



## City of Savannah Zoning Board of Appeals

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

### OCTOBER 26, 2023 SAVANNAH ZONING BOARD OF APPEALS

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

Member Absent: Larry Evans  
Karen Jarrett  
Betty Jones

MPC Staff Present: Edward Morrow, Development Services Director  
Melissa Paul-Leto, Development Services Planner  
Anna McQuarrie, Special Projects and Transportation Planner  
Mary Mitchell, Administrative Assistant  
Hind Patel, IT Helpdesk & Support

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 10:05 a.m. He explained that this is a quasi-judicial proceeding. All those wishing to give testimony during these proceedings were asked to please sign in. They were sworn in by Mr. Merriman. He explained that all proceedings of the Savannah Zoning Board of Appeals are recorded. Decisions of the Savannah Zoning Board of Appeals are final. Challenges to the decisions of the Savannah Zoning Board of Appeals must be filed through the Superior Court of Chatham County.

#### II. Invocation and Pledge of Allegiance

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

The Invocation was given by Mr. Merriman.

The Pledge of Allegiance was recited in unison.

#### III. Notices, Proclamations and Acknowledgements

3. Notice of Meeting Date Change - November 16, 2023, SZBA Changed to November 30, 2023

**Motion**

The Savannah Zoning Board of Appeals does hereby approve the meeting date change of November 16, 2023 to November 30, 2023.

**Vote Results ( Approved )**

Motion: Michael Condon

Second: Stephen Plunk

Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Not Present
Michael Condon	- Aye
Larry Evans	- Not Present
Stephen Plunk	- Aye
Betty Jones	- Not Present
Armand Turner	- Aye

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

4. 0 E 60th Street | Minimum Lot Frontage Variance | 23-004910-ZBA

📎 [Staff Report - 0 E 60th St aka 3001 Uruguay St.pdf](#)

📎 [Recombination Plat.pdf](#)

📎 [AERIAL\\_SITE MAP 23-004910-ZBA.pdf](#)

📎 [Letter of Support for 23-004910-ZBA.pdf](#)

**Motion**

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

**Vote Results ( Approved )**

Motion: Armand Turner

Second: Stephen Plunk

Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Not Present
Michael Condon	- Aye
Larry Evans	- Not Present
Stephen Plunk	- Aye
Betty Jones	- Not Present
Armand Turner	- Aye

**V. Item(s) Requested to be Withdrawn**

**VI. Approval of Minutes**

5. Approve September 28, 2023, Meeting Minutes

[September 28, 2023 Meeting Minutes.pdf](#)

### Motion

The Savannah Zoning Board of Appeals does hereby approve September 28, 2023, Meeting Minutes.

### Vote Results ( Approved )

Motion: Stephen Plunk

Second: Michael Condon

Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Not Present
Michael Condon	- Aye
Larry Evans	- Not Present
Stephen Plunk	- Aye
Betty Jones	- Not Present
Armand Turner	- Aye

## VII. Approval of Final Agenda

## VIII. Consent Agenda

## IX. Old Business

## X. Regular Agenda

### [6. Entelman Street, 618-624 East Gwinnett Street | Height Variance Request | 23-004542-ZBA](#)

[Letters of Opposition.pdf](#)

[718 E Broad Zoning Certification Letter.pdf](#)

[718 EAST BROAD STREET DEVELOPMENT- Updated Concept Plan.pdf](#)

[Staff Report - Entelman St Variance.pdf](#)

[Damian Letter.docx](#)

[Silvia Photo Accident 1 IMG\\_1981 \(3\).jpg](#)

[Silvia Photo Accident 2 IMG\\_1985 \(1\).jpg](#)

[Silvia Photos.pdf](#)

[Silvia Letter.pdf](#)

**Mr. Edward Morrow** gave the Staff report. Mr. Morrow stated that this Petition was brought before the Board at its meeting of September 28, 2023. At that meeting, the petition was continued to today's meeting. He said he would briefly go back and give the review. The petition includes seven (7) parcels that are off of East Broad and Entelman Streets. The Petitioner requests a height variance to permit three (3) new construction structures adjacent to an existing historic theater. The proposed structures will have four stories that individually could reach up to 50 feet. This is not an assessment of a submitted site plan. Therefore, all of the development standards would ultimately come under review of the City of Savannah's reviewing department to the point where a specific development plan is submitted.

**Mr. Morrow** stated that the subject properties are currently zoned TC-2, which stands for Traditional Commercial-2. Relevant here, is the fact that 10,000 square foot building footprints are permitted, and also three-story developments go up to 45 feet. This is a request to permit one additional story which is five feet beyond what is currently permitted by right. He explained that the development is proposed to

cover seven parcels off of East Broad Street between East Gwinnett and Entelman Streets, and one of the subject properties contains a historic theater, which is at 718 East Broad Street. This theater is proposed to be preserved through this Petition. The site is not located in a local historic district or within the area covered by the Height Map. The total area is 1.3 acres and a gross density of 129 units could be achieved based on the current zoning. Mr. Morrow said actually this number tends to be less once all the site development requirements are met. The properties are located within the parking reduction area. Therefore, there will be credit for the existing historic theater that has yet to be determined. But all the new construction of residences and any eating and drinking establishments that would be developed on the site in the future, would be required to meet the City's current Ordinances regard to parking standards, off-street, and all other development requirements.

**Mr. Morrow** said in looking at the review criteria established by the Zoning Ordinance with regards to general consistency, this petition is consistent with the intent of the zoning district. It is a traditional development with ground floor commercial on one of the buildings and two other fully residential buildings that would be setback. They meet the development standards for the district with the exception of height at this point. Through a series of upper story setbacks, the Petitioner would reduce the visual impact on the street. You would not feel the fact that they are partial four stories. Use intensification is supported by the form and also by the current zoning. Therefore, this is not a request to amend the zoning, but just to fully buildout what would be permitted. The height allowance would ensure adequate off-street parking. One of the structures would be permitted to be a little taller to accommodate what Staff understands would be first floor parking in one of the buildings. There are no special conditions or circumstances with the exception of the preservation of the historic theater is a compelling factor in this petition. Mr. Morrow said that literal interpretation of the Ordinance would not deprive the Petitioner of rights commonly enjoyed by other properties in the same zoning district under the terms of the Ordinance and would not result in unnecessary and undue hardship on the Petitioner, and the variance is not required to make use of the property. Special privileges would not be granted through the approval of this variance.

**Mr. Morrow** reported that Staff recommends approval of the request with the condition that future development plans be substantially consistent with what this Board has seen and the previous ad in the current petition; and further that the historic structure on the site be preserved.

**Mr. Morrow** said that one additional note he wanted to add that may not be fully reflected on the final agenda is that Staff received several letters regarding the petition. Additionally, it is Staff's understanding that the Petitioner had several meetings with many community groups, and there has been opposition by the Petitioner's adjoining neighbors. He believes that the Board will hear more about this today. Mr. Morrow entertained questions from the Board.

### **PETITIONER COMMENTS**

**Attorney Joshua Yellin, along with Mr. Jerome Elder** were representing the Petitioner. Attorney Yellin said he would do a slight recap. When they were before the Board last month, their proposal was for a limited five story height variance. Since that time, and he gives all credit to Mr. Elder as he has held more than 15 meetings with neighbors, neighborhood groups, and with people in the community. They have since eliminated the fifth story. This now becomes a proposal as Mr. Morrow said for a five-foot height variance to permit four stories. Therefore, they have taken off the fifth story completely. They have Staff's support for the fifth story, they have eliminated it. Even in relation to the building footprint, since they have been able to meet and reduce the size of one of the buildings, the only variance they are asking for is the limited height variance.

**Attorney Yellin** stated that as they said at the last meeting, the properties at the rear of the site are all zoned industrial. They do not have a height limitation and, therefore, they have intentionally placed all of the taller buildings to the side of the property, closer to the train tracks where the height limitations are not in place to minimize the impacts on East Broad Street. He told the Board as they can see from an angle, in addition to removing the fifth story, Mr. Elder has also stepped back the stories on East Broad Street. Therefore, it is only a three-story building on East Board, but they have stepped it back further from the street to minimize the visual impact. As was stated in the Staff's report and their recommendation for approval, a part of the petition is the preservation of the theater. Attorney Yellin explained that their proposal does include restoring the theater by bringing it back to what it was before and as a real beacon for the community. They have met with numerous community members and have tried to get as much

support as possible. They are thankful for the Staff's recommendation for approval. He knows they have many persons present today who want to speak. Consequently, they want to give the persons time to speak, and he will come back and answer their questions during his rebuttal. Attorney Yellin then asked Mr. Elder to come and talk about the outreach that has occurred and the changes that he has made. He explained that really what they are asking for is for a very limited height variance. There is no increase to the number of units as a result of this plan. They are not asking to increase the density, although it could be permitted by right; the only aspect they are asking for is the height variance which helps them with the parking, and also help them restore the theater. They are hopeful that the Board approves their petition today.

**Mr. Jerome Elder** thanked the MPC Staff and the community. They have had a lot of community input, and the hopes, dreams and concerns of the community are the things that they take to heart. The team, the developer, and he have been focusing on this and trying to see how they can make this be something not only wonderful when it is completed, but also something wonderful for the future. Just as the building was here since 1946, it is still here and has a lot of history, a lot of meaning, and it will still continue to be something for the eastside, for Savannah, and will be a landmark, a threshold, and an entryway into a part of Savannah that people sometimes forget about. But they know it is here and it will continue to thrive, and this is what they want to see with this development, and the other developments that are happening in this corridor.

**Mr. Elder** explained that a fifth story was planned on the northeastern corner of the parcel, but it has been removed and they expanded the fourth floor on the building a little wider. They still have a significant setback from the facade, about nine feet all the way around the building. So, it still has a three-story expression and then a setback four-story. They are looking at approximately 75-to-85-unit counts. The developer has approximately 15 percent of the project as workforce housing. They will have many more conversations about how this will be developed into what it is. The community has had many questions about how they can ensure that it goes to the workforce. Mr. Elder said these are the things that they will continue to work on as they develop this project. Another big concern of the community was whether the theater would be demolished. The building will not be demolished. They are hopeful of getting the theater listed on the Historic Register. They are talking with a local preservationist to assist them in getting this building on the National Historic Register. A large part of this is the history. The Board has heard what some people have said regarding the history. It is not just their history, but also their parents' and/or their grandparents' history. East Broad and this commercial corridor was vibrant; and the theater, itself, was a hub.

**Mr. Elder** said one of the Board's members talked about the theater as being the "place" and other people from the community said the same thing. This is a historically, Black theater and it was built there as such. But now the building has fallen in disrepair. They are hopeful of revitalizing the theater and bring back two small theaters. They are working with different nonprofits who are focused on film, entertainment, and television to bring two smaller 50 seat theaters. It will tell the stories of the eastside of Savannah, such as the past, the building, and what was occurring. They are also looking forward to the future. Intergrated in the front of the theater, will be a food hall. It is meant to be an incubated kitchen similarly to 12-Street Market in Atlanta and many others that they may be familiar with. Some people may think of it as a food court. This will present the opportunity for the ones who have the ability to rent a restaurant space. This is the type of thing that they want to ensure that this building continues to do. This will create an opportunity for the community to grow.

**Mr. Elder** said also people need housing. In terms of developing this land, they also looked into the issues surrounding housing. He said that parking is a big issue; traffic is another. Fortunately, for them this is an intersection that has traffic lights here, and this is helpful. As they continue to develop the project, they will have to go through all the processes. They are reopening Entelman Street; it will be wider as well as accommodating on-street parking within their site as well. They will accommodate more parking than is required for both the reactivation and uses proposed for the theater, and also for the units. Consequently, they will have approximately 130 spaces; and as he has said, about 75 to 85 units. They will still have more than 20 to 30 additional parking spaces above the required amount on site. He said, pointing to an area, that this will be on the first floor of this building in the rear. The red outline shows the underground parking with access off of the rear street that they have created. Entelman Street will be a two-way street. But they are hopeful that the City and the County are able to figure out how to strengthen the public transportation in downtown. Savannah is a walkable city. They are aware that more development is occurring in the area, and they know that this creates a lot of pressures on the traffic flow,

but these are the things that they have been working on, and they will continue to do so as they develop the project.

**Mr. Elder** said they have had many conversations with the neighboring church, St. James A.M.E., and how their improvements will impact the church. The opportunities that they will be considering also is that they will have an active space that will be commercial where many people come to. They are talking with the church about creating a rental opportunity where they can lease parking spaces from them during the time that the church does not need the spaces. This will help the church create revenue for their future development plans. Also, the recreation of Entelman Street helps them to have better access to their parking.

**Mr. Elder** said going back to what the petition is asking for, as the Board they have set the fourth floor back by 30 feet; one side is 32 feet, and the other side for the western north building. However, this is early conceptual massing. Therefore, it is not final in terms of the design. It is massing and they will be developing it further to have an architectural expression that is for them, something that stands out as a very "wonderful architectural project" for this neighborhood and Savannah. He said that when people see the project in the future, they will say that this is what they are happy with what was done here, they do not want to hear it said in the next 50 years that they don't need this, and it should not be historic. His team and he are striving for this project to be what the people are happy with forever. Mr. Elder said he knows that the public will be pushing them hard to ensure that the architecture is fantastic. The developer is focused on extremely high quality and design. They will have a two-story expression along East Broad Street and this also matches with the second story expression that exists with the theater. The massing behind where the old theater was, actually is considered three story volume. They plan to use pitched roofs; not flat roofs; and with the pictures, this is five they need five feet. If they were to go flat, they would end up closer to the boxy form that they have been hearing the people say, please no more boxes. The public does not want big boxes here.

**Mr. Elder** said in talking with a neighbor, Ms. Da Silva, expressed a lot of concerns about the increased density, traffic, and noise. These are many of the things that could come potentially with development. They have done their best to accommodate some of the things that they have discussed with her including setting back their building further from her property line to the house; ensuring that they create a wall of some type. They will continue working with all their neighbors. This is a change, and it is a big change, but they want it to be a positive change and it will be. Mr. Elder entertained questions from the Board.

**Mr. Condon** thanked Mr. Elder for all the hard work they are doing. He said he is familiar with the work that Mr. Elder does. Therefore, from an exterior quality standard, this project will be as beautiful as the other projects he has done throughout the city. Hopefully, what Mr. Elder and the developer have learned from the experience is that it is positive when you get input of the neighbors. While it is impossible as John Fitzgerald Kennedy (JFK) said to please everybody, it is possible to have a project that ultimately is a better project as a result. From what he sees today is a better project as a result. Mr. Condon thanked the team for all their hard work.

**Mr. Merriman** entertained a motion to set the time limit on each public comment.

**Mr. Condon** moved to limit the public comment to 3 minutes per person.

**Mr. Turner** seconded the motion.

The motion passed unanimously setting the public comment limit to 3 minutes per person.

## **PUBLIC COMMENTS**

**Mr. Ryan Jarles, Director of Historic Preservation, Historic Savannah Foundation (HSF)** stated that the Petitioners have been in contact with them throughout the initial planning stages of this project. They have listened to and included HSF's input and have agreed to meet with them throughout the additional phases of this project. Mr. Jarles said that as a preservationist when he looks at projects such as this and coming from a background of the National Park Service, he likes to go through something like a Section 106 review. This is where preservationists and developers come with their extreme ideas. They must meet together somewhere in the middle and create a memorandum of agreements. He felt,

therefore, that they have gone through this process with the Petitioners. They originally had these extreme ideas and the city, neighbors, and staff have worked with the Petitioners to figure out the things that are in-between. Mr. Jarles said the HSF Staff is comfortable with the 5th story on the rear building. If this is still on the table, they are fine with it.

**Mr. Jarles** said one of the biggest mitigating standards that they had was the Petitioners are going to rehabilitate the theater and utilize it. The HSF saw this as an opportunity to give them something as they will be getting something so amazing out of this. It was not mentioned, but the developer will also rehabilitate the duplex that is next to the neighboring house. He said the HSF is giving their support with the project; and they will continue to provide technical assistance to the Petitioners as they move forward. HSF sees this as a good preservation project.

**Mr. Ramsay Khalidi** stated that he endorses the project They have waited a long time. There are a couple of ancillary things that should go along with this, which is the most underutilized street in the City of Savannah is East Broad Street. This street really needs to go back to being a two-way street. This project maybe the impetus to do this.

**Ms. Kim Lyle** said she has lived in the Historic District for 30 years. This building is important to her because she is involved in the selling of this property. Ms. Lyle believes that this will be a bright light to the Historic District. She believes that everyone should think about how to clean up this area and bring it back to the way it was. It is important.

**Mr. Clinton Edminster** stated that he was here to support the project. He is a small business owner and has approximately 25 employees. His only concern is that the project is not five stories. Mr. Edminster said projects and parcels such as this are valuable in the Downtown Corridor. It offers tremendous walkability, incredible transit connections, and a great place to live. The more people they can have to join them in the community downtown, the better. He believes this makes a lot of sense. A lot of jobs are coming for the community; at least 1,500 jobs and perhaps more. Where are they going to put all these people? He believes the best place to do it from an environmental standpoint as well as a housing affordable standpoint is project such as this. He wants to see this building happen and if it was 5 stories, he would be happier. They need to get as many neighbors in downtown as they possibly can. Thank you.

**Mr. Andrew Jones, Chair of the Oglethorpe Plan Coalition of 501 C-3 Preservation Organization,** said they voted exclusively to protect Savannah's Downtown National Historic Landmark District. Mr. Jones said that assuming that the variance protects that these buildings would be in the form as proposed today with the maximum 4-story height on Entelman Street side of the 9-foot setback and the third floor 6-story setback on East Broad Street, the Oglethorpe Planned Coalition does not object to this conceptual plan. They recommend that the architect continue to work with the community and its advocates to move the project to a more final state in that the architect address other issues such as parking that matters to the community.

**Mr. Michael Higgins resides at 625 East Broad Street,** diagonally across the street from the proposed project. Mr. Higgins said at the outset, he was one of the most vocal opponents of this; basically, because they found out about this from a posting that was lying on the ground. When he spoke with the Staff about this, there was no plan, no site plan; no renderings; and basically nothing. All they saw was a variance for four to five story buildings. Since then, they have met with Mr. Elder and others, and he has become a proponent of this project. Mr. Elder has listened to what they had to say. Basically, one of the renderings is the view right off of his front porch that they will be looking at for the rest of his life as he does not plan to go anywhere. Mr. Higgins said he fully supports the work that will be done.

**Ms. Daman Disterde** said she opposes this request. There is one person that lives here that she is concerned about. Ms. Disterde is concerned about the property at 612 East Gwinnett Street. She said that the proposal says that the visual impact will be reduced, but putting in three and four stories, however, if you are looking at this property, all you would see would be surrounded by high-rise buildings. If they look at what Charleston has done and build all of these into the Historic District, they built high rises and now it is a travesty. She would hate to see Savannah fall into such as this. Ms. Disterde said she really believes this is real estate suicide from one member of the community. They are all talking about how great this is for the community. This person is a part of the community, but nobody is addressing this issue. How would you like to be surrounded and caged into a commercial endeavor

within your residence. You would lose all privacy; everybody would be looking down on you. She said she would not like to see this surrounding her.

**Ms. Silvia Da Silva** stated she is the neighbor at 610 East Gwinnett Street. She said that she is being completely forgotten. She wanted them to understand how she would egress and ingress from her house. She would have to go around on the private street as there is not a street by the railroad tracks. They want to do one line in front of her house. Everybody will walk everywhere to go to the movie theater, restaurant, etc. It will be approximately 100 people walking in the street. The project is not supportive of the street. Everybody who comes in here with exit the same way. She has a project here, her retirement. They are giving to build two floors here. It will be impossible for her to do anything. It will be approximately 160 people living here, and, therefore, it will be approximately 160 cars parked here. There are not enough parking spaces here. The theater will seat 100 people, plus the restaurant. How and where are they going to park? There is full parking at the church. They all are going to park outside. Therefore, they will not have parking here. This area is not structured for this. She does not know what to do.

**Rev. Anthony Scott, Pastor of St. James AME Church** said they are basically endorsing the development and the project. This area has been dominant for a long time. Working with the community, working with the developer and addressing issues, is common. Anytime change comes, it will be different. Therefore, you must work with the issues and come up with a viable solution. Rev. Scott believes if they continue with the dialog, this will become something very positive for the area, as well as inclusion with the workforce housing. Savannah is developing; the downtown area is developing. This will enable having close workforce housing. This will also be a part of the formula as they can see other areas such as Hilton Head, etc. are doing various things with workforce housing. You must include everything and not just particular concerns. Rev. Scott said this is what makes us a community. Everyone has a voice, and they are able to come up with something that is amiable to all. Rev. Scott said Mrs. Johnson, Student Pro Tem, was accompanying him at today's meeting. Mrs. Johnson was reared in this area when the Eastside Theater was active. He wanted Mrs. Johnson to make a presentation to the Board.

**Mrs. Johnson** came forward and stated that she is the Student Pro Tem at St. James AME Church, 632 East Broad Street and a lifetime Savannahian. She was thankful to Mr. Elder and the Development Team for meeting with them. They have had many conversations, but she is not quite where Pastor Scott is. She explained that she is an individual who needs a lot of information before she can go to that extent. The workforce housing is a big issue for her being a social worker and working with Workforce Development the years of her career. Therefore, being able to have people who can afford to live in the area, and of course, with her having been a child that lived near this area is important also.

**Mrs. Johnson** said the alcohol sales are another concern. They have talked with Mr. Elder about this in terms of the fact that the church is nearby. They know that there are some ordinances already governing this. Overall, they are open, but believe more dialog is necessary.

**Ms. Claudia Hernandez resides at 711 Price Street.** She is Ms. Da Silva's friend. Ms. Hernandez said she is familiar with the area. She believes this is a good project, but they are forgetting about the neighbor that is going to be in the middle of this project. Ms. Hernandez is familiar with the workforce and the young people that come in and out. She has had problems before with the young people getting drunk and doing the things that they do. Ms. Da Silva's backyard faces the balconies. People will be drinking and having a good time, but Ms. Da Silva will no longer have privacy. She believes this is a good project, but they definitely need to work more with Ms. Da Silva. Don't forget about who is in the middle. This is highly important.

**Ms. Ruth Cohan** said she appreciates the project and the attempts that are being made to improve the neighborhood and the area. If she was living in the midst of the project, she would have several concerns, not the least of which is the disruption to her peace and quietness around the construction of the project. If there is any way to inform the people in the neighborhood about what is going on step-by-step, she believes it would greatly be appreciated by the residents. Ms. Cohan said she was in conversation with the developer. However, she would like to speak in general to the Metropolitan Planning Commission and suggest that when she looks at a project such as this, she sees a lot of roof space that has some potential for some sola capture and put things back into the grid. She suggested that the Planning Commission could consider that when a new project comes before you, that they have



the opportunity to look forward to the future and possibly improve the power usage and consumption through abatement with solar projects on roofs of new construction. A lot of new technology is out there.

**Ms. Cohan** said she does not know how accurate the drawing is, but her other concern is in terms of greenspace, it appears that there is a little bit of tree plantings. She would like to recommend this as she believes this would improve some of Ms. Da Silva's issues regarding sound and privacy; increased greenspace and/or tree planting.

**Mr. Merriman** asked if anyone was online who wanted to speak.

**Mr. Hind Patel, IT Helpdesk and Support**, said Ms. Shantel Morton was online. He asked Ms. Morton to unmute so she could speak.

**Ms. Morton** did not unmute.

**Mr. Merriman** asked if anyone else in the audience wanted to speak on this petition. No one came forward. He invited Mr. Elder to respond to the public comments.

**Mr. Elder** explained that they do plan to integrate solar into the project. He has sustainability, and it is a big thing for them as well, not just for this project, but for many other projects. They will definitely continue to work on landscape, tree planting, etc. It takes time to know what the final plan will be, but this is a priority for them especially since they do not want it to feel like a "concrete jungle." They are looking at having plantings in the sidewalk. They will work with the City's arborist and all the other requirements when it comes to this. Their discussions will continue with the church. Mr. Elder said the discussion about the 129 units is what they can get based on the current zoning. This is just in terms of the calculations, but this is not what they are proposing. They are not looking at getting 129 units. This will definitely cause a lot of parking issues for them as they would not be able to park onsite. They are looking at 75 to 85 units and this is to accommodate the workforce housing. They will continue to work with Ms. Da Silva to see how they can address the plans to include what she maybe feelings. Mr. Elder said he has visited Ms. Da Silva at her home and her back gardening is beautiful. The wall of the theater looks mostly like at an art piece. The theater doors are still there; it is beautiful. They have no intentions of damaging this. They will work with her throughout this process. They will have additional street lighting and all the different precautions that needs to be taken.

**Mr. Elder** said moving forward to the street flow, with Entelman Street being two-way, the connecting road that they are creating here, will be one-way from this point on. But the basic area will be two-way. They have to work with the railroad. They are now in the beginning stages. Traffic Engineering may tell them that everybody needs to go left when exiting the parking garage. However, these are the things that they must work through. They will continue to work through all the issues, and they will keep all the neighbors and all the different stakeholders involved. The things that have been pointed out have made the project stronger and made them aware of many things that he never knew; especially economically and exploring traffic data, parking issues, public transportation issues, housing and affordable housing. As he has said, they will continue to work with Ms. Da Silva and all the neighbors.

**Mr. Hind Patel, IT Helpdesk and Support**, informed the Board that Ms. Shantel Morton is now unmuted and wanted to speak.

**Mr. Merriman** invited Ms. Morton to speak.

**Ms. Shantel Morton** introduced herself and said she appreciates that everyone has taken so much time to voice their comments. She appreciates the work that the team has done with outreach, feedback and trying to implement everything. Ms. Morton said that Staff has said that there were numerous meetings. She wanted to see if the letters of support were included. Her original concern was the conflicting information. The original public information that was sent out said it would be one building that would be five stories. She appreciates that Mr. Elder said it would be four stories maximum. She just wanted to confirm who would be ensuring that the construction taken place and the plans would be done with what is submitted, approved and permitted within this district. **(Inaudible. Audio trouble was detected at this point).**

**Mr. Merriman** asked Ms. Morton if she muted herself. No response.

**Mr. Patel** said Ms. Morton went offline.

**Attorney Yellin** said he would speak to Ms. Morton's concerns. He explained that what they put on the signs was the maximum that they are proposing. They did not want to come here, have a meeting and then continue it because they were still trying to design the project. The variance request did request up to five stories and it also requested a building size variance as well through the neighborhood meetings they were exploring taking off some of the height but make some of the buildings bigger. This ended up being not necessary. Out of the abundance of caution, this is how the meeting was noticed in case they had to make the change. However, they can assure everyone that the plans they are seeing in front of them and the conditions of those plans, is that what they come back and develop, shall be substantially similar and Mr. Morrow is responsible when this comes back for the Site Plan Review with the City of Savannah that the MPC will provide their comments to ensure that what they are doing is in compliant with the plans that they have submitted today. Attorney Yellin respectfully requested that the Board approve today's variance request as has been recommended by the Staff.

### **BOARD DISCUSSION**

**Mr. Condon** asked Staff if the variance as presented is for a height variance. They are looking for four stories and need five feet of additional height as the variance is being applied for today. Correct?

**Mr. Morrow** answered yes.

**Mr. Merriman** entertained a motion.

#### **Motion**

The Savannah Zoning Board of Appeals does hereby approve the variance request to a height of 4 stories 47-feet for three proposed buildings for property at 614-622 East Gwinnett Street and Entelman Street Parcel with one condition:

1. Future development plans shall be substantially consistent with the conceptual site plan reviewed in association with this petition, including preservation of the historic theater and proposed structure heights.

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

Motion: Stephen Plunk

Second: Michael Condon

Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Not Present
Michael Condon	- Aye
Larry Evans	- Not Present
Stephen Plunk	- Aye
Betty Jones	- Not Present
Armand Turner	- Aye

[7. 115 Dyches Drive | Variances to the minimum side and minimum rear yard setbacks for an after-the-fact accessory building | 23-004540-ZBA](#)

[AERIAL-SITE MAP 23-004540-ZBA.pdf](#)

[Application.pdf](#)

📎 [Site Plan.pdf](#)

📎 [Site Visit Photos.pdf](#)

📎 [STAFF REPORT.pdf](#)

**Ms. Melissa Paul-Leto** gave the Staff report. Ms. Paul-Leto explained that the Petitioner is requesting two variances to an after-the-fact two-story accessory building:

- A 3-foot 11-inch side yard setback variance from the 5-foot requirement resulting in a 1-foot 1-inch reduction.
- A 4-foot 5-inch rear yard setback variance from the 5-foot requirement resulting in a 7-inch reduction.

**Ms. Paul-Leto** pointed out the Petitioner's front yard and the actual building and explained that it is a two-story building and will only be used for storage. She pointed out the side yard and the rear yard to the lot line. The subject property fronts 75 feet onto Dyches Drive and is 130 feet in-depth with no lane access to the rear of the property. The subject property is on land lot 54 and is a part of the Paradise Park Sub-division. It is also located within the RSF-6 Residential Single-Family 6 Zoning District. Ms. Paul-Leto said the minimum front is 60 feet; minimum lot area is 6,000 square feet have been met. All of the setbacks have been met to the principal structure. The subject of the accessory structure is that the minimum setback for an accessory building, the rear is required 5 feet, the side yard is required 5 feet. The subject property is a rectangular shaped lot of approximately 9,750 square feet (0.22 acres) of area and 75-feet of frontage. The property is currently developed with a 1-story single-family residence, a shed, an after-the-fact accessory storage structure, and with parking access from the front of the property on Dyches Drive.

**Ms. Paul-Leto** showed the Board some site visits photos of the shed and the rear addition that the Petitioner received through building permit. She said the Petitioner applied for a building permit to construct a rear addition to the one-story single-family residence. When the Building Inspector arrived on-site to inspect the rear addition, it was at this time that he noticed there was a concrete slab in the beginning to the two-story accessory building. The Building Inspector notified the property owner that the accessory building required a building permit. The owner submitted a building permit application and was told then that the building did not meet the 5-foot setback requirement for the side and rear yard setbacks for an accessory building. The Petitioner then applied for a variance request to make the accessory building conform to the development standards.

**Ms. Paul-Leto** explained that the first and second floors are both 400 square feet in size. The second floor is more of an attic than a second story as it will be accessed by a traditional attic ladder pulley system. The total building coverage when the storage shed at the northwest corner of the property included will be 35.4%. This calculation includes the principal house, an existing shed in center of western property boundary, an existing shed at the northwest corner, a new addition on the rear of the house, and a new shed that is the subject of the variance request. She stated that the variance criteria under General Consistency, the variances are consistent with the intent of the Ordinance and the Comprehensive Plan. The request is not injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare. The variance seeks to conform to the side of rear yard 5-foot setback requirement to amend the mistake for an after-the-fact accessory building. There are no special conditions or unique circumstances that are peculiar to the land, buildings, or structures involved, which are not applicable to other buildings regarding the subject property.

**Ms. Paul-Leto** stated that the current conditions are the results of the actions of the Petitioner. However, the Petitioner stated to the Building Inspector and to the MPC Staff that they were not aware of the required setback requirements for an accessory building and was not aware that the accessory building required a building permit until after the fact. The special conditions are not purely financial in nature. The Petitioner works in construction and currently has construction materials and equipment in their back yard. They are the parents to three children. Two of the children are autistic and they want to provide adequate storage for the construction materials so that their children may have a sufficient and safe backyard where they can play. Ms. Paul-Leto explained that if the Board noticed the picture in the front yard, all of the playground equipment is in the front yard. The literal interpretations of the regulations would result in undue hardship on the Petitioner as variances are required to conform to minimum side and rear yard 5-foot setback requirements for an accessory building. Otherwise, the Petitioner would have to demolish what has already been built. The variances if granted, would be the minimum

variances needed for the property. The literal interpretation of the provisions of the regulations would not deprive the Petitioner of rights enjoyed by other properties in the same zoning district under terms of this Ordinance. Other residences located within the RSF-6 zoning district would be required to follow the RSF-6 development standards for an accessory building or apply for a variance to the Standards such as the Petitioner has done.

**Ms. Paul-Leto** reported that based on the review criteria, Staff recommends approval of the requested variances to the side and rear yard setbacks for an accessory building at 115 Dyches Drive.

**Mr. Merriman** asked Staff if the accessory structure was taller than the primary structure.

**Ms. Paul-Leto** said the accessory structure might be taller than the primary structure, but the height is not given. She said the Petitioner would be able to address the height of the accessory structure.

**Mr. Merriman** asked the Zoning Plans Examiner, Mr. Bolton, if the accessory structure should be shorter than the primary structure.

**Mr. Bolton** answered if this was a habitable building, it would be required to setback 20 feet from the rear property line. But since it will be an accessory storage (he does not have the regulations before him) he does not believe it comes under the height regulation for accessory structure.

**Mr. Condon** said as long as accessory structure is just being used as a storage building, the same height as the primary structure rule does not apply.

**Mr. Bolton** answered yes.

**Mr. Condon** said the Board did not want the Petitioner to apply for two out of the three things that he needs.

#### **PETITIONER COMMENTS**

**Ms. Diana Soto** explained that she is hopeful that the variances are approved because she has three children. She wants to be able to put all of their playthings in the back. The front area is too dangerous for her children to play there. Mr. Soto said the other storage will be removed.

#### **PUBLIC COMMENTS**

None.

#### **BOARD DISCUSSION**

The Board was in agreement with the Staff recommendation.

**Mr. Merriman** entertained a motion.

NOTE: Prior to the end of the meeting, Mr. Morrow stated that in looking at the Zoning Ordinance, he wanted to make sure that he inserts a comment for a brief correction for the records for 115 Dyches Drive. He said according to Section 8.7.3 regarding Accessory Structures - "The height of an accessory building shall not exceed the height of the principal building in any residential district or where otherwise is prohibited by this Ordinance."

**Mr. Morrow** said the Petitioner may need to come back for a variance to the height or they will need to reduce the height of the proposed structure.

**Mr. Merriman** asked Staff if this is regardless of whether or not it is a dwelling unit or a storage unit.

**Mr. Morrow** answered, "that's correct." The height was not listed on the application, and this is why it was not advertised nor addressed.

**Mr. Plunk** asked if Staff would contact the Petitioner regarding the height.

**Mr. Morrow** answered yes.

**Mr. Merriman** said may be something could be done to lessen the application fee.

**Motion**

The Savannah Zoning Board of Appeals does hereby approve the requested variances to the side and rear yard setbacks for an accessory building at 115 Dyches Drive.

**Vote Results ( Approved )**

Motion: Stephen Plunk

Second: Armand Turner

Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Not Present
Michael Condon	- Aye
Larry Evans	- Not Present
Stephen Plunk	- Aye
Betty Jones	- Not Present
Armand Turner	- Aye

[8. 1111 Mente Drive | Side Yard Setback Variances | 23-004976-ZBA](#)

📎 [Staff Report - 1101 Louisville Rd 1111 Mente Dr.pdf](#)

📎 [Survey of Property.pdf](#)

📎 [AERIAL - SITE MAP 23-004976-ZBA.jpg](#)

**Ms. Anna McQuarrie** gave the Staff report. The Petitioner requests a variance to the required building setback along the side yard (interior) of a parcel in the I-L (Industrial-Light) zoning district as a result of a subdivision application for “Lot 5 Central Warehouse Subdivision” at 1101 Louisville Road. Mente Drive, a 40’ private access easement, is considered the front, where there is ingress into the parcel. The front yard setback is approximately 10’ from the roadway, but only 5’ setback is required as Mente Drive is an access easement and not public right-of-way. The west side of the structure requires relief from the required 20 feet side (interior) yard setback. The building is 13.73 feet away from the parcel edge at its closest point, and 17.12 feet away at its furthest point along the west side.

**Ms. McQuarrie** explain that the property meets the setback requirements except the 20-foot side yard interior. It is located within a larger parcel that is to be subdivided. The main portion of 1111 Mente Drive is paved asphalt on the other side. The variance is consistent with the intent of the Ordinance and is not injurious or detrimental to the neighborhood or otherwise detrimental to the public health, safety, or welfare. The parcel lies within a larger parcel, both are owned by Old Town Trolley Tours of Savannah, Inc., and does not encroach on any other neighboring properties. The building is also in conformance as it is now if the parcel is being subdivided it will require a variance. There are no special conditions or circumstances. The request does not appear to be purely financial in nature, although the sale of the property is the motivation behind the subdivision. The literal interpretation will not deprive the Petitioner of rights commonly enjoyed by other properties in the same zoning district. The structure was conforming at the time of its construction. A variance is not required to make reasonable use of the land and buildings. If granted, the variance would not confer on the Petitioner special privileges.

**Ms. McQuarrie** reported that Staff recommends approval of the Petitioner's request.

**PETITIONER REQUEST**

**Mr. Joseph [Jamie] Stuckey** explained that he is with T.R. Long Engineering. He is the land surveyor providing of the minor subdivision for this property. They originally laid this out so not to include

the ditch that is adjacent to this property as it will remain with the larger parcel. Mr. Stuckey said when they originally talked with the MPC earlier, it was not a problem, and they went through the process. However, when they got to this point, they found out it was a problem. What they are requesting is a variance. It is about 17 feet from the existing building to the new property line, which is right at the top of the ditch. This has been an obligated little subdivision with one acre lot. Mr. Stuckey said they also have to give the City some right-of-way on Magazine Avenue.

### **PUBLIC COMMENTS**

None.

### **BOARD DISCUSSION**

The Board was in agreement with the Staff recommendation.

**Mr. Merriman** entertained a motion.

#### **Motion**

The Savannah Zoning Board of Appeals does hereby approve the variance to the side yard (interior) setback requirements of 20 feet within the I-L zoning district to accommodate the existing building.

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

Motion: Armand Turner

Second: Stephen Plunk

Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Not Present
Michael Condon	- Aye
Larry Evans	- Not Present
Stephen Plunk	- Aye
Betty Jones	- Not Present
Armand Turner	- Aye

#### **[9. 4402 Heritage Street | Rear Setback Variance | 23-005091-ZBA](#)**

📎 [Appraisal of Real Property.pdf](#)

📎 [Petitioner Narrative.pdf](#)

📎 [Staff Report - 4402 Heritage.pdf](#)

📎 [Survey.pdf](#)

📎 [Certificate of Occupancy.pdf](#)

📎 [AERIAL - SITE MAP 23-005091-ZBA.pdf](#)

**Mr. Edward Morrow** gave the Staff report. This is a request for relief from the 30-foot rear yard setback in the RSF-20 (Residential Single-Family - 20) zoning district. This is a situation in which the Petitioner received a Certificate of Occupancy for their home. They attested that the home met all relevant development standards. Later, it was determined that when the Petitioner sought to obtain a permit to enclose their rear porch, it was determined at that point that the porch encroached into required rear yard setback. Unfortunately, the Staff did not speak with this Petitioner. When they received the request, it was for 20 feet, but in looking at an as built survey, as the Board can see on the screen, at that point Staff determined that based on the "as built" the front yard setback was actually nonconforming, but the requested rear yard setback was actually 25.1 feet. Therefore, in essence, what they are hearing today is a request for a relief of 4 feet - 11 inches. Mr. Morrow said 30 feet of required based on this, the rear of

the home actually sits back 25.1 feet from the rear property line.

**Mr. Morrow** said the subject property is nonconforming with regards to the area within the RSF-20 zoning district. It is only 55 percent of the minimum area that is required. Maybe this is one reason why there are some setback difficulties. The "as built" was dated March 15, 2023, and it shows a nonconforming front and rear setbacks, but the front setback was not addressed in the application that Staff received. Therefore, according to the Board of Assessors record, the home was actually conveyed to the current Petitioner three days following the issuance of the Certificate of Occupancy that was submitted with the application. With regards to consistency, the development does remain more or less consistent with the intent of the zoning district, although consultation beforehand might have resulted in a home that was able to meet all the applicable development standards. Special conditions that the Petitioner did unknowingly, acquired the home in a nonconforming state making reasonable assumptions from local permitting authorities that the home had been built in accordance with all the required regulations. The request is not due to any actions of the Petitioner, the request is not financially motivated.

**Mr. Morrow** said the literal interpretation would likely deny the property owner of rights that would be due to similar situated property owners. The minimum variance is not required to make reasonable use of the property, but denial of the request place an undue hardship on the Petitioner. If the request is granted, it would not confer special privileges to the Petitioner. He reported that based upon the findings, Staff recommends approval of the rear yard setback relief of 4 feet - 1 inch. Mr. Morrow entertained questions from the Board.

**Mr. Condon** asked if this is an existing structure.

**Mr. Morrow** answered yes.

**Mr. Condon** said the Petitioner is only seeking to enclosure the area. Therefore, he is not sure that the Petitioner needs a variance to do so.

**Mr. Morrow** said perhaps, there are some omissions here. What he is saying is that Staff did not receive a site plan or consultation. He said he understands the desire on the homeowner wanting to bring the property into conformance if there was a future request, but Staff is unaware of a future request or any further encroachments that would be associated with this. He said, therefore, in essence, evaluating the documents that they with the knowledge they have, they can see that the setback is nonconforming.

**Mr. Merriman** said the Board does have the power to grant a variance. But he does not know if they have the authority to say that a person does not need a variance, just go head.

**Mr. Morrow** said he believes the information was forwarded from the Building Department as it was at the point that the application for the permit was submitted to this department. Then, the application was forwarded to MPC. He believes this was identified as encroaching.

**Mr. Merriman** said this should have been caught before they issued the Certificate of Occupancy.

**Mr. Bolton** explained that the house was built with the front yard setback as averaged along the block face. Therefore, the front yard is correct; it is within the Standards. This was a poured concrete patio. It does not have any setback requirements. A roof is not over it. Now, they are enclosing it. This is why the Applicant needs the variance.

**Mr. Condon** stated that the Board believed a roof was over it.

**Mr. Bolton** said the plans that he reviewed initially was a slab.

### **PETTIIONER COMMENTS**

**Ms. Nykiah Hinkson** was online. She said they purchased the home on July 17, 2023. The appraisal was done June 27, 2023. She submitted a copy of the appraisal so the Board could see that the roof was built over the original structure of the patio. When they went to the City of Savannah to request a permit to close it in, they were told that their home did not have a patio. They forwarded all the information to the

City showing that the patio was there, and it was there when the City came to do the Certificate of Occupancy on July 13, 2023. Ms. Hinkson stated that after a lot of back and forth, the City came back and not only agreed that it was there but told them that they missed checking for footings and required them to add footings. They also told them that they had to request the variance in order to be in compliant.

**PUBLIC COMMENTS**

None.

**BOARD DISCUSSION**

None.

**Mr. Merriman** entertained a motion.

**Motion**

The Savannah Zoning Board of Appeals does hereby approve the variance to the minimum rear yard setback at 4402 Heritage Street.

**Vote Results ( Approved )**

Motion: Michael Condon

Second: Armand Turner

Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Not Present
Michael Condon	- Aye
Larry Evans	- Not Present
Stephen Plunk	- Aye
Betty Jones	- Not Present
Armand Turner	- Aye

[10. 1600 Damon Street | ADU Lot Area and Side Setback Variances | 23-005124-ZBA](#)

[ADU Carriage House Exterior.pdf](#)

[Staff Report - 1600 Damon St.pdf](#)

[ADU Sketch Carriage House.pdf](#)

[AERIAL - SITE MAP 23-005124-ZBA.pdf](#)

**Mr. Edward Morrow** gave the Staff report. The Petitioner requests variances to the minimum 125% lot area requirement for an accessory dwelling unit (ADU) and a variance to the side setback requirement of 5 feet for ADUs in the RSF-6 zoning district and also relief from the requirement that ADU meets the same size setback as the principal dwelling at 1600 Damon Street.



**Mr. Morrow** said in terms of the facts and findings, the subject parcel has 60 feet of frontage on Damon Street and approximately 112 feet of depth. It is deficient of approximately 720 square feet if the 125% minimum area requirement within the zoning district. The existing structure on the parcel measures 324 square feet in area, which sits one-half (1/2) inch off the side property line. Therefore, they are requesting 4.5 feet specifically. He stated that in evaluating the criteria for granting a variance, the overall general consistency is consistent with the intent of the Ordinance, which states that the minimum lot area for an ADU shall be a variable standard. Further, that the structure proposed for an ADU was likely used for this purpose previously since the time of its construction in accordance with 1960 Board of Assessor's data. There are no special conditions and/or circumstances applicable to the site. Construction of the structure proposed to be used as an ADU predates the adoption of the current Zoning Ordinance. The request is not due to any action of the Petitioner. The request is to use an existing structure. The request is not financially motivated.

**Mr. Morrow** said with regards to literal interpretation, Staff found that literal interpretation might not deprive the Petitioner of rights commonly enjoyed by rights commonly enjoyed. If the structure was previously used as an ADU, nonconforming structures and uses may continue despite adoption of a new zoning ordinance. Thus, if the use continued without interruption for under one year, it would be permitted to continue. If, however, the use ceased for a year or more, or if improvement/expansion were sought, zoning action would be required to bring it into conformance with the new ordinance. Mr. Morrow said the minimum variance is not required to make reasonable use of the property. If granted, the variance would not confer on the Petitioner any special privileges.

**Mr. Morrow** stated that in looking at Board of Assessor's data, a 324 square feet of living area is here. It is indicated that there is one bedroom and one full bath. Therefore, the original structure indicates that this particular structure has been used previously for dwelling purposes. He reported that Staff recommends approval of the request. Mr. Morrow entertained questions from the Board.

### **PETITIONER COMMENTS**

**Mr. Daniel Daenen** said he and his wife purchased the property in August 2023. The person who lived here prior was an architect. He told them a lot about the history of the home. A commode and plumbing were added. Mr. Daenen entertained questions from the Board.

### **PUBLIC COMMENTS**

None.

### **BOARD DISCUSSION**

None.

**Mr. Merriman** entertained a motion.

#### **Motion**

The Savannah Zoning Board of Appeals does hereby approve the variance to the minimum lot area for an ADU and the ADU side setback requirement at 1600 Damon Street.

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

Motion: Michael Condon

Second: Armand Turner

Stephen Merriman, Jr.

- Abstain

Karen Jarrett

- Not Present

Michael Condon

- Aye

Larry Evans

- Not Present

Stephen Plunk	- Aye
Betty Jones	- Not Present
Armand Turner	- Aye

[11. 103 East Park Lane | Variance to the minimum rear yard setback | 23-0051447-ZBA](#)

📎 [AERIAL - SITE MAP 23-005144-ZBA.pdf](#)

📎 [Application.pdf](#)

📎 [Plans.pdf](#)

📎 [STAFF REPORT.pdf](#)

**Ms. Melissa Paul-Leto** gave the Staff report. The Petitioner is requesting a variance to a 24-foot reduction of the minimum rear yard setback requirement of 30-feet to a 6-foot inch rear yard setback. They are proposing 6 feet - 2 inches for the rear yard setback. The subject property fronts 35 feet onto East Park Lane and 50 feet in-depth. The property abuts a side-by-side duplex, 102 and 104 East Duffy Street. The parcel is adjacent to a five-unit apartment building facing Drayton Street and a single-family house off of East Park Lane. The property is located within the TN-1 (Traditional Neighborhood One Zoning District and the Victorian Historic District).

**Ms. Paul-Leto** said some relevant traditional neighborhood - 1 (TN-1) Zoning Requirements for blocks with contributing structures: minimum lot dimensions, lot area; and lot width. The lot area and lot width are pre-existing conditions. Therefore, these do not meet the requirement. The minimum yard setbacks: the front is average of block face, which they meet. The side yard (interior) is three feet. The west setback will be 5-feet 4-inches and the east side setback will be 6-feet. She stated that regarding the rear yard, which is the subject of this variance request, it is a minimum of 30 feet. However, the Petitioner is requesting a variance to allow 6 feet - 2 inches. The Petitioner meets the maximum building coverage and the maximum height.

**Ms. Paul-Leto** gave the background information. The petitioner was approved for New Construction, Small (Parts I and II) for a two-story, single-family residence for the vacant property yesterday, October 25, 2023, from the Historic Preservation Commission [HP] with a Special Exception to allow for a stoop that will be 4-feet deep by 6-foot side and offered a variance recommendation to allow a 6-foot - 2-inches rear yard setback. The project was first heard by the HPC on September 27, 2023. The HPC continued the petition for the petitioner to increase the rear yard setback to lessen the variance request and to redesign the roofline to tie to the top of the building to the bottom.

**Ms. Paul-Leto** displayed the lot size and the proposed two-story building. She said per the Sanborn Maps, the parcel was subdivided in its current configuration sometime between 1898 and 1916. It was likely divided when the one-story duplex was constructed. The one-story duplex was demolished sometime after 1966 and the lot has been vacant since then. This will be a single-family residence for the primary residence and not for a carriage house. She displayed the floor plans. The first-floor plan will contain the master bedroom; and as you enter into the Lane, a garage will be here for the parking. Therefore, the Petitioner meets the parking requirements. On the second floor, there is a second bedroom, a kitchen, dining room and a great room as well as bathrooms on both floors. She said the elevation being proposed is the stoop, which was being requested for the special exception of HPC. She displayed the garage doors that the Petitioner will enter to park the vehicle.

**Ms. Paul-Leto** said the requested variance will not be injurious to the neighborhood or otherwise detrimental to the public, health, safety, or welfare. The parcel was subdivided between 1898 and 1916 and is existing condition. The parcel is buildable and once had a one-story duplex that was demolished sometime after 1966 as she has mentioned. The Petitioner seeks to construct a two-story residence with a garage and a master bedroom on the first floor and a second bedroom on the second floor. Special conditions and/or circumstances exist which are peculiar to the land as its only half as deep as other parcels along this block, and it faces the lane. The parcel has been divided like this for an extensive amount of time and is, therefore, is not a result of an action of the Petitioner. The special conditions and/or circumstances are not purely financial in nature to allow the Petitioner to use the land buildings or structures involved more profitably or to save money. The literal interpretation reveals that along this

lane/block face, the setbacks or other lane facing buildings have shallow rear yard setbacks. However, other property owners wanting to build a newly constructed home would have to meet the TN-1 minimum rear yard setback of 30-feet or see a variance as the Petitioner has done. The variance, if granted, is the minimum that is necessary to make possible the reasonable use of land.

**Ms. Paul-Leto** explained that as she mentioned earlier that when the petition was continued at the September 27, 2023, HPC meeting, they were proposing five feet. Now, they have increased it by 1 foot and 2 inches. The rear yard setback has increased by 5-feet, to 6 feet and 2-inches from the Petitioner's original proposal. Many of the parcels have a shallow rear yard within the subject block. The variance would not confer on the Petitioner any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district. Any new Constuction in the TN-1 zoning district that does not meet the minimum rear yard setback would have to apply for a variance such as the Petitioners has done.

**Ms. Paul-Leto** reported that basked upon the review criteria, Staff recommends approval of the requested variance to the minimum required rear yard setback of 30-feet to 6-feet - 2 inches for a new construction of a two-story residence at 103 East Park Lane. Ms. Paul-Leto entertained questions from the Board.

**Mr. Condon** asked if the special exception for the front stoop, sits inside the 6 foot - 2 setback, or does the building begins at the stoop, 6 feet - 2 inches?

**Ms. Paul-Leto**, pointing to an area, said this would be the stoop and it is in front of the lane. Therefore, from the garage, you enter into the front of the building.

**Mr. Condon** asked if the stoop begins at 6-feet - 2 inches.

**Ms. Paul-Leto** answered no. It begins at the front yard.

**Mr. Condon** asked if it would sit inside.

**Ms. Paul-Leto** said it would sit inside the property line.

**Mr. Condon** said he guesses what he is trying to find out is, if they take the front porch off the house, the front facing portion of the house will be at 6 feet - 2 inches or does the porch where the stairs are, begin at 6 feet - 2 inches off the property line?

**Ms. Paul-Leto** said the rear yard is the issue.

### **PETITIONER COMMENTS**

**Ms. Kim Campbell of Ethos Preservation** explained that they are requesting the variance because of an invisible line that was drawn more than 100 years ago in that subdivision of the lot, making it a nonconforming condition. She said if it was not for that subdivision, they would be meeting all required setbacks for this project. As Staff mentioned, the Historic Preservation Commission [HPC] unanimously approved this project yesterday along with a recommendation for the variance of the rear yard setback. Ms. Campbell said they respectfully ask that the Board support Staff's recommendation and approve the variance. She entertained questions from the Board.

### **PUBLIC COMMENTS**

**Ms. Carolyn Fletcher** asked how this would affect the sale of the church. They are in the process of selling the church's property.

**Mr. Merriman** stated that Ms. Fletcher's question could possibly be answered by the Staff. He asked Mr. Morrow or Ms. Paul-Leto to address Ms. Fletcher's question.

**Ms. Paul-Leto** asked if Ms. Fletcher's question is how this affects the church now.

**Mr. Merriman** explained that he guesses the question should be would the variance, if granted, affect the

sale of the church's property.

**Ms. Paul-Leto** asked what the name of the church is.

**Ms. Fletcher** answered, "Asbury United Methodist Church." The Church received a letter.

**Ms. Paul-Leto** explained that the church is across the street. The Staff sends letters [public notices] to abutting property owners within 300 feet notifying them of what is being requested.

**Ms. Fletcher** said the church is located on Duffy and Abercorn Streets.

**Ms. Paul-Leto** said this would not affect the church. The variance request is for property located on Drayton Street and East Park Lane. This property does not have access to Duffy Street.

**Mr. Michael Jenkins** resides at 103 East Park Avenue, which is the property facing this project. Mr. Jenkins said he had three concerns. First, when he rehabilitated his house and wanted to add some features, he was told that one of the important issues is the streetscape. In other words, the modification that he wanted to make would be consistent with the other houses on the street. But in the case of this structure, it appears to him that if there was such a thing as the landscape, it would be more consistent with what was on the lane to build a carriage house, not this big two-story house. This is like cramming a big house in a small space. He said his second concern is with solid waste management. Over the years, it has been a huge problem. On countless occasions, he has had to organize the trash containers and ensure that they were setup in order for the trash trucks to pick up the garbage. They have two houses that are behind; one is on Duffy Street and the fire department is on Drayton Street. The next house over east of this property, there are apartments that bring their trash out into the lane. Therefore, he is worried about another family, etc. in how this would be managed and organized. His final concern deals with drainage. Since he has lived here [2013], they have had drainage problems. The City comes every year and grades it because of the deep trenches that are cut here by the water runoff that comes from Drayton Street. So, now they will have a large roof here that will produce a lot of runoffs. He is wondering how this would affect the management of the stormwater in the lane.

**Mr. Merriman** asked Mr. Jenkins if he brought his first two complaints to the Historic Preservation Committee [HPC].

**Mr. Jenkins** answered no. He said he has been out of town.

**Mr. Merriman** informed Mr. Jenkins that his points were great, but they would have been more appropriately brought up at the HPC meeting.

**Mr. Jenkins** said, however, today his concerns are on record. He thanked the Board for listening to him.

**Ms. Barbara Harley** resides at 110 East Duffy Street said this property is adjacent to her carriage house. The garbage is a constant issue. The stormwater management is ruining her property as well.

**Mr. Merriman** invited Ms. Campbell to respond to the public comments.

**Ms. Campbell** said she believes Mr. Jenkins sent a letter [email] to the HPC that was read into their records as a part of yesterday's meeting. These comments were considered by the HPC. She explained for the benefit of the ZBA, the HPC found that this structure was visually compatible with the other contributing structures within the area. Specifically, as Staff has mentioned today. They were continued from the September meeting to meet some visual compatibility criteria regarding the eaves and roofline. The HPC also approved their special exception request, which was for the reduction of the size of the front porch which allows them to have a garage door in this structure. Therefore, they do not have a variance request for parking. Ms. Campbell said with regards to the size of the structure, they are only at 981 square feet in terms of the actual footprint of the building. This is less than 56 percent of the lot coverage to allow all the requirements there. In terms of the trash issue, yesterday a member of the public spoke, it was actually one of the other neighbors directly behind this property fronting Duffy Street, and pointed out that the issue here is because this lot is currently vacant. Therefore, other people are using this to put trash there. They all know that this happens when lots are vacant. By putting a residence here, this will actually correct some of these issues. Certainly, their client has already started

cleaning up the property and getting cars to move off the property. Since the original proposal, they have made some adjustments. One of the neighbor's buildings is on the zero (0) lot line. They were concerned that the HVAC units were close and that this would cause maintenance and potential trash issues, etc. They have relocated the HVAC units. If you noticed, there are no fences along the side of this property. This allows everybody to keep their trash cans at the zero-lot line if they want to do so. Ms. Campbell said regarding the stormwater drainage, they meet all the City's requirements for stormwater drainage for this project.

### **BOARD DISCUSSION**

None.

**Mr. Merriman** entertained a motion.

#### **Motion**

The Savannah Zoning Board of Appeals does hereby approve the requested variance to the minimum required rear yard setback of 30-feet to 6-feet and 2 inches for a new construction of a two-story residence at 103 East Park Lane.

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

Motion: Armand Turner

Second: Michael Condon

Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Not Present
Michael Condon	- Aye
Larry Evans	- Not Present
Stephen Plunk	- Aye
Betty Jones	- Not Present
Armand Turner	- Aye

## **XI. Other Business**

## **XII. Adjournment**

### 12. Adjourned

There being no further business to come before the Board, Mr. Merriman adjourned the meeting at approximately 11:55 a.m.

Respectfully Submitted,

Edward Morrow  
Development Services Director

EM:mem

*The Chatham County - Savannah Metropolitan Planning Commission provides meeting minutes which are adopted by the respective Board. Verbatim transcripts of minutes are the responsibility of the interested party.*