdf](#)

Mr. Edward Morrow gave the Staff report. The Petitioner, Robert McCorkle, on behalf of DH 1 Holding LLC, is requesting two (2) lot width variances for the subdivision of property at 1506 LeGrand Street. The Petitioner seeks the creation of two 36-foot lots in the TR-2 zoning district where the required minimum lot width is 40 feet. Mr. Morrow said in its evaluation, the Staff found that the total area of the lot is 7,200 square feet and is currently unimproved. In its present condition, the subject property can be developed as either a single-family home or a two-family home in an over-under configuration. These are things that the Petitioner can do currently without a variance as it meets the requirements for both lot areas and lot width.

Mr. Morrow explained that Savannah Zoning Ordinance provides the criteria for the evaluation of a variance request. The first criterion is general consistency. The Ordinance states that any variance would need to be consistent with the intent of the Ordinance in the Comprehensive Plan and it would not be injurious to the neighborhood or otherwise detrimental to the public. He said that the Staff found that the requested variance would not be inconsistent with the development pattern in the area. There are many parcels that are nonconforming, and they were likely developed prior to the adoption of Savannah's current Zoning Ordinances.

Mr. Morrow said in determining any special conditions, Staff found that several properties are not unique among properties within the TR-2 Zoning Districts, specifically. Further, under Special Conditions, there are no conditions or circumstances that warrant granting a variance. Finally, under Special Conditions, Staff found that the requested variances are likely financial in nature. A two-family home can currently be built on the property and two-family homes would not be permissible on the resulting lots if the variances were granted that is without further relief granted by this Board. In determining if the literal interpretation would deny the Petitioner any rights commonly enjoyed by other property owners within the Zoning District, Staff found that the literal interpretation would not deprive the Petitioner. The minimum variance if granted, there actually is no variance required. This is currently a legally buildable lot without the requested variances. Mr. Morrow said if granted, it would not confer on the Applicant special privilege that is denied by this Ordinance to other properties within the same zoning districts.

Mr. Morrow said based on the variance criteria, Staff recommends denial of the requested lot width variances. There are no peculiar circumstances that warrant granting a variance. He entertained questions from the Board.

PETITIONER COMMENTS

Attorney Robert McCorkle of the law firm of McCorkle, Johnson, & McCoy stated that he was present on behalf of the Petitioner, DH I Holding, LLC. This agency has restored numerous houses throughout the city. They have also built numerous infill houses on many different streets in the city. Attorney McCorkle stated that this lot is 72 feet wide and 100 feet deep for a total of 7,200 square feet of lot area. He explained that the minimum lot area in this TR-2 district is 3,000 feet. Therefore, they are approximately two and a half times the size of the minimum of the lot area as it currently sits. He showed the Board the subdivision plat that was filed by his client. The plat has been approved subject to this variance to allow for the four-foot lot variance or lot width variance on each of the lots. They are not requesting a variance for a lot today. Their lot area for each of these lots will still be 3,600 square feet, which is 20 percent larger than the required minimum. It is also larger than almost every other lot around them.

Attorney McCorkle said he realizes that he sounds like a broken record when he makes his presentation to the Board about the lot variances. But oftentimes the presentations are similar on various lots in areas of the city. However, he will say it every time he is here and will say it again with this property that the context matter as opposed to just looking at TR-2 globally or looking at TR-2 in the Standards that exist globally because TR-2 exists in a lot of areas in the City. These areas are different, and the history of these areas are different and what surrounds a particular lot, the issue may be different. He showed the Board a map that showed the surrounding area that runs from Anderson Street to 33rd Street, from Atlantic Avenue to the railroad track; then immediately surrounds this property. McCorkle pointed out that their property is shown by the black circle. He explained that the orange color identifies the lots here that are less than 40 feet in width. They are substandard lots by the width requirements of TR-2. Almost all of them are also below the lot area requirement for lot area TR-2 for this area because they are less than 3,000 square feet. Attorney McCorkle said that he has also highlighted a couple of lots in yellow to show that while they meet the technical width requirements, they are less than the required lot area. He stated that he has identified a couple of the larger lots around here to show that they are not residential lots. A church is on the corner. A Union Mission Center is here that is a supportive resident's home for single women with disabilities. A school is here also.

Attorney McCorkle stated that in this entire area, the original historic lot widths were 24 to 25 feet; it depends upon which block you are in. He stated that as the Board can see, the lots running along Reynolds Street, the original lot structures still exist, and the houses are still built this way. They are 25 feet apiece. As the Board sees on their block, the lots are 24 feet which is the width of all the historic lots on their block. As the Board sees, their lot is identified as Lot 141, 142, and 143. They all have the same title, and all those lots are originally 24 feet, and three of them combined for a total of 72 feet. As he has mentioned, most of these lots are all under 40 feet and most of them do not meet the lot area requirement. Most of the houses in this area are narrow, single-family houses; and there are not a lot of duplexes, not a lot of multi-family unless you go all the way to Anderson Street. Most of them are single-family residences.

Attorney McCorkle informed the Board that he wanted to take them on a little tour of their block to give them the context, which he believes is an important part. He explained that starting to the left of their lot

and moving to the right, they see an empty lot on the corner of LeGrand and 31st Streets. There are two houses on the right. The house on the left is on a 36-foot lot; and the house on the right is on a 24-foot lot. Two single family residences are their immediate next-door neighbors. The end lot is a 24-foot lot and is owned by a church; and a 24-foot vacant lot is at the end of their block. Attorney McCorkle said they only have two existing houses on their block face. They have a few empty blocks. He explained that from 31st Street, they see narrow single-family residences and they are near each other. He pointed out a lot that is across the street from them, which is a lot that is 40 feet by 90 feet which is the same lot area as they are. As you go further down the street towards 32nd Street, you see close to the street narrow single-family residences and a church is on the corner diagonally across the street from their lots. Attorney McCorkle showed the Board some more examples of pictures he took of the immediate lots surrounding them. They all have the same function; all single-family residences, all built on narrow lots with narrow side setbacks. The setback in TR-2 is three feet for single-family residences. Some of them are two stories and some are one story. This is the neighborhood. Attorney McCorkle showed the Board a picture to inform them that there is some renovation going on in the area. Some of these small homes are being renovated and there are some new infill homes being constructed. He showed the Board a picture of a home approximately one block away that is being worked on.

Attorney McCorkle said he wanted to go back and talk about what they believe. He said they disagree with Staff that there is no special condition or peculiar circumstance that exist here. The circumstance that exists is primarily in the surrounding neighborhood. Even though, on their lot, they are as shown on the picture, as the largest residential lot in the entire area. There is not a single lot bigger than them. They are, as shown in the picture, the largest residential lot in the entire area. They are the widest lot in the entire area. Their lot is the biggest lot area, and he believes this is a special circumstance that applies to this lot. They believe that literal enforcement of the Ordinance as it exists requiring them to build a single-family residence on the 72-foot lot on this block in this location would deny them or deprive them of the rights that other owners have. Almost every other property around them has narrow, single-family residences, which is what they intend to build. In the Staff report, they said that they could build an over/under duplex on the property. This is not correct that they could build an over/under duplex on the property. They can build a 63-foot wide over-under duplex on the property that is 36 feet tall. Attorney McCorkle said, however, his feeling about this is it is detrimental to the area more so than if they build two single-family residences. They are surrounded by single-family; they want to be single-family; and they want the size to be consistent with the lots around them. Therefore, in order not to be injurious to the neighborhood, which he believes that Staff admits that their plan is not as the first criteria simply states that it would not be injurious to the neighborhood. Attorney McCorkle said to allow them to build two 36-foot-wide lots would make them consist with their block face. As the Board sees, the lot that is immediately adjacent to them is 36 feet by 100 feet, which is exactly what they are asking to do. They are not asking to go back to the original 24-foot lots and try to squeeze three houses in here; even, though, they could argue that it would be consistent with what is in the neighborhood as well. But this is not what they are arguing to do. They are not trying to maximize this from a financial standpoint. But they do think that it is realistic here so that their block face would be a 24 foot; 24 feet; and 36 foot and two more 36-foot. This is completely consistent.

Attorney McCorkle said in summary, he wanted to show the Board two pictures they have of recent projects that their client has done. He showed the Board a picture of one unit that he believes is under contract. He just wanted to show the Board that their client has experience doing infill and restoring properties on lots this size. Due to the circumstances surrounding this lot and the fact that it is the single largest residential lot in the entire area, they ask for the Board's support for the variance so that they will be able to build two 36-foot single family residences. Attorney McCorkle entertained questions from the Board.

Mr. Condon said he is very familiar with this neighborhood. He does a lot of work in this neighborhood. He believes that LeGrand Street is one of those streets that has not filled up. His only concern is that it is a tight street. Would off-street parking be a part of this?

Attorney McCorkle explained that there are parking requirements in the Ordinance. However, he is waiting to see what the model of the house will be. Therefore, he is not sure. The lot is 100 feet deep. Therefore, they do have some areas to work with, even at 36-feet wide. It is enough room for a driveway. A lane that is owned by the City runs on the back of the property as well. Attorney McCorkle said he believes that off-street parking will be here.

PUBLIC COMMENTS

An individual online [identified herself as Michelle] inquired about some of the adjacent properties on East 31st Street. She said particularly 645, 649, and 655 East 31st Street. She heard Attorney McCorkle's statement regarding two single-family homes occupying the space that is being discussed. She wanted to be reassured that none of the three addresses she mentioned would be affected. She asked if this would be a reduction in the lot space versus an extension. Is this correct?

Mr. Merriman answered that this has to do with the width. It is a reduction in the required width.

Michelle asked, therefore, those three addresses 645, 649, and 655 would not be directly impacted.

Mr. Merriman answered that he did not believe that those addresses would be impacted.

Mr. Merriman invited Attorney McCorkle to respond to the public comments.

Attorney McCorkle declined to respond to public comments.

BOARD DISCUSSION

Mr. Condon said again that he is very familiar with this area. There are a number of these large lots that are basically on site. People are putting debris, etc. here. He believes that as they continue to work on these small houses in the neighborhood, lots do need to be filled. It would be somewhat silly to have a large, gigantic duplex in the middle of a neighborhood of this sort. Therefore, he thinks the request is reasonable.

Mr. Turner asked, looking at this neighborhood, roughly how many duplexes exist here now.

Mr. Morrow stated that in an answer to Mr. Turner's question, this is something that Staff would have to investigate. The Staff's investigation typically looks at the confines that are constricted by the Ordinance. Therefore, the Staff's position is to look at the Ordinance and its requirements. In looking at those parameters, construction of duplexes is permissible, and construction of single-family homes are permissible.

Mr. Merriman entertained a motion as the Board had no further discussion.

Motion

The Savannah Zoning Board of Appeals does approve the request for two 4-foot reductions of the 40-foot lot width requirement to subdivide two lots at 1506 LeGrand Street.

Vote Results (Approved)

Motion: Stephen Plunk

Second: Betty Jones

Stephen Merriman, Jr. - Abstain

Michael Condon - Aye

Stephen Plunk - Aye

Betty Jones - Aye

Armand Turner - Aye

5. Rear Setback Variances | 537 E Anderson Ln | 23-003285-ZBA

📎 [Depiction of Rear Setbacks for Other Structures.pdf](#)

📎 [TAX MAP 23-003285-ZBA.pdf](#)

📎 [Narrative Support of Minor Subdivisions.pdf](#)

📎 [Survey.pdf](#)

📎 [Letter of Concern.pdf](#)

📎 [File No_ 23-003285-ZBA_Public Comment.pdf](#)

📎 [Staff Report 537 E Anderson Lane.pdf](#)

Mr. Edward Morrow gave the Staff report. Mr. Morrow explained that the Petitioner, Mr. L. Robert Isaacson is requesting a 10-foot rear yard setback variance from the 20 -foot rear yard setback requirement of the Savannah Zoning Ordinance for the three subject properties, Lot A1, Lot B1, and Lot C1. The present request was presented for ZBA review and granted approval on February 25, 2021. However, in accordance with Section 3.21.11 of the Zoning Ordinance, a building permit was not requested in 12 months. Therefore, the validity of the variance has expired. Therefore, the Petitioner comes back now to request the same variance.

Mr. Morrow explained that the subject parcels are located on the south side of East Anderson Lane between Price and East Broad Streets in the Midtown Neighborhood. They are currently governed by the TN-2 Traditional Neighborhood Two Zoning Standards, and it is within the Streetcar Historical properties even though no contributing structures were found on the subject block. The subject properties were created from a recombination of nine conforming lots in October of 2020. The Petitioner combined the lots and then presented a development proposal in February 2021 with the request to establish the rear setback variance.

Mr. Morrow informed the Board that the creation of new buildable lots on public lanes is not typically permitted. However, because they are habitable structures that are dependent this lane, Staff is entertaining the request. There are several residences on either side. This lane is unimproved and is a dirt path. All the lots that were created because of the subdivision are conforming with regards to all the requirements of the TN-2 zoning district. However, the shallow lot depth is what is the challenge today as it does limit the Petitioner's development options on the property. Each of the proposed properties is of a sufficient area to construct duplex homes either over-under or side-by-side. Mr. Morrow explained that he was mentioning this because there were implications regarding the lot areas as Mr. McCorkle mentioned earlier. There are certain lot area requirements to have a much larger structure. The lot coverage structure also points to the requirement for off-street parking. Mr. Morrow explained that the lots that are proposed for development meet all of those requirements for duplexes.

Mr. Morrow explained that Section 9.3.4 requires that each dwelling unit be provided with one (1) off-street parking space. Therefore, in essence each of these three parcels, it is assumed that the Petitioner would construct duplexes; each one would need to have two off-street parking spaces based on current zoning Ordinance standards. He additionally explained that according to Article 3 - Section 3.21, these Ordinances establish several criteria for evaluation of a variance request. The first is general consistency. The variance should be consistent with the intent of the Ordinance and the Comprehensive Plan, and it should not be injurious to the neighborhood or otherwise detrimental. He said that the Ordinance establishes these development standards for the purpose of creating pattern development and for fostering adequate spacing between houses for safety and privacy.

Mr. Morrow said the variance would not be inconsistent with the existing development pattern. Several of the residentials fronting the Lane have very short setbacks. Some even adjoin these parcels since 1900. These are very old homes to the extent that on-street parking on unimproved Anderson Lane could be prevented, the variances are unlikely to have serious affect, but this is an unimproved Lane, it is very narrow and if habitable structures were not already in this Lane, they would not be having this discussion. This is a unique circumstance in this regard. He explained that there is a special condition, which is the second criteria in that these parcels are unique because of their shallow lot depth. The composure and layout of their dimensions do deem them peculiar and not like the majority of properties within the TN-2 Zoning District.

Mr. Morrow stated that the property owner made the lots more conforming by combining the nine [9] substandard lots into three lots. The lot depth did not change because of the recombination, but it is worth noting that the Petitioner purchased these lots fully aware of their shallow depth. As he recombined them, he made them more conforming in the context of the Ordinance; but the lots were the same depth

at the time of purchase. The special conditions and/or circumstances are not purely financial. Staff found that the request is for the purpose of allowing the Petitioner to use the land more profitably. The subject parcels are shallow, but buildable as they would have a building envelope that would permit a home with a depth that is approximately 20 feet. They have not lost all potential use in their present state without the granting of the requested variance. Mr. Morrow explained that the liberal interpretation of the provisions of this Ordinance would not deprive the Petitioner of rights enjoyed by other properties in the immediate vicinity. He said he was referring to some of the homes that are close by that were constructed as early as 1900 for duplexes for even adjoining properties. There are some where a single residence within that duplex is approximately 600 square feet. Therefore, 1,200 square feet between the two residences, the proposed dwellings that are likely to be built by the Petitioner would roughly double the size of the dwelling.

Mr. Morrow said in Staff's opinion, the subject parcels are legal, buildable lots without the requested variances. He explained that special privilege would not be granted because it would not provide the Petitioner special privilege that would be denied by the Ordinance to other properties within the same zoning district. He said again that the parcels are currently legal and buildable without the requested variances. Staff recommends denial as there is the potential for the owner to develop dwellings on the parcels as they currently exist.

Mr. Merriman asked the Board if they had questions for the Staff.

Mr. Condon asked Mr. Morrow to explain more about the nature of the duplexes.

Mr. Morrow explained that looking at the previous submissions, the assumption is that the Petitioner is going to pursue building duplexes. He stated that there are several adjoining duplexes here. However, building plans were not submitted as a part of this request. Mr. Morrow said, however, he did refer to the previously submitted documents.

PETITIONER COMMENTS

Mr. Robert Isaacson stated that he is the owner of the lots. Mr. Isaacson said they bought the lots in 2001. He has owned the lots for approximately 22 years. It is a very wide lot, and it is a shallow lot and is difficult to build on with the 20-foot rear setback. Therefore, they came before the Zoning Board of Appeals in February 2021 and asked for a setback variance. The variance request was approved by the Zoning Board of Appeals, and they relied on it, Mr. Isaacson quoted that the Staff's report stated, "without the variance, the limited lot depth makes the subject property virtually undevelopable." He said that the lots are undeveloped as the Staff said during that time. Therefore, they took the decision of the Board and the recommendation of the Staff and went forward. They notice originally that on the block they are in eight out of 12 structures had rear setbacks not only less than 20 feet, but less than 10 feet. Mr. Isaacson said they are asking to go from 20 feet to 10 feet.

Mr. Isaacson said after they were approved of the rear setback in 2001, they went forward. There are a lot of problems with this lot. There is no water, no stormwater runoff, they had to put in sewage. They got the survey done first. They hired a civil engineer and submitted the plan showing where they wanted to put the duplexes and showed the off-street parking. This took about 8 months and was very expensive. They completed all this work relying on their getting the variance setback approved. They hired an architect who did their drawings. All of this takes a long time. After getting their design, they went to the Historic Preservation Commission and did a lot of work with them and got approval from this Board also.

Mr. Isaacson said they have tried to be good stewards of the property. When they bought this property in 2001, it was totally dilapidated. They renovated 13 structures here. They did the renovations in accordance with the Historic Preservation Standards. This was a lot of hard work. This has increased the surrounding properties' value. They bought the property from the City for \$6,100. Last year it was adjusted to \$383,000. They have not been able to do anything more for property because of its shallowness. They are paying a lot of property taxes and have more expenses. He was not aware that their approval lapsed. They have been working diligently based on the approval they received before to develop this.

Mr. Condon told Mr. Isaacson that he remembered when he came before the ZBA. He asked Mr. Isaacson how the stormwater issue was addressed.

Mr. Isaacson answered that it is a problem. They have two duplexes on the west that sunk all the way to the ground. It cost approximately \$100,000. This was a problem; this is why they had to get a civil engineer to get all the drainage issues worked out before they developed the rest of the lot. It is still a big problem.

Mr. Condon said he is familiar with this area of the City. When it rains, a problem is here. Therefore, it is a natural fear that they all have and want to ensure that whatever is developed here addresses these issues so that it does not compound a problem on top of another. Mr. Condon told Mr. Isaacson that he knows what he is saying as Mr. Isaacson is an experienced developer. Is the City going to work with you to address this issue or are you on the hook to try to figure this out on your own?

Mr. Isaacson answered that the civil engineer had to ensure that they had sufficient runoff. They are still working with the City. They believe that there is a leak in one of the City's mains. They were out there yesterday. They could see the water pooling up on 31st Street. Some tests were done to show if chorine was in the water, etc. Nothing came back definitive. They still believe that a leak is on the City side, they are dealing with this the best that they can. But it has been a mess.

Mr. Condon asked Mr. Isaacson if he had his approval from the Historic Review Board.

Mr. Isaacson replied that they have been approved by the Historic Review Board and their site plan has been approved. They are ready to go.

Mr. Plunk stated that he has lived in one of Mr. Isaacson's duplexes in Anderson Lane several years ago. Storm management is his only concern. As far as what Mr. Isaacson said, he believes that his first meeting was February 2021. Everything on this lane is shallow. He believes Mr. Isaacson had the site plan the last time and from memory, he believed that everything fitted well with what was already there.

Mr. Merriman asked Mr. Isaacson if the reason he did not get his building permit was because he had to address all these problems.

Mr. Isaacson answered yes, they have been working on it. Going to the Historic Preservation Commission was almost a year's process and getting the site plan took a long time.

PUBLIC COMMENTS

Mr. Brian MacGregor stated that he has lived on this block for approximately 20 years. Mr. MacGregor said that several points have already been brought up that he fully agrees with. The flooding issue is major. This is a large greenspace that currently absorbs water. He believes that before this can be approved, there are a couple of things that need to happen. A solid master plan for flooding needs to be completed. This lane is basically a dirt path. Whenever the garbage trucks come through this is another problem. Mr. MacGregor said he has gone to Home Depot and personally bought several bags of gravel and filled them in the water puddles. He has called the City and it takes them approximately a year to come here. He believes the lane must be paved before any of this takes place. Several properties already face the lane, and this will be three additional properties facing the lane. Basically, this is a street, but it is a dirt lane. Currently, it is a parking lot for the owner for 13 properties on East 31st Street and four properties 517, 515, 513, and 511 these properties face the lane and do not have off-street parking. Currently these cars park in the lane where they are planning to build. They have not seen any direction as to where they will park. Everyone already has one space in front of their house. But he believes that this needs to be shown before any of this goes forth. Mr. MacGregor said he is also speaking for Bill Cooper and Hans Cooper also. They are his neighbors on both sides but could not come to the meeting today. Mr. MacGregor asked the Board to please take this into consideration, especially the paving of the lane.

Ms. Rhonda Arnson, property owner at 520 East 31st Street, stated that she purchased this property from Mr. Isaacson in September 2021. She is aware of these particular development plans. As neighbors, they have discussed that they oppose this particular action; primarily the 500 Block of Anderson Street, Anderson Lane; and East 31st Street consisting mostly of duplexes and small multi-family properties, which were mostly built during the Victorian Era without consideration of the modern needs of utilities, waste management, automobile traffic, or parking. This area is already heavily

saturated with fully occupied rental units, mostly with multi-tenants and multi-vehicles. There is no parking as they just heard on Anderson Street, Price Street and East Broad Street to assume the overflow of vehicles created by the loss of parking provided by the Petitioner with his current properties or for those who simply use the vacant parcels for parking. The burden of the additional residents and parking needs will be absorbed by the 500 Block of East 31st Street. This current street barely meets the current needs, creating issues of safe passage with the street being able to go both ways. This creates issues for pedestrians because there are no sidewalks in the area. This becomes a little complicated. There does appear to be a plan for some parking in this area, but it certainly does not accommodate the current use. Therefore, the plan does not take in consideration those existing people parking issues. The lack of street parking will create and impact their properties' values; their ability to rent; and create an unsafe environment for their existing residents. This is more of an alley; it is not a street. Which way will it run? Will it be east or west? It cannot be two ways because there is not enough room. The flooding is a problem. If you have duplexes that are two stories, you will be building four units, not two. You will be looking at four to up to 16 people. Each of these persons could have a car. This is a concentrated small area. They simply do not have enough room for this. Some of these things need to be addressed before this is approved. Ms. Arnsen said she appreciated the Board hearing their concerns.

Mr. Andrew Sutphen, resides at 524 East 31st Street. He bought the property from Mr. Isaacson approximately two years ago. Mr. Sutphen said he would keep his presentation short because what he has to say is mostly what Mr. MacGregor and Ms. Arnsen have already spoke on. Mr. Sutphen said he could attest that there is a huge problem with parking here already. A church is also on this block. Every Sunday the church can fill up this entire street, and they do. This is great, but it means that everyone else is displaced to the back of their house or anywhere they can find a place to park. With at least 10 to 15 more people in the area, he could not imagine what parking would look like. Flooding is also a huge issue. His house turns into a lake a couple of times a month. It is dangerous and people park on the adjacent lot in front of their homes to get off the street, which compounds the flooding. Mr. Sutphen said when he bought this property, he was told [if he had more time, he could probably find it in writing] that parking would be available behind his house. This was a good selling point for him to buy his house. He is aware that several other people were told the same thing, including Anthony Scarpulla who is his next-door neighbor and could not attend the meeting today. Mr. Scarpulla was parking behind his house the entire time. Mr. Isaacson had plans to build on this property before he sold them the houses. Now, he will have a duplex behind his home that is five feet away. This will be quite different from the property that he was sold. Mr. Sutphen said he could go on and on regarding what he thinks about this being a bad idea, but unfortunately, he did not have a lot of time to prepare his presentation. He thanked the Board for listening to their concerns.

Ms. Lauren Dillon was online. She stated that she lives at 531 East Anderson Street, in a single-family historic home. They will be affected directly as they rely on the off-street parking on Anderson Lane, particularly, when Anderson Street requires no parking for street sweeping as well as increased difficulty parking due to the increased Air BnB and verbal rentals in the area. Ms. Dillon said she totally concurs with her neighbors about the water drainage issue. They are proposing that the new residences and the duplexes will have off-street parking. But the parking that they use on a regular basis, in a very small lane, where they have to park very close and strategically because of the big trucks that go through here. Consequently, there is limited parking here in those areas. Taking this away would be dangerous as well as their having to park a long distance from their homes. The females in the area strongly request that the variance is denied.

Ms. Robin Allison was online and stated that she is a homeowner at 521 East Anderson Street. Ms. Allison confirmed that they use the parking as has been said. The decrease in the setback would impact their home and parking. It is already difficult for her to just pull out of her parking spot because the other cars are so close behind her. She cannot see where the people who park here now, would park without those spots. Ms. Allison said she agrees with what the neighbors said about the flooding, the potholes really affect their cars. She appreciates the neighbors who have filled in the potholes themselves. This was very needed. She has heard that there could be sewer running under there, which could affect the neighboring homes as well. Ms. Allison said she, too, is against this variance request.

Ms. Barbara Dillon was online. She is the co-homeowner of 531 East Anderson Street. Her house was built in 1900 and she was not granted off-street parking to begin with. Therefore, those of them that are in newer renovated duplexes and don't have the parking spaces directly behind them to begin with, they don't have anywhere to build these lots. There are a lot of duplexes that have their own gravel parking

lots, and this is great, but she cannot park on them because of the cement as well as there are other duplexes that have the most parking that the lane has, they cannot park on them either because it belongs to them, and they were granted those parking spaces. Therefore, if duplexes are made and parking is also granted to the duplexes, the older homes that do not have the option to park to begin with, would be out of parking altogether. So, unless some of those parking spaces are going to be granted for use to people who do not have any parking, they have nowhere to go. The flooding is a big problem. Sometimes the water comes up to her porch. Her house is in a sunken area because it is one of the older homes. Ms. Dillon said she, too, opposes this variance or they need to find a way to grant and share the parking that the duplexes have because there is plenty of space for them to park there if they are allowed to.

Mr. Merriman asked Staff that without the variance, what could the Petitioner build there by right?

Mr. Morrow answered that the Petitioner would be able to build duplexes. But the building envelop that would be available to him the way that he has calculated it would look like 20' x 100'. He spoke with a friend who is an architect who explained to him to reconfigure it. Mr. Morrow said, therefore, in essence, if you do a 20' x 100' home, which is totally possible here without looking at site specific plans, conceptually 2,000 square feet is a significant home.

Mr. Merriman asked if the Petitioner could build this by right without any variances and regardless of anything else. The Petitioner is not seeking a parking variance. Is there no parking requirement?

Mr. Morrow said the Petitioner to provide one space per dwelling unit, which means that on each of the three parcels if he has two units, he needs two spaces per unit. Therefore, he would need six parking spaces for the units that will be created.

Mr. Merriman asked if these parking spaces are included in the plans.

Mr. Morrow said plans were not submitted as a part of this petition. He explained that there is a similar reference to building plans that are submitted. The building plans will expire after a certain time, which he believes it is after a year. Therefore, just like the variance request, the Petitioner would have to go back through the sites specific plan review process. It is during this process that city engineers, stormwater and all other departments would have to say that the Petitioner meets all the current codes. The scope of this is generally to talk about the use and at this point, the Petitioner would be required to conform to the building envelop that is left after a five-foot setback, three feet on either side and 20 feet in the back. This would leave the Petitioner with 20 feet depth which is awkward, but buildable.

Mr. Merriman invited Mr. Isaacson to respond to public comments.

Mr. Isaacson said the first point that the Board brought up was that if they built this as of right, this still would not address the problems that were talked about the parking. They will still have the same issue. He explained that for the last 20 years, they have allowed the lot to be used by anybody and never charged them for parking. But it is not his obligation to provide off-street parking to these people who buy their houses and do not have off-street parking. Mr. Isaacson said he can promise the Board that he has never sold a piece of property and promised someone something that they did not do. He cannot believe that he would have told somebody that they could park on this lot that they did not own, especially since he had already submitted plans to develop it. Consequently, he does not believe this is true; he would never do that. He said regarding the site development plan, they went through the Stormwater Department. Their intention is to make the flooding better by this development, not make it worse as they could not build here and have the same situation here. They went through all the appropriate departments to get the site plan approved. They have parking for each of the new construction that is being proposed, plus they have added four additional parking spaces for the existing duplexes west of them. These duplexes are not a part of this, but they are trying to follow the parking requirements.

Mr. Isaacson said he agrees that flooding is a problem, and they may have to pave the lane. He will talk with Traffic Engineering and if they will help them with the cost, he is not opposed to this, but he guesses when they get into the building permit phase, they will address whether to do this.

Mr. Merriman asked Mr. Isaacson if at this point, he had no intention of seeking a parking variance for these subject parcels.

Mr. Isaacson answered that his plan has parking there.

Mr. John Anagnost, Zoning Plans Examiner for the City of Savannah, explained that the submitted site plan that is pending for review shows 9 parking spaces for three duplexes.

Mr. Isaacson said he believes the parking has already been approved.

Mr. Anagnost said he would double check this.

BOARD DISCUSSION

Ms. Jones asked that since there are problems with parking, flooding, etc. maybe the Board needs to ask for a continuance.

Mr. Merriman informed Ms. Jones that if she makes a motion to that effect and it passes, he supposes so. You need to have a reason for the continuance,

Ms. Jones said listening at the flooding and the building sinking, how would this be addressed?

Mr. Merriman stated that he believes this is a big issue. The members of the public and the Petitioner have brought this up. But today he believes Board's decision is to consider whether to grant the rear yard setback. If this is a reason to seek a continuance it is tied into whether or not he should receive the variance for the rear yard setback. If you have a motion, make it and the Board will discuss it.

Ms. Jones made a motion for continuance due to the flooding issues as well as the parking, etc. until the next meeting.

Mr. Plunk asked what the Board would be requesting between now and the next meeting. What would the petition be pending for?

Ms. Jones said her concern is about the building sinking and the parking plan.

Mr. Merriman explained that he does not believe that the parking pertains to this ZBA's purview. The Petitioner shows in his plan that parking spaces are there. He does not intent to seek a parking variance,

Mr. Plunk stated that the parking is out of the purview of this Board, but he would add his voice to the folks calling for paving the lane. This is a heavily developed residential lane, and it is not the standard garbage pickup only. A lot of residential units face here. This Board has no power to request it, but this is something that can be submitted to Traffic Engineering asking them to look at it. He believes this was brought up in 2021 when this petition became initially to the Board. Mr. Plunk said not only is this lane used by the residents who live here, but he remembers that people would come through here back and forth in the middle of the night. This is constantly degrading. He believes paving this lane would help with Stormwater Management come through here.

Mr. Plunk said on one hand he is sympathetic that this Board granted this request in 2021. It sounds like from what Mr. Isaacson read it was based on Staff's recommendation of approval at that time. Not too much has changed with the basic parameters of the site. Mr. Isaacson has invested quite a lot in moving forward with this project based on the Board's approval at the time based on Staff's approval. On the other hand, he does not remember many public comments last time. It seems that a fair number of comments are people who have moved in since that time. Therefore, new residents are here and several of them have moved into lots that Mr. Isaacson has sold during that time. These are his conflicting thoughts on the matter.

Mr. Merriman explained that Ms. Jones has a motion on the table. He asked her what she wanted to see happen between now and then.

Ms. Jones stated that she wanted to see at least more investigation into this movement.

Mr. Merriman asked if she wanted to see a more articulated plan for the drainage provisions.

Ms. Jones answered yes.

Mr. Merriman stated that Ms. Jones has made a motion to continue this petition to the next meeting for the Board to hear a more articulated plan for the stormwater issue to be addressed.

Mr. Condon seconded the motion.

Mr. Merriman called for discussion of the motion.

Mr. Plunk asked if the Board felt they could get something in a month to outline some of the questions.

Mr. Merriman said the Board would need to discuss the motion before they could vote on it. Or a motion could be made to amend the motion.

Mr. Plunk asked the Petitioner and Staff if they were in support of such a continuance. Do you think you could bring anything forward in a month. What are your thoughts on this?

Mr. Isaacson said he has and will work with Stormwater. He is seeking a rear yard setback variance today.

Mr. Morrow explained that Staff has a review process where they look beforehand at the proposed developments. He believes that the Petitioner is correct in that within the purviews of this Board, he is seeking a request for a setback variance, The Petitioner has the ability at this point to build something and he is really asking for something relative to that. Mr. Morrow said, however, he believes that it would be prudent to look further down the road, but with full acknowledgment, this Board would probably not be the Board to condition the development in such a way as to alleviate some of the issues. However, he does believe that contact be made with an attorney to see if this could be referred to another Board to address specific issues would be worthwhile.

Mr. Merriman said he agrees with staff. Whether or not he gets the variance does not change the fact that he can build on the lot. The Petitioner is not seeking a parking variance. His personal feelings are it is somewhat unfair to continue this petition to provide information that this Board does not need to consider, even though, it is a very important issue; and it needs to be considered by someone, but he does not believe that the Petitioner is going to spend money to build these duplexes knowing that they are going to sink into the ground. This would be a terrible investment to start with.

Mr. Morrow explained that for a point of clarification, in reviewing Board of Assessor data, the Petitioner purchased the property in 2001. As a point of clarification regarding potential detrimental reliance, Mr. Isaacson acquired the property in 2001. A permit was requested in 2021. There was quite a bit of time between acquisition and action.

Mr. Merriman stated that a motion was on the table. He called for further discussion.

Ms. Jones informed the Petitioner that she was not saying that he provides parking for anyone else.

Mr. Merriman asked Ms. Jones if she was withdrawing her motion.

Ms. Jones answered yes.

Mr. Merriman said Ms. Jones has drawn her motion and the Board has heard from Mr. Plunk. He asked Mr. Condon if he had any comments.

Mr. Condon answered no.

Mr. Merriman asked Mr. Turner if he had any comments.

Mr. Turner answered no.

Mr. Merriman asked Ms. Jones if she had anything else she wanted to add.

Ms. Jones answered no.

Mr. Plunk asked Mr. Morrow for clarity if he said that whatever action they take on this petition they could also refer to another Board to look at this as well.

Mr. Morrow answered yes. He thinks this would be advisable. If there are extenuating circumstances that need to be considered and perhaps more stringent requirements need to be applied to this, he believes that the MPC could review this under its jurisdiction.

Mr. Merriman said this would be reviewed by the City. Would it not?

Mr. Morrow said it would be reviewed by the City with some sort of note from this Board with regard to the comments that were received during their review. They could refer this over to the MPC for a closer inspection.

Mr. Condon said the reality is that Mr. Isaacson can and will build something on this parcel. The only thing that this Board is addressing is the configuration of the shape. They know how deep into the lot they can go. It does seem that the Petitioner is addressing parking, even though it is not his obligation to do so by adding additional spaces on this parcel for people living in the other duplex. There is something that seems unfair about approving something for a guy and then having engineers and architects [he knows this from his own experience] drag things out into perpetuity sometimes. Consequently, it does seem unfair to now say to someone that they approved it last year, but this year after you have spent all this time, energy, money, resources, and has gone to other boards and has gotten approval, that they should prevent him from moving forward with his project.

Mr. Merriman stated that he totally agrees with Mr. Condon. He asked for additional comments. The Board had no further comments, Mr. Merriman entertained a motion.

Motion

The Savannah Zoning Board of Appeals does hereby approve the Petitioner's request for 10-foot reductions of the 20-foot rear yard setback requirement to subdivide three lots from one lot, for the purpose of constructing a duplex on each new lot with the understanding that a note be added to review the public comments and concerns to the appropriate boards when it is time for this to come up and a note to the other appropriate boards to look into paving the lane

Vote Results (Approved)

Motion: Armand Turner

Second: Stephen Plunk

Stephen Merriman, Jr. - Abstain

Michael Condon - Aye

Stephen Plunk - Aye

Betty Jones - Aye

Armand Turner - Aye

XI. Other Business

XII. Adjournment

6. Adjourned

There being no further business to come before the Board, Mr. Merriman adjourned the meeting at approximately 11:20 a.m.

Respectfully Submitted,

Edward Morrow
Interim Development Services Director

EM/mem

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.