



City of Savannah Zoning Board of Appeals

Arthur A. Mendonsa Hearing Room
January 26, 2023 - 10:00 A.M.
Meeting Minutes

JANUARY 26, 2023 CITY OF SAVANNAH ZONING BOARD OF APPEALS

Present: Stephen Merriman, Jr., Chair
Michael Condon, Vice Chair
Larry Evans
Karen Jarrett
Betty Jones
Stephen Plunk

Others Present: Melanie Wilson, MPC Executive Director
Pamela Everett, Esq., Assistant Executive Director
Marcus Lotson, Development Services Director
Melissa Paul-Leto, Development Services Senior Urban Planner
Nirav Gandhi, Development Services Planner 2
Julie Yawn, Systems Analyst
Mary Mitchell, Administrative Assistant

City of Savannah: Jennifer N. Herman, Deputy City Attorney
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 10:03 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.

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V. Item(s) Requested to be Withdrawn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. Approval of December 15, 2022 Meeting Minutes](#)

[📎 December 15, 2022 Meeting Minutes.pdf](#)

Motion

The Savannah Zoning Board of Appeals does hereby approve the Meeting Minutes of December 15, 2022.

Vote Results (Approved)

Motion: Betty Jones

Second: Stephen Plunk

Stephen Merriman, Jr. - Abstain

Karen Jarrett - Aye

Michael Condon - Aye

Larry Evans - Aye

Stephen Plunk - Aye

Betty Jones - Aye

VII. Approval of Final Agenda

[4. Approval of Final Agenda](#)

Motion

The Savannah Zoning Board of Appeals does hereby approve the Final Agenda.

Vote Results (Approved)

Motion: Betty Jones

Second: Michael Condon

Stephen Merriman, Jr. - Abstain

Karen Jarrett - Aye

Michael Condon - Aye

Larry Evans - Aye

Stephen Plunk - Aye

Betty Jones - Aye

VIII. Consent Agenda

IX. Old Business

X. Regular Agenda

[5. 336 Barnard Street | An appeal by Andrew Jones, Agent for Anna Habersham Wright regarding a Certificate of Appropriateness 20-005548-COA for property located at 336 Barnard Street.| 22-006005-ZBA](#)

[📎 Application.pdf](#)

[📎 Article 7.0 Overlay Districts.pdf](#)

[📎 MAP.pdf](#)

[📎 STAFF REPORT.pdf](#)

🔗 [Letter in Opposition #1 of the appeal.pdf](#)

🔗 [Rober Helms Presentation.pdf](#)

🔗 [Letters in Support of the appeal.pdf](#)

🔗 [Exhibit 1 -Yellin 336 Barnard COA Appeal.pdf](#)

Mr. Merriman explained that before this proceeding begins, he wanted to set the ground rules as many persons are here today and want to speak on this petition. This is a very controversial agenda item. As Chair, he believes he can set the ground rules regarding the time limits. However, he wanted consensus among the Board. The burden of proof is on the applicant. Therefore, he suggested that his time limit be 15 to 20 minutes. Mr. Jones is appealing the decision of the Historic District Board of Review (HDBR). The HDBR Chairwoman is here, and she should be given the same amount of time to defend their decision. Members of the public will be limited to 3 minutes. He solicited feedback from the Board.

Mr. Plunk said he was in favor of the time limits. He added that the Board encourages all members of the public to keep their comments germane to the topic.

Mr. Merriman admonished the public to keep their comments germane to the topic and also only direct their comments to the Board and more specifically to the Chair. He asked the public not to address their comments to staff nor anyone in the audience. He entertained a motion.

Upon motion of Ms. Jarrett, seconded by Mr. Evans and carried unanimously, the following time limits were set - Applicant 15 minutes; Historic District Board of Review Chairwoman 15 minutes and all members of the public 2 minutes.

Ms. Melissa Paul-Leto gave the staff report. The petitioner, Andrew Jones, Agent for Anna Habersham Wright, is appealing the September 14, 2022, Certificate of Appropriateness 20-005548-COA by the Chatham – Savannah Metropolitan Planning Commission’s Historic Preservation staff and the Savannah Downtown Historic Board of Review (HDBR) related to an application for New Construction (Part II: Design Details) to allow for a single-family residence at 336 Barnard Street.

The sections being appealed are:

- Street and Lanes – Sec. 7.8.10.a
- Configuration – Sec. 7.8.10. h.2.a. iv
- Roofs – Sec. 7.8.10.k

Ms. Paul-Leto gave the background information on this petition. On September 14, 2022, the HDBR approved a Certificate of Appropriateness for 336 Barnard Street. The COA is being appealed specific to the sections above. During the public hearing, the Board reviewed all the criteria for new construction in the Historic District. The Board's authority allows them the latitude to make decisions based on the visual compatibility criteria as well as the design details. They found that in this case, the applicant’s submittal met the Standards. Regarding streets and lanes, the Board found it did not violate Sec. 7.8.10.a, and the Standard was met. Regarding the configuration and type of the proposed windows, the Board found that the Standard was met. Regarding the proposed mansard roof, the Board found that the standard was met. The conclusions of the Board were based on the information provided by staff and the applicant at the public hearing of the HDBR.

Ms. Paul-Leto said the following design standards are being appealed:

Appeal #1

Sec. 7.8.10.a. Streets and Lanes

- i. Development shall preserve or reconstruct the historic ward pattern of streets and lanes within the Oglethorpe Plan Area. The Oglethorpe Plan Area is that portion of the

Savannah National Historic Landmark District comprised of the city plan, established by James Oglethorpe in 1733 and continued until 1851, that is unique to Savannah for its system of wards containing a series of urban blocks divided by streets and lanes with a central public square. For the purpose of this section, a square is a common public open space in the center of a ward, typically one (1) acre in size.

Appeal #2

Sec. 7.8.10. h.2.a. iv. Configuration

- i. All windows facing a street, exclusive of storefronts, basement and top story windows, shall be rectangular and shall have a vertical to horizontal ratio of no less than 5:3; provided, however, nothing in this section precludes an arched window being used. Accent windows may be round or other shapes.
- ii. Windows facing a street shall be double or triple hung, awning, casement or Palladian.
- iii. The boarding of windows and/or window openings shall not be permitted; however, exceptions may be made for emergency situations as provided in Sec. 3.19 Certificate of Appropriateness for the Savannah Downtown Historic District. Windows and frames shall be weather-tight and free from cracks. Openings shall contain windows, doors, or storefronts.
- iv. The centerline of the window and door openings all align vertically.
- v. Double glazed, simulated divided light, windows shall be permitted provided that the following are met: The muntin is 7/8 inches or less, The muntin profile shall simulate traditional putty glazing, The lower sash rail shall be wider than the meeting and top rails, There shall be a spacer bar in between double panes of glass, and Extrusions shall be covered with appropriate molding.
- vi. Between-the-glass, snap-in or applied muntins shall not be permitted.
- vii. Framing members shall be covered with appropriate trim; trim shall feature a header, surrounds, and pronounced sill where appropriate.
- viii. Window sashes shall be inset a minimum of three inches from the façade of a building, excluding exterior surfaces with wood siding.
- ix. The distance between windows shall not be less than for adjacent contributing buildings, nor more than two (2) times the width of the windows on primary facades. The Board may waive strict compliance with this standard where historic precedent exists within the visually related context and is visually compatible.
- x. Paired or grouped windows shall be permitted, provided the individual sashes have a vertical to horizontal ratio of not less than 5:3.
- xi. Bay windows shall extend to the ground unless they are oriel beveled or are supported by brackets.

Appeal #3

Sec. 7.8.10.k. Roofs

i. New construction, alterations to non-contributing resources and additions Configuration

Mansard roofs shall slope from all four sides to a flat or low hipped plane, shall have a molded cornice both above and below the lower roof slope, and shall be used only in conjunction with a habitable story.

Ms. Paul-Leto stated that the findings are:

1. The applicant filed an appeal for several items under Sec. 7.8 Savannah Downtown Historic Overlay District, 7.8.9 Visual Compatibility Criteria. However, only streets and lanes,

windows and mansard roof and roof deck apply to this appeal under Sec. 7.8.10 Savannah Downtown Historic District, Design Standards. Per the Ordinance, visual compatibility may not be appealed but design standards may be appealed.

2. The Architect, Christian Sottile, for the property at 336 Barnard Street requested on August 12, 2022, an interpretation of the zoning ordinance regarding the location of a building's primary entrance when situated on a tithing block per Article 7 Sec. 7.8.10(g)(ii)(1)(b). Christian Sottile received a Zoning Confirmation Letter from the Zoning Administrator of the City of Savannah on August 17, 2022. The Zoning Administrator ruled that the proposed location of the entranceway met the Ordinance.
3. On September 14, 2022, the Savannah Downtown Historic Board of Review [HDBR] approved a Certificate of Appropriateness for the request of New Construction (Part II: Design Details) for a single-family residence at 336 Barnard Street. The architect submitted a change of height with the application. The building would have been a four-story residence. The current submittal that was approved was a three-story residence with a two-car integrated garage. Additionally, during the HDBR's August 2022 meeting, the height of the building being reduced from four to three-stories, had been re-reviewed.
4. After the hearing, Andrew Jones, Agent for 120 West Jones LLC applied on September 16, 2022, for an appeal of 22-003805-ZCL, regarding the Zoning Administrator's determination based on Sec. 7.8.10(g)(ii)(1)(g) which exempts those parcels that cannot locate the primary entrance on an east-west street from the requirement.
5. On October 12, 2022, Andrew Jones, Agent for Anna Habersham Wright applied to appeal the COA granted to 336 Barnard Street, by the HDBR on September 14, 2022. The appellant alleges that he Chatham-Savannah Metropolitan Planning Commission recommendations and the Board decision did not properly apply the standards of the Department of Interior or the City of Savannah Code of Ordinances. However, only the design standards of Sec. 7.8.10 are appealable.
6. On October 27, 2022, Andrew Jones, Agent for 120 West Jones LLC appealed to the Savannah Zoning Board of Appeals regarding the Zoning Administrator's determination within the 22-003805-ZCL, zoning confirmation letter.

The City's Zoning Board of Appeals board members voted to approve the appeal of the Zoning Administrator's Zoning Confirmation Letter regarding the location of the entrance to the proposed residence.

7. On December 14, 2022, The HDBR approved a Special Exception for the property located at 336 Barnard Street. The Special Exception was approved to allow for the new building on the site to construct its entrance facing the north-south (Barnard Street.).

Ms. Paul-Leto reported that per Article 3 of the Savannah Zoning Ordinance, Appeals shall be considered as follows:

3.23.6 Action by the Zoning Board of Appeals

- a. The Zoning Board of Appeals shall determine whether the Certificate of Appropriateness 20-005548-COA in this appeal request meets the determination of this Ordinance.
- b. The Zoning Board of Appeals may reverse or affirm (wholly or in part) or may modify the

determination being appealed and shall make a determination that in its opinion ought to be made in the case before it unless otherwise specified by this Ordinance. To this end, the Zoning Board of Appeals shall have all powers of the administrative official, commission, or board from whom the appeal is taken.

- c. A motion to reverse, affirm or modify the determination by the HDBR appealed shall include statement of the specific reason including the proposed findings of fact that support the decision. The findings of fact shall be based on the same evidence received by the Certificate of Appropriateness 20-005548-COA.
- d. If a motion to reverse or modify is not made, or such motion fails to receive the affirmative vote of a majority of the members present, then the appeal shall be denied.
- e. The appellant shall have the burden of proof.

Purview of the Zoning Board of Appeals

Based on the information provided in the report and at the public hearing, the Board of Appeals shall make a finding as to the applicant's appeal. Such decision shall be based on whether HDBR properly applied the Standards of Sec. 7.8.10.

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

Mr. Plunk stated that staff usually includes a recommendation in their report. Is there a reason why staff chose not to make a specific recommendation in this case?

Ms. Paul-Leto explained that in the first appeal that was given, staff did not give a recommendation either. Staff gives as much findings as possible, but they let the purview be left to the Zoning Board of Appeals.

PETITIONER COMMENTS

Mr. Merriman reminded Mr. Jones of the 15 minutes time limit. Mr. Jones was sworn in by Mr. Merriman along with all others who would be speaking to the Board at the meeting today.

Mr. Jones explained this is an appeal by Ms. Anna Habersham Wright. He is acting as the authorized agent. He said that the appeal addresses the failure of the proposal to meet the design standards. They are requesting that the ZBA overturn the Certificate of Appropriateness (COA).

Mr. Jones said as the staff has explained, there are two parts to a COA approval. New construction has to meet both. Part I was included in the visual compatibility criteria. This decision was made December 9, 2020, and they maintain that based on its own language, expired December 9, 2022, and is not renewable under 3.19. This is subjective and the standards are not appealable. However, they maintain that the process by which those standards were applied are appealable. But they do not have time to address this today. They are focusing on Part II - which are the design standards. They include standards on many of the same issues that visual compatibility does such as height and mass, windows. But the visual compatibility standards do not apply in Part II; these are hard and fast rules, but not subjective, but are appealable. They take the Part I decision and effectively narrows it with a set of very specific rules. They are going to look at those rules.

Violation #1

Section 7.8.10(h)(i)(2)(a)(iv)

Mr. Jones said the window standards are not met; the centerline of doors and windows must all align vertically, but they do not. Nothing in the Ordinance limits this rule to any one facade or subsection of the building. Mr. Jones showed this section in his slide presentation. He said he superimposed new lines and the central line starting at the top down and the red lines where they

no longer are aligned. He said both of these facades failed the rule. This building needs to be completely redesigned. If the Board looks at the east facade and the Charlton Street facade the same are held to a lesser extent. Therefore, all of these facades need to be redesigned to meet this rule.

Violation #2

Section 7.8.10(h)(i)(2)(a)(i)

Mr. Jones said that the windows do not all meet the minimum 5 to 3 proportion. The top window indicates it is 7 feet high and 5 feet wide, which is a proportion of 1.4, but 5 to 3 is 1.6 and is less. Therefore, this needs to be redesigned as well.

Violation #3

Section 7.8.10(h)(i)(2)(a)(ii)

Mr. Jones explained that many of the windows are impermissible fixed windows. The statute is clear that you have to have certain types of windows and they do not include fixed windows. On the Barnard Street facade, six of the windows are fixed; all six windows in the oriel and one on the ground floor according to the architect's own specifications. On the Charlton Street facade, they see three sets of windows, which also include fixed windows. These windows are not appropriate. He commented that this rule applies to street facades and the lane under the statue is a street. Therefore, the Charlton Lane facade is relevant. Mr. Jones explained that there are 22 different types of windows. Of these, 11 are fixed according to the architect. Therefore, the entire window scheme needs to be revised. They have seen that the facade needs to be revised and all the windows need to be revised.

Violation #4

Section 7.8.10(K)(ii)(1)

Mr. Jones stated that the statute provides that a mansard roof shall slope from all four sides. But as they see clearly, only three sides are here. The mansard roof has to go around all four sides of the building. This roof needs to be redesigned.

Violation #5

Section 7.8.10 (k)(ii)(1)(g)

Mr. Jones said a roof deck is not permitted. He said next to the mansard roof is a roof deck with a fireplace, a spa and obviously a big party deck. The statute makes it clear that roof decks shall not be permitted on the street side. The roof deck is not a green roof. There is a concept for a green roof under Chapter One, Article F. It includes a vapor control, thermal installation, etc. But the requirement is that vegetation covers 90% of the green roof system. But this is not what the Board saw in the prior drawings. It is not permitted as a green roof.

Violation #6

Section 7.8.10(b)(ii)(7)

Mr. Jones said that a roof terrace is habitable space which creates another roof issue. It is actually a fourth story subject to Large-Scale Development standards. He said the height under Sec. 7.8.10 which has a restricted refine definition of height says that height includes stories under habitable space within a structure above a roof and a structure under 13.2 is anything that is attached to the building. Therefore, a parapet wall is a structure. It has clear habitable space, it has a spa for human beings, and it has a fireplace. He said, let's pretend that it is not habitable space, then they have another issue. A space that isn't habitable, is also considered a story if the parapet is over four feet high. Therefore, Section 7.8.10 explains that the rooftop structure, such as a parapet wall [notice that the parapet wall is a structure] that it is not a story as long as it is under four feet, but under the architect's rendering [and you measure everything from the bottom to the top], he shows that the maximum parapet height is 7'- 6". So, if they cannot have the roof deck and if they have a roof there, they cannot have the parapet wall.

Violation #7

Section 7.8.10 (t)(v)(1)

Mr. Jones stated that now they come to the 400-pound gorilla in the room, which is the project violates the design standards' protection of the pattern of streets and lanes. The statute says, "development shall preserve or reconstruct the historic ward pattern of streets and lanes, this is what is called the north-south connecting streets". He said he shows it on the plans that it is in the ordinance, itself, with a little snapshot of the things that the Oglethorpe Plan shows. But as they know, tithing lots do not face north-south connecting streets. But what they got, is a before and after view. Currently, there is a lane building that looks like a lane building. He said the Board can see the lane, it is easy, but look what happens as this project alters the discernability of streets and lanes. After the proposal, the lane is almost unnoticeable, it just looks like another gap between a bunch of facades and buildings. It no longer looks like a north-south connector street, as it looks like an east-west connecting street. So, it is completely a gobbled perception of the street pattern. If you turn 180 degrees on the other side of Barnard Street, right across from this proposal, you see the proper configuration of the building, the courtyard, the lane, the carriage house, and the building, which is exactly the house/courtyard /carriage house configuration referenced in the 1985 designation update. Mr. Jones said the applicant knew that this building was going to put their NHL status in jeopardy. He said in 2018, before this building was proposed, the National Park Service identified overbuilding of lanes as a "Threat to the Plan." He showed examples of buildings labeled "Good" and "Bad" and said "likewise, much of the growth that has occurred in the district has been in the open space between buildings and their corresponding lanes. This interrupts the house-courtyard-carriage house rhythm.

Mr. Jones said the Historic District Board of Review issued a COA on September 14, 2022, but the National Park Service (NPS) called 336 Barnard Street as a negative. And they did so on commenting on the streets and lanes provision that is shown in the Ordinance. They made it clear that protecting streets and lanes mean more than saving the pavement. It means preserving the discernability of the historic pattern of streets and lanes. They talked about the discernability must be retained and they called out 336 Barnard Street and said that it negatively impacts the ready discernability. Then they concluded that 336 Barnard Street is a type of project that can result in ill effects to the integrity of the district, which is the diplomatic way of saying that they are considering taking us from threatened status to emergency status which is the next stop before we lose it completely. Because the project violates the street and lane standard, they request that approval be reversed.

Violation #8

Section 7.8.10(s)(i)(4)

Mr. Jones stated that there are some other problems. The passageway between the building and the adjacent fence must be 5 feet, but it is not. The bottom left shows that it is 3 feet. Therefore, the north wall is in the wrong location. The building cannot be 32 feet wide; it has to be narrower in order for the path to be wide enough. The building needs to be about 29-30 feet. So, in addition to redesigning this facade, the wall needs to be relocated.

Violation #9

Section 7.8.10 (p)(iv)

Mr. Jones stated that this violation of the Ordinance concerns the storage of the garbage bins. He showed pictures of garbage bins in the lane. The architect shows that they all have disappeared and that they would be in his passageway to Charlton Lane. The architect's drawings were shown, and he included the statutory provision. He said he superimposed the actual size of the garage bin. Each unit needs one regular and one recycling bin. So, there are 5 condo units, plus 336 Barnard equal 12 bins. He can only fit 10 bins here; and even if you fit in the 10 bins, the path is only 5 feet wide. The bins are 27" wide and 34" deep. Therefore, there is not enough room after you store the bins to take one out. Also, trees are in the way on the left and the clearance is even narrower on the right side of that path.

Mr. Jones said just a little backdrop, they have an appellant who owns a historic contributing building whose value will be lower. They have a lot of supporters trying to fight this building. They have 519 signatures on [Change.org](https://www.change.org) opposing this. They have the National Park Service

opposing this. Also, the Beehive Foundation; many preservation veterans, including Beth Reiter and Audrey Platt. They have many shared owners who rely on the protection of the national Historic Landmark of the value of their properties. The Ordinance specifically protects contributing properties, and he has this provision shown on Appendix M. Mr. Jones stated that residents rely on the protection of their quality of life in an NHL. The tourism industry relies on the NHL prestige status. Do you think the tourist organization of Savannah want to say, "welcome to Savannah, the first city to lose its Historic Landmark status? Now who is against this appeal? Obviously, Brad Baugh a member of the LLC. He owns a non-contributing property. The Ordinance does not protect non-contributing properties. The supporters "follow the money," which he knows that general contractors for 344 Barnard submitted a letter once. One of the plasters sub-contractors submitted a letter. The Historic Savannah Foundation spoke at the last hearing, but Chair Austin Hill did not neglect to disclose that he is a broker on the project. His advertisement is on Appendix P slide 51. Other brokers, architects, consultants, contractors are all happy to make an attack on the Ordinance and weaken its provisions. The SCAD professors are developing odd theories to help the foregoing in their attacks against the NHL status, the Oglethorpe Plan and the Ordinance. The City of Savannah, Sottile is under a \$100,000 contract to provide city planning services to the City. Mr. Jones said that when the City wants to prevent affordable housing on the Mercer Theater site, Sottile is the guy that has to explain it to the public. Therefore, the city officials such as Jay Melder can hide behind Sottile. This is why the City has been pushing this thing. Planning spent taxpayers' dollars to create a whole bunch of studies to support this building on irrelevant theories. But this is your money at work. They would not do that for him if he filed a COA and he would guarantee that. The MPC has disregarded all the different criteria just to push this project through. He said that the City Attorney, as well, has been trying to block their appeals; denied his due process rights twice, and you can see how late this appeal is.

Mr. Jones said Fact verses Fiction. The parties for the appeal are relying on the Ordinance, but the parties against the appeal are coming up with all kinds of crazy concepts. He said they believe in the Oglethorpe Plan; the Ordinance protects it as in use until 1851. This was the cutoff date. It did not evolve; it was cutoff at that point. The other side believes in an evolution theory that the Oglethorpe Plan was meant to evolve. Why? Because SCAD professors say so. He said, well sorry! But this is not in the Ordinance even if they like this theory, this is just not it. Regarding the "Old verses New" - the Ordinance grandfathers contributing buildings but has separate rules for new ones. The old buildings, no matter how ugly they are. if they are contributing, maybe a famous person lives there, they are under one set of rules. New construction is under this very strict criterion. But what they are conjuring up, is the concept of precedent. There is no precedent concept in the Ordinance. They cannot cite it, because it is not there. They argue that any contributing building is a precedent for a new one. This is just not true. Only building's post designation would plausibly be an argument for a new contribution. But the word precedent isn't in the Ordinance. Therefore, do not fall for that argument; you didn't do so the last time. So, he was hopeful that it does not happen again. Mr. Jones said the Visual Compatibility Standards were addressed by the Part I approval, but they are not relevant to the Part II design standards. This is a separate category. So, anybody here bringing up visual compatibility is bringing up an argument that is irrelevant. This only applies to Part I. The use fee standard in a Part II design standard is basically saying that the Part I approval that they already got overrides the design standards; this just throws the design standards away because they will just keep citing their Part I approval. This obviously does not make sense, but they are going to do it. They will talk about visual compatibility. They will also disguise it as "context" or "consistency." But this does not make sense as this just argues Part I all over again. Part II is the set of rules that they violate; the hard and fast rules and their visual compatibility is not an out from these rules.

Mr. Jones said the fact verses fiction, the demolition theory. They know that the Ordinance preserves contributing buildings and prevents their demolition. But their view is that adherence to the Ordinance for new buildings require the demolition of existing contributing buildings.

Mr. Merriman informed Mr. Jones that his time is almost up.

Mr. Jones asked that he be allowed two minutes.

Mr. Merriman asked him to please wrap-up his presentation.

Mr. Jones said they believe that the subdivision was valid and legal, but the other side will argue that the subdivision was legal, and therefore, anything goes. He said no; they still believe that it falls under the Ordinance. Regarding alternatives, they believe that there is a better way to design this building, and this is what the question is here. Do you approve this design that does not comply with the Ordinance or ask for a redesign that follows them? they will say that there is no other option. It is either the cinderblock buildings for their project, or nothing.

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

Mr. Jarrett wanted to know if anybody has talked with the National Park Service to find out what their take is on buildings such as this.

Mr. Jones stated that he believes the National Park Service has reached out to parties in the preservation community. He explained that the letter that is in the Appendix is very clear about this building. There are actions being taken by the City. A meeting was held earlier this week, conducted by Bridget Lidy. Ms. Lidy emphasized the importance of the National Historic Landmark Designation. He believed that the National Park Services will visit here to educate people in Savannah about their stewardship role in protecting the NHL. He said, also at the meeting, a request was made for a special type of report. Mr. Jones explained that he believes the National Park Service will provide a Cultural Landscape Report. Therefore, some actions are being taken in moving forward. But this building has been cited as a negative factor.

Mr. Merriman said Ms. Jarrett's question made him think of something. He said that the entire deal of the National Park Service is interesting, but he wanted the Board to keep their comments confined to the design standards that are being challenged instead of getting off on those kinds of issues. He asked the Board if they had any questions for Mr. Jones. The Board had no questions. Mr. Merriman asked the Chairwoman of the Historic District Board of Review to please come and make her presentation.

Ms. Ellie Isaacs, Historic District Board of Review, Chairwoman came forward. Ms. Issacs was sworn in earlier by Mr. Merriman. She thanked the Board for their time and service on the Zoning Board of Appeals. She said she was present to defend the previous decision that the HDBR has made on three separate occasions. She explained that to approve this project for construction, they believe that they have applied the Zoning Ordinance standards of Section 7.8.10 properly in terms of the National Park Service Secretary's Interior of Preservation Standards, the Design Standards, and the Visual Compatibility Standards of this surrounding area.

Ms. Isaacs said the project gained the necessary approval to the processes as they were written at the time of submission. The project was legally subdivided before it was made to HDBR. This issue has already been recognized by many City officials and local preservation professionals; and, as Mr. Jones mentioned, that section of the Ordinance is currently in the process of being reviewed and revised, which the petitioner was informed of, and he was directly involved in those meetings. She said the Special Exception that was granted was exactly that --- "A Special Exception." The project that was approved does not pave the way for other projects of this nature to simply be approved without a second thought or without the consideration by the Board. Ms. Issacs explained that each project is reviewed individually within the context that it sits for visual compatibility. Also, as presented in the last HDBR meeting on December 14, 2022, 130 buildings share this orientation of facing the north-south street, and 113 of these are contributing to the district. She stated that one historic property dated 1890 is located directly across the lane from this property with the main entrance facing Barnard Street. This in itself provides visual compatibility for the main entrance of the residence to face Barnard Street and is not considered an aberration. If the proposed design had been located in an alternate location, they would likely have considered the visual compatibility differently depending on the proposed location. The interpretation of the Ordinance and the Oglethorpe Plan of how it has evolved or not evolved is up to one's interpretation. Contrary to the petitioner's belief, she does understand the vital importance of the Oglethorpe Plan and how it has helped to shape Savannah into being the unique city plan that is now known as being worthy of the National Landmark Designation status. However, as stated by Mr. David Gobel said during that same meeting, and she was sure that Mr. Gobel would reiterate today, Thomas Wilson and a plethora of preservation professionals. both locally and nationally, the Oglethorpe Plan has adapted and evolved throughout time, while reflecting its

original intentions. Ms. Issacs entertained questions from the Board.

Mr. Merriman stated that Mr. Jones laid out several things involving the design details that he referenced from the Ordinance. Do you find any of these to be erroneous?

Ms. Isaacs answered that she did not find Mr. Jones's design details factual.

Mr. Merriman asked Ms. Issacs, "how so?"

Ms. Isaacs answered that the submission that was presented to the Board today represented drawings that were not the final submission of drawings. They were from the Part II submission that he is contesting. These drawings have not been revised.

Mr. Merriman asked if those drawings were not the actual approved drawings for the COA.

Ms. Isaacs answered correct.

Mr. Merriman asked Ms. Isaacs if she has the actual approved drawings or does staff have them.

Ms. Isaacs answered she believes that staff has the approved drawings. She stated also that she wanted to mention that a lot of opinions have been expressed today are conjecture and certain information has been given to the Board that is out of context to support certain things that have been told to the Board. She cannot find the right words to say, but she was sure that other participants would speak on those things.

Mr. Merriman said two things come to his mind. They are the windows and the mansard roofs. They were pretty specific and were right out of the Ordinance.

Ms. Isaacs said the architect would speak on those things.

Mr. Merriman informed Ms. Isaacs that the architect would only be allowed to speak two minutes as he is a member of the public.

Ms. Isaacs asked if she could give other people her remaining time.

Mr. Merriman answered no.

Ms. Isaacs explained that she was not aware she would be allowed to speak the amount of time that the Board allotted. If she had known, she would have prepared something much longer and also would have prepared a presentation as well.

Mr. Merriman said the burden of proof is on Mr. Jones and since he is appealing the HDRB's decision, it is only fair.

Ms. Isaacs told Mr. Merriman that she appreciated that, but she was not aware.

Mr. Plunk asked Ms. Isaacs if she was saying that the designs were outdated. He asked how many of those designs that were addressed are now in the updated design that maybe the Board would get a chance to look at.

Ms. Isaacs answered no.

PUBLIC COMMENTS

Mr. Merriman informed the public that the Board will now hear comments from the public. He will start on one side of the room. Anyone who wants to address the Board, to please raise their hand. They each will be given two minutes to speak. The public was sworn in earlier by Mr. Merriman. He strongly advised the public to address their comments to the Board. He asked them to please observe the common rules of propriety when speaking about folks.

Ms. Gertrude Helms said they all are here today because they love Savannah, and they respect

the amazing gift of the historic Oglethorpe Plan and the historic fabric they inherited. They do not want, however, a city frozen in time. This is why they have a system of Ordinances and appeal, the process that they are going through today. Ms. Helms said she carefully listened to Mr. Jones' very careful exhibition of evidence that is based on the plans and elevations that were available to them. It was clear that not just one Ordinance was violated, but that there were many Ordinances violated, which meant that there was not a slight fudge, but she thinks that it shows a willful disregard of the Ordinances as written. She said as an Art Historian, in analyzing a structure and in this case, look at it, she would assume that given the violation of the Ordinance, that they had a very demanding client. It turns out as they know that the clients were the principals. So, they were designing a speculative building for themselves. Therefore, this is not a client they can turn to and say, "they did not understand and say they had to design a building for them. They are the clients and, therefore they can restructure, reorganize their designs to fit within the City's Ordinances without violating them and without pushing the boundaries. Ms. Helms said this is, in the case of the Ordinances, pushing the boundaries, nudging the boundaries of the Ordinances, but it is bulldozing some of those Ordinances. Therefore, she thinks that whatever they said about a precedent, being an Art Historian, she understands precedent, and precedents are something that you cannot just say that there never will be a precedent. Thank you.

Mr. Robert Helms said this is a screenshot taken from Zillow two days ago. Therefore, it is current. There are a lot of trees in this particular forest and the lawyers have spent a lot of time visiting all of these trees. So, he likes to keep things simple and go back to the one thing that will be enforced in a court of law is that any misrepresentation by the seller to a buyer of what the property is that they are acquiring. So, if they take a quick look into Zillow, which is presumably what they sold, is a habitation that has 5,000 square feet of habitable space; it is on a lot size of about 1,300 square feet. So, this means that they have a four-story habitable building, 1,250-square feet each, which makes it a large-scale residential development that occupies roughly 96 percent of the lot. Assuming that this is not some sort of pyramid where you have an inverse pyramid that the things get bigger as they go up, this is a four-story block. It boasts panoramic views; it has a large fireplace, and it no doubt has water and electric hookup for a wet bar. It is taller than any of the buildings around it, although otherwise, you would not have a panoramic feel. This is a very big building and if you look at the next slide, it is out of scale for any lane building in the city, pretty much. Mr. Helms said he was sure that one of the objectives here is to create a lot of new precedents that would allow the lane property to be redeveloped because this is the cheap land available in downtown Savannah. Thank you.

Ms. Sabrina Nagel said she lives on the block and shares West Charlton Lane with this development. Ms. Nagel supports the appeal fully and opposes the development for a few reasons. She has prepared a three-minute presentation but will try to cut it down to two minutes. Ms. Nagel stated that she disagrees with them not following the Ordinance. They need to be held to the same standards as anybody else in this town. On the design of the windows and the mansard roof, she strongly disagrees with the rooftop being called the green roof. Let's remember that if there is a fourth floor, it falls under large scale development standards. So, they reduce that fourth floor so as not to fall under those standards, and this is not fair. It has a seven-foot parapet wall. It has a fireplace among other structures. She said she would bring up an issue that is still unclear and unresolved. It is relevant to this appeal because it deals with streets and lanes. It would take a person who lives here to understand it fully. Therefore, she will try to explain it really easily to everybody here. As designed, this building effectively takes away the space in the lane for the refuse bins that serve the five apartments at 123 West Charlton Street. It is the building that is right behind it, or in front of it, depending on how you look at it. Multiple neighbors and she have raised this issue from the beginning, even after the original COA hearing. She felt that they have been largely ignored other than being told that the design that a little side area that is five feet wide, which means that the door can only be three feet, because you cannot have a five-foot door and a five-foot wet space. The three-foot door leading to a small space that is supposed to store garbage, Now, they have not been clear. Is this for the two new residences? If it is for the five apartments that are behind it or is it for both? This has been very vague, and they would like to know this. She asked someone at 123 West Charlton Street, and they did not know. She asked them yesterday, and they did not know what they were supposed to do with their garbage. Visually, you might leave the garbage on this side, the storage thing is really good because it looks really good, however, if you live there, you will know that it is not great. Ms. Nagel said that a few years ago, just a little background snippet, the owner of this property built a door in the back of the

cinderblock building and then decided that the bins should not be at that new door because it is a shared laundry room for all the condos. So, they started putting the bins on the side. This was a disaster, the bins were not collected, and rats were everywhere. Ms. Nagel said her main point is, she looked at the plans to get some answers; a few discrepancies are here. If you look at the two things on the same presentation that they presented to get the COA, on one of them that says meters on this wall and the other says a door. They would like to know if it is meters or a door. The biggest point is, she measured the bins as drawn. They are drawn at 43 percent of what a real bin is. She measured them; these are 20 inches square. A city bin is not 20 inches square, it is 33 x 28. Ms. Nagel wanted it to be known that it looks great but is not great. The scale is drawn wrong. They need 14 bins, but they have cut it down to four bins. This will not work for the people who live here. They need 14 bins, as there are seven residences.

Ms. Ardis Wood came forward. Ms. Wood said since the HDBR decision was mentioned, she wanted to remind them that the Board was split. The Chair made the difference. She explained that one of the members disturbed her in that hearing when he said that they do not want the State historic people here, we can take care of our own business. She said if you don't believe her, listen to the audio tape. Ms. Wood said you cannot deny that Savannah is a hot place; especially our two square mile Landmark Historic Districts. Why else would we have 14 million visitors a year in a city of 147,000 people? It is not because it is historic; it has controls to maintain its comfortable city plan, hinders structures and landscaping within the Zoning Code that allows it to continue. Savannah has another 112,000 square miles to build on. What they want elsewhere does not fit here. The effort to squeeze in this proposed building is like trying to fit a 15-inch cake into a 10-inch pan. It just does not work. Without exceeding the space allowed, damaging its surroundings, and threatening our landmark status. Ms. Wood said remember the admonition that good things die if they own too much. She asked the Board to support this appeal to reverse the COA. Thank you.

Ms. Kathy Levina stated that she was in attendance at the HDBR meeting where the design elements were discussed. She said she was very concerned that at the end of the meeting when the fixed windows were not addressed. Ms. Levina said she was told by the preservation officer that they were missed and that they touched basis with the architect. She said she was told that the fixed windows were now double hung. She wanted the architect to address this. She said she did not know why the plans that were submitted for the permit are not the ones that the HDBR saw. This is strange to her, but she does not know the process. But what she does know is this mansard roof. Under the Historic District Ordinance - Section 7.8.10(K)(ii). new construction alterations due to noncontributing resources and additions, one configuration is this mansard roof falls under applied design. The design is a near mansard applied roof that does not slope from all four sides. It slopes on three sides. It does not form the crown that two mansard roof configurations provide under free standing building form. According to the Ordinance under new construction, mansard roofs shall slope from all four sides; it is easy as that, to a flatter low hip plane they shall have a molded cornice both above and below the lower roof slope, and according to (L) applied mansard roof shall not be permitted. It is really simple, and this violates the Ordinance. The roof is a major feature on this design. A mansard roof is the type of roof that has all four sides; this roof has three sides. The HDBR should be authentic and avoid using conjecture features, especially on a roof. It would be like adding the widow's walk on a historic house where there is no evidence that one existed. This creates a false impression, and it is inappropriate. In designing with the mansard roof, they should not be applied; they should be detailed in a manner that is compatible with the historic character of the district.

Ryan Jarles of Historic Savannah Foundation said they have spoken at all the previous HDBR meetings about this project. They have spoken in support of this project. This support has not wavered. He just wanted to mention one thing as it was brought up in the Board's discussion. They have personally been in contact with the National Park Service regarding this matter and they have been working closely with them and other local stakeholders to address their threatening status. Within multiple phone calls with the National Park Service, they did state that they in fact have not reviewed this project in any way to discuss whether or not it does become a detriment to the City. They did include it as an example of something that they would review. But, as of yet, they have not determined that yet. Mr. Jarles said this project in their eyes, through research of Tom Wilson and other experts on the Oglethorpe Plan, does not create a damage or detriment to historic streets, lanes, squares, or block uses within this ward. All of those items do remain.

Their Architectural Review Committee found the project to be visually compatible within the ward, despite contrasting public comments or else they found the proposal to be thoughtful and beneficial to the ward. The HSF additionally supports the MPC staff and members of the Historic District Board of Review both of which followed the Ordinances, processes, and other things set before them addressing potential mistakes as they arose and making their decision based on the laws, Ordinances, and standards. Mr. Jarles said they find that there is treatment of the Metropolitan Planning Commission Historic Preservation Staff, as well as volunteer members of the Historic District Board of Review prior to this meeting, to be somewhat reprehensible. He said to summarize, the HSF does not support the appeal before the Board today and they are hopeful that the Board makes its decisions based on what is within their purview, and on the laws that they are bound to, as well as the HDBR has done in the past. He thanked the Board for their time and for all their efforts here. Thank you.

Attorney Harold Yellin came forward and stated that he was present on behalf of the Honorable Brad Baugh. He wanted to give a quick overview for those who are present today. He informed the Board that if they would look at the chart on the screen, they were approved for Part I Height and Mass on December 9, 2020. Their primary entrance faced Barnard Street at that time. The HDBR Preservation Officer recommended approval and the full Board approved a Certificate of Occupancy (COA) saying that they were "visually compatible." On September 14, 2022, they appeared again before the Historic Review Board for Part II Design approval. Once again, their submittal showed their primary entrance facing Barnard Street. Once again, staff recommended approval, and once again, HDBR approved their building facing Barnard Street, finding that it was visually compatible. For better or worse, they relied on a zoning letter from the City of Savannah. It was an interpretation of an Ordinance. This Board (ZBA) on October 27, 2022, remanded it back to HDBR and he quoted, "Remanded the petition for a COA for 336 Barnard Street back to the Historic District Board of Review to reconsider the decision regarding the position of the entranceway." This is exactly what they did and on December 14, 2022, HDBR once again, approved a Special Exception and found that the entrance location facing Barnard Street was visually compatible. He said that he has highlighted in "red" the three appeals that either Mr. Jones or his agent have appealed everything on the left-hand side and what is on the right-hand side is the appeal that is before the Board today.

Attorney Yellin explained that the appeal today is not like the previous appeal where someone or he was appealing the interpretation of the Zoning Ordinance. Today, he is challenging the discretion of the Historic Review Board. He said it is their position at this time that they have to stop this madness. But they know what is happening. This appeal is an attempt to delay, and they understand that, and it is maddening. But the members of the HDBR are just like you. They volunteer their time, and just like you, they make decisions based on their discretion. And in their discretion, they approved the COA. He told Chairman Merriman that he would finish up. He has asked Dr. Gobel to speak. He guesses he is one of those renegade SCAD professors that were alluded to earlier. But he is the fondest expert on the Oglethorpe Plan, and he will ask Dr. Gobel to address the Board next. Attorney Yellin said he has asked Dr. Gobel to address the Board because those who oppose them say that they don't follow the plan, and those who support their petition say that they absolutely follow the plan. He stated that he would not read the letters as he does not have time, but he has letters of support from local architect Patrick Shay, former HDBR Chairperson Becky Lynch, and Neil Dawson. He will put these letters into the record. He said he would also not read the resume because they were not given the time, but with the Chairman's permission, he asked to turn the remaining time over to Dr. Gobel.

Dr. David Gobel came forward and stated that he is an Architectural Historian and has lived in Savannah for 27 years. He has studied the Oglethorpe Plan, has lectured, written, and is currently doing research on it. He has no vested interest in this project. He has no interest in this project, other than friendship with the architect and some others. Dr. Gobel said it is his opinion that this project is fully compatible with the plan and spirit. He said that he can't speak to the Ordinances. Everyone who talks about Savannah, of course, starts with the garden view which was shown already. They are well familiar with it. A scene of City one year after its founding, shows much of what has been raised in terms of the configuration. But as they all know, this is not a theory, the plan is not the 1733 plan by James Oglethorpe, though, initiated that way. It is a plan that evolved actually not in the Colonial Period, but in the early republic and into 1851. As it did, his colleagues and he have learned by studying that plan, it's glory is in how it has been adapted, how it was

adapted by many planners, by the City of Savannah and City Council over those initial years and by the forces of the market with very few regulations in the Ordinances, but some and developed as a much more complicated city that included many buildings over time that faced un-tithing blocks that faced north-south streets, and of course, there are as you have heard 130 of such buildings today. Dr. Gobel said as you can see in the 1837 view, it was not that long after there are buildings that are doing every kind of configuration that he can think of in the 1830s. He said buildings face many different directions as they know. There are some very loved buildings that are not in compliance with the current regulations, "precedent" he should say.

Ms. Jennifer N. Herman, Deputy City Attorney for the City of Savannah came forward and stated that she was not a part of the public, but today serving as the Board's attorney. Attorney Herman said at this point, she wanted to raise a procedure point for their consideration. She said she defers to the Board's discretion. However, one of the interested parties had a 17-minute presentation. In fairness to the other interested parties which, as far as she is concerned, are not members of the public, but they are here with the detailed information that this Board needs to consider in this appeal, noting that the appellant has the burden, but still answers are due to the Board. She said her recommendation is that the Board reopen the vote and allow the opposing side to be given the adequate amount of time that Mr. Jones received.

Mr. Merriman said if someone makes the motion that the opposing side be allowed to split the presentation time, he will entertain it.

Mr. Evans moved that the opposing side (either the attorney or the architect) be allowed to split the presentation time - 13 minutes. The motion was seconded by Mr. Plunk. Voting in favor of **the motion were Mr. Condon, Mr. Evans, Ms. Jarrett, Ms. Jones, and Mr. Plunk with Mr. Merriman abstaining.**

Ms. Ellie Isaacs asked that Mr. Christain Sottile, architect, make the presentation.

Mr. Merriman informed Mr. Sottile that he had 13 minutes to make his presentation.

Mr. Sottile came forward and stated that he is the architect for this home. He said he appreciates the Board's time this morning. He said he would limit his time only to those items that are applicable in this appeal as was reviewed by the professionals on the MPC staff. There are three items. They are: 1. Streets and Lanes, 2. Window Configuration and 3. Mansard Roofs. The Historic District Board of Review has met three times and determined in its discretion that they have met the Ordinance for visual compatibility. Therefore, he is actually reluctant to address these points as they are already granular; but he will do so for clarification.

Mr. Sottile said first the Streets and Lanes. Under this point, he said he must underscore the fact that this is a primary building facing a primary street. The parcel map indicated with the application describes this clearly and the appeal being reviewed today was made in October and is an antique appeal because as you are aware, the project was subsequently brought back to the HDBR where they reviewed and affirmed their approval of the building's design and entrance location and correspondence with contributing buildings throughout the Historic District. In fact, there is one next door to the home. He said it may also be noted that as a fact with the Ordinance language, 7.8.10(a) refers to the Oglethorpe Planned area as in composing everything in the City plan between 1733 and 1851, and as has been previously documented, 130 buildings have been built in such a configuration as the subject home over the life of the City with the majority of those built in the 1800s and some going back to the 1700s. It is a fact that this pattern is within the Oglethorpe Plan area as recognized by the Ordinance through 1851. Mr. Sottile said; therefore, he does not believe further commentary on this point is necessary given the subsequent actions and approvals that have already taken place.

Mr. Sottile stated that next he would like to address "Window configuration types and alignments." He explained that 7.8.10.h.2.a.4 refers to windows facing a street by definition in the Ordinance, a lane is not a street. So, in the case of 336 Barnard Street, it is only a street fronting the facade is the facade facing Barnard Street. In this facade, all window and door elements are aligned around centerlines. In the case of the left and right, flanking windows and doors, they are all centered on each other. In the case of the oriel, which is the elevated bay window, its centerline tracks through

the center of the building. The windows are placed symmetrically on that central axis. It is a common convention for windows to align around the centerline and to hold that center. Like the historic Berrien House on Broughton Street is a good example of this, and many others throughout the City. As the Board can see, the principal of centerline alignment and the design of windows create these compositions. He said this is a very good analog, as well with an oriel window with the same window configuration below. Therefore, the window configurations on this facade are as follows per the Ordinance: "the oriel at the center, which is allowed by the Ordinance, a series of casements and doors to the left and right of the oriel window that are allowed by the Ordinance." He wanted it to be noted that these windows meet all requirements of proportions for individual sashes as specified in the Ordinance. Mr. Sottile said finally, there are three accent windows below in the foundation story of the home that are of other shapes that are also allowed by the Ordinance. Two of these are accenting the oriel window above and one is accenting the right side of the facade and balancing with the entrance. Every one of these windows is allowed by the Ordinance. It should be noted also in respect to other technical items that have been brought forward by the applicant that the window types for the building are in fact from a list of approved window types maintained by the Historic District Board of Review. They are identified as Colby Heritage Sterling series and coming from this approved list, it means that all the details of the windows, such as the sashes and muntins dissimilated by the lights, etc., all are per the standards that have been previously reviewed and have been used in projects throughout the Historic District. This specification was included in the HDBR submittal on page 45 that was reviewed by the Board for visual compatibility.

Mr. Sottile said there were some remarks about "fixed windows." It is a fact that the set of drawings that the HDBR voted on in September had several windows noted as "fixed" in the details schedule. He said and to walk through the process, after a Certificate of Appropriate (COA) is issued, the architect then has to prepare drawings to submit for permit. In this process, the drawings are sent back to the technical staff at the Historic Review Board to ensure that they are in compliance with the approved COA. So, in this process, they perform one final detail review. In this case, the technical staff doing their job noted several of the windows were noted as "fixed" and needed to be updated to "operable." Therefore, in compliance with the Ordinance, the drawings were updated with those specifications before proceeding to permitting. Mr. Sottile said it is very important to note [he has to say this] the result of the update was minor and technical in that there was no change! There was no change to the physical appearance of the building from what the Board had already reviewed, voted on, and approved as being visually compatible. It is actually very common in working through the technical details of any project to coordinate with the professional staff on numerous minor issues that do not affect the project's visual appearance.

Mr. Sottile stated what he was now showing on the screen is the drawing that was at the HDBR in September for approval. He then flipped to the drawing that was submitted for permitting with the staff's final review. There is no change in the drawing; only the notes changed. Therefore, instead of a window being fixed, now there is a hinge which does not change the shape, size, or configuration. This is a technical detail, and it is important. This is such a great example of the detail and effort that the MPC staff puts forward on every project to handle the many, many technical issues that are involved in building.

Mr. Sottile said finally the "Mansard Roof." The Ordinance notes that the mansard roof slopes from four sides. The reality of the condition where a mansard roof meets a taller adjacent building element is that the roof dies out into that taller element. An example of this would be the contributing building at the corner of Liberty Street and Bull Street; just to provide context. The building at 4 West Liberty Street is adjacent to a taller mass, which in this case, is behind it, and its mansard roof terminates into it. This is actually the only way a roof can meet a taller mass. So, they can see that the building at 4 West Liberty is on the right, and as it meets the building with the taller mass, that mansard roof just dies into it. This is just how that is done, if you didn't you would be creating a valley, and it would not make sense. Mr. Sottile said this is such a good example of the judgment that the HDBR exercises in reviewing proposals and applying the design standards to actual conditions during subvisual compatibility. He said that this is real life, and this is what they do every day.

Mr. Sottile said in conclusion as a practicing architect, he works diligently to uphold the quality and integrity of Savannah's Historic District. They have worked very hard to earn the COA and while

they don't always agree with the HDBR, they do recognize the importance of their judgment. They have reviewed this project three times and approved it. Mr. Sottile respectfully asked that they uphold the integrity of their judgment. Thank you.

Mr. Evans stated that he believes that Mr. Sottile said [and Attorney Yellin said also] made several references to the HDBR discretion. Obviously, some of the standards that they are dealing with in the Ordinance seems to be fairly objective. What is the source of HDBR's discretion? Where does it come into play? Does the statute provide for that discretion?

Mr. Sottile said he probably should refer to legal counsel to speak to this.

Mr. Evans said they can ask their counsel or staff this question.

Mr. Merriman said maybe they will ask staff this question.

Mr. Plunk stated that when Mr. Sottile made his presentation, he stated that these were the things that were essential germane to what they can review as far as the appeal under the trash can issues that have been brought up numerous times. Is this something that can be reviewable? He said the staff's report prepared and identified the three items that actually are appealable.

Mr. Sottile answered that he limited his presentation in order to keep focus today on those three items.

Mr. Plunk said he would save his question for staff unless Mr. Sottile wanted to answer the question on the trash cans now.

Ms. Paul-Leto stated that there are three specific sections. They are street and lanes - Section 7.8.10(a), window configurations - Section 7.8.10(h)(2)9a), and roofs - Section 7.8.10(k). So, the three specific things are the mansard roof, configuration of the windows, and street and lands.

Mr. Plunk asked if the bins fall in the portion of this.

Ms. Paul-Leto answered not in this section of the Code. She stated that she can highlight that section.

Mr. Plunk stated that one of the main issues at hand now seems to be that the presentation they saw from the appellant and some of the folks that are responding to it, are saying that some of the things are based on an outdated report. The design that he is referring to is outdated. He asked staff to speak to this. Is it true that most of the things that he brought up that are reviewable have been addressed in subsequent redesigns?

Ms. Isaacs stated that sanitation is not in the HDBR's purview. This is not something that they can address.

Mr. Plunk thanked Ms. Isaacs for the clarification.

Ms. Leah Michalak, Historic Presentation Director, stated that she can answer that the design element drawings, basically the hand renderings that were shown in the appellant's drawings, were not the final construction documents that staff signed on for the building permit. Did that answer your question?

Mr. Plunk replied that he did not know if the applicant had a response to the question.

Mr. Merriman explained that one thing the Board did not provide for was for Mr. Jones to rebut public comments. But the Board will give him a few minutes to so.

Mr. Merriman asked if there were any more public comments.

Ms. Jarrett said she wanted to ask a question about the mansard roof. She said that in the example that was shown to the Board, it appeared that there were two separate structures that were not built at the same time or with the same design ideas. Your structure is just one. Doesn't

the mansard roof butts into a portion of your structure?

Mr. Sottile answered that it does. He does not know if this is necessarily germane to the concept of how to properly manage water with roof forms. This becomes a very architectural question and this sort of moves back into the land of historical review and the discretionary discussions. However, he would state briefly that using a mansard in this condition is in fact to soften the massing of this building in the lane. The alternative would actually be a bigger building. Certainly, from the very beginning, they designed this building with a lot of care for the issue of scaling and being a good neighbor, adjacent to another mansard roof, in fact on the adjacent property.

Ms. Jarrett stated about the green roof, the section that is larger. Do you have any comments on that?

Mr. Sottile answered that he did not believe that this is germane to today's proceedings. He believes this is taken from another part of the Ordinance. There is a part of the Ordinance for large scale buildings that deals with green roofs; but to his knowledge, this is not applicable to this project. Therefore, he does not know what to say about that.

Mr. Evans stated that a comment was made about parapet walls that were also taken out of context.

Mr. Sottile explained that the parapet walls fall within the dimension of the Ordinance, and of course, they have been reviewed carefully.

Mr. Merriman asked if Ms. Bridget Lidy, City of Savannah Zoning Administrator, was online.

Ms. Lidy responded that she was online. She wanted to know if the Board could hear her.

Mr. Merriman answered that Ms. Lidy was not coming in clearly.

Mr. Lotson informed Ms. Lidy that if she is able to turn her volume up, this would help the Board to hear her better.

Ms. Lidy said she had the volume turned up to the maximum.

Mr. Merriman told Ms. Lidy to hold on. Staff will see if she could be amplified here.

Ms. Lidy asked Mr. Merriman if he was responding because she raised her hand.

Mr. Merriman answered yes.

Ms. Lidy said she raised her hand as there was a time when the Chairman was speaking, the microphone was not working.

Mr. Lotson informed Ms. Lidy that this was recertified.

Ms. Lidy said this is why she raised her hand. That was all she wanted to say. Thank you.

Mr. Merriman asked for additional public comments. There were none. He informed Mr. Jones that he would be given three minutes to rebut public comments.

Mr. Jones came forward and thanked the Board. He said that many of the answers that the Board just received to their questions were simply wrong. He said the central line requirement applies to all windows and doors. The provision is cited and quoted in the PowerPoint. The facing requirement is not on the centerline; it is on a different provision. Therefore, they are wrong there. Furthermore, a lane is a street, and he included the definition in the presentation; it is in the definition for the Ordinance. Therefore, you have all of those sites. Those answers were wrong. And to justify the oriel windows and being in the wrong proportions and not be on the centerline, what did he do? He showed you a 19th century precedent. That does not matter; that building is grandfathered. They are talking about new construction. He needs a precedent of the building post

designation in order to justify anything. There is nowhere precedent. So, it is an interesting argument that appeals to you emotionally, but it is not what the statute provides.

Mr. Jones said the window types. He said that there is an approved list, and he is okay; but it really does not matter what list the HDBR has as its approved list. If they have an approved list, it must meet the requirements in the Ordinance. The HDBR does not override the Ordinance. Therefore, he is showing us in his schedule fixed windows that are permitted. It does not matter if the HDBR made a mistake or the MPC made a mistake. They are not permitted under the Ordinance. Mr. Jones said what is interesting, is the argument that they are not looking at the final drawings. He wanted it to be remembered that they are appealing the decision made on the 14th. Right? Therefore, they are appealing the drawings as of the 14th. They do not have access to the superseded drawings that no one seems to have a copy of. What is interesting is he brought up some of those drawings and showed that there is virtually no change. At the December 14th hearing on the Special Exception, they said that the building plans had not changed. When they say that the building plans have changed, they cannot seem to cite any examples that are relevant to the nine violations that they have discussed. So, they need to rely on the drawings that are included here, and this is what they are appealing. He said that the Board can be assured that they have represented that there is hardly any change.

Mr. Jones stated that the mansard roof is not the only item in the appeal. They object to the limitation, but after the mention that there are some other roof related items, they are all design standards, cited in the 7.8.10 design standards. Every point that they brought up, that is what their appeal is about. The roof deck, the fourth story issue, all of those were in the appeal and are appealable. If there is any misunderstanding that there was a limitation by staff, they certainly object. They have a due process right to appeal the design standards and they did. He noted that with the mansard roof, he tried again to cite a contributing building. The trash cans are in the design standards. Mr. Jones said he quoted the section from the design standards that say you have to have a space for the refuse. He told the Board that this is something for them to consider. It is under the HDBR review; and of course, the green roof is, too. Now, the green roof provision is 7.8.10.

Mr. Merriman informed Mr. Jones that his three minutes were up.

Mr. Jones said thank you.

Mr. Merriman said he believes the Board had some questions for staff. He knew that Ms. Jarrett and he probably had the same question for staff.

Mr. Merriman said he did not know whether his question would be answered by Mr. Lotson or Ms. Michalak, but he wanted one of them to elaborate on the discretionary leeway for the HDBR.

Attorney Herman, Deputy City Attorney, asked the Chair if she could answer his question.

Mr. Merriman informed the Deputy City Attorney that if she could answer the question, it would be fine.

Attorney Herman explained that in the Code of Ordinances for the City of Savannah, each Board is called out and created. With any Ordinance scheme, the Board's jurisdiction, for lack of a better term, the scope of your review is laid out in each Ordinance. If it is HDBR that occurs the same for the ZBA. In an instance, what happens is, if it is identified within that scope, the board has discretion, you all do. They review the participant's application and make a decision. Does this answer your question?

Mr. Merriman answered no. His question was more in regard to the leeway that has been given on the mansard roof. He asked Ms. Jarrett if this is what she was going to ask also.

Ms. Jarrett answered that would be helpful, but she wanted to know if there was a standard.

Attorney Herman stated that the standard would be arbitrary and capricious. So, as long as the exercise of discretion is not arbitrary or capricious, the decision would be defensible. This would be

an appeal to this fair court. She stated if Ms. Jarrett's question is that the Ordinance say you have to win 51-50 of your decisions, the answer is no.

Ms. Jarrett asked how much leeway to they have. Do they have discretion in everything, or is there a certain percentage of the building that they can have discretion over?

Attorney Herman said their discretion is limited to what the Ordinance calls out. She said she did not have that in front of her right now, but the one last month was a special exception. She believed that there were two instances under the HDBR's discretion.

Mr. Merriman said he had a question that he believes that Ms. Michalak will be able to answer for him. He explained that Mr. Jones has said that the Ordinance directs that all the windows and doors be aligned for the whole perimeter of this building. Mr. Sottile said that this only applies to the street side. Which one is right?

Ms. Michalak answered that a street and a lane are not defined as the same in the Ordinance. They have standards that apply to streets, and they have standards that applies to lanes. She said as far as the centerlines, she did not have the Ordinance in front of her. But she believes that the centerline standards apply to street fronting facades. Ms. Michalak stated that she knows that streets and lanes have different standards,

Mr. Evans said it is stated in the staff's report. He asked if the Board wants him to read it.

Mr. Merriman answered yes, go ahead and read it.

Mr. Evans read that all windows facing a street, exclusive of storefronts, basement and top story windows, shall be rectangular and shall have a vertical to horizontal ratio of no less than 5:3.

Mr. Merriman asked if it speaks to the vertical alignment.

Mr. Evans said this is in subpart 4 which states that the centerline of the window and door openings shall align vertically.

Mr. Merriman asked if it says **all**.

Mr. Evans stated that it says the centerlines of the window and door openings all align vertically. It is not a subpart of the prior subsections. So, there is no reference.

Mr. Merriman stated that it is vague.

Mr. Evans answered to that extent there is an ambiguity; then you would have to appeal the other sections of the statute.

Mr. Merriman asked the if there were any more questions for staff or anyone else before they enter the Board's Discussion.

Ms. Leslie Anton of the Beehive Foundation came forward. Ms. Anton said this is about the garbage issue. She said she understood that the garbage bin issue is not appealable; it has been approved by staff and meets the Ordinance. But what about the issue with the submitted drawings of the 20 x 20 trash bins size versus the 23 x 36 bins. Which is it?

Mr. Merriman answered that the trash bins are not within the Board's purview.

Mr. Jones answered that it is within this Board's purview. It is in Section 7.8.10.

Mr. Merriman stated again that the bins are not a part of their review. He asked Mr. Lotson if he had anything to say regarding this issue.

Mr. Lotson explained that he believes the issue of the dimensions of the bins on the drawings is not within the HDBR's purview to review, that specific issue is not something that they would review when they are considering the drawings for approval of a COA.

Mr. Merriman stated that the Board will now enter into Board Discussion. There will be no more public comments.

BOARD DISCUSSION

Mr. Plunk that he believes, if the Board agrees, that it would be better for them to go through each appeal separately. He just wanted that matter to be clarified for whoever makes the motion. They can discuss the appeals as a whole, but just whenever the motion is made, be careful and address each motion as appeal #1, appeal #2, and appeal #3. They will have three separate issues.

Mr. Merriman called on each Board member to make their comments.

Ms. Jones did not have a comment at this time.

Mr. Condon did not have a comment at this time.

Ms. Jarrett did have a comment at this time.

Mr. Evans said the Board has heard a lot. It is somewhat hard to sum it all up, typically, when they cannot verify some of the assertions that were in front of them. He was not sure that he heard a satisfactory answer on where the Historic Review Board's discretion derives, but absent that, every Ordinance and statute, there is nothing perfect. There will always be some degree of interpretation. So, even with not having that answered, in his mind, the Historic Review Board has the ability to exercise some discretion. Keeping that in respect for each of the appeals, again they identified the ambiguity. He said facing the street question, the issue they ran into was that the statute does not specifically address it with regards to the alignment. The way he would read it is that following subsection 1. where it says all windows facing the street, he would interpret that to apply to the remainder of the section that "as such that windows facing a lane would not be subject of the alignment requirement." He thinks that if satisfactorily addressed with the new drawings that were presented to the HDBR, the ratio's question and the mansard roof question to him is a discretionary issue concerning visual compatibility. He believes Ms. Jarrett's point that this was a mansard roof contacting that the building be built as opposed to any existing building. But, however, from a practical and architectural standpoint, you do not want to create a water issue. The mansard roof, itself, is visually compatible with the adjacent building. Therefore, he believes that this falls within the HDBR's discretion.

Mr. Merriman directed the Board's attention to look at **Streets and Lanes - Appeal #1 Sec. 7.8.10.a.** which states that: i. Development shall preserve or reconstruct the historic ward pattern of streets and lanes within the Oglethorpe Plan Area. The Oglethorpe Plan Area is that portion of the Savannah National Historic Landmark District comprised of the city plan, established by James Edward Oglethorpe in 1733 and continued until 1851, that is unique to Savannah for its system of wards containing a series of urban blocks divided by streets and lanes with a central public square. For the purpose of this section, a square is a common public open space in the center of a ward, typically one (1) acre in size.

Mr. Merriman said that the HDBR has reviewed the application and they have voted on it. He stated that he has served on the HDBR's Board. He has explained it the best he could. Mr. Merriman read that the "Zoning Board of Appeals shall determine whether the Certificate of Appropriateness (COA) 20-005548 in this appeal request meets the determination of this Ordinance". He said that he saw three things in this appeal. He asked Mr. Plunk if he saw the same thing. They are whether or not the development in the streets and lane have been upheld. They have the configuration of the windows, which seems a little cloudy from what Mr. Evans read and they have the roof.

Mr. Plunk said their options are to affirm to reverse or to affirm in part and revise in part.

Mr. Merriman said or modify.

Mr. Plunk said to the extent that there are subparts to it, he thinks to have any specific discussion

and a vote, they would have to have a motion on the table as to affirm, or reverse, or modify; or affirm and reverse in part.

Mr. Lotson added that if a motion is made and he believed that Mr. Plunk mentioned taking them one at a time in terms of the items under appeal. If a motion is made to uphold the appeal, that should be followed by the findings of facts that the applicant has proven his position.

Mr. Merriman concurred and said that if there is a motion to uphold the appeal, it needs to be some kind of direction as to what happens at that point. If it is appealed, what happens to this project after that; or to deny the appeal, then he guesses this is all that needs to happen.

Mr. Latson answered correct.

Motion

The Savannah Zoning Board of Appeals does hereby deny the requested Appeal #1 to Section 7.8.10.a regarding Streets and Lanes for the subject property at 336 Barnard Street.

Vote Results (Approved)

Motion: Stephen Plunk

Second: Larry Evans

Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Aye
Michael Condon	- Aye
Larry Evans	- Aye
Stephen Plunk	- Aye
Betty Jones	- Aye

Motion

The Savannah Zoning Board of Appeals does hereby deny the requested Appeal #2 Configurations - Section 7.8.10.h.2.a.iv for the subject property located at 336 Barnard Street.

Vote Results (Approved)

Motion: Larry Evans

Second: Michael Condon

Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Aye
Michael Condon	- Aye
Larry Evans	- Aye
Stephen Plunk	- Aye
Betty Jones	- Aye

Motion

The Savannah Zoning Board of Appeals does hereby deny the requested Appeal #3 Roofs - Section 7.8.10.k for the subject property located at 336 Barnard Street.

Vote Results (Approved)

Motion: Michael Condon

Second: Larry Evans

Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Nay
Michael Condon	- Aye
Larry Evans	- Aye
Stephen Plunk	- Aye
Betty Jones	- Aye

[6. VARIANCE REQUEST | 217 Cumming St | File No. 22-005422 | Lot Width and Lot Size Reduction](#)

📎 [MAP.pdf](#)

📎 [Survey_217 Cumming Street.pdf](#)

📎 [Street View.pdf](#)

📎 [Staff Report rev.pdf](#)

NOTE: The Board took a 5-minute break.

Mr. Nirav Gandhi gave the staff report. The subject property is zoned RSF-5 for Single Family Residential. The minimum lot size requirement for this district is 5,000 square feet, and the minimum lot width requirement is 50 feet. The applicant is requesting a lot width variance and a lot size variance in order to subdivide the property and sell a portion to their neighbor on the north adjacent property. The applicant is requesting the following variances:

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

Mr. Gandhi said 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 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 (CHSA) 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 square feet portion of the subject property to be recombined with the adjacent lot. The resulting lot would be 3,900 square feet. 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 square feet lot area variance to reduce the lot area from 5,000 square feet to 3,900 square feet would be required. Staff has recommended that the applicant amend their petition to reflect this second needed variance.

Mr. Gandhi reported that based upon the variance criteria, staff recommends approval of the following variances:

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

Mr. Gandhi entertained questions from the Board.

Ms. Jarrett said she wanted to be sure that there was enough room for the new property so that the

smaller width property would be able to park off the Street.

Mr. Gandhi stated that the petitioner is not getting a parking variance. They will still be required to park onsite.

PETITIONER COMMENTS

Ms. Jenise Irizarry of the Community Housing Services Agency (CHSA) informed the Board that they already have the plans drawn for the house. The parking will be on the lot. This will be an affordable three-bedroom house. Ms. Irizarry entertained questions from the Board.

PUBLIC COMMENTS

None.

Motion

The Savannah Zoning Board of Appeals does hereby approve the variance requests for 217 Cumming Street.

Vote Results (Approved)

Motion: Karen Jarrett

Second: Stephen Plunk

Stephen Merriman, Jr. - Abstain

Karen Jarrett - Aye

Michael Condon - Aye

Larry Evans - Aye

Stephen Plunk - Aye

Betty Jones - Aye

7. VARIANCE REQUEST | 1114 East 48th St | File No. 22-005394 | Rear Yard, Side Yard, Lot Coverage

📎 [Easement Agreement.pdf](#)

📎 [MAP.pdf](#)

📎 [Letter 2.pdf](#)

📎 [Letter 1.pdf](#)

📎 [Staff Report.pdf](#)

📎 [Support Letter](#)

Mr. Nirav Gandhi gave the staff report. The applicant is requesting three variances for the purpose of adding 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 feet, a minimum side yard setback of 5 feet, and a maximum lot coverage area of 40%. The applicant's proposed design for an extension would require the following three variances:

1. Reduction of the rear yard setback from 20 feet to 8 feet.
2. Reduction of the side yard setback from 5 feet to 0 feet.
3. An increase in the lot coverage from 40% to 41%.

Mr. Gandhi explained 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 was built according to the development pattern of that time with a small lot and small setbacks. The owner previously had a porch in the rear yard that has been recently demolished as part of the renovation. The minimum rear setback for this district is 20 feet, so the porch is already encroaching into

its setback by 5 feet. They wish to add an additional 9' x 22' screened porch. This porch is intended to be an 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 even the RSF-5 district, which allows for smaller lots than RSF-6, and would be considered nonconforming 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 he received two letters of support. But one neighbor who lives a block away had some concerns about how this would affect flooding in the area. Staff looked at this and does not believe that it would negatively impact the block in terms of flooding. Mr. Gandhi reported that based upon the variance criteria, staff recommends approval of the following variances:

1. Reduce rear yard setback from 20 feet to 8 feet.
2. Reduce side yard setback from 5 feet to 0 feet.
3. Increase lot coverage maximum from 40% to 41%

Mr. Gandhi entertained questions from the Board.

PETITIONER COMMENTS

Mr. Bill Lynch came forward and stated that he is the property owner of 1114 East 48th Street. Mr. Lynch stated that he appreciated that Mr. Gandhi and Mr. Lotson came out and personally inspected their situation. They really enjoy this neighborhood. His son will be living here; he is a co-owner. He has many friends that live here. This is a very vibrant neighborhood. The goal is to maintain the integrity of the neighborhood and this historic house.

PUBLIC COMMENTS

None.

Motion

The Savannah Zoning Board of Appeals does hereby approve the rear yard, side yard and lot coverage at 1114 East 48th Street as requested.

Reduce rear yard setback from 20 feet to 8 feet.
Reduce side yard setback from 5 feet to 0 feet.
Increase lot coverage maximum from 40% to 41%

Vote Results (Approved)

Motion: Stephen Plunk

Second: Michael Condon

Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Aye
Michael Condon	- Aye
Larry Evans	- Aye
Stephen Plunk	- Aye
Betty Jones	- Aye

[8. VARIANCE REQUEST | 2408 East 37th St | File No. 22-005894 | Lot Width and Lot Size Reduction](#)

[Map.pdf](#)

[Staff Report.pdf](#)

[Street View.pdf](#)

Mr. Nirav Gandhi gave the staff report. The subject property is zoned RSF-6 for Single Family Residential. The minimum lot size requirement for this district is 6,000 sq ft, and the minimum lot width requirement is 60 feet. The applicant is requesting two variances at 2408 East 37th Street. 1. Reduce the minimum lot size from 6,000 square feet to 4,900 square feet. 2. Reduce the minimum lot width from 60 feet to 50 feet.

Mr. Gandhi explained that the subject property is unusually large for the area, measuring 16,800 square feet with most of the neighboring properties in the same zoning district measuring between 5,200 square feet and 6,100 square feet. The six adjacent properties, facing East 37th Street are all 6,100 square feet and 68 feet across, exceeding the minimum lot size and lot width requirements for RSF-6. The petitioner intends to subdivide the property into three pieces if the variance is granted and use each one for a single-family home. The property was developed with a single-family home that was demolished by the previous owner. The petitioner could subdivide the property into two properties around 8,400 square feet each by right and place two single family homes on it. However, they wish to divide it into three parcels. One would have access through Bonaventure Court, while the other two would have access by way of East 37th Street. The proposed lot #3 would be compliant with all requirements of RSF-6 districts, but the two parcels facing East 37th Street would not meet minimum standards for lot width and lot area in RSF-6. Lots 1 and 2 would need a minimum lot size reduction of 6,000 square feet to 4,900 square feet and a lot width reduction of 60 feet to 50 feet.

Mr. Gandhi informed the Board that a neighbor came in this morning, but because the first petition hearing was so long, he had to leave. He is the neighbor on the north and is strongly opposed to this request. This is a maintained dirt driveway, and the neighbor was opposed to having people come by the property and passing all the homes frequently. Other than that, this was the only correspondence he received pertaining to this request.

Mr. Gandhi reported that staff recommends denial of the two variances. He entertained questions from the Board.

Mr. Condon asked what the approximate square footage is of the six lots on East 37th Street.

Mr. Gandhi answered that the lots are 6,100 square feet each.

Mr. Condon asked what the approximate square footage is of the lots on the other side.

Mr. Gandhi answered that they are the same size, 6,100 square feet. The widths are different.

Mr. Lotson explained that he spent some time in this neighborhood. He said historically, there was a single-family residence on this parcel. It went into disrepair and was demolished he believes by the previous owner and not the current owner. He believes that what the staff looked at when they were considering their recommendation, was the overall development pattern in the neighborhood. As Mr. Gandhi has said, the area to the north and a little to the west, is very different than the areas to the south and east, which is more regimented in traditional and sort of midtown development pattern. Mr. Lotson said he believes what the Board is considering today is whether or not one additional residential unit is a detriment or not. He said that he believes the issue related to Bonaventure Court here is that staff's information suggested that this is a public right-of-way. Therefore, this property potentially could be accessed for that one additional parcel from that drive. Mr. Lotson said he believes the applicant also has a plan that would include accessing all three properties if approved from 37th Street. This is just some background information they looked at when they were considering this petition.

Ms. Jarrett asked if the idea is to split the property down the middle to make it two consistent lots.

Mr. Gandhi explained that if the petitioner was to make it two consistent lots, it would be much easier

probably to cut it down the middle.

Ms. Jarrett said the frontage would not be an issue, they would have a narrow frontage either way. She said that we are in need of more housing. Correct?

Mr. Lotson stated that he would say to the frontage issue, really is what you get if the larger lot is 16,000 square feet. Both of these two parcels would front onto 37th Street. However, the Bonaventure Court is a legal access. So, you could have a property that is accessed from Bonaventure Court.

PETITIONER COMMENTS

Mr. Peter Callejas of Homestead Architecture thanked the Board of considering their petition. He said his client is heavily invested in trying to provide affordable housing in Savannah. Actually, the one house that is shown on the front to the right is actually an early 1900 home that has been dismantled and is a beautiful, small bungalow not inconsistent with the size or style of the houses in the neighborhood. As he has said, they are trying to provide affordable housing for this area. The only feasible way they can do it is to do it with three lots and this the house that they have shown here is actually the house that has been dismantled and will be reassembled on a new foundation. Mr. Callejas said, of course, it will meet all Codes and Ordinances. The number one goal is to try to provide affordable housing, while trying to prevent historical homes from being demolished. They have some nonprofit organizations that will help them reassemble the house. The other two lots may or may not be reassembled houses that have been dismantled, but they could be new while also be consistent with the type, style, and size of the homes in the neighborhood. He said that they are not trying to do anything detrimental, but they feel that in order to make this feasible, this was somewhat the only way to do it. Yes, the lots are a little narrow on the frontage part; it was a huge lot. If you divide it in half, one of the lots is large than the normal lot size in this neighborhood.

Mr. Callejas said he has a drawing, which the Board saw that shows the density. It is a little irregular in the neighborhood. However, they are trying to do what is right. They do not believe that what they are doing will harm the neighborhood nor the value of the homes. As he has said, they are just trying to do the right thing. Mr. Callejas was hopeful that they get the Board's support.

Mr. Callejas said that the owner, Ms. Laurie Devetger, would now come forward and tell the Board about her mission.

Ms. Devetger said she is working with Repurpose Savannah. She did not know if the Board heard about Repurpose Savannah, but they are an amazing all female-run organization. She has a contract to repair this house.

Mr. Merriman asked Ms. Devetger if the office is on Gwinnet Street

Ms. Devetger answered yes. She entertained questions from the Board.

Mr. Plunk said that staff mentioned a potential plan as far as accessing all three lots from 37th Street. He asked Mr. Callejas to please tell the Board more about this.

Mr. Callejas explained that they were not sure how all of this would play out. One scenario was to come in off Bonaventure Court, which is a dirt road and is a little congested back there. The other scenario was to provide an easement between the two buildings so that all three buildings could have a driveway between the two buildings.

Mr. Gandhi stated that the neighbor that he spoke to who owns all the property behind, he said he would be personally okay with it if the easement access was done from 37th Street that he would have no problems with it.

PUBLIC COMMENTS

None.

BOARD DISCUSSION

The Board did not have any more discussion. Mr. Merriman entertained a motion.

Motion

The Savannah Zoning Board of Appeals does hereby approve the petitioner's variance request for Lot Width and Lot Size Reduction for 2408 East 37th Street. as follows:

Reduce the minimum lot size from 6,000 square feet to 4,900 square feet.

Reduce the minimum lot width from 60 feet to 50 feet.

Vote Results (Approved)

Motion: Stephen Plunk

Second: Michael Condon

Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Aye
Michael Condon	- Aye
Larry Evans	- Aye
Stephen Plunk	- Aye
Betty Jones	- Aye

XI. Other Business

[9. 2023 Nomination of Officers](#)

Mr. Merriman asked the Board for nominations for Chair and Vice-Chair for 2023.

Ms. Jarrett nominated Mr. Merriman Chair for 2023 and **Mr. Plunk** nominated Mr. Condon Vice-Chair for 2023.

Motion

The Savannah Zoning Board of Appeals does hereby approve that Mr. Stephen Merriman is the 2023 Chair and Mr. Michael Condon 2023 Vice Chair.

Vote Results (Approved)

Motion: Karen Jarrett

Second: Stephen Plunk

Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Aye
Michael Condon	- Aye
Larry Evans	- Aye
Stephen Plunk	- Aye
Betty Jones	- Aye

XII. Adjournment

10. Adjourned

There being no further business to come before the Savannah Zoning Board of Appeals, Mr. Merriman adjourned the meeting at approximately 12:45 p.m.

Respectfully Submitted,

Marcus Lotson, Director
Development Services

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.