



## City of Savannah Zoning Board of Appeals

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Arthur A. Mendonsa Hearing Room  
December 15, 2022 - 10:00 A.M.  
Meeting Minutes

### DECEMBER 15, 2022 CITY OF SAVANNAH ZONING BOARD OF APPEALS

Present: Stephen Merriman, Jr., Chair  
Michael Condon, Vice Chair  
Hunter Hall  
Karen Jarrett  
Stephen Plunk

Members Absent: Larry Evans  
Betty Jones

Others Present: Pamela Everett, Esq., Assistant Executive Director  
Marcus Lotson, Development Services Director  
Melissa Paul-Leto, Development Services Planner  
Niirav Gandhi, Development Services Planner and Historic  
Preservation Planner  
Julie Yawn, Systems Analyst  
Mary Mitchell, Administrative Assistant

City of Savannah: Tom Bolton, Zoning Plans Examiner

#### I. Call to Order and Welcome

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

**Mr. Merriman** called the meeting to order at 10:02 a.m. He explained that this is a quasi-judicial proceeding. All those wishing to give testimony during these proceedings will please sign in. 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. The witnesses were sworn-in by Mr. Merriman.

#### II. Invocation and Pledge of Allegiance

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

The Invocation was given by **Chairman 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#### V. Item(s) Requested to be Withdrawn

##### [3. VARIANCE REQUEST | 2111 East Victory Drive | File No. 22-003586-ZBA | Parking Reduction](#)

**Motion**

The Savannah Zoning Board of Appeals does hereby approve the request to withdraw this petition as requested.

**Vote Results ( Approved )**

Motion: Michael Condon

Second: Hunter Hall

Stephen Merriman, Jr. - Abstain

Karen Jarrett - Aye

Hunter Hall - Aye

Michael Condon - Aye

Stephen Plunk - Not Present

**VI. Approval of Minutes**

[4. Approve October 27, 2022 Meeting Minutes](#)

📎 [October 27, 2022 Meeting Minutes.pdf](#)

**Motion**

The Savannah Zoning Board of Appeals does hereby approve the October 27, 2022 Meeting Minutes.

**Vote Results ( Approved )**

Motion: Michael Condon

Second: Hunter Hall

Stephen Merriman, Jr. - Abstain

Karen Jarrett - Aye

Hunter Hall - Aye

Michael Condon - Aye

Stephen Plunk - Not Present

**VII. Approval of Final Agenda**

**VIII. Consent Agenda**

**IX. Old Business**

[5. VARIANCE REQUEST | 605 Seiler Avenue | File No. 22-004056-ZBA | Reduce Rear Yard Setback](#)

📎 [MAP.pdf](#)

📎 [Vicinity Map.pdf](#)

📎 [Street View Back.pdf](#)

📎 [backyard.pdf](#)

📎 [Street View Front.pdf](#)

📎 [Staff Report.pdf](#)

**Mr. Nirav Gandhi** gave the report. He explained that this petition was before the Board two months ago. At that time, staff recommended denial of the petition. The applicant was not present at that time. The Board asked that this petition be continued to the November meeting. The November meeting was cancelled; therefore, staff is bringing the petition back to the Board today.

**Mr. Gandhi** stated that the applicant is requesting a variance to reduce the minimum rear yard setback requirements from 20 feet to 9 feet to allow for the construction of an extension to the house at 605 Seiler Avenue. The lot is zoned TR-1, Traditional Residential. The subject property is currently being used for a single-family residence. The extension to the existing home would be 15 feet deep and 26 feet wide.

**Mr. Gandhi** explained that the pattern of development along this block has been a mix of small and large houses, with most homes having accessory buildings in the back against the rear property line. The smallest homes on the street measure around 1600 square feet, with the larger homes trending toward 2,600 square feet. Therefore, there is definitely a mix of small and large lots along this street. The extension would not put the structure out of line with the general size of buildings in the area. However, the subject property is smaller than many of the lots on Seiler Avenue. The lot widths vary anywhere from 30 to 80 feet along this road, with the subject property lot width being 40 feet. The subject property is bordered on the rear by an empty lot next to a parking lot. He said that staff does not find that the requested variance would likely be detrimental to the public welfare. The lot in the rear of the subject property is unlikely to be developed due to the fact that a commercial parking lot is next to it, and it is quite small. It is only 30 feet wide.

**Mr. Gandhi** reported that based upon the variance criteria, staff recommends denial of the requested variance to reduce the rear setback from 20 feet to 9 feet. He entertained comments from the Board.

**Mr. Condon** asked if the petitioner would still be within the footprint in terms of coverage. Would they need a variance for this?

**Mr. Gandhi** answered "no." The petitioner will come right up on it, as they would be at 40 percent.

**Mr. Merriman** asked the petitioner to please come forward.

**Mr. Gandhi** said he does not know whether the petitioner is present today either.

**Mr. Merriman** asked if the petitioner was online.

**NOTE:** The petitioner was not present.

**Mr. Merriman** asked the Board if they wanted to make a motion to continue this petition.

**Mr. Hall**, for clarification, asked if this was the second time that no one has been present at the meeting to represent the petition.

**Mr. Gandhi** answered yes. This is the second time that he has been told by the applicant that they would be at the meeting, however, he is not present.

### **PUBLIC COMMENTS**

None.

### **BOARD DISCUSSION**

**Mr. Hall** asked staff if they had other conversations with the petitioner.

**Mr. Gandhi** stated that Mr. Lotson has made a site visit of this property.

**Mr. Lotson** explained that he visited the site after the first hearing that was held in October. At that time, building materials were onsite. However, it did not appear that any construction was going on.

**Mr. Merriman** entertained a motion.

## Motion

The Savannah Zoning Board of Appeals does hereby deny the variance request to reduce the rear yard setback for 605 Seiler Avenue

## Vote Results ( Approved )

Motion: Michael Condon

Second: Karen Jarrett

Stephen Merriman, Jr. - Abstain

Karen Jarrett - Aye

Hunter Hall - Aye

Michael Condon - Aye

Stephen Plunk - Not Present

## X. Regular Agenda

### [6. 2317 Waters Avenue | variance to the minimum parking requirements | 22-004075-ZBA](#)

📎 [Application.pdf](#)

📎 [WatersCafe\\_DRAFTMENU.pdf](#)

📎 [VICINITY MAP.pdf](#)

📎 [Bicycle Rack Application.pdf](#)

📎 [LETTERS OF SUPPORT.pdf](#)

📎 [Staff Report 22-004075-ZBA](#)

**Ms. Melissa Paul-Leto** gave the staff report. The petitioner, Clinton Edminster, is requesting approval of a variance for three vehicle parking spaces from the Zoning Ordinance minimum parking requirements for a proposed café within an existing building. Ms. Paul-Leto said the findings are:

1. The subject parcel is located at 2317 Waters Avenue and is approximately .11 acres in size. The building is a one-story structure that operates two separate units, with independent uses. The two units are addressed as 2315 Waters Avenue and 2317 Waters Avenue.
2. The 2315 Waters Avenue unit currently operates as a Chinese restaurant and is a total of 1,036 square feet in size. The 2317 Waters Avenue unit is the subject unit for the proposed café' restaurant and is a total of 814 square feet in size. The unit is currently vacant. Together the two units total 1,850 square feet.
3. The subject parcel is zoned T-C-1, (Traditional Commercial -1). The subject parcel is located within the National Historic District: Midtown Neighborhood.
4. The petitioner, Clinton Edminster, is proposing to renovate and occupy the 2317 Waters Avenue unit into a café' restaurant use named **Water's Café**. The café' would include morning and lunch menus with operational hours from 7:00 a.m. till 2:00 p.m.
5. Mr. Edminster has applied for a Zoning Confirmation Letter from the Zoning Administrator of the City of Savannah. He received a Zoning Confirmation Letter on July 18, 2022.
6. Based on the July 18, 2022, Zoning Confirmation Letter, the parcel is credited (grandfathered) seven (7) vehicle parking spaces in total. The 2315 Waters Avenue establishment is credited (4) vehicle parking spaces, and the 2317 Waters

Avenue establishment is credited (3) three vehicle parking spaces. The property currently provides for four (4) off-street vehicle parking spaces with 2315 Waters Avenue utilizing two existing parking spaces and 2317 Waters Avenue utilizing two existing parking spaces. A restaurant use requires (1) one vehicle parking space for every 100 square feet. As the establishment at 2317 Waters Avenue includes 814 square feet, the minimum parking requirement would be (8) eight vehicle parking spaces. The unit was credited (3) three vehicle parking spaces and currently has (2) off-street parking spaces on site, leaving a remaining (3) vehicle parking spaces which the applicant has requested to be approved through this parking variance.

7. The petitioner has applied for a bicycle rack installation from the City of Savannah to be located on the north-west corner of 40th Street and Waters Avenue and will provide five (5) bicycle parking spaces. The petitioner is trying to have the neighborhood residents partake in the restaurant. There are not many establishments in this neighborhood that the residents can walk to and get food at an affordable price.

**Ms. Leto** explained that as has been stated, the petitioner is requesting approval of a 3-space variance from the minimum parking requirements of the Savannah Zoning Ordinance. Under current Zoning Ordinance standards, the proposed restaurant use is required to provide a minimum of eight vehicle parking spaces, whereas the parcel provides for only four vehicle parking spaces on-site. Of which, 2315 Waters Avenue occupies two of them and the proposed restaurant café' would occupy the remaining two. The subject unit is credited three vehicle parking spaces from its past contractor's office use prior to NewZo, which leaves a remainder of three vehicle parking spaces required. As stated above, the petitioner has applied for a bicycle rack installation to the City of Savannah to aid in the relief of the three insufficient off-street parking spaces not available on-site.

**Ms. Leto** reported that staff recommends approval of the requested variance to the remaining 3 vehicle parking spaces. She entertained questions from the Board and reported that the petitioner is present also.

### **PETITIONER COMMENTS**

**Mr. Clinton Edminister** was sworn-in earlier by Mr. Merriman. Mr. Edminister explained that the menu is being finalized. He said this is the first time that he has gone through the process of applying for a variance. He owns a business on East 41st Street, but this was not a change of use. The process here on Waters Avenue has been interesting. He complemented the staff for being very helpful.

**Mr. Edminister** stated that if one looks back at various newspaper articles, they will see that the City of Savannah has been trying to get this area of Waters Avenue up and running for decades, at least 30 or 40 years. Many different programs and incentives have come and are gone. There has been very little to none that have actually taken place or have been able to get anything going in this area.

**Mr. Edminister** said just before the pandemic, he wrote an article in the newspaper about some challenges a property owner was having with similar parking issues on 41st Street or 42nd Street and Waters Avenue. He stated that on behalf of future small business owners that want to come in and open different things in this area, this will be a challenge because it appears that the parking required here is simply not available. Mr. Edminister believes that Waters Avenue is blessed with some pretty maximized buildings that take up the entire lots and provide wonderful walkability in this area, but there is very little room for parking here. He believes this is actually a benefit and not a detraction from the future of this part of Waters Avenue. Mr. Edminister entertained questions from the Board.

**Mr. Condon** said he did not have a question, but just wanted to congratulate Mr. Edminister on starting something here. He is very familiar with this neighborhood. It takes very brave and bold people to go in here and give it a try. Mr. Condon congratulated Mr. Edminister.

**Mr. Edminister** thanked the Board for hearing his petition. He said he is very excited!

### **PUBLIC COMMENTS**

None.

**BOARD DISCUSSION**

The Board was in agreement with the staff recommendation.

**Mr. Merriman** entertained a motion.

**Motion**

The Savannah Zoning Board of Appeals does hereby approve the requested variance to the remaining three vehicle parking spaces at 2317 Waters Avenue.

**Vote Results ( Approved )**

Motion: Hunter Hall

Second: Stephen Plunk

Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Aye
Hunter Hall	- Aye
Michael Condon	- Aye
Stephen Plunk	- Aye

[7. VARIANCE REQUEST | Normandy St | File No. 22-004538-ZBA | Height Variance](#)

- [MAP.pdf](#)
- [Proposed Hotel Typical Section A-A\\_11-8-22.pdf](#)
- [Staff Report.pdf](#)

**Mr. Nirav Gandhi** gave the staff report. The applicant is requesting a height variance for an undeveloped property on Normandy Street to increase the maximum allowed height from 60 feet to 80 feet

**Mr. Gandhi** explained that the subject property is currently undeveloped and is zoned I-L-T (Light Industrial Transition). The property is surrounded by industrial and multifamily properties, most of which are currently undeveloped. This parcel currently has no road infrastructure but is located with frontage on a public right-of-way on Normandy Street. The parcel is currently accessible only by a dirt road from East Perry Ln, which the owner of the parcel directly to the north will be paving and bringing up to standard as a public city street pending the completion of a city water main project. This site has not been rezoned and is southwest of the larger project the City of Savannah has planned. The area around the site is sparsely developed. The closest building is a warehouse that is 300 feet away. The site immediately to the north is a 230-foot-tall telecom tower. The Housing Authority project is 550 feet away, and those buildings are built 3 stories tall. The property to the northeast of the subject property is planned for multifamily residential development. Adjacent properties are likely to have similar patterns of development.

**Mr. Gandhi** stated that the applicant intends to construct a hotel on this site that will be 80 feet tall. The maximum allowed height for buildings in the I-L-T district is 60 feet. The property is located within estimated wetlands and must be elevated. This property is in a high-intensity flood plain, and so the builders are required to build above grade. The bottom floor of the structure will be an open sided parking lot. The hotel itself will be 6 stories, totaling 70 feet.

**Mr. Gandhi** reported that based upon the variance criteria, staff recommends denial of the requested variance to increase the maximum allowed height from 60 feet to 80 feet and instead recommends an alternative approval of a 10 feet variance to allow 70 feet. He informed the Board that the applicant is present and can speak to the Board regarding this. Mr. Gandhi entertained questions from the Board.

**Mr. Hall** asked if letters for or against this petition have been received.

**Mr. Gandhi** answered no.

**Ms. Jarrett** asked if the MPC has seen this request.

**Mr. Gandhi** answered no. This area was not rezoned; it has been industrial for a very long time.

**Ms. Jarrett** stated that she has significant concerns about building a hotel in a highly intensive flood plain.

**Mr. Gandhi** said that this would be addressed during the site plan process. They need to ensure that the building as well as the traffic flow, etc. are adhered to.

**Ms. Jarrett** replied not only that, but the fact that they would be filling-in three feet throughout this site, will offset the flood waters to another location. Have they considered what that other location might be?

**Mr. Gandhi** answered that he is unsure about that, but maybe the applicant will be able to answer Ms. Jarrett's question.

**Mr. Merriman** stated that a map pertaining to this area shows a retention pond here not too far from this area.

**Mr. Gandhi** showed the Board a picture of the wetland area; but as he has said, this area is pretty much undeveloped.

**Ms. Jarrett** asked Mr. Gandhi if he had any idea that the property owner of the hotel plans to advise their guests that they are in a high intensity flood plain; and, if there was a flood, that their cars would be flooded out.

**Mr. Gandhi** answered that he was not sure about that.

### **PETITIONER COMMENTS**

**Mr. David Hornsby** was sworn-in earlier by Mr. Merriman. Mr. Hornsby stated that he is with the HD Acquisition Company, who owns this tract of land. This is their first time presenting on this area, but they were here some years ago with their contract on Bemer Tract, which is across the street from Normandy Street. They worked with the City of Savannah trying to clean up the debris. In process of doing so, they bought the tract that is before the Board today. Some of the questions have been answered over the last several years ago as far as environmental impact, core permits, and archeological study. They have applied with the City of Savannah to get the clearing and filling permit. They realize that the hotel they are building in Mid-Town, behind Abercorn Commons, is the same structure as the hotel called Marriott Element. They have owned this property about six years. The flood water agreement with the City is for them to pipe the ditch down to the Bilbo Canal, which is a flood structure. Therefore, with the City's permission and agreement, they have made arrangements with them for this site. They have brought it up with three feet of site fill. Parking was also a problem, but they will raise the building up where parking will be under the hotel; therefore, they do not have to ask for a parking variance.

**Mr. Hornsby** explained that, therefore, between the design of the hotel, the balance of the land, and the Bilbo Canal, they do not foresee a problem. Their project will be identical to the tract that is across the street, which is an apartment site. They have been working on this project for three or four years, but just realized that they need a variance for the height. They have gotten all their permits from everybody and are now working on getting the permits from the City of Savannah. They are asking for the same variances that they got for their Mid-town site. This was granted by the ZBA. The hotel is under construction. Mr. Hornsby respectfully requested that the ZBA grant them the variance so that they will be able to build the hotel, which will be an extended stay hotel. They are not building this hotel tomorrow; it will require about another two years before the road, water, sewer and other utilities are there. This is approximately a five-year project. The variances will allow them to move to the next step. Mr. Hornsby entertained questions from the Board.

**Ms. Jarrett** asked Mr. Hornsby if the flood study has been done that shows the drainage pipe will address the flood waters. Has the map revision been completed?

**Mr. Hornsby** answered that this has to be done for the Corps. They have all these permits. Everything they need now is from the City of Savannah.

**Ms. Jarrett** asked Mr. Hornsby if the basic flood elevation is no longer nine feet.

**Mr. Hornsby** answered that it is nine feet, but you do not want to be at nine feet.

**Ms. Jarrett** said this is the new flood plain elevation. Is the base elevation for the parking four feet?

**Mr. Hornsby** answered that it will be at four or five feet.

**Ms. Jarrett** asked if the elevation of the lobby will be 15 feet.

**Mr. Hornsby** said it will be ten feet above grade. But, because they do not know the grade of Normandy Street at this point, they will be at the same level as the site on the far right.

**Mr. Condon** stated that he wanted to be sure they are clear. He asked if the Army Corp of Engineers has approved it.

**Mr. Hornsby** answered yes, the Army Corps of Engineers has approved it.

**Ms. Jarrett** asked what the Army Corp of Engineers exactly approved.

**Mr. Hornsby** said the Corps of Engineers approved the height, the drainage, the environmental part. They now have you do an archeological study. They did this on September 22, 2022.

**Mr. Condon** said he understood the dynamics of the number of rooms, etc.; however, he asked Mr. Hornsby that when he spoke with the staff, he was sure that they proposed to him a smaller height.

**Mr. Hornsby** said they are not doing a warehouse.

**Mr. Condon** said he was not going in that direction. He asked him what happens if he does not get five stories of hotel rooms.

**Mr. Hornsby** answered that the Marriott has certain requirements. This is a Marriott franchise, just as the hotel in Mid-town. They are the ones who decide what you build, how you will build it, and what it will look like. But they also do the numbers to ensure that it works. Therefore, they are being compatible with the Marriott Corporation as far as this works.

**Mr. Condon** asked if the Marriott would manage the hotel.

**Mr. Hornsby** said they will build it and will let the Marriott manage it, but they have a management company also. They have two Hilton Hotels in Beaufort, S.C. They are building this new hotel. Their company had twelve hotels, but they liquidated all of these and are building new apartments. They bought this property, and it takes a while to get the job done.

**Ms. Jarrett** said she did not see anything that speaks to the flood plain and the flood elevation. This is her major concern.

**Mr. Hornsby** said he could show the ZBA the flood plain that has been approved.

**Ms. Jarrett** said the flood elevation is nine feet. This says to her that there is potential for flood safety issues.

**Mr. Merriman** said the permitting department would address this aspect.

**Ms. Jarrett** said this is probable, but she does not know what the process is.



**Mr. Hornsby** said he does not believe that the City of Savannah would give a permit that would be in harm's way of anything or anybody.

**Ms. Jarrett** said it is not the building that would be in harm's way of anybody, but it would be the parking lot and the parking of the cars. This is a concern.

**Mr. Hornsby** said he did not know what else to tell them. He explained that across the street is a 250-foot tower. He is asking for a height variance. On the riverside, there must be fourteen story hotels. He is not asking for something that you have to get behind asking for. He does not know whether the apartment next door to them floods. If it does, then he believes they will, too., but he does not believe this is the case. He believes that with the City of Savannah approving their plan and their flood calculations it is fine. However, he is not the engineer, just the developer. He believes that the City of Savannah has some very strong engineers doing their work. They will not put cars in harm's way; they are very serious about stormwater control, and this is what this is. But, if the Board noticed, they do not need stormwater control on this property. It is because they had to deal with Bilbo Canal. This was done when Eddie DeLoach was mayor. Jack Butler was employed here at MPC. This is not the first time that they have appeared before the Zoning Board of Appeals.

**Mr. Condon** asked Mr. Bolton if it is correct that the City of Savannah would require the Army Corps of Engineers' report, etc. before they would grant an actual building permit. Is this correct?

**Mr. Bolton** explained that initially, it would go through site plan review, stormwater will look at it, all of the various city departments will look at it. When the request gets to the Building Permitting, Tom McDonald, the City's Flood Management Officer, will look at it. Mr. McDonald will look at all of FEMA's paperwork, Army Corps of Engineers' documentation, etc. Mr. Bolton said he does not know whether the Board noticed it, but if they go down President Street across from this area, they will see some huge pipes that the City is installing for stormwater control. The entire area is getting ready to be developed and this is just a part of it.

**Ms. Jarrett** asked Mr. Bolton if he knows whether a study has been done to determine whether the base flood elevation is being reduced from nine feet to three or four feet.

**Mr. Bolton** explained that this would go to Tom McDonald's office, Development Services.

**Mr. Merriman** stated he believes that the people whose jobs are concerned with these issues, that it is safe to say that they will take care of this.

## **PUBLIC COMMENTS**

**Ms. Catherine Gayle** said she is 62 years old and was reared in Savannah. She is concerned about the flooding as the last hurricane that we had in Savannah brought with it much water to the riverfront. Ms. Gayle said she heard the question asked earlier about the building being razed and where would the water run off to. She is quite concerned about safety and global warming. What if someone is trapped down there in their cars? She would hate to think that they would allow a building to be built and someone's life would be in danger because of this.

**Mr. Hornsby**, in response to public comments, stated that if there was a flash flood, the other 300 condos or apartments across the street and the cars would not be there. They would have already left town. He said that they have plenty of room from the ground floor to the top. As Mr. Bolton stated, this entire area is about to be developed, it is not just their property. The City of Savannah is making gigantic plans to continue the stormwater drainage. As he has said, they have a plan to go into the Bilbo Canal; this is a large drainage structure that takes the water away from the area. Mr. Hornsby said they are asking the ZBA to approve the height variance.

## **BOARD DISCUSSION**

**Ms. Jarrett** said she wished there was more information.

**Mr. Condon** said after Mr. Bolton's remarks, he feels comfortable that the water issue, prior to anything being built, will be remediated for the new drainage that is being installed. This comes down to whether

the Zoning Board of Appeals will approve the height variance request.

**Mr. Hall** stated that it is unique that staff is recommending a different variance. He is not sure how the Board would implement this if they wanted to. He stated that he was not asking the petitioner to come before the Board again, but he was unsure if the petitioner is interested in what the staff is proposing.

**Mr. Lotson** explained that he wanted to add two things. One is related to Mr. Hall's comment. He stated that there have been occasions when staff has recommended an alternative recommendation to the variance that has been requested by the applicant. In staff's review of the overall situation, they are typically making a recommendation that they feel can be justified under the criteria for variances. In this case, staff is relating what they recommend to the situation at hand as it relates to the reason why the building is constructed. Mr. Lotson said the Board can act on it; the Board can approve the petitioner's request; they can approve staff's recommendation; or they can deny or approve an alternative recommendation that has not been presented by the petitioner or staff.

**Mr. Lotson** stated further, that when a motion is made, he wanted to remind the Board to make the motion as it relates to the information that has been provided for the variance that is being requested. He explained that he believes that if they get into a lot of discussion about the flood plain issues on the site, they would really be debating whether they believe the site should be developed or not. Under the current zoning, there are lots of things that could happen without the Zoning Board's approval that would have some of the same impacts that they are having today.

**Mr. Hall** said he understood what Mr. Lotson was saying, but he is still not sure whether the petitioner is interested in staff's recommendation.

**Mr. Merriman** explained that the petitioner will get whatever he gets whether it is denial or approval. If the petitioner does not get the variance he wants, he is stuck with the variance that he gets.

**Mr. Merriman** entertained a motion.

#### **Motion**

The Savannah Zoning Board of Appeals does hereby approve the increase of the maximum height on this property from 60 feet to 80 feet.

Upon the Board voting on the motion, the votes were tied. Mr. Merriman broke the tie vote by voting in favor of the motion.

#### **Vote Results ( Approved )**

Motion: Stephen Plunk

Second: Michael Condon

Stephen Merriman, Jr.	- Aye
Karen Jarrett	- Nay
Hunter Hall	- Nay
Michael Condon	- Aye
Stephen Plunk	- Aye

[Street view.pdf](#)

[Staff Report.pdf](#)

**Mr. Nirav Gandhi** gave the staff report. The subject property has one single family residence and is zoned TR-2 for Traditional Residential. The TR-2 zoning requires a 20-foot rear setback, and the owner would like to add a 16x26 feet extension to the back of their home that will encroach into that minimum setback by 7 feet. To the east of the subject property is another single-family residence. To the north is a 60-foot right of way of East 31st Street. To the west is a 20-foot right of way that services the train tracks. To the south (rear of the property) is a privacy fence and then a 20-foot unused right of way that serves as a utility easement. The lot's irregular geometry and orientation of the structure are unlike those of the surrounding homes in the neighborhood and bear special consideration.

**Mr. Gandhi** reported that based upon the variance criteria, staff recommends approval of the requested variance to reduce the rear setback from 20 feet to 13 feet due to the lot's irregular geometry and orientation of the home. He entertained questions from the Board.

### **PETITIONER COMMENTS**

**Mr. Raleigh Taylor** was sworn-in earlier by Mr. Merriman. Mr. Taylor said he moved to this area in 1972. His mother was a single parent. He returned home about six or seven years ago. They want to extend the bathroom and add a larger room on the back of the home.

### **PUBLIC COMMENTS**

No public comments were made at the meeting.

**Mr. Gandhi** reported, however, that staff received one opposition to this request from a neighbor. The neighbor did not give a reason for his opposition but was pretty loud about his opposition.

**Mr. Merriman** stated that if the neighbor was that loud, why did he not provide a reason?

**Mr. Gandhi** said he repeatedly asked the neighbor what his opposition was, but he did not provide an opposition.

### **BOARD DISCUSSION**

The Board was in agreement with the staff recommendation.

#### **Motion**

The Savannah Zoning Board of Appeals does hereby approve the requested variance for a 7 feet rear setback variance to reduce the setback from 20 feet to 13 feet.

#### **Vote Results ( Approved )**

Motion: Hunter Hall

Second: Michael Condon

Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Aye
Hunter Hall	- Aye
Michael Condon	- Aye
Stephen Plunk	- Aye

📎 [2219 West Bay Street Variance Site Plan.pdf](#)

📎 [map.pdf](#)

📎 [SITE VISIT.pdf](#)

📎 [Staff Report.pdf](#)

**Ms. Melissa Paul-Leto** gave the staff report. The applicant is requesting a street side yard setback variance of 7-feet to reduce the setback from 15-feet to 8-feet to construct a one-story contractor's office.

**Ms. Leto** explained that the subject parcel historically has been used as a private parking use with a paved surface which was later fenced in for a truck storage use. The property is a corner lot and includes two parcels zoned B-C for Community Business. The B-C zoning classification requires a 15-foot street side setback. The owner is proposing to construct a one-story contractor's office with associated parking to the side. The proposed building would encroach into the minimum street side setback by 7-feet along 44-linear feet of the building (see hatched green portion highlighted on page 1 of the staff report). The remaining portion of the proposed building would not require a street side variance. The property corners W. Bay Street and Graham Street. Prior to the Highway 80 expansion, the property lines were aligned with Graham Street (see the 2008 base map imagery in the staff report). According to the County's traffic engineer, Allen Blake, this parcel was impacted by the acquisition of a portion of the parcel. The acquisition impacted the corner along a portion of both frontages where the notched-out right-of-way lines are. The biggest impact was the mitered corner.

**Ms. Leto** reported that based upon the variance criteria, staff recommends approval of the requested variance to reduce the minimum street side setback from 15-feet to 8-feet along 44- linear feet of the proposed building, due to the mitered corner and the acquisition of a portion of the property to expand Highway 80. The approval of the variance is based on two conditions:

1. The two parcels require a recombination prior to moving forward with site plan review.
2. The variance shall only apply to the portion of the property identified on the attached survey

### **PETITIONER COMMENTS**

**Mr. Jay Maupin** was sworn-in earlier by Mr. Merriman. Mr. Maupin stated that Ms. Leto has done an excellent job in explaining this situation. He entertained comments from the Board.

### **PUBLIC COMMENTS**

None.

### **BOARD DISCUSSION**

The Board was in agreement with the staff recommendation.

### **Motion**

The Savannah Zoning Board of Appeals does hereby approve the requested variance to reduce the minimum street side setback from 15-feet to 8-feet along 44-linear feet of the proposed building, due to the mitered corner and the acquisition of a portion of the property to expand High 80. The approval of the variance is based on two conditions:

1. The two parcels require a recombination prior to moving forward with site plan review.
2. The variance shall only apply to the portion of the property identified on the attached survey.

### **Vote Results ( Approved )**

Motion: Michael Condon

Second: Stephen Plunk	
Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Aye
Hunter Hall	- Aye
Michael Condon	- Aye
Stephen Plunk	- Aye

[10. VARIANCE REQUEST | 1114 East 48th St | 22-005394-ZBA | Rear Yard Setback](#)

📎 [MAP.pdf](#)

📎 [Staff Report.pdf](#)

📎 [Staff Report.pdf](#)

**Mr. Nirav Gandhi** gave the staff report. The applicant is requesting a rear yard setback variance for an extension to the home. The property is zoned RSF-6 for residential single family and has a minimum rear yard setback requirement of 20 ft. The applicant's proposed design for an extension would require a reduction of the rear yard setback from 20 ft to 8 ft. The applicant would require three total variances for the proposed design, including a lot coverage variance and a side setback variance.

**Mr. Gandhi** stated that the subject property has one single family residence and is zoned RSF-6 for Residential Single Family. The building was built in the 1920s and is in the Parkside Conservation District, and so was built according to the development pattern of the time with a small lot and small setbacks. The owner has a porch on the rear of the property that currently extends out to 15 ft from the back property line and is already nonconforming. The minimum rear setback for this district is 20 ft, so the porch is already encroaching into its setback by 5 ft. They wish to add an additional 9x22' extension. This extension is intended to be unheated area screened in and built on top of the deck, with a metal shed roof on top. It should be noted that this lot would be too small for the RSF-5 district, which allows for smaller lots than RSF-6, and would be considered non-compliant in any of Savannah's single-family residential zoning districts. There are many other nonconforming lots and structures along East 48th Street, extending all the way down the side of Daffin Park.

**Mr. Gandhi** stated that additionally, every home on the blocks between East 48th Street and Washington Avenue is either encroaching into the setback of the unopened lane or encroaching into the public right-of-way altogether. These historic homes were built with minimal setbacks in mind, and the pattern of development has led to most homes having fences built into the right-of-way to extend their backyard space.

**Mr. Gandhi** explained that the applicant would require two additional variances to build the proposed expansion.

1. The minimum side yard setback of the RSF-6 district is 5 feet. However, the current building is built up to the eastern property line with no setback. If the extension was to be allowed as requested, the design would require a second variance to reduce the 5 feet side yard setback to 0 feet.

2. The current house's footprint is about 1,402 square feet. The proposed design for the extension would increase the square footage of the house by 352 square feet, bringing the total to 1,754. The maximum allowed lot coverage of a building in RSF-6 is 40%. So, the lot coverage is nonconforming as well. The extension would result in a 42% lot coverage. The proposed design would require a third variance to increase the maximum lot coverage from 40% to 42%.

**Mr. Gandi** reported that staff has received some new information on this site. They have spoken with the applicants. Staff wants to visit the site and do an investigation and do more due diligence about the neighborhood. Staff also needs to make a determination as to whether the petitioner needs at least one more additional variance. He said staff has talked with the petitioner about this. The petitioners

were present and consented that they want to continue the petition to the next meeting.

**Motion**

The Savannah Zoning Board of Appeals does hereby approve to continue this petition as requested.

**Vote Results ( Approved )**

Motion: Hunter Hall

Second: Stephen Plunk

Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Aye
Hunter Hall	- Aye
Michael Condon	- Aye
Stephen Plunk	- Aye

[11. VARIANCE REQUEST | 217 Cumming St | 22-005422-ZBA | Lot Width and Lot Size Reduction](#)

📎 [Survey\\_217 Cumming Street.pdf](#)

📎 [MAP.pdf](#)

📎 [Street View.pdf](#)

📎 [Staff Report rev 2.pdf](#)

**Mr. Nirav Gandhi** stated that the subject property is zoned RSF-5 for Single Family Residential. The minimum lot size requirement for this district is 5,000. sq. ft. and the minimum lot width requirement is 50 feet. The applicant is requesting a lot width variance, in order to subdivide the property and sell a portion to their neighbor on the north adjacent property. The proposed subdivision would create a nonconformity. The requested variance is to reduce the lot width from 50 ft to 46 ft.

**Mr. Gandhi** said that at some point prior to 2012, the property owner at 209 Cummings Street, adjacent to the subject property, constructed a fence and expanded an existing driveway over the property line, encroaching onto 217 Cummings Street, the subject property. The residence at the subject property had been vacant and this condition went unnoticed. Recently the subject property was purchased by the Community Housing Services Agency with the intent to provide a single-family residence at this site consistent with their goals of establishing affordable housing. In order to correct the existing encroachments with minimal impact on the adjacent property owner, CHSA is requesting the above-mentioned variances so the lots can be recombined, and the encroachments can be erased. The lot line adjustment would allow approximately an 1,100 sq. ft. portion of the subject property to be recombined with the adjacent lot. The resulting lot would be 3,900 sq. ft. The current house has been demolished and after subdivision is complete, CHSA will be building a new house that will conform to RSF-5 setbacks. In order to properly subdivide these two properties as requested, an 1,100 sq. ft. lot area variance to reduce the lot area from 5,000 sq. ft. to 3,900 sq. ft. would be required. Staff recommends that the applicant amend the petition to reflect this second needed variance

**Mr. Gandhi** explained that based upon the variance criteria, staff recommends this petition be continued and the applicant amend their petition to include both of the following variance requests.

1. A 4-foot lot width variance to reduce the lot size from 50 feet to 46 feet.
2. An 1,100 square feet lot area variance to reduce the lot size from 5,000 square feet to 3,900 square feet.

**Motion**

The Savannah Zoning Board of Appeals does hereby continue this petition as requested.

**Vote Results ( Approved )**

Motion: Hunter Hall

Second: Stephen Plunk

Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Aye
Hunter Hall	- Aye
Michael Condon	- Aye
Stephen Plunk	- Aye

**XI. Other Business**

12. 2023 Nomination of Officers

**Mr. Merriman** explained that the 2023 Nomination of Officers should have been held at the last month, but the November meeting was not held due to lack of a quorum.

**Mr. Condon** said they are missing two members today. He suggested that the nomination of officers be postponed to the next meeting.

**Mr. Hall** asked if there was an issue with entering a new year without having elected officers.

**Mr. Lotson** answered no. If new officers are not nominated and acted upon, the old officers remain until the new officers are voted in. He explained further that any board members whose term expires before being reappointed or replaced, may continue to serve until that seat is either reappointed or replaced by the Mayor and Aldermen.

**Mr. Hall** asked Mr. Lotson if this was his final meeting.

**Mr. Lotson** answered yes.

**Mr. Merriman** explained that he was unaware, until just a few minutes ago, that Mr. Hall was not going to serve another term on the Board. It has been a pleasure serving with Mr. Hall.

**Mr. Lotson** said before the meeting is adjourned, they want to recognize the participation by Mr. Hall on the Zoning Board of Appeals. He explained that when Mr. Hall started; it was during the middle of the COVID-19 pandemic. It was difficult for everybody to get used to operating that way. They appreciate the experience that Mr. Hall brought to the Board. He explained that Mr. Hall brought valuable experience to other boards that he participated with in the City of Savannah. He believed that Ms. Wilson would make a few comments and a presentation.

**Ms. Wilson** informed Mr. Hall that MPC appreciates the services he rendered to the Savannah Zoning Board of Appeals [ZBA]. She read and presented a resolution to him for his services from January 2020 to December 2022.

**Mr. Hall** thanked the staff and the City of Savannah for the three years he served on the ZBA.

**Motion**

The Savannah Zoning Board of Appeals does hereby continue the 2023 Nomination of Officers to the meeting of January 26, 2023.

**Vote Results ( Approved )**

Motion: Michael Condon

Second: Stephen Plunk

Stephen Merriman, Jr. - Aye

Karen Jarrett - Aye

Hunter Hall - Aye

Michael Condon - Aye

Stephen Plunk - Aye

**XII. Adjournment**

13. Adjourned

There being no further business to come before the Board, Mr. Merriman adjourned the meeting at 11:15 a.m.

Respectfully Submitted,

Marcus Lotson  
Development Services Director

ML: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.*