



City of Savannah Zoning Board of Appeals

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

APRIL 27, 2023 CITY OF SAVANNAH ZONING BOARD OF APPEALS

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

Members Absent: Karen Jarrett
Larry Evans

Others Present: Marcus Lotson, Development Services Director
Melissa Paul-Leto, Development Services Planner
Mary Mitchell, Administrative Assistant
Warren Durrer, Executive Assistant

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

City of Savannah: Tom Bolton, Zoning Plans Examiner
John Anagnost, Zoning Plans Examiner

I. Call to Order and Welcome

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

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

Mr. Merriman called the meeting to order at 10:03 a.m. He explained that this is a quasi-judicial proceeding. All those wishing to give testimony during these proceedings were asked to please sign in. He explained that all proceedings of the Savannah Zoning Board of Appeals are recorded. Decisions of the Savannah Zoning Board of Appeals are final. Challenges to the decisions of the Savannah Zoning Board of Appeals must be filed through the Superior Court of Chatham County.

All persons who would be giving testimony were sworn in by Mr. Merriman.

II. Invocation and Pledge of Allegiance

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

Mr. Merriman gave the Invocation. The Pledge of Allegiance to the flag was recited in unison.

III. Notices, Proclamations and Acknowledgements

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

V. Item(s) Requested to be Withdrawn

[3. VARIANCE REQUEST | 817 E 70th St | File No. 23-000827-ZBA | Parking Reduction](#)

This petition was continued from the meeting of March 23, 2023, to the meeting of April 27, 2023, for the Petitioner to possibly get a parking agreement with a nearby property owner. However, the Petitioner withdrew the petition.

Motion

The Savannah Zoning Board of Appeals does hereby approve the request to withdraw the Parking Reduction Variance Request for 817 East 70th Street.

Vote Results (Approved)

Motion: Michael Condon

Second: Betty Jones

Stephen Merriman, Jr. - Abstain

Michael Condon - Aye

Stephen Plunk - Aye

Betty Jones - Aye

Armand Turner - Aye

VI. Approval of Minutes

[4. Approve March 23, 2023, Meeting Minutes](#)

[📎 March 23, 2023 Meeting Minutes.pdf](#)

Motion

The Savannah Zoning Board of Appeals does hereby approve the March 23, 2023, Meeting Minutes.

Vote Results (Approved)

Motion: Stephen Plunk

Second: Betty Jones

Stephen Merriman, Jr. - Abstain

Michael Condon - Aye

Stephen Plunk - Aye

Betty Jones - Aye

Armand Turner - Aye

VII. Approval of Final Agenda

VIII. Consent Agenda

IX. Old Business

[5. 1702 E 34th Street | Variance to increase Daycare Size | 23-000976](#)

[📎 Staff Report April 27.pdf](#)

📎 [letter.pdf](#)

📎 [Additional Street Views.pdf](#)

📎 [Map.pdf](#)

📎 [Neighborhood Petition of Support.pdf](#)

Mr. Marcus Lotson gave the staff report. The Petitioner is requesting a variance to increase the number of children permitted in a home daycare from six to twelve. This item was continued from the March 23, 2023 meeting by motion of the Board so that the Petitioner could consult with neighboring residents and provide feedback regarding any concerns. Staff received letters and a petition from the surrounding neighbors in support of the petition.

Mr. Lotson stated that the Petitioner requested Special Use Approval in 2019 to increase the number of children at her existing home daycare from six to twelve. At that time, the Board denied the petition. The findings at that time included concerns about the potential impacts on the adjacent properties related to traffic, noise, and parking, which he believed is the reason the present Board asked the Petitioner to make those inquiries to the neighboring residents.

Mr. Lotson showed the Board a picture of the Petitioner's home located at 1702 East 34th Street. This address is East of Bee Road and the lot's size is approximately 5,100 feet. The Staff's previous review of the criteria for variance found that the requested variance would allow the use to intensify beyond that which is typical for a traditional residential neighborhood. The potential for up to twelve vehicles twice per day could potentially be a nuisance at the site. He also showed the Board the street view of the property surrounding the home. The Petitioner has installed a semi-circular driveway in front of her home for safety of dropping off and picking up the children.

Mr. Lotson said Staff found out that a variance is not necessary for the reasonable use of the building and structure. The intent of a home daycare and the maximum number of children being six is to fit in within a residential situation where the primary uses around the properties are residential in nature. Childcare centers that allow more than six children are typically found in more commercial or mixed-use areas. Mr. Lotson stated that Ms. Baker reached out to her neighbors and has provided a number of signatures of support as well as some individual letters of support regarding her business and how it will benefit the neighborhood.

Mr. Lotson stated that to recap this request, Staff reviewed the petition from the standpoint of the variance criteria and recommends denial. He believes that the Board's intent was for the Petitioner, Mrs. Baker, to engage her neighbors and bring the testimony to the Board today. He believes that Ms. Baker is present today to speak to that matter. Mr. Lotson entertained questions from the Board.

Ms. Jones said that Mr. Lotson showed the Board a map with parking thereon. She asked if this was additional parking that could be utilized by the daycare.

Mr. Lotson explained that vacant property is City right-of-way property. He was sure that this property is used by neighbors in the area for additional overflow parking.

Ms. Jones asked if the parents would be able to park there.

Mr. Lotson answered that he does not know if the parents park here now. But Ms. Baker has a semi-circular driveway in her front yard. He presumed that this is the primary drop-off and pickup area. He said, however, the City's property is not a parking area and technically you should not park there, but if it is not blocking access to the rear, people probably use it for parking.

PETITIONER COMMENTS

Ms. Baker stated that she was present today seeking to increase the number of children at her daycare. Accompanying Mrs. Baker were a neighbor and a parent.

PUBLIC COMMENTS

Ms. Kayla Bing stated that Ms. Baker took care of her two children from infancy. Her children ages are

14 years old and 6 years old. Ms. Bing said she is a teacher also and understands what Mr. Baker is trying to do, especially with trying to increase the size of her daycare. She is aware of the gray areas since this is a residential area. However, the parents only drop-off and pickup their children. If there is an event, you are not there longer than one hour. There is a big age gap between her two children. Therefore, they were not attending the home daycare at the same time. The COVID situation has set a lot of people back. Ms. Baker has a loving home daycare. They need home daycare in their area where the parents can get to them. A lot of parents do not have transportation and cannot afford it. Ms. Bing respectfully asked the Board to please approve to increase the size of the daycare.

Ms. Corinthia McCoy-Thompson resides in the neighborhood at 1602 East 34th Street, one block from Ms. Baker's daycare. Ms. McCoy-Thompson said she has lived in this area 27 years. For the longest, she did not know that Ms. Baker had a daycare here. The business is operated very quietly. They have never had any infractions in the neighborhood about any disturbances or anything. An apartment complex is around the corner and most of the traffic in their area comes from the apartment complex.

Ms. McCoy-Thompson said she has a grandson who occasionally comes to visit her. Sometimes when her grandson visits, she needs daycare for a short period of time. She is able to drop her grandson off at Ms. Baker's home daycare for a short period of time. Ms. Baker is very accommodating, Ms. McCoy-Thompson said she, too, was a daycare provider for many years. An in-home daycare provider is needed in their neighborhood. Ms. Baker serves as a needed asset to their community and the neighbors welcome her here. They are hopeful that the Board will approve to increase the size of Ms. Baker's daycare. She thanked the Board for their time in listening to this petition.

BOARD DISCUSSION

Mr. Condon said he is familiar with this location, but not specifically with the daycare. He has worked in this neighborhood and there is very little traffic here. What Ms. Bing and Ms. McCoy-Thompson said is true. Even with people dropping off and picking up their children, he did not see a lot of traffic here. He was in this area the entire day. It appears to him that the Petitioner is really running a good business and is a good neighbor also.

Mr. Merriman asked Mr. Condon if he was in the area for a considerable amount of time.

Mr. Condon answered that he was in the area for a couple of weeks.

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

Motion

The Savannah Zoning Board of Appeals does hereby approve the request to increase the number of children permitted at a home daycare from 6 to 12 for the property at 1702 East 34th Street.

Vote Results (Approved)

Motion: Betty Jones

Second: Armand Turner

Stephen Merriman, Jr. - Abstain

Michael Condon - Aye

Stephen Plunk - Aye

Betty Jones - Aye

Armand Turner - Aye

[6. VARIANCE | 213 West 39th Street | 23-000986-ZBA](#)

[Application.pdf](#)

[PLans.pdf](#)

🔗 [Submittal Packet - 213 W 39th ZBA.pdf](#)

🔗 [vicinity map with zoning districts.pdf](#)

🔗 [vicinity map with the closest CAT bus stops.pdf](#)

🔗 [Parking Model + Analysis.pdf](#)

🔗 [Staff Report. MPL.pdf](#)

Ms. Melissa Paul-Leto gave the staff report. The Petitioner is requesting to renovate an abandoned home into a duplex at 213 West 39th Street. A duplex would be required to provide two (2) parking spaces based on NewZo which was adopted in 2019. As the building was constructed in 1920 there are no off-street parking spaces on-site. Since the Petitioner is requesting duplex use, one parking space is required for the additional unit. She explained that as the Board can see, someone is parked here on the side, but it is very tight in this area. Ms. Paul-Leto said that she believes it was intended to have trash bins stored here and pull them out on trash pickup days. Ms. Paul-Leto showed the Board a picture of where the car was parked. She said it is split between the subject property and the adjacent property lines. Therefore, this is not really a legal parking space.

Ms. Paul-Leto explained that the subject property meets the minimum lot width and minimum lot area per unit within the TN-2 zoning classification. She wanted to highlight some variance criteria. The existing house is currently vacant but was historically used as a duplex. The neighborhood was developed prior to the establishment of the TN-2 Traditional Neighborhood District through NewZo in 2019. The properties on the one block radius also appear to be duplexes. She showed the Board a map that the Petitioner provided. Ms. Paul-Leto said she visited this site. A lane is not in this block. A duplex as well as a triplex is across the street.

Ms. Paul-Leto stated that the property is in a one-block radius and there appears to be duplexes and triplexes within about half of them being unequally narrow 30-foot lot widths. As she has mentioned a lane is not here and the West 39th Street on-street parking is utilized, except for a double lot on the corner that has a driveway,

Ms. Paul-Leto explained that the subject property does not have room for off-street parking. The side yard setbacks on either side of the structure are too narrow. The parking requirements for a duplex are one off-street parking space per unit. One parking space is grandfathered in for the lot to use if it operates as a single-family dwelling; but if the lot is operated as a duplex, it would require a variance for the second parking space as it cannot physically accommodate off-street parking. This is the reason they are here today.

Ms. Paul-Leto additionally explained that on the corner of Barnard and 39th Street, the Chatham Transit Authority [CAT] has two bus stops here. The closest bus stop is 352 feet from the subject property and the second stop is 527 feet from the subject property. She pointed out that the Department of Transportation [DOT] map shown in red is the subject block. The closest DOT shuttle bus stop is 825 feet from the stop on the corner of Whitaker Street and 40th Street.

Ms. Paul-Leto stated that staff conducted a parking study for the surrounding areas around the subject property. The parking analysis indicates that if the subject property becomes a duplex, there will be a surplus of seven on-street parking spaces with the subject block as there are 13 on each side and the block that is north on 39th Street actually has an alley, and they have access to parking. But some persons choose to park on 39th Street.

Ms. Paul-Leto stated in reviewing the criteria, the Ordinance requires one parking space per unit for duplex use. None of the homes in this block have off-street parking, yet the majority are duplexes, except for the double lot on the corner of Barnard and West 39th Street. Adding an extra unit to the subject property is not going to be injurious to the neighborhood. The southside of West 39th Street without a lane, currently has thirteen (13) on-street parking spaces for eight out of ten properties that do not have off-street parking. The north side of West 39th Street has a lane for parking and currently has thirteen on-street parking spaces. This property is the same size as nearly all the other properties on the subject block whether they are being used for single-family or duplex dwellings, there is no lane access and no room for off-street parking in the front yards. The development pattern historically has been 30-foot lots with a variety of single-family duplexes and triplexes that utilize on-street parking. Ms. Paul Leto said that

the addition of a second dwelling unit may add value to the property. The property has been abandoned sometime after 2007, prior to Savannah's new Code in 2019. The literal interpretation of the regulations would not deny the Petitioner of rights as it can still operate as a single-family home. Similar lots elsewhere in the TN-2 Zoning District would also experience the same restrictions as this lot is experiencing requirement of one parking space per unit.

Ms. Paul-Leto reported that based on the development pattern, parking study, and the variance criteria, staff recommends approval of the requested variance. She entertained questions from the Board.

Mr. Merriman, for clarity, asked if the other duplexes that are in the same block do not have off-street.

Ms. Paul-Leto answered that there is no lane or driveway here. The only one that has a driveway is the double lot,

Mr. Merriman pointed out that four other duplexes are in this same block.

Ms. Paul-Leto explained that on the corner of 39th and Barnard Streets is a double lot. It is 60 feet in width and has a driveway.

Ms. Jones asked that when this was a single dwelling, was one parking space here?

Ms. Paul-Leto answered no. There is an opening here that a vehicle can access, but at this time it is not a legal measurement of what a driveway should be. Also, it is extremely tight here. Also, when you look at the property lines, they are split in the middle of the driveway. Therefore, technically, it is not anyone's driveway.

Mr. Condon asked if the Historic District Board of Review had any input into this petition.

Ms. Paul-Leto stated that she spoke with the Historic District Department, and they have no record of a COA being requested.

PETITIONER COMMENTS

Ms. Stephanie Bock came forward and pointed out that the units on the other side have off-street parking. Ms. Bock informed the Board she had the floor plans with her if they wanted to see them.

Mr. Merriman did not believe that it was necessary for the Board to see the floor plans. The Board agreed to not seeing the plans.

Ms. Bock said they are only going to alter the inside and not the outside. She is aware that this has no bearing on the parking variance.

PUBLIC COMMENTS

None.

BOARD DISCUSSION

Mr. Merriman entertained a motion as the Board did not have any further discussion.

Motion

The Savannah Zoning Board of Appeals does hereby approve to grant the requested parking variance for the property located at 213 West 39th Street.

Vote Results (Approved)

Motion: Armand Turner

Second: Stephen Plunk

Stephen Merriman, Jr.	- Abstain
Michael Condon	- Aye
Stephen Plunk	- Aye
Betty Jones	- Aye
Armand Turner	- Aye

X. Regular Agenda

[7. VARIANCES | 1806 Live Oak Street - requests to the minimum lot width and minimum lot area to subdivide one \(1\) parcel into four \(4\) parcels | 22-005897-ZBA](#)

- 📎 [Application.pdf](#)
- 📎 [Map.pdf](#)
- 📎 [Letter supporting the variance request.pdf](#)
- 📎 [Letter of Opposition.pdf](#)
- 📎 [Neighborhood Meeting Notice.pdf](#)
- 📎 [Staff Report.pdf](#)

Ms. Melissa Paul-Leto gave the Staff report. This request is for 1806 Live oak Street. The existing lot has 190 feet of frontage and 90 feet in depth. The variance request is written on the proposed plat. The Petitioner is requesting five (5) variances to subdivide a 0.40 acre or 17,500 square foot parcel into four (4) residential parcels. The variance requests are the following: A 500 square foot lot area variance from the 5,000 square foot minimum for three lots; A 950 square foot lot area variance from 5,000 square foot lot minimum for one lot; A 5-foot lot width variance from the 50-foot lot width minimum for one lot. She pointed out the three lots that this variance is requested for.

Ms. Paul-Leto stated that the subject property is located within the RSF-5 (Residential Single-Family-5) zoning district and the Live Oak Neighborhood. As she has stated, the property has 190 feet frontage on East 34th Street, with a 90-foot depth access to East 34th Lane to the rear of the parcels. She explained that the RSF-5 zoning district has a minimum lot width of 50-feet and a minimum lot area of 5,000 square feet. The subject parcel in the RSF-5 zoning district would be allowed by right to construct three parcels without the need for variances. The parcel is a corner lot that is currently vacant. There was once a single-family residence that was constructed facing Live Oak Street. The residence has since been demolished and the subject lot has kept the 1806 Live Oak Street address. The proposed subdivision, if approved, would result in four total residential lots; three lots would be 50 feet x 90 feet and the fourth lot would be 45 feet x 90 feet.

Ms. Paul-Leto explained that the Petitioner mailed a neighborhood meeting notice to all the residents within the 300 feet radius notifying them that a neighborhood meeting would be held on Thursday, April 20, 2023, at 4:00 p.m. onsite. She said she attended the meeting, and four residents attended the meeting, including the President of the Live Oak Neighborhood Association. The Petitioner showed the proposed site plan. The driveways, setbacks, the depth, and length of the frontage of the parcels. The President of the Live Oak Neighborhood Association as well as two others in attendance were in favor of the variance request. However, at this time, Staff has not received an official letter from the Neighborhood Association. But the President is in attendance at the meeting today. She showed the Board the site plan for the four single-family dwelling units with driveway access. The Petitioner also provided a rendering of the four single-family homes.

Ms. Paul-Leto said the five variance requests will change the development pattern of larger the lots in the RSF-5 Zoning District. However, it will add for additional houses for future property owners in the City of Savannah where housing is needed. This lot has been vacant for many years. She explained that there is a special circumstance. She explained that when reviewing the neighboring area, the parcel across the street from the subject parcel is in the RSF-5 Zoning District as well, but the position of the property lines has been pushed closer to the right-of-way, this allows them to have a 100-foot depth parcel whereas the

subject parcel has a 90-foot lot depth and they have at least approximately more than a 20-foot right-of-way. Ms. Paul-Leto said to allow for a 100-foot lot depth, would lessen the amount of lot area variance required.

Ms. Paul-Leto summarized that the Petitioner is attempting to create four parcels from one parcel that has not been utilized in many years that has been left vacant. She reminded the Board that the Petitioner could have subdivided the lot into three parcels without the need for the requested variances. However, the fourth parcel would be in keeping with the development pattern. She said that the addition of one parcel may add value to the construction of the dwellings and allow for additional single-family to be included in the Live Oak Neighborhood. The neighboring development pattern in the area consist of larger lots that are in compliance with the regulations of the RSF-5 Zoning District minimum lot width and lot area. Any person wanting to subdivide would have to go through the same variance request if they did not meet the 50-foot width and the minimum 5,000 square foot lot area. Building three single-family homes with more than 5,000 square feet in size per lot is reasonable and conforms within the RSF zoning classification.

Ms. Paul-Leto reported that based on the variance criteria, Staff recommends denial of the variances. She informed the Board that Attorney Robert McCorkle, Agent, for the property owner was present to make a presentation to the Board. She entertained questions from the Board.

Mr. Condon asked Ms. Paul-Leto to tell the Board about the letters Staff received.

Ms. Paul-Leto stated that staff received one letter of support. The letter from Alderman Detric Leggett was in response to the March 2023 application prior to the neighborhood meeting. Staff has not received any additional information. Staff has tried to contact Alderman Leggett several times.

PETITIONER COMMENTS

Attorney Robert McCorkle came forward and stated that he was present on behalf of the Petitioner. He thanked Ms. Paul-Leto for a thorough presentation of the situation of the variances that they are asking for today. They have been seeking the variances since August 2022 which was never heard until today. Attorney McCorkle said he would give the Board an overview of the land so everyone would be familiar with where they are talking about. He pointed out the subject property. It is actually 195 feet, but if you look at SAGIS, it says 151 feet. The lot is 195 feet wide, which is a very unusual circumstance for a lot in this neighborhood to be that size. It is 90 feet deep on Live Oak Street. The reason it is 190 feet wide is the same reason that they talk about on all these variances when they come before the Board. The original lot sizes in this neighborhood are 30 feet wide. Therefore, it is really six original City lots, plus half of another lot. This is how they get the 195 feet. A single home was on this lot previously, which actually faced Live Oak Street instead of 34th Street. Therefore, all of the remainder of the 195 feet were essentially the backyard of the house that was originally here.

Attorney McCorkle said interestingly. the houses across the street actually face 33rd Street. Everything across the street from these lots are the rear of the houses. There are a lot of backyards, sheds, fences, landscaping, etc. Therefore, they do not actually face any houses directly across the street that would be looking at what they are building. He showed the Board pictures of the houses in this area; and said that the houses are relatively close together regardless of the width of the lots. Attorney McCorkle said that most of the frontages on this particular side of this block are 60 feet in width. At the end of the street on the other end, the houses actually face away from 34th Street. These lots are only 45 feet wide, which will be consistent with the one lot width variance that they are asking for. It is in the same block but is at the end of the street.

Attorney McCorkle said when they originally applied, they asked for six lots to be created onto this property. They were trying to recreate the original 30-foot lots and put six houses here. The theory was that there are numerous 30-foot lots in the area; particularly, directly across the street from them. He said that all the lots in "yellow" are smaller than 35 feet. They have basically some 40-foot lots on the other lot, and two 45-foot lots down here, and a 45-foot lot directly behind them. The "green" line indicates where the zoning line is for this property. It is zone RSF-5 which is everything to the east. It cuts into this part, and it is interesting because if they were in TR-2, directly across the street from their houses or if they were two blocks to the left or two blocks to the south, what they are proposing would be permitted. This is kind of the theory that they used when they applied for the original six houses.

Through this process, they heard from the neighbors. They did not want 30-foot lots on the street. They believed that the size of those lots would be inconsistent with the neighborhood. They did not want 20-foot houses on 30-foot lots. Therefore, with hearing and listening to the neighborhoods' concerns and also speaking to Alderman Leggett, they went back to the drawing board and revised the plan to have four lots. As was mentioned by Ms. Paul-Leto, what they are asking for is four lots on the property. Three lots will be 50 feet wide, and one will be 45-feet wide. Attorney McCorkle explained that this combines into five variances. He is aware that five variances sound like a lot of variances, but this is not one project they are doing, and not one house they are building, but four houses. It is really two variances on one lot, and one variance on the other three lots. He said that he would address the variances separately.

Attorney McCorkle said as Ms. Paul-Leto mentioned there is a special condition that exists on this block and the blocks to the east. He will talk about the lot area first. This block unlike the blocks adjacent to them as the Board can see, is 90 feet wide in depth, and these are 100 and everything else above it and to the side of it are 100 feet. In a couple of block radiuses, they are only 90 feet deep. What is interesting about it is that when you are standing out in the street, the curbs are the same. If he is standing on the corner and looking across to 34th Street, the curbs in the yards are aligned. As he has pointed out, the houses on the next block have the exact same size yard as these houses have as far as the depth is concerned. The difference is that somewhere in here there is an invisible line where the right-of-way begins. They only have eight feet of right-of-way upon their front yard, and they have 20 feet of right-of-way. Attorney McCorkle said because of this, even the three lots that they are doing in 50 feet, which is the design standard, they need a lot area variance because their lots are only 90 feet deep as they have 20 feet of right-of-way in their front yards. Therefore, he believes that there is a particular special condition as mentioned by Staff and he also believes that the variances are warranted in this particular situation because 50 feet meets the design standards for the width and except for the strange kind of depth of right-of-way on this particular block, they would not be requesting these variances.

He also noted that he does believe that any human being could perceive the difference in lot area between their lots and any other lot because the lot side, the yard side, the curbing are all the exactly the same.

Attorney McCorkle said the second variance that they are requesting is the lot width on the single lot which is 45 feet. He explained that the particular situation of this lot, itself, is 195 feet wide, which is an extremely long lot. If 50-foot-wide lots, which is what is required, they would have 150 feet, and would be left with 35 feet additional. He corrected that statement and then said they would be left with 45 feet additional. They are ultimately 5 feet short of having wide enough lots to have the four lots. If they were 200 feet wide instead of 195 feet wide, they could do this without having to request a lot width variance. Attorney McCorkle told the Board that he does not believe that a human being could drive by and tell the difference between a 45-foot lot a 50-foot lot. What they are proposing as far as houses are concerned, the houses are all the same width. The driveways are the same, they are providing off-street parking for all these properties, they do not intend to put more cars out into the street. But when they look at the yellow spaces showing what will be constructed, he does not believe that any person could look at it and tell that they actually have a five-foot variance on one of the lots. He also wanted it to be noted that there is a 10-foot right-of-way into the grass in the yard on Live Oak as well. This also adds to the width of those lots, which he believes makes it imperceivable. He explained again that across the street this would be permitted; a block to the west; two blocks south; all this would be permitted. But in their particular location, they are required to ask for the variances.

Attorney McCorkle said he wanted to make known that his client, Mr. Rayford Reeves. has built a lot of infill, quality construction houses in the City. He has been before the Board for variances for him that surpasses his other clients. As the Board knows, they have about a 9,500-unit housing shortage in the City of Savannah. There are a lot of folks going out into these City blocks and are building houses and providing single-family residences for people. These houses are intended to be sold and occupied by owners, but obviously if someone decides to rent them after they are bought from his client, they cannot stop them from doing this. These are just some examples of infill houses on Duffy Street and 38th Street, on Whitaker Street, and other places that he has built. Attorney McCorkle said as the Board can see, what Mr. Reeves is building is consistent with the neighborhood. These are quality houses, good looking houses, and they intend to do the same thing here.

Attorney McCorkle said that originally when he spoke with Alderman Detric Leggett, he asked them to have an additional meeting with the members of the neighborhood. He was concerned that there was

some confusion about what they were actually asking for. Originally, they asked for six, but had a lot of objections and then they asked for four. They are really only asking for five single lot width variances. They sent notices to everyone within 300 feet to 70 plus residences. In addition to this, he delivered handwritten copies of a notice to every residence on the block face as well as all the block faces surrounding them just in case, they had renters that did not get the mail as it was sent to the tax addresses. They were trying to ensure that the persons who lived in the houses were notified. At this meeting, three neighbors came with all the notices that were mailed. Attorney McCorkle said his impression from the meeting was that everybody was pleased with what they were doing and were pleased with the housing that would be built there. Two of the neighborhood members are present at today's meeting. They make say something different today, but at their meeting they answered all the questions that were asked of them. They informed the neighborhood members about what they were doing and told them that it would be a quality product.

Attorney McCorkle summarized that they have tried to work through this process and do what they believe is minimum under the circumstances. The simple question that ends up before the Board is, can they build three houses on this property, or can they build four houses on this property? He explained that the reality is if they only build three houses, the houses will be larger, the lots will be larger than what is on the street, and the houses will be more expensive than what will be constructed here due to the size of the larger lots. He believes that what they are proposing with three 50-foot-wide lots and a 45-foot-wide lot, that these houses will fit in with the neighborhood, they will be a quality product, will add to the area, and will not force more parking onto the street. They do not believe that the lot area variances they are asking for would be perceivable by anyone. They do not believe that due to the size of the houses' setback of a 45-foot single lot would be noticeable to anyone. There are two 45-foot lots on the street which they believe is consistent. Therefore, with all of this, they believe that the project, itself, is positive and they have worked with the neighborhood and came up with a solution. He believes it is a good one with the number of variances to have the additional lot. This is a long lot. Attorney McCorkle entertained questions from the Board.

Mr. Condon asked Attorney McCorkle if he has had a conversation with Alderman Leggett since the initial conversation.

Attorney McCorkle answered no. He tried to contact Alderman Legget in advance of this meeting. He sent him an email and a copy of the notice, and called him, but was unable to reach him. The Neighborhood Association's President is at today's meeting.

PUBLIC COMMENTS

Mr. Robert Wilson resides at 1807 Live Oak Street, across from the subject property came forward.

Mr. Wilson said he noticed that when houses are built here, garage apartments are being built behind the houses. He believes that in the future instead of having three or four lots, eight families will be moving in. This adds congestion to their neighborhood. He is against the Board giving them four lots, just give three lots and make the homes larger. This will cut down on the traffic congestion in the neighborhood. He has lived in this neighborhood almost 50 years and has seen the difference not only in demographics, but in the congestion of the neighborhood.

Ms. Paul-Leto asked the Chair if she could respond to Mr. Wilson's statement.

Mr. Merriman told her to please respond; he was going to ask Staff to do so.

Ms. Paul-Leto explained that the RSF districts have a 200 percent lot area requirement in order to have an accessory dwelling unit. They could have a detached garage or an accessory building, but not a garage apartment.

Ms. Mary Ann Gordius came forward and said she resides at 1240 East Victory Drive, which is on the corner of Live Oak Street. Ms. Gordius said that Attorney McCorkle's plan requests more than a 10 percent variance in lot size. She said that all the houses that he mentioned on 33rd Street are all workman single-family houses with front porches. If you drive by, you will see families sitting on their front porches. She said Ms. Johnson, the Neighborhood Association's President is sick, and asked her to speak. There are 2, two-story houses on East 33rd Street. One is a board house that has been renovated and one is a new house and has a garage apartment. In essence, these new houses with their

fences, almost forms a gated community, which is destructive to the ambience of their area. She lives in an area that has gentrified and it has been wonderful. Some new houses have been built nearby, but they are within the character of the area. When she asked Attorney McCorkle why he could not build two, single-family houses and a duplex in the center, which would allow him four houses, he said with a minimum, it would require a variance. Now, he comes here today and asks for five variances. Ms. Gordius said she is not an architect. She looks at houses and walks her dogs. She looks at houses to give her an idea what to do with her house. It seems to her that what is being requested would be a separation from the neighbors. She agrees that more houses are needed in Savannah, but they do not have to ruin neighborhoods to bring in money.

Ms. Paul-Leto wanted to make a comment on Ms. Gordius' statement. She explained as she did when Mr. Wilson made his statement, that this property is located in the RSF-5 zoning district. Duplexes are not an allowed permitted use.

Mr. Condon wanted to be sure that the Board was clear on this matter. He asked Ms. Gordius that she said as acting as the President of the Live Oak Neighborhood Association that she is not in favor of this variance request.

Ms. Gordius answered yes.

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

Attorney McCorkle stated that as was mentioned, no accessory dwelling units are allowed here. Therefore, no additional apartment buildings will be built. No duplexes are allowed. They cannot put two units on a 65-foot lot and ultimately end up with the same number of units on the property. This is not an option; it is not going to turn into eight houses instead of four houses. They do not believe that the difference between having three houses and four houses on this property will add to the congestion of the neighborhood. They are talking about a single-family residence and maybe two cars. In addition, they will have off-street parking to park two cars. Therefore, there should not be any congestion added to the neighborhood or to a specific street. He explained that the house immediately next door has a second story on the side closest to the house that they want to build and will be consistent. But to say that adding four houses into this neighborhood is a rape of the area or the community is not true. New housing is good; not having empty lots in the middle of neighborhoods is good. Having houses that are consistent in size and footprint of the neighborhood, he believes is good.

Attorney McCorkle said, however, he believes that if they end up with larger, more expensive houses, which is a part of what he heard, the houses would be more expensive and not consistent with the neighborhood. He believes that if they are forced to have 65-foot lots in an area that is 50-foot lot area, then they will end up with larger and more expensive houses. This will just exacerbate the problem. He said he was a little surprised about the Neighborhood Association's comments. They were not consistent with what he thought were their previous conversations, but regardless, they notified more than 70 people in the neighborhood of the meeting. He hand-delivered the notice to every person and only three persons showed up at the meeting. He has not received any emails and he was contacted by one other person who was in support of their petition. He lives diagonally across the street from them. They worked extremely hard to come up with a plan that they believe is consistent with the neighborhood and to the response and concerns of the neighbors that were expressed to them. Attorney McCorkle said due to the specific strange conditions that affect this block and this lot, they asked for the Board's approval of the variances so that they can move forward with what they think is a good project.

Ms. Jones asked how many letters recommending approval was received for this project.

Mr. Merriman answered one letter recommending approval was received.

BOARD DISCUSSION

Mr. Merriman said that the special condition where the right-of-way is 20 feet is a big deal. If it wasn't for this issue, it would be different. He did not see a problem with the variances that are being requested.

Mr. Condon said his concern is that the Neighborhood Association and the District Alderman are not in

support of four houses on this lot. This is his primary concern.

Mr. Merriman said he did not hear that the Alderman Leggett did not want four houses.

Mr. Condon said that Alderman Leggett's letter states that he likes three houses. This is a unique block and large housing stock is here. However, he believes they have to take into consideration the opinions of MPC and the neighbors. He did not want to sound impolite in saying this but having a meeting in the middle of the week at four o'clock is not necessarily conducive to getting an audience. The President of the Neighborhood Association is in attendance, and he knows that the Alderman of this district wrote a letter expressing his concerns about the number of houses. The Alderman and the Neighborhood Association are in agreement that it be three houses.

Mr. Turner said if the developer builds three houses on the lot, a variance would not be required. The houses would probably be two-story houses which would somewhat match the houses that they are suggesting now but would only be larger. Therefore, his concern is that if the three houses are chosen, they would be more inconsistent than what it would be if it were four houses.

Ms. Jones said she agrees with what has been said because the density in the neighborhood is getting to be too much, the traffic and everything. Therefore, she concurs with three houses. Four houses would be overbearing. She believes the President of the Neighborhood Association said they agree with three houses.

Mr. Merriman entertained a motion.

Motion

The Savannah Zoning Board of Appeals does hereby deny the variances to the following:

1. A 500 square foot lot area variance from the 5,000 square foot minimum for three lots.
2. A 950 square foot lot area variance from the 5,000 square foot minimum for one lot.
3. A 5-foot lot width variance from the 50-foot lot width minimum for one lot.

Vote Results (Approved)

Motion: Michael Condon

Second: Betty Jones

Stephen Merriman, Jr. - Abstain

Michael Condon - Aye

Stephen Plunk - Aye

Betty Jones - Aye

Armand Turner - Nay

[8. 202 East 38th Street | Variance to Reduce Rear Yard Setback to Construct a Carriage House | 23-001576-ZBA](#)

[☞ Staff Report - 23-0001576-ZBA.pdf](#)

[☞ Submittal Packet - 202 East 38th Street.pdf](#)

[☞ Public Comment.pdf](#)

[☞ Public Comment 2.pdf](#)

[☞ Public Comment 3.pdf](#)

Mr. James Zerillo gave the staff report. The Petitioner is requesting to reduce the minimum rear yard setback from 20 feet to 5 feet to construct a two-story carriage house connected to the primary residence on the property located at 202 East 38th Street.

Mr. Zerillo explained that the design was initially heard by Historic Preservation Commission [HPC] on August 24, 2022, and was approved. During that time, the Petitioner was not aware they needed a variance recommendation. The HPC approved a variance recommendation to the Savannah Zoning Board of Appeals on March 22, 2023.

Mr. Zerillo stated that the reason this petition is before the ZBA is because the carriage house is supposed to be connected to a primary residence. Therefore, the principal structure setback requirement applies, which is 20 feet. As to why it is connected, there is a requirement that a carriage house and a primary residence have a 10-foot separation between the two. Therefore, with the 5-foot setback for the 10-foot separation, the Petitioner would have only been able to construct a carriage house that would be 7 feet in width if they were disconnected from the primary residence.

Mr. Zerillo said pertaining to the surrounding context, Staff did an onsite visit and found that there were other examples of carriage houses which had similar or less than five-foot setbacks. He stated that the orange color denotes the examples that Staff found within the location. There are examples of accessory structures with similar setbacks, but staff only looked specifically at carriage houses and residential accessory structures. There are examples of garages and sheds with similar configurations.

Mr. Zerillo stated that Staff is in agreement with the recommendation request from the HPC and found that there would be no special privileges granted and that there are special conditions on the lot that it is a corner lot and does not have access to a rear yard lane, which is generally typical in this kind of configuration. He stated again that Staff found similar configurations within the context.

Mr. Zerillo reported that Staff recommends approval to reduce the minimum rear yard setback from 20 feet to five feet in order to construct a two-story carriage house connected to primary residence on the property located at 202 East 38th Street. He stated that Staff received five letters supporting the variance and one letter in opposition. He entertained questions from the Board.

PETITIONER COMMENTS

Mr. Josh Ward of Ward Architecture & Preservation came forward. Mr. Ward thanked the Staff for their review and recommendation for the project. He wanted to reiterate a few things. They do not think that the building pattern is atypical of the neighborhood., especially historically. As the Board saw on the Sanborn Map, there actually was a two-story wood frame building almost in the exact same location on this property. As has been mentioned, they have an approved Certificate of Appropriateness (COA) and five letters of support for this project. Mr. Ward entertained questions from the Board.

PUBLIC COMMENTS

No one was in attendance in the audience or online. As has been stated, five letters of support were received for this project and one letter opposing the project.

BOARD DISCUSSION

The Board was in agreement with the Staff's recommendation.

Mr. Merriman entertained a motion.

Motion

The Savannah Zoning Board of Appeals does hereby approve the requested variance for 202 East 38th Street.

Vote Results (Approved)

Motion: Stephen Plunk

Second: Michael Condon

Stephen Merriman, Jr.	- Abstain
Michael Condon	- Aye
Stephen Plunk	- Aye
Betty Jones	- Aye
Armand Turner	- Aye

[9. 2305 Whitaker Street | Side yard setback variance request | 23-000646-ZBA](#)

📎 [Staff Report - 23-000646-ZBA.pdf](#)

📎 [Map.pdf](#)

📎 [Dickerson Opposition Letter.pdf](#)

📎 [Severson Opposition Letter.pdf](#)

📎 [Submittal Packet.pdf](#)

Mr. Marcus Lotson gave the Staff report. The applicant is requesting a 1-foot 6-inch side yard setback variance from the 3-foot side yard setback requirement to construct a new duplex and carriage house located at 2305 Whitaker Street. The lot is zoned TN-2 (Traditional Neighborhood-2).

Mr. Lotson showed the Board a map that highlighted the subject property. The property is located between Howard and Whitaker Streets, near the intersection of West 39th Street. In October 2022, the Historic Preservation Commission [HPC] approved a variance recommendation to the Zoning Board of Appeals regarding the side yard setback variance when this structure was under review for a Certificate of Appropriateness (COA). They found that the development pattern was being maintained by the close location of the structures and were similar in nature to the existing structures on the block face in terms of scale. Mr. Lotson explained that a structure was on the property historically. He showed the Board a copy of the 1955 Sanborn Map. Included were a structure and an accessory structure on site, similar to the proposed development.

Mr. Lotson explained that the requested variances would apply to both lot lines on the property for the proposed duplex. In review of the development pattern in the neighborhood, it is typical in this area, where many of the structures predate zoning, to have encroachments into the side yard setback. He showed the Board a sketched drawing that was done by the Petitioner of the proposed duplex and the proposed carriage house.

Mr. Lotson stated that in review of the criteria for rezoning, Staff found that the variance, if approved, would not likely be detrimental to the community at large. He said as he has mentioned, it is very similar to both the existing pattern and the homes that were historically on the site. Although they found that special conditions were not really present that are specific to the subject parcel, there is a clear pattern in the block face that the proposed variances are consistent. They also found that the literal interpretation of the regulations would deprive the Petitioner of the rights enjoyed by other property owners in the area due to the existing pattern, and the fact that it is not uncommon to see the types of encroachments that are proposed for this variance. He said that another variance would be the minimum that would accommodate the approved building design. Although an alternative design could fit within the required setback, it may be less compatible with the historic development pattern.

Mr. Lotson reported that based on those findings, Staff recommends approval of the 1-foot 6-inch side yard setback variance from the 3-foot side yard setback requirement for both sides of the property lines for 2305 Whitaker Street, He mentioned also, for the record, that letters were attached to the agenda that were received from neighboring property owners in opposition to the proposed variances. Mr. Lotson entertained questions from the Board.

Mr. Condon asked that when Staff makes their recommendation, do they give any considerations to fire safety. When he drove by, a house on the left was close by. How do you repair sidings, paint the structure, etc. Is this a part of the Staff's consideration or are they not allowed to take this under consideration?

Mr. Lotson answered that this is not a part of the variance criteria. However, from a practical matter, those things do come into Staff's consideration. They understand that there are a number of processes which, Mr. Condon knows, are involved in building a house. Some of which they have purview over and some they do not. For example, regarding the emergency services aspect, this is a part of the building permit review. Should the fire department find, for example an issue with that, this can be brought up. Then the appropriate body will make a determination if it works. If it doesn't, then it is the Petitioner's responsibility to address their concerns. If there are certain things, they have to do to accommodate the emergencies, services, whether it be firewalls, etc. Mr. Lotson said he knows this takes place during a separate part of the entire process. The MPC does not have purview over it, but they do consider those issues.

Mr. Turner said he was unable to review the letters. Were there clear reasons in those letters describing their opposition to the variance request?

Mr. Lotson read the letter from Ms. Dickerson, who lives at 2301 Whitaker Street, and the letter from Mr. Todd O. Severson, adjacent property owner, into the record.

NOTE: Both letters received for this petition are made a part of the record.

PETITIONER COMMENTS

Mr. James Wubbena, architect, was online. Mr. Wubbena said that he was representing the owner, Mr. Keith Lind. He said that a couple of things that were stated in those letters such as they are setting a precedent is incorrect. They are not setting a precedent because the historic buildings are there across the street and are already close. They have had long discussions with Ms. Leah Michalak since the beginning asking her what would be appropriate. They met with Ms. Michalak onsite. Consequently, they are not creating anything that is not already there. This is the only reason why the Historic District Board of Review recommended approval for this variance.

Mr. Wubbena said they have tried to be diligent and not overstep any boundaries that are not in this particular neighborhood on this street. As they all know, every time you turn a corner, there is always a little something that is different. But, on this particular street they are doing historically what has already been done. He explained that when it comes to addressing fire issues, they are required by permitting to use fire rated walls; fire rated openings, such as the ones that are indoors and this is already in the drawings. Therefore, they are well aware of this issue. There are homes that are closer than this in different neighborhoods and have been maintained more than 100 years. This is all he can say to those letters.

Mr. Wubbena said they work hand-in-hand with the Review Board trying to ensure that they were not extending themselves further than they should for this particular lot. He said they were asking the Board for approval.

PUBLIC COMMENTS

Ms. Adrienne Dickerson came forward and said it was her letter that the Board just heard. She lives directly next door and approximately 22 years ago, she purchased her property. She is on the northside of the property. She has a double lot that consists of 2301 and 2303 Whitaker Street. The Board also heard the letter from Mr. Severson, who owns the property on the other side at 2307 Whitaker Street.

Ms. Dickerson said she is blindsided today because a month ago Staff recommended that this petition be denied. Therefore, out of nowhere, she is being told that it is subject for approval. She felt that her being here today was not even necessary because she had written a letter and was told that it probably would not pass. This is for new construction. There might be some buildings in the neighborhood that are closer than the three feet from the property line. but this is new construction. Ms. Dickerson asked the Board to uphold the zoning that is currently in place. As she said in her letter, she has a fence that runs the entire length of the property line. The other neighbor has a fence as well. How can you build two giant structures 18 inches from the property line? How is this safe? How is it going to be possible and not make their lives awful? This would be such as putting 7 more bedrooms on this tiny lot. Even, if they were asking for a variance on the side setbacks, she would still be opposed to the scale of this

project. Ms. Dickerson entertained questions from the Board but felt that her letter said it all. She has not heard anything about water runoff, stormwater runoff. How will the water runoff the roof? The house is only 18 inches from the property line. Therefore, where does the roofline go. She said she has not seen anything addressing this issue.

Ms. Dickerson said the new houses might be built with all the new fire safety material, but her house was built around 1890. She does not have fire safety materials. She is sure that the house on the other side does not have fire safety materials either.

Mr. Dennis Goldbaugh came forward and stated that he has been watching this situation for a long time. He explained that when Ms. Dickerson bought this property; she bought it with the intent of living here. She invested basically her life into this property. The house that she moved into was previously condemned. A local contractor bought it up to the point where it did not have to be torn down. But subsequently and briefly another couple bought the house, Mr. Goldbaugh said he believes this couple gave up on the house. Ms. Dickerson bought the house because she loved the house and wanted to restore it. Because it was condemned, she had to start from scratch and meet every code.

Mr. Goldbaugh said he worked 30 years with the County as an arborist. He has been helping Ms. Dickerson get some native trees and native azaleas. Ms. Dickerson has done a lot for this place. She is not asking for much, but only asking that the rules be followed. She is a long-term resident and taxpayer. The folks that are coming next door, it is clear and simple, they are here to make money. They will not live in the house. Therefore, they are only asking the Board to uphold the rules that are set in place.

Ms. Dickerson said she was at the Historic District Board of Review Meeting and her understanding was that the Board asked the architect to go back to the drawing board and come up with a different proposal. Her recollection is that the 1 1/2-foot setbacks were not blanketly approved. She believes the Board asked the architect to come up with a compromise.

Mr. Condon asked Ms. Dickerson if she remembers when this meeting was held.

Ms. Dickerson believes it was the meeting of January 2023 or February 2023.

Ms. Monical Gelok said they purchased 2313 Whitaker which was also derelict. It was a two-year historic project. Ms. Gelok said that multi-people were living here, and it was hazardous. She said that they have 41 buildings in Savannah and have done multiple renovations. They rehabilitate the property; the tenants are screened, and they have a fulltime maintenance personnel and property managers. They are interested in taking care of their neighbors. They have done everything they can to be a good neighbor. She is aware that something has been done to the overhang of the house and gutters were being added to the building. Ms. Gelok said she personally is not involved in the construction aspect, but she knows that these things have been addressed.

Mr. Merriman invited Mr. Wubbena to respond to the public comments.

Mr. Wubbena, in response to the public comments, explained that the Historic Review Board wanted them to reduce their overhangs and they did so. They also discussed using gutters and downspouts as they are close to the property line. He said again that they have done all those things. As far as the project being pulled and going back to the drawing board was never said. They have had multiple meetings with Ms. Michalak and everybody involved to ensure that this was going to fit the neighborhood. This is why the project was approved and why the Board recommended approval of the variance to the Zoning Board of Appeals. Mr. Wubbena said they are not trying to step on anybody's toes, but this building will be built. To make it more feasible and functional inside, is why they are asking for the variance as they need the little extra space, and it fits within the historic buildings in the neighborhood. Therefore, this is not a bunch of new stuff that they have been building too close. This is actually what has been in this neighborhood for a century or more. This is all he has to say, and is hopeful that the Board will approve their request.

BOARD DISCUSSION

Mr. Plunk asked Staff to please inform the Board why they changed their recommendation from denial to

approval.

Mr. Lotson explained that it was not new information that was provided by the Petitioner, but in further discussions with the Historic Preservation staff about the Review Board's recommendation, they received more information. Staff got more detail about why they recommended approval of the variance. Their reasoning had to do a lot with the historic pattern that was on this property and more largely with the historic pattern of the neighborhood as it relates to setbacks, which they did not do initially. Therefore, Staff felt that with them as non-preservation individuals, when they bring variance requests such as this to the Board, they are usually trying to create some kind of balance between protecting the historic development pattern versus what they think about just a general variance that could be anywhere in Savannah and what its impact would be. Consequently, in the Historic Districts, he believes it is fair to give a lot of consideration to the impact it may have because it is in the Historic District in terms of the pattern.

Mr. Condon said he realizes that 100 years ago, houses were built on property lines. This was prior to zoning, and he knows that literally many years were spent in coming up with NewZo to practically develop infill parcels, etc., to ensure that something that was taken down that the new model would fit in the neighborhoods. Mr. Condon said to him, one foot and one-half off the property line is crazy. He does not see any practical way to maintain a property when you are 18 inches off of a property line. From his perspective, they are talking about 27-foot-wide house on a 30-foot lot does not make sense to him.

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

Motion

The Savannah Zoning Board of Appeals does hereby deny the side yard setback variance request for 2302 Whitaker Street.

Vote Results (Approved)

Motion: Michael Condon

Second: Armand Turner

Stephen Merriman, Jr. - Abstain

Michael Condon - Aye

Stephen Plunk - Aye

Betty Jones - Aye

Armand Turner - Aye

XI. Other Business

XII. Adjournment

10. Adjourned

There being no further business to come before the Zoning Board of Appeals, Mr. Merriman adjourned the meeting at 11:40 a.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.