



City of Savannah Zoning Board of Appeals

Arthur A. Mendonsa Hearing Room
June 22, 2023 - 10:00 A.M.
Meeting Minutes

JUNE 22, 2023 CITY OF SAVANNAH ZONING BOARD OF APPEALS

Members Present: Michael Condon, Vice Chair
Larry Evans
Karen Jarrett
Stephen Plunk
Armand Turner

Member Absent: Stephen Merriman, Jr., Chair
Betty Jones

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

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

City of Savannah: Tom Bolton, Zoning Plans Examiner
John Anagnost, Zoning Plans Examiner
Gary Bronstein, Code Compliance Supervisor

I. Call to Order and Welcome

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

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

Mr. Condon explained that the meeting was going to start today with the Director of the MPC introducing the staff members.

Mrs. Melanie Wilson, Executive Director of MPC, introduced Mr. Edward Morrow, Interim Development Services Director. Mrs. Wilson said that Mr. Morrow has a great background. He is a Georgia Tech graduate and graduated from Morehouse College. She also introduced the other staff members that the Board would hear presenting petitions today. They were Ms. Melissa Paul-Leto [the Board knows her] and Mr. Jamie Zerillo. Mr. Zerillo works with the Historic Preservation Department, but as a part of cross training, Mr. Zerillo is assisting ZBA.

Mr. Michael Condon, Vice-Chair, called the meeting to order at 10:03 a.m., He explained that this is a quasi-judicial proceeding. Mr. Condon welcomed everyone. He explained that all wishing to give testimony during these proceedings please sign in. They were sworn-in by Mr. Condon. He further explained that all proceedings of the Savannah Zoning Board of Appeals are recorded. Decisions of the Savannah Zoning Board of Appeals are final. Challenges to the decisions of the Savannah Zoning Board of Appeals must be filed through the Superior Court of Chatham County.

II. Invocation and Pledge of Allegiance

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

The Invocation was given by **Mr. Condon**. 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V. Item(s) Requested to be Withdrawn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 May 25, 2023, Meeting Minutes](#)

📎 [May 25, 2023 Meeting Minutes.pdf](#)

Motion

The Savannah Zoning Board of Review does hereby approve the May 25, 2023 Meeting Minutes.

Vote Results (Approved)

Motion: Stephen Plunk

Second: Armand Turner

Karen Jarrett - Aye

Michael Condon - Abstain

Larry Evans - Aye

Stephen Plunk - Aye

Armand Turner - Aye

VII. Approval of Final Agenda

VIII. Consent Agenda

IX. Old Business

[4. VARIANCE | 1313 Habersham Street | Request for a reduction of eleven \(11\) off-street parking spaces | 23-002255-ZBA](#)

📎 [Staff Report.pdf](#)

📎 [Letter of Support.pdf](#)

📎 [Application.pdf](#)

📎 [Parking and square footage information from Bridget Lidy.pdf](#)

📎 [MAP.pdf](#)

📎 [Parking Calculations email.pdf](#)

📎 [Request to deny ZBA June 22, 2023 agenda item #4_23-002255-ZBA.pdf](#)

Ms. Melissa Paul-Leto gave the Staff presentation. Ms. Leto explained that this petition was on the May 25, 2023, agenda. The Petitioner requested a continuance to this meeting. She showed the Board the aerial view of 1313 Habersham Street. It is on the corner of Habersham Street and Anderson Street. The name of the establishment is Shuck Mediterranean restaurant. She showed the Board the parking spaces that the restaurant is currently providing. Ms. Leto stated that technically there is one ADA space and four parking spaces.

Ms. Paul-Leto explained that the Petitioner is requesting a variance. She showed the Board the Petitioner's site plan. They have 3,832 square feet. She pointed to an area and said this is their proposed site. They are proposing to place an outdoor seating area with landscaping. They have plans to convert their parking spaces that were required for the actual restaurant to the lane area. While doing this, they are needing an 11 off-street parking space variance. The subject property is approximately 0.17 acres 7,402 square feet. The property is in the TC-1 Traditional Commercial Zoning District. She stated that this one-story commercial building was significantly renovated in 2015. The restaurant occupies about 4,134 square feet of interior space. Within the interior of the restaurant, approximately 92 seats are available, and 12 seats are available as part of their outdoor sidewalk dining. Ms. Paul-Leto said that in accordance with the City's Zoning Administrator, the property owner converted a paved surface parking area to the rear of the restaurant on East Anderson Street with new pervious pavers, which include five off-street parking spaces and three on-street parking spaces provided on the frontage along Habersham Street, for a total of eight vehicles parking spaces. She explained that the parking space for a restaurant is one parking space per 100 square feet of consumption area. The new outdoor dining area, based on the site plan, will be 1,517 square feet. There is a 25% parking reduction for the Victorian District. This resulted in 11 off-street parking spaces. The property owner is providing six parking spaces off the lane for the existing restaurant requirements.

Ms. Paul-Leto said that Staff's finding is that the proposed 1,517 square feet of outdoor dining area is what is triggering the need for the parking variance request. She stated again that currently, the restaurant has approximately 92 indoor seats and 12 outdoor sidewalk café seats, while conforming to the minimum off-street parking requirements. The request to convert the conforming parking lot into outdoor dining and asking for an 11 off-street parking variance is not consistent with the intent of the Ordinance. Another finding by the Staff is that there are no special conditions and/or circumstances which are peculiar to the land, building, or structures involved. The property currently conforms to the minimum parking requirements for the Shuck Mediterranean restaurant. The proposed outdoor seating within the off-street parking lot is the reason for this parking variance request. The Petitioner has more than 90 indoor dining seats and 12 outdoor café seats. This parking request is a direct result from the actions of the Petitioner.

Ms. Paul-Leto explained that the parking request would not result in unnecessary and undue hardship for the Petitioner. The parking variance, itself, is unnecessary as the Shuck Mediterranean restaurant has sufficient space indoors and outdoor café seating to accommodate customers and has a sufficient parking lot with pervious pavers that follow the current minimum parking requirements.

Ms. Paul-Leto reported that as a result based on the variance criteria, Staff recommends denial of the requested parking variance. She entertained questions from the Board and explained that the Petitioner, Mr. Robert McCorkle, was present.

Mr. Plunk asked if the grass lot was a part of the subject property.

Ms. Paul-Leto answered no. It is an adjacent parcel.

PETITIONER COMMENTS

Attorney Robert McCorkle came forward and showed the Board a picture of the Shuck Mediterranean Restaurant. Attorney McCorkle said that his client has spent more than \$1.5 million dollars renovating this building in 2021-2022 to make it the beautiful building that it is now. The restaurant is a great addition to this neighborhood and opened in 2022.

Attorney McCorkle said that as this operates, most of the staff live in the immediate vicinity and walk to work. A great majority of the customers walk or ride bicycles to the restaurant. He explained that they have six parking spaces currently in the lot that were probably grandfathered in. Before the restaurant was here, a coffee shop was here. Also, a furniture store was located here for many decades. A commercial building was always located here. They have a 4,000 square foot restaurant with six parking spaces available for off-street parking.

Attorney McCorkle said he wanted to make a note about the on-street parking. He explained that on Habersham Street, adjacent to their building, are four on-street parking spaces. Maybe they can squeeze five spaces here, but realistically there are four on-street parking spaces. At the dentist office, there are four additional parking spaces here and across the street there are nine parking spaces. Therefore, they have approximately 17 to 18 on-street parking spaces in their immediate block. The Chatham Transit Authority [CAT] has a bus stop here that is located directly across the street on East Anderson Street. A free trolley also stops approximately two blocks from the restaurant. Therefore, there are a lot of alternatives for people to come to Shuck Mediterranean Restaurant without having to use the six parking spaces that they have within the parking lot.

Attorney McCorkle stated that the sole reason for their request is their desire to have the option of creating an additional outdoor seating area in the area that is presently their current parking lot. Although seating areas are great in Savannah, if you have been to Atlantic Station, Hop Atomica, or a lot of the neighborhood restaurants in town, almost all have large outdoor seating areas and have very limited parking, but it seems to work, and the neighbors still patronize these places. The good news about having an outdoor dining area is that it provides multiple dining experiences for the customers, and it is also a better alternative for parents and people with pets to come and eat outside. Attorney McCorkle said the plan here, and this might answer Mr. Plunk's question, an empty lot is here which might involve them acquiring this property. There are four parking spaces in the rear, which are used by the residents of the residential building next door at 308 East Anderson Street. Obviously, not on the site of the empty lot. His client has this property under contract, and this does a couple of things for them. It allows them to have an outdoor seating area, while still replacing and reserving the six parking spaces that they have. Attorney McCorkle said as the Board can see on the plan, they moved the six parking spaces into the lane and turned the dumpster out to the lane. They have had all of this reviewed by Zoning and by Traffic Engineering with the City of Savannah, this is pending their ability to get a variance to do so. The four spaces for the residents next door would go away; and they would move their six spaces to the back. Not only does this allow them to reserve their six spaces, but also allow them to hopefully have an outdoor seating area, while also allowing them to also provide greenspace here, which would be a nice addition to the restaurant. If all of this works out, and goes through, they will own this property.

Attorney McCorkle said under the Ordinance to do this, they need 11 additional parking spaces. This is a little strange because they have a 4,000 square foot restaurant that has six spaces total and to add up to 1,400 square feet of outdoor area as a seating option, they must add 11 more spaces, which triples the amount of parking they currently have. Parking is not an issue at Shuck. He eats here regularly and has been driving here doing car counts for the last few weeks. Over this period, he has never been by here either morning, lunchtime, or evening since he has been doing his rotation where there has not been parking either on the side on Habersham Street, in front of them on Anderson Street, or in the parking lot. On very few occasions has he seen all the parking spaces in the parking lot full. Attorney McCorkle said he eats here regularly and has never parked in the parking lot. He always parks on Anderson Street directly across the street or pulls around and parks on Habersham Street immediately next to the building. The parking spaces are being used, but they are not full, and they have never had a parking problem operating a 4,000 square foot restaurant here.

Attorney McCorkle said he supposes the question is can they add 1,400 square feet of outdoor space to their existing business without increasing the available off-street parking spaces. They believe that they can. They do not believe that outdoor eating is a one-for-one parking addition to their business. It is an authority place to sit as an option for people when they come to the restaurant. They are not doubling or tripling the size of the restaurant and they are not changing the size of the kitchen. They have certain restraints that are in place with staff, kitchen, and other things that they can only serve what they serve. Therefore, it is not that they are building a new restaurant; they do not believe that this is going to add all these necessary spaces. If people cannot park, they are not going to come to their restaurant. He does not believe they are putting parking off the immediate block that they are on; he believes that they are a neighborhood service. A lot of walking and biking are here. If people are coming from a distance and

cannot park in the immediate vicinity, they will go to another place down the street. Tequilas and Tacos are two blocks from them, which was Blowing Smoke. He said that a building is scheduled to be built here; but they will not have parking. There are a lot of restaurants in the area that have very limited parking. All of them suffer from the same thing, which is if you do not have adequate parking somewhere, people will move on to the next spot. However, he does not believe that they will have a problem with this. Also, as he mentioned, there is adequate parking on the street. They have never had a situation where there is no parking available on the street or nearby. They are also going to add bike racks. As he mentioned, most of the staff walk. Therefore, they do not have an employee parking issue.

Attorney McCorkle said he was not sure whether Ms. Leto mentioned it, but they received two letters on this matter. One was a letter of support from Alderman Detric Legget and the other letter was in opposition from the Victorian Neighborhood Association. He said he wanted to respond in two ways to the Victorian Neighborhood Association's President, Ms. Nancy Maia, comments in the VNA letter. He explained that the four parking spaces that are used by the residents at 308 East Anderson Street are going away regardless of this petition. The lot is for sale, the property is for sale, and someone is going to buy it. A building will be built here, and those spaces will go away. They are not displacing the four parking spaces that are here. They have confirmed with the City that the building next door [308] does not require parking. Consequently, those parking spaces are going away regardless of whether this petition is approved; something ultimately is going to go on this space. So, they do not believe that they are creating as Ms. Maia said in her letter a "net loss of parking in the area by displacing the four spaces." Either way, these spaces will go away. Attorney McCorkle said secondly, they do not believe that their parking situation or the operation of the outdoor eating area is going to negatively impact the residents. As he has mentioned, there are always spaces on the street. However, over the course of the last few weeks, as he has aforesaid, he has done the car counting. He came by here every morning at 8:00; lunchtime between 12:30 and 1:00; and in the afternoon between 6:00 p.m. and 7:30 p.m. None of these situations have shown that all the spaces have been full. Attorney McCorkle said the one thing that he wanted to mention, and he feels is interesting, is that in the mornings when he comes by here at 8:00 a.m. on his way to work, he circles the block to see what's going on, he has never seen a single car parked along Habersham Street either next to them or the dentist office. What this tells him is that residents are not parking in those parking spaces. Attorney McCorkle said he would, however, assume that across the street on Anderson Street, in the mornings or every morning, between 4:00 a.m. and 6:00 a.m. this fluctuates as people are going to work. But every morning on East Anderson Street there are four to six cars parked there. He believes these are the residents who park here at night. However, along Habersham Street not a single car is parked. They have some commercial buildings around them, immediately on the corner. SCAD has a building next to them and there are other properties that are not necessarily residential in nature on Habersham Street. Therefore, they do not believe that they are affecting any of the residents' parking by what they are doing here on site. They do not believe that the residents are using the eight spaces along the side of the street.

Attorney McCorkle said they are not opening a new restaurant and do not believe that they are adding a one-for-one space requirement with outdoor seating. They are just trying to provide an alternative seating area for their customers. They are acquiring the property next to them so that they can preserve all their existing spaces. They believe with the capacity on the street and with the number of bikers and walkers that they have, this will not have a detrimental effect on the neighborhood. Attorney McCorkle entertained questions from the Board.

Mr. Evans said he was trying to understand what is triggering the need for a variance. Is it the addition of outdoor seating? Do you need additional square footage or are you losing the grandfathering?

Attorney McCorkle stated that they are not losing their grandfathering. He explained that the only thing that requires this is the addition of outdoor space. The Ordinance as it is drafted requires that you have one space for every 100 feet of outdoor space. This is a fair number of parking spaces if you are adding an outdoor seating area to a restaurant. If you are not increasing your capacity of the kitchen, not increasing your staff, but just adding outdoor seating, you must add those spaces. Their current grandfathering will stay for the restaurant and their six spaces will be covered by the six spaces that they will provide in the lane. Therefore, this is solely to park the outdoor seating area.

Mr. Plunk stated that in a separate line of questioning, their mandate to some extent is that if they are going to provide a variance, it is based on the facts that they are presented in Ms. Maia's letter presentation, deal primarily with if they grant him a variance, why is this situation unique compared to

other businesses in the area such that they would not undermine the Ordinance by having to grant everyone a variance. He said that he did not hear this in Attorney McCorkle's presentation. He asked Attorney McCorkle if he took issue with anything that Ms. Maia said regarding any exceptional or unique about this lot.

Attorney McCorkle answered that it is not necessarily unique to other parcels or other existing restaurants that would be in the vicinity. He believes a unique situation that certainly could apply to other restaurants as well is that number one, they are grandfathered in. Therefore, they already have a 4,000 square foot restaurant with six parking spaces. Because they are operating and are not building a new place and coming for a variance before they have opened, they have some data and some experience as to how things are working at the restaurant. He said, however, they are grandfathered at their location. Attorney McCorkle additionally explained that because they are only adding outdoor seating to an existing restaurant is somewhat of a unique case as opposed to what would typically happen, which is if they were just coming in. But not just necessarily other than their location and the availability that they have on-street parking immediately surrounding them because they are on a corner, which would not be applicable to places that are inside of a block. And, because they do have the ability to buy this property and preserve the six spaces that they have, makes it a little bit of an unusual variance request, at least in his experience.

Ms. Jarrett said her number one concern is about the number of parking spaces. She told Attorney McCorkle that they do have a huge open grass area. She asked him if they have looked at other configurations for parking that may utilize a part of this open grass area for parking. Or have you considered talking with the dentist office about doing some shared nighttime parking? Ms. Jarrett stated that Attorney McCorkle has said that he goes by here 6:30 to 7:30 at night. But generally, her understanding is that it is at 8:00 p.m. when the dinner market and bar market picks up. Therefore, she was wondering what the parking is like later.

Attorney McCorkle explained that the restaurant owner was present. He would have her make a comment on the specific question as to what the parking situation after 7:00 p.m. to 7:30 p.m. Attorney McCorkle said regarding the question about the parking configuration and the additional lot; He explained that the way it worked out to build conforming spaces and the way they would have to drive-through would be very similar to the way they have the lot configured now. Ultimately, what they would be doing is instead of having the spots in the lane, they would be adding the spots to the side and still drive through the property. So, this did not really add a net gain to them for spaces if they tried to configure them in the new lot. But they did look at this and had Mr. Andrew Lynch conceptually draw this. Attorney McCorkle explained further that they talked with the dentist office. He said that Ms. Maia raised this question with him, and he talked with her during the time they were going through this process. They have talked with the dentist's office but have not reached an agreement with them. The owner has not been willing to do it, even though he believes the office closes at 2:00 p.m. People may park here anyway, but he does not know. They are still in discussion mode, and he believes the discussion will continue. His client does not have a problem doing this. If they believe that parking is a problem and is preventing them from having their customers get to their spot, it is in their best interest to get this deal done with the dentist's office.

Attorney McCorkle asked the owner to inform the Board about what happens after 7:30 p.m.

Ms. Alexis Levin, the owner, came forward and explained that they close at 10:00 p.m. They do not have a late-night crowd. Being open until 10:00 p.m. is just to get the 9:00 p.m. people in. Anyone coming late is just coming to have a cocktail. This decreases the number of people driving there. Mostly, the people are walking.

Ms. Jarrett asked Ms. Levin if a bar facility is at the back of the restaurant.

Ms. Levin answered yes. It is a part of the restaurant and is not a "freestanding bar." They are only open until 10:00 p.m. with full food service. Therefore, this is just an addition to the restaurant. As with the outdoor seating area, they are not really bringing in a lot of guests for the bar. These guests are already coming into the restaurant to dine with them and, therefore, can get drinks. They are just trying to add more options for everyone.

Ms. Jarrett thanked Ms. Levin for the information. She said she understood that the owner's plan is not

resulting in the net increase on the parking load, but if the property is sold to her or someone else, there will be a net increase in parking load because those residents will have to park on the street. This is something they need to keep in mind as well.

Mr. Plunk said regarding what Ms. Jarrett said regarding the open grass area, to get 11 spots here would be tight. It seems from the neighborhood standpoint that their primary concern is not so much the 11 spaces, but the four specific spots. He asked if any thought was given to just adding four spots into the open grass area. Would that be more doable than adding 11 spots back here? Was this thought of at all?

Attorney McCorkle said they looked at the ability to preserve the spaces in the rear and have parking in there. But the trick is that the narrowness of the lot, you would really have to drive through. They could not design it in such a way where you could pull in, turn around, and come out. They also looked at this as being a buffer to the residents. This not only allows them to control the property and what goes next to them, but it also creates a buffer. However, they did look at various alternative plans, and all of them required that they go back through the lane. Therefore, you are either losing spaces in the lane or in the lot.

Mr. Plunk said this makes sense. Thank you.

PUBLIC COMMENTS

No one was present in the audience or online. However, as reported, a letter of support was sent by Alderman Detric Leggett, and a letter of opposition was sent by the Victorian Neighborhood Association.

BOARD DISCUSSION

Mr. Condon said he lives in this neighborhood and walks to Shuck on a fairly, regular basis. He believes this restaurant does an outstanding job of catering to the neighborhood and the community. He finds it hard to punish them for something that is beyond their control. For example, that the neighbors are going to sell the house. Once this building is sold, the four spaces will be lost either way. Therefore, it does not matter who buys it. But it would be better if the owner bought it. Instead of having a greenspace in the Victorian District, which is rare, it will remain that way because it will have to remain that way. Mr. Condon confirmed that he too, had never gone to the restaurant and saw that there was some kind of stress on parking. He agreed with Attorney McCorkle that if this was the case, and he is one of those guys, he pulls up to the restaurant and cannot park, he keeps driving. But, with Shuck it is only two blocks away from him; therefore, he walks to it. But he thinks that like so many of the places that are in the Victorian District, especially the Thomas Square Streetcar District, and the other districts, he thinks most people walk.

Mr. Condon said to require 11 parking spaces for an area that is relatively small, compared to the restaurant when it is only required to have six spaces, he thinks is an example of why the Board exists. He believes that the rule is beyond the actual practical scope of what the owners are attempting to do. Therefore, it falls upon the Board to assist a good business owner who is trying to offer alternatives to their guests to help them get that done.

Mr. Plunk said every time he has been to Shuck, he walked. He asked Staff to correct him if his statement is incorrect; but is it accurate that the owner could do the parking configuration by right if they did not add outdoor seating. Let's say, they just wanted to leave that lot as nothing; no seating or anything; they could just change and have those six spots become their grandfathered spots if they so desired for whatever reason.

Ms. Paul-Leto answered yes. She explained that the restaurant is conforming right now because they have grandfathered spaces on the street. They have six parking spaces.

Mr. Plunk asked what if they wanted to take the six parking spaces and not ask for outdoor seating, would that be permissible?

Ms. Paul-Leto answered yes.

Mr. Plunk said the only thing triggering this is they want to ask for outdoor seating. There is nothing hindering them doing the parking configuration otherwise.

Mr. Evans said he sees both sides. He wishes there was some way to fit four cars here. If there was access from Anderson Street into the lot would make the whole thing much easier. But unfortunately, it looks like it is only accessed from the lane.

Mr. Condon said the gentleman that is selling the building has four tenants who park there. This is his problem, and he must address this. It does not fall onto the responsibility of Shuck or anybody who buys that building. It becomes their responsibility. As Ms. Leto said, parking is not required for that spot. Mr. Condon said the Board needs to focus on the specifics of 1313 Habersham Street. As much as he would like to help those folks, he believes it a valiant endeavor. He believes also that this is not something that they should focus on in their purview.

Ms. Jarrett said she does not live in the area but lives not too far away. She met some friends here not long ago. They drove three cars. The parking lot was full when they went inside the restaurant. Ms. Jarrett said she parked on the street. One of the friends does not walk well, so she had to drop her off and come back around and park on the street. Ms. Jarrett said she hears what is being said about not punishing the owner, but it is not really a punishment. What they are doing is asking for an additional 1,300 square feet of seating area, which means that more people will be visiting here. She is sure that some of the people will walk, but some will also drive.

Mr. Evans asked Ms. Leto that since this is being driven by an additional square footage of service area, where are they on this margin. Is it possible to add more outdoor seating, but not quite the square footage? How close are they to triggering the extra 11 spaces? Is there some segment in-between that if they added 1,400 square feet; it was 1,200 square feet and it would be fewer parking spaces with no additional parking spaces.

Ms. Leto answered "absolutely." There is one parking space per 100 square feet of consumption area. Therefore, they could reduce the amount of outdoor dining seating. Plus, they have the café with 12 seats facing Anderson Street as well. At present, they do have outdoor seating.

Mr. Turner stated that it has been said that most of the employees walk to work. Therefore, parking is not needed as much when it comes to Staff. However, Staff changes. Now, this may be the case, but upon hiring needs, this could change completely.

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

Motion

The Savannah Zoning Board of Appeals does hereby approve the request for a reduction of eleven [11] off-street parking spaces at 1313 Habersham Street.

Vote Results (Approved)

Motion: Stephen Plunk

Second: Armand Turner

Karen Jarrett	- Nay
Michael Condon	- Abstain
Larry Evans	- Aye
Stephen Plunk	- Aye
Armand Turner	- Aye

X. Regular Agenda

[5. VARIANCE | 813 East 34th Street | Request to reduce the minimum 5-foot rear yard setback for an after-the-fact accessory building | 23-002660-ZA](#)

📎 [Application.pdf](#)

📎 [Pictogram.pdf](#)

📎 [Staff Report.pdf](#)

📎 [SITE VISIT.pdf](#)

Ms. Melissa Paul-Leto explained that 813 East 34th Street is an active code case for the City of Savannah. Consequently, she requested that a representative from the Code Compliance Unit be present at today's meeting. She stated that Mr. Gary Bronstein of Code Compliance was present.

Ms. Paul-Leto gave the staff report. The Petitioner is requesting a reduction from the 5-foot rear yard setback to a 0-foot rear yard setback for an after-the-fact accessory building located in the rear of the property at 813 East 34th Street. Ms. Paul-Leto stated the structure to the rear of the property is what has been built thus far. The subject property is 0.16 acres or 6,969 square feet in lot area. A one-story single-family residence shed is on the east side of the property and a half-finished concrete block accessory building is on the west side of the parcel. As she has said, the property has an active code case. She asked the Code Officer to explain the process to the Board.

Mr. Bronstein of Code Compliance came forward and informed the Board that he is a Compliance Supervisor for the City of Savannah. Mr. Bronstein said that Ms. Paul-Leto asked him to come and explain to the Board the timeline of how Code Compliance got involved in this property. He explained that on January 11, 2022, one of their Officers noticed a commercial container on this property. The Officer cited the owner for debris objects and asked the property owner to correct the condition. The Officer continued to monitor the property as a commercial was there. The owner cleaned up some of the debris, but on May 22, 2022, the Office noticed that a large pile of dirt was placed on the property. The Officer continued to monitor this property and was told by the owner that they were getting ready to renovate the property. On June 24, 2022, the Officer noticed that a pile of cinderblocks was placed on the property. She wrote a courtesy note and posted it on the owner's door informing them to apply with the City for all necessary permits.

Mr. Bronstein stated that on July 14, 2022, another Officer drove by to inspect and noticed that some active work was being done on the property and no permits were there. A truck was here pouring a foundation or a floor for an accessory structure. This structure went all the way to the lane that is in the back. At this time, a call was made to Development Services asking that a Stop Work Order be placed on the property, and this was done. On August 15, 2022, a picture was taken of the Stop Work Order on the property, and they noticed that no continuing work was being done on the accessory structure. However, on September 8, 2022, they went back to the structure for a reinspection and noticed that work had been continued on the accessory structure. Cinderblocks were being used, and they were building the walls of the structure. The Stop Work Order was still on the front door, and no permits were obtained. At this time, a court summons was issued to the property owner asking that they appear in court as they were violating the City's Ordinances.

Mr. Bronstein summarized that this is basically it for Code Compliance. They have had the owner in court a few times and has asked them to apply for all necessary permits. The owner has received a permit for the main structure, but a permit was not approved for the accessory structure as some zoning issues are involved. They are waiting for the zoning issues to be resolved so that the owner can either get a permit to come into compliance or correct the violations.

Ms. Paul-Leto explained that based on the variance criteria, she would go over the general inconsistencies. The variance is not consistent with the intent of the Ordinance. The property owner began and continued to construct the accessory building without a building permit close to one year before applying for a permit. The requested variance would be injurious to the neighborhood. She showed the Board a picture of the lane and stated that the lane has heavy landscaping, is very tight, and as the Board could see, there is a development pattern happening with several accessory building at the zero [0] lot line.

Ms. Paul-Leto said there are no special conditions and/or circumstances that exist which are peculiar to the land, buildings or structures involved, which are not applicable to other lands, buildings, or structures in this same zoning district. It does seem to be as she has said, a pattern of accessory buildings on the same block within the lane that do not meet the minimum 5-foot rear yard setback requirement. As per special conditions and circumstances, the Petitioner continues to construct the after-the-fact accessory building with the 0-foot rear back even while being warned by Code Compliance and prior to applying for a building permit. These actions are a direct result of the Petitioner.

Ms. Paul-Leto said the Staff is unsure what the purpose of the building will be. The Petitioner has stated that the building will be a garage. However, there are no openings for a vehicle to obtain access into the accessory building. Only French doors are at the entry. There are window openings on the front of the building as well as at the back. When she went to the front of the property, there was no large opening for a car as well. A French door was at the side.

Ms. Paul-Leto reported that based on the variance criteria, Staff recommend denial of the requested variances. She entertained questions from the Board and additionally reported that Ms. Monica Wilson, agent for Barbara Smalls, the property owner, is present to answer questions from the Board also.

Mr. Condon stated that it appears that there are two cement buildings here.

Ms. Paul-Leto explained that there is a shed to the east of the property, which looks somewhat wood.

Mr. Condon asked that to the right of what Ms. Paul-Leto said, it is a part of the same block structure?

Mrs. Paul-Leto stated that she had not gone into the structure. They came by for a site visit.

Mr. Condon said he was not sure whether there were three buildings back there. One building is tan, one new cement block building, and an older cement block building. He asked Ms. Paul-Leto if this was just one cement building.

Mrs. Monica Wilson came forward and stated that she was representing her mother. This is her mother's place.

Mr. Condon asked Mrs. Wilson that in the photo on the right of the tan building, is it a separate building or is this one larger block building and the picture makes it look that way.

Mrs. Wilson answered that it is a separate wood building. They are tearing it down.

Mr. Condon asked if there is one cement block building or two buildings.

Mrs. Wilson answered that a building was added to the old cement block building.

Mr. Condon stated it is an existing building.

Mrs. Wilson explained that the west side is the old part.

PETITIONER COMMENTS

Mrs. Monica Wilson came back to the podium and reintroduced herself. Mrs. Wilson said she would address some of the things that had been said already. Yes, it did start off very rough. They thought they could add to the original garage. But they found out that the five-foot setback was something that they were not adhering to. Her husband and his friend have been doing the work. They were not aware that they had been issued a warning. Therefore, they went ahead and started the process. But this was shutdown. After this was done, they stopped doing the work. The work did not continue for an entire year. Therefore, that statement was not correct. However, yes, they made a mistake of putting all their funds into the work. Mrs. Wilson said her mother is elderly; she had cancer in 2015. They did not know she would live this long. Her mother has been living with her since 2020 after her father died. But now her mother wants to move back into her home. If she passes away, she wants to be there. Therefore, they decided to build an accessory attachment for the family when they come to help take care of their mother.

Mr. Condon asked her that once they received the stop order from the Building Department, at that point they stopped the work. Therefore, there is a misunderstanding in terms of when they were told initially of the warning. Basically, when they got the warning from the City, her husband and his friend stopped working.

Mrs. Wilson said they had the supplies and all the work that was done was accomplished in one day. It did not continue after that. What the Board sees on the east side was done in a day. The work did not continue. At this point, they began the process of trying to get a permit and get things straight. But she did drag her feet along time with trying to get the variance. However, they got the permit for both accessories in the back as well as for the house. But they split it. A lot had been going on and she was not able to do things as swiftly as most people.

Mr. Condon told her that she could understand, though, that this is not a good picture. It appears that someone was not regarding the rules.

Mrs. Wilson said she was terribly ashamed going through this.

Mr. Condon asked Ms. Wilson if she had a contractor in place that would be able to manage the project.

Mrs. Wilson answered that they had so much trouble trying to get someone to do the work. Even now, they have had to stop with the house.

Mr. Condon said to Ms. Wilson that the people at the Building Department may seem somewhat intimidating, but these people are some of the nicest people he has worked with in his life. If you go to the Building Department and ask for their assistance, they will help you. Now, they are not going to do the work for you, but they will certainly give you the answers to your questions so that you can do things according to the rules and not have to worry about those types of things. If you can get a variance, he would suggest that she engage the Building Department so that they can assist her in making sure that her paperwork is done correctly, and they will give her a list of the items that she needs to provide. They are not allowed to recommend a general contractor. Therefore, his second advice to her is to hire a reputable contractor to finish the job for her if she receives a variance. Mr. Condon told Ms. Wilson that with no disrespect to anyone, it is clear that she needs help.

Mr. Plunk asked Ms. Wilson that she said the purpose for constructing this building was to be prepared for the family to come once her mother moved back onto the property. Do you mean that folks will be staying here? Would this be a dwelling unit for people that come? Is this an accessory dwelling unit being built and not a garage? This used to be a garage, but now you want to convert it into a place where someone can sleep.

Mrs. Wilson answered that it is both. On the west side and on the east side, there is to be a small studio.

Mr. Plunk asked a small studio.

Mrs. Wilson answered yes. She and her husband will be staying here with her mother.

Mr. Plunk asked, "you all will be moving into this place?"

Mrs. Wilson answered "yes."

Mr. Plunk asked will you be staying in what you are building or in the main house.

Mrs. Wilson stated that they will be staying in the main house.

Ms. Jarrett asked if someone would stay in the accessory unit.

Mr. Plunk said; therefore, it is not a garage as they originally thought.

Mrs. Wilson said it will still be a garage on the west side.

Mr. Plunk asked staff if they were aware that this would be a dwelling unit. Would this change the

variance that Ms. Wilson would need to get. Would she need to go through the ADU? How does this work?

Ms. Paul-Leto said the application states that the variance is for a garage. Therefore, this is what the staff was going for until they went for the site visit, then they were unsure what the use was because of the window openings and the entrance door. But it is located within the RSF-6 zoning district. Therefore, they would have to comply with the ADU regulations, and it would most likely not be allowed, especially that size of the accessory dwelling and their lot area would have to meet that requirement.

Mr. Plunk said even if the Board grants the variance for the setback today, if they were intending to use it as an ADU, the variance would still not be enough to allow for what their intended purpose is. Is this true?

Ms. Paul-Leto explained that the setback if approved, would be allowed, but the use would not be.

Mr. Plunk said the Petitioner may need to go entirely back to the drawing board.

Mr. Condon told Mrs. Wilson that he recommends to her that it is perfectly appropriate that she ask for a continuance of this review so that she may go back and modify her application. Otherwise, if the Board gives her a variance today, she might have to come back to the Board a second time. He asked the staff if Mrs. Wilson would be able to modify her application.

Ms. Paul-Leto answered that the Petitioner would be able to modify her application.

Mr. Condon said this would be his advice to Wilson. Get the paperwork organized correctly so that she will only have to be before the Board one time instead of having to come before them twice. He said the Petitioner might find that they want to make changes that could possibly put them in a better position.

Mr. Evans added that if Mrs. Wilson goes this route, work with staff to get a full understanding of what the intention of everything is so there will be no surprises for staff. This will prevent Staff saying one thing and Mrs. Wilson saying something else. Make sure everything is clear before it comes to the Board.

Mrs. Wilson said earlier, things were clear. They went through the requirements with her and said she would still be complying. They helped her write up some of the paperwork as she was having trouble with it.

Mr. Condon said there might have been a little misunderstanding. These things happen. A lot of time you are dealing with many things. It is the intent of this Board to try to help the Petitioner.

Mr. Plunk told Mrs. Wilson that the Board wants to ensure that she is not penalized due to their misunderstanding.

Mrs. Wilson told the Board that she appreciated it.

Mr. Condon informed Mrs. Wilson if she said that she postpones her petition today, he would entertain a motion from the Board to do so. This would enable her enough time to modify her application so she would not have to start from scratch.

Mr. Bolton explained that he and John were not aware that this would be an accessory dwelling unit when they spoke with the Petitioner. If they knew so at the time, it would require a 1,200 square foot lot. The variance standards have changed in the last month. Now, it requires 7,500 square foot lot, but this is variable. Therefore, the Petitioner could apply for an ADU if it meets the size limitations, the separation from the main structure, or a 7,500 square foot lot variance. You have a 69 plus 100 square foot lot, you could apply for a 550 or 600 square foot lot size variance if you meet the other standards to have an accessory dwelling unit. Mr. Bolton said he agrees with Mr. Condon that the Petitioner asks for a continuance so they can get it straight, and then come back.

Mrs. Wilson requested the continuance.

Mr. Condon asked Ms. Paul-Leto if she had something else to say.

Ms. Paul-Leto answered yes. The Petitioner wrote on her application "addition to an existing shed that is on the rear property line. Need relief from rear setback from 5 feet to 0 feet."

Ms. Jarrett stated that the existing shed is at 0 feet. Correct Ms. Leto?

Mr. Anagnost explained that at the beginning of this process, there was an existing block building.

Ms. Jarrett asked if this building is already at 0 feet.

Ms. Paul-Leto answered yes.

Mr. Plunk motioned to continue this petition.

Ms. Jarrett seconded the motion.

Motion

The Savannah Zoning Board of Appeals does hereby continue the petition as requested by the Petitioner.

Vote Results (Approved)

Motion: Stephen Plunk

Second: Karen Jarrett

Karen Jarrett	- Aye
Michael Condon	- Abstain
Larry Evans	- Aye
Stephen Plunk	- Aye
Armand Turner	- Aye

[6. 215 Screven Ave | Variance to front yard setback | 23-002734-ZBA](#)

📎 [Staff Report - 23-002734-ZBA.pdf](#)

Mr. Condon welcomed Mr. Morrow to his first ZBA meeting.

Mr. Edward Morrow gave the staff report. Mr. Morrow explained that the request came to Staff from a contractor who submitted building plans to do a rear addition to the home at 215 Screven Avenue. It was determined by Plan Review at that time that the existing home on the property did not meet the front setback requirements. The home is currently situated in the RSF-5 zoning district which is going to require a front and rear of 20 feet, inside setback of 5 feet, 40 percent lot coverage, and 5,000 square feet variance required in the zoning district. He said the Staff has decided that the parcel is conforming and the home which was built in 1923 sits approximately 2 feet from the front property line.

Mr. Morrow explained that according to the Board of Assessor's data, as he has said, the home was constructed in 1923 and has had later updates. It is the original structure. Most of the homes hereby are similarly situated and they reflect a lot placement that is consistent with a much earlier development pattern. The existing home is 1,527 square feet and covers about 25.5 percent of the lot. Therefore, there is approximately 14 percent of lot coverage that this Petitioner could potentially have if the variance request is approved. He stated that the proposed rear addition, according to the plans that were submitted, complies with all the requirements of the zoning district and the proposed changes would not in any way expand that existing nonconformity.

Mr. Morrow informed the Board as they can see from the Savannah Area Geographic Information System [SAGIS], the subject property outlined in red, that most of the adjacent parcels are on the property frontline. The setbacks vary from about 2 feet going back to 9 feet for most of these existing homes. There is one home at the top [the northern most property] shows what 20 feet looks like for a home that has been reconstructed. It creates a different look. However, the subject parcel contains a

home that is consistent with those that are around it, reflecting that earlier development pattern. All the adjacent homes were constructed in the 1900's.

Mr. Morrow stated that in reviewing the variance criteria, the requested variance is consistent with the intent of the Ordinance and the Comprehensive Plan. It is not likely to be injurious to the neighborhood or otherwise detrimental. There are no special conditions that exist, and the circumstance is not the fault of the Petitioner. The literal interpretation of the Ordinance in this situation would produce some harm to the Petitioner because under normal circumstances it would be allowed to cover about 40 percent and to construct that addition. Therefore, the literal interpretation would cause some harmful injury. If this was granted, the minimum variance that would be needed to bring this structure into compliance, even though, he must say that no variance is required to make reasonable use, the home is in good condition, but it would create some additional issues for the homeowner in the event they wanted to sell and someone found out that they could not do the addition without going through this process. Mr. Morrow said the granting of this variance would not produce any special privileges.

Mr. Morrow reported that Staff recommends approval of the variance request for allowing the 2-foot front setback. The proposed addition would conform in all respects and comply with all the requirements that are in the RSF-5 zoning district. He entertained questions from the Board.

PETITIONER COMMENTS

Mr. Naser Jaber, Global Investment Traders, LLC came forward and said that he appreciates the Board reviewing their petition. He entertained comments from the Board.

PUBLIC COMMENTS

None.

BOARD DISCUSSION

The Board agreed with the Staff recommendation.

Mr. Condon entertained a motion.

Motion

The Savannah Zoning Board of Appeals does hereby approve the requested variance to reduce the front yard setback from twenty (20) feet to two (2) feet at 215 Screven Avenue.

Vote Results (Voting)

Motion: Armand Turner

Second: Larry Evans

Karen Jarrett	- Aye
Michael Condon	- Abstain
Larry Evans	- Aye
Stephen Plunk	- Not Voted
Armand Turner	- Aye

[7. 820-824 East Bolton Street | Lot Width/Frontage Variance | 23-002802](#)

📎 [Staff Report - 23-002802-ZBA.pdf](#)

Mr. James Zerillo gave the staff report. The Petitioner is requesting a frontage variance to allow for a frontage of 29.90 wide lot from the 40-foot requirement. Mr. Zerillo stated that the background is that when they were discussing this petition with the Petitioner, they found that the Tax Digest incorrectly shows this parcel as two parcels. The Digest shows it as 93 feet width. However, when the survey was conducted, it was found that this was one parcel, which is 69 feet in width. This creates an issue for the

Petitioner. This zoning district is TR-1; 40 feet is the minimum lot width. So, if it was 93 feet as shown on the parcel, they could divide it into two parcels. However, 69 feet could not be divided evenly into conforming parcels. This is why the Petitioner is proposing to divide it into a 40-foot-wide corner lot and a 29-foot-wide interior lot. Mr. Zerillo showed the Board the proposed site plan.

Mr. Zerillo said in the adjacent area, there is a range of different lot widths. On the corner, there are wider lots that range from 72 feet up to 77 feet. There are also some smaller corner lots that have been subdivided to 30 feet on the adjacent block. Also, there are some less conforming corner lots that face the north-south street. He said they found that this is consistent with the Ordinance. The Petitioner is trying to create one conforming lot and the remaining would be a non-conforming lot. They are attempting to conform with the development pattern of the block. As stated, smaller interior lots is generally the case in these neighborhoods which range from 25 feet to 30 feet, which does not conform to the Ordinance. Mr. Zerillo said there are some adjacent lots that are much wider than a typical interior lot which goes from 50 feet and up. This does take away from how much space is left on the block physically. This condition was not created by the Petitioner. However, they are choosing to subdivide the lot.

Mr. Zerillo said as far as the minimum variance, Staff found that this was the minimum variance necessary as they are trying to create a 40-foot-wide lot and the space left over is 29.9 feet. If granted, this would not confer special privileges as there are lots on this block that follows the traditional pattern of smaller interior lots. This is why Staff is recommending approval for the frontage to allow 29.9 feet wide from the 40-foot requirement. Mr. Zerillo entertained questions from the Board.

PETITIONER COMMENTS

Mr. Joseph Stuckey, Land Surveyor, came forward and explained what they looked at doing when the owner (Mr. Lance) bought the property, he was intending to have the extra 25 feet that was shown on SAGIS. But when the property was surveyed, and they looked at the deeds, the 25 feet were not there. They are still trying to build a new development on the property. The original intent was to build two houses on it. They were making a conforming lot on the corner as it would be larger and a nonconforming lot on the interior. There are also some of those interior lots that are less than 29 feet. There are some 25 feet and 26 feet lots on this street.

Mr. Condon said he is familiar with this block because he lives about two blocks from this area. As the Staff report shows, there are some varied sizes lots in this area.

Mr. Stuckey said he did not show it on his exhibit, but on the next block, a lot of these size lots are here also. Therefore, this is a consistent pattern in this area.

Ms. Jarrett asked Mr. Stucky if they were keeping the lot 45 feet because of the setback.

Mr. Stucky answered no. They figured it would be more befitting to what is in the neighborhood as they did a conforming lot or a larger lot on the corner and make the smaller lot. He said they would not be opposed to making that lot, but this is not what they applied for. He entertained additional questions from the Board.

PUBLIC COMMENTS

None.

BOARD DISCUSSION

The Board was in agreement with the Staff recommendation.

Motion

The Savannah Zoning Board of Appeals does hereby approve a variance to allow for a frontage of 29.90-foot-wide lot from the 40-foot requirement at 820-824 East Bolton Street.

Vote Results (Approved)

Motion: Armand Turner	
Second: Stephen Plunk	
Karen Jarrett	- Aye
Michael Condon	- Abstain
Larry Evans	- Aye
Stephen Plunk	- Aye
Armand Turner	- Aye

8. 538 East Bolton Street | Side yard setback reduction | 23-002862

[📎 Staff Report - 23-002862-ZBA.pdf](#)

Mr. James Zerillo gave the Staff report. The Petitioner is requesting a side yard setback reduction to allow for the construction of a new addition utilizing an existing footprint, which is currently within their required three-foot side yard setback area in addition to allow the construction of a noncombustible staircase on the second story of a proposed carriage house. He showed the Board the existing site plan.

Mr. Zerillo informed the Board that the Historic Preservation Commission [HPC] heard a petition on March 22, 2023. The HPC approved the request for rehabilitation of the existing structure, demolition of a non-historic structure, construction of a new addition, and construction of a new rear yard accessory dwelling unit. He explained that the Petitioner is now seeking a variance to the side yard setback to allow for two specific items. First, they are seeking a variance to allow for the construction of an addition utilizing the existing, non-conforming addition's footprint. This non-conforming addition is currently in a state of disrepair and encroaches into the area of the required 3-foot side yard setback. The second item is to allow for the construction of a non-combustible staircase from the east elevation of the accessory dwelling unit. The Petitioner is seeking this variance, as placing the staircase in another location may cause the new construction to not meet lot coverage or building separation requirements.

Mr. Zerillo stated that Staff found that variance is consistent with the Ordinance and is also consistent with Victorian Local Historic Design Standards and the Secretary of Interior Standards. It is conforming to Chapter 8 of Comprehensive Plan which concerns historic properties. Historically, there were historic accessory dwelling units on the property and throughout the lane; however, they have been demolished. Staff did not find that the variance would be detrimental to the public, health, safety or welfare. Mr. Zerillo explained that moving the stairs, which is required, the noncombustible staircase could interfere with the ten-foot building separation between the principal structure, therefore, a different configuration could be less than optimum for egress between the property.

Mr. Zerillo stated that as for as special conditions, the existing addition footprint is nonconforming as another condition has been here several decades before the property owner purchased the property. They are proposing to use the existing footprint. This was not a condition that they created; however, it is a condition that they are choosing to conform to the lot. He said as for as the minimum variance, Staff found that this would be the minimum variance of granted, the staircase is not particularly wide, but it does enter the entire required setback area.

Mr. Zerillo reported that Staff recommends approval a variance to allow for a 3-foot reduction of the 3-foot side yard setback to construct a noncombustible staircase on the east elevation of a new accessory dwelling unit and to construct a new addition with the same footprint as the existing non-conforming addition. He entertained questions from the Board.

PETITIONER COMMENTS

Mr. Braeden Scally came forward. Mr. Scally thanked the Board and Staff for their consideration. He entertained questions from the Board.

PUBLIC COMMENTS

None.

BOARD DISCUSSION

The Board agreed with Staff recommendation.

Mr. Condon entertained a motion.

Motion

The Savannah Zoning Board of Appeals does hereby approve for a variance to allow for a 3-foot reduction of the 3-foot side yard setback in order to construct a noncombustible staircase on the east elevation of a new accessory dwelling unit and to construct a new addition with the same footprint as the existing non-conforming addition at 538 East Bolton Street.

Vote Results (Approved)

Motion: Larry Evans

Second: Stephen Plunk

Karen Jarrett - Aye

Michael Condon - Abstain

Larry Evans - Aye

Stephen Plunk - Aye

Armand Turner - Aye

[9. 1040 Chatham Center Drive | Reduction of 100-foot buffer from residential zoning district for full-service carwash | 23-002841](#)

📎 [Staff Report - 23-002841-ZBA.pdf](#)

Mr. James Zerillo gave the Staff report. The Applicant is requesting a variance from the required 100-foot distance from a Residential zoning district to allow for a 60-foot distance from an RMF-2-25 District Boundary. The variance is for a full-service carwash. This is a variance from the section that states, "such use shall be located no closer than 100 feet from a Residential zoning district or existing residence.". The subject parcel is in a B-C (Community Business) Zoning District. He showed the Board an updated area photo as shown on Google List. The Google List shows trees, however, under construction is a multifamily development on the side of the private drive. The photo is showing where the carwash will be located. The carwash will not front Chatham Parkway or Chatham Center Drive. Mr. Zerillo showed the Board the proposed site plan.

Mr. Zerillo said that Staff found that the variance is consistent with the Ordinance, specifically the portion of the Comprehensive Plan which states that this parcel is located in the suburban commercial character area. This implies that our residential activity in this character area is located behind the commercial frontage as proposed here there is commercial frontage facing Chatham Center Parkway Drive and residential is on the other side of that drive. There are special conditions here as the parcel is large. It stretches all the way up and around. This is what is triggering this required buffer.

Mr. Zerillo explained that Staff believes that in accordance with the goals and objectives of the Comprehensive Plan for the Suburban Commercial Character Area, the literal interpretation would deprive the Petitioner of such rights that are included under this zoning district. He said this will be the minimum variance as there is a buffer with that right-of-way. They are proposing to be an appropriate distance from the buffer. This provides a natural physical barrier between the two. The variance would not confer any special privileges that are denied to similar properties within the same zoning district.

Mr. Zerillo reported that Staff recommends approval for a variance from the required 100-foot distance from a Residential zoning district to allow for a 60-foot distance from an RMF-2-25 District boundary to construct a full-service car wash. He entertained questions from the Board.

Ms. Jarrett asked if a buffer will be between the carwash and the apartments. Is there a landscape buffer for the carwash or the apartments?

Mr. Zerillo answered that he is not sure; however, on the side of the carwash that faces the apartment, there does not appear to be a buffer. There is landscaping fronting Chatham Parkway.

Mr. Evans explained that it was said the design mitigated the visual in deck of the parking. He wanted this to be explained further.

Mr. Zerillo explained that Staff believes if such the parking was facing Chatham Parkway and there was frontage to Chatham Parkway it would be more intrusive. However, it is facing a drive that is off of the main arterial roads in this area. This is Staff's understanding of the site plan.

PETITIONER COMMENTS

Mr. Brian Braun of Advance Engineering Company explained that he was representing the Petitioner. Their company laid out the site plan. He wanted everyone to understand that there is a private road between the two zonings. It is 60 feet between both property lines, The carwash building, and the nearest apartment building will be 171 feet. Also on the corner, the City has a lift station with generators on it. They worked around this. He entertained questions from the Board.

Mr. Condon asked Mr. Braun if they intend to put some type of buffer, such as an attractive shrubbery or trees on the side that faces the apartment complex on the private road.

Mr. Braun answered that they will have to meet all the Staff and City requirements. They will do their best to make sure everything is done right.

PUBLIC COMMENTS

None.

BOARD DISCUSSION

The Board agreed with staff recommendation.

Mr. Condon entertained a motion.

Motion

The Savannah Zoning Board of Appeals does hereby approve the request for a variance from the required 100-foot distance from a Residential zoning district to allow for a 60-foot distance from an RMF-2-25 District Boundary to construct a full-service car wash 1040 Chatham Center Drive.

Vote Results (Approved)

Motion: Armand Turner

Second: Larry Evans

Karen Jarrett - Aye

Michael Condon - Abstain

Larry Evans - Aye

Stephen Plunk	- Aye
Armand Turner	- Aye

[10. 311 West Waldburg Street | Side yard setback reduction | 23-002265](#)

📎 [Staff Report - 23-002265-ZBA.pdf](#)

Mr. James Zerillo gave the Staff report. The Petitioner is requesting a variance to allow for a 3-foot reduction of the 3-foot side yard setback in order to construct a rear porch the same width as the main house. The property is zoned TN-1 (Traditional Neighborhood 1). The Petitioner received a Certificate of Appropriateness [COA] from the Historic Preservation Commission [HPC] on May 24, 2023, as well as a recommendation request to Savannah Zoning Board of Appeals.

Mr. Zerillo explained that in 2019 a fire damaged three townhouses on this block. The subject property suffered damages to the rear porch which is no longer present on the property. He showed the Board a photo of the property as it existed prior to the fire. He showed the Board a photo of the elevating with the porch matching the property next door.

Mr. Zerillo informed the Board that Staff found that the requested variance is consistent with the Ordinance, specifically, the Victorian Local Historic Sign District. The Design Standards as well as the Secretary of Interior Standards of Chapter 8 which concerns Historic Preservation. He explained that the variance would not be detrimental to the public, health, safety, or welfare. The Petitioner is proposing to rebuild a porch similar as to what existed on the property prior to the fire, and as what is existing on the adjacent property.

Mr. Zerillo stated that a special condition does exist as there was a fire which eliminated the previously existed porch. This was not an action of the Petitioner. He said as for as the literal interpretation, it would deprive the Petitioner of rights that are enjoyed by the rest of the community. Particularly, this block did have full width rear porches on the property, and it is a common feature on historic structures in this neighborhood. This would be the minimum variance that they are seeking to construct a full-width porch that meets the Standards of the Victorian Local Historic District Design Standards. If the variance is granted, it will not confer special privileges that are denied to similar properties within the same zoning district.

Mr. Zerillo reported that Staff recommends approval for a variance to allow for a 3-foot reduction of the 3-foot side yard setback in order to construct a rear porch the same width as the main house. He entertained questions from the Board.

PETITIONER COMMENTS

Ms. Ellen Harris of Ethos Preservation came forward and thanked the Staff for their presentation. Ms. Harris entertained questions from the Board.

PUBLIC COMMENTS

Mr. Kenneth Corona stated that he resides at 313 West Waldburg Street. Mr. Corona said his issue is with the upstairs. Most of the homes are vacation rentals. They are close to what they have next door at their house. This presents privacy issues for him as well as safety issues. The other issue he has with the roof which he has tried to get an explanation or some clarity on this before. He asked how will the roof be built over the deck? It will be interacted with his roof. They have spent a lot of money and a lot of time to separate everything so that they do not have the issues they had before such as if one of them wanted to redo the roof, everybody has to redo the roof. He wanted to get some clarity on this. He wanted to be sure that if it does take up the entire space, how will they deal and mitigate their roof with his roof. Mr. Corona said he definitely does not want the roof to be attached at any point, especially over the deck.

Mr. Condon asked Mr. Corona that when the fire happened, did also burn your porch?

Mr. Corona answered "absolutely."

Mr. Condon asked him if he rebuilt his porch in this kind of figuration.

Mr. Corona answered yes, the part of the little porch. The upper-level porch was an addition.

Mr. Condon asked him that a part of the neighbor's porch that was burnt and removed. prior to that, did it extend as they are asking for it to do now?

Mr. Corona answered that he does not really remember, but he believes it did extend all the way.

Mr. Condon explained to Mr. Corona that he could see the Board's Position that the Petitioner is asking permission to rebuild what was there that was taken b no fault of their own. It was taken due to a fire. He told him that he believes that it is important for him to communicate with the homeowner and the architect. Mr. Condon said he was quite sure, especially with Ms. Harris who is outstanding in her job to ensure that he will be happy with the decision. Mr. Condon told Mr. Corona that the Board is not here to deal with whether the roof touches. He informed him that before leaves today, communicate with Ms. Harris and he believes he will be happy with the results. Mr. Condon told Mr. Corona that all his concerns are legitimate concerns. But the Board's principal responsibility today is to grant or deny permission for the Petitioner to rebuilt something that they lost due to a fire.

Mr. Corona said this would only pertain to parlor level and not the top floor.

Mr. Condon asked him if there was no third deck before.

Mr. Corona answered no.

Mrs. Corona said they live next door to 311 West Waldburg Street. As homeowners and full-time residents, they live in very close proximity. A big concern is the loss of privacy. They are the middle unit of the three homes. While originally all three of the units had the parlor level decks, which they are not disputing that, the reason they built the third-floor deck was because they are sandwiched in the middle. She said that 315 Waldburg is a vacation rental. They needed a little bit of privacy; this is why they went up. If 311 Waldburg is granted the variance and allowed to do the third-floor deck, it will be very close to them. This will take away much of their privacy.

Mr. Condon asked Mr. & Mrs. Corona if they attended the meeting that was held by the HPC.

Mr. Corona said every time he tried to speak, his hand was put down. Therefore, he was never allowed the opportunity to speak. He said he was told that it is a technical issue.

Mr. Condon informed Mr. & Mrs. Corona that he wanted to ask Ms. Harris some questions, but would call them to come back to the podium,

Mr. Condon asked Ms. Harris that the plan as presented is different than what was originally there.

Ms. Harris stated that just like the neighboring structure, the parlor level floor was originally there, and they are building an addition above that which was reviewed by the HPC.

Mr. Plunk asked that none of the houses had a second-floor balcony. There was a fire, and they rebuilt their first floor and the neighbors applied for a variance to add a second-floor structure and now this one is doing exactly the same thing. But the neighbors are applying for a variance to build a second floor and restore what was burned in the fire.

Ms. Harris said may be the Staff could correct her, but she believes that the neighboring property a variance was not required. Maybe it was an oversight, but they went through the approval process through the HPC to get an approval; but she does not believe that they caught the variance issue. However, this property owner is going through this process to do exactly the same thing.

Mr. Condon asked if the roof of the proposed porch that they are bringing before the Board, does not touch the neighbor's roof.

Ms. Harris answered no.

Mr. Condon asked, therefore, there is a planning place for mediation of water.

Ms. Harris answered yes. She informed Mr. & Mrs. Corona that she had her business cards, and she would put them in touch with the architect and owner as well so they all can make sure that their concerns are addressed.

Mr. Condon stated that due to the world we live in today, he believes that it is fair for the neighbors to be concerned about the fact that they are trying to enjoy their backyard, porch, etc., and then the people who rent the Air BNB next door are gone on Sunday mornings, do not really worry about the person who lives here 365 days a year are enjoying their backyard. Therefore, he respectfully requested that Ms. Harris work with Mr. & Mrs. Corona to ensure that they have an acceptable resolution.

Ms. Harris said she would do so. She informed the Mr. & Mrs. Corona that she was not aware that they were online at the previous meeting. If they had known, they would have made contact with them.

Mr. Condon invited Mr. & Mrs. Corona to come back to the podium. He asked them if they had any further questions for the Board.

Mr. & Mrs. Corona answered no.

Mr. Condon informed Mr. & Mrs. Corona that he believes it is important for them to communicate with Ms. Harris and the architect to see what can be done to alleviate their concerns. He told the Coronas that he believes they would agree with him that if other people were allowed to do something, then the Board is not in a viable position to deny the third person in line the ability to do what the first two persons have done.

Mr. Corona said he understood. He asked how far away from them would the roof be.

Mr. Condon informed him that this is a question that could be answered. The roof is not a part of this Board's purview. He was confident that Ms. Harris would work with him on this to ensure that he is satisfied. But this Board's purview today is specifically just to address the issue that this before them which is the variance and not the roofline, water shed, etc.

BOARD DISCUSSION

The Board agreed with the Staff recommendation.

Mr. Condon entertained a motion.

Motion

The Savannah Zoning Board of Appeals does hereby approve the request for a variance to allow for a 3-foot reduction of the 3-foot side yard setback in order to construct a rear porch the same width as the main house at 311 West Waldburg Street.

Vote Results (Approved)

Motion: Larry Evans

Second: Armand Turner

Karen Jarrett - Aye

Michael Condon - Abstain

Larry Evans - Aye

Stephen Plunk	- Aye
Armand Turner	- Aye

XI. Other Business

XII. Adjournment

11. Adjourned

There being no further business to come before the Board, Mr. Condon adjourned the meeting at 11:50 a.m.

Respectfully Submitted,

Edward Morrow
Interim Development Services Director

ED: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.