



## City of Savannah Zoning Board of Appeals

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Arthur A. Mendonsa Hearing Room  
9/28/2023 - 10:00 A.M.  
Meeting Minutes

### SEPTEMBER 28, 2023 SAVANNAH ZONING BOARD OF APPEALS

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

Member Absent: Larry Evans  
Armand Turner

MPC Staff Present: Edward Morrow, Development Services Director  
Melissa Paul-Leto, Development Services 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 10:00 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

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

[3. 115 Dyches Drive | Variances to the minimum rear and side yard setback for an accessory building | 23-004540-ZBA](#)

**Motion**

The Savannah Zoning Board of Appeals does hereby approve the removal of the petition for 115 Dyches Drive requesting variances to the minimum rear and side yard setback for an accessory building from the final Agenda as requested by the petitioner.

**Vote Results ( Approved )**

Motion: Michael Condon

Second: Betty Jones

Stephen Merriman, Jr. - Abstain

Karen Jarrett - Aye

Michael Condon - Aye

Stephen Plunk - Aye

Betty Jones - Aye

**V. Item(s) Requested to be Withdrawn**

**VI. Approval of Minutes**

[4. Approve August 24, 2023, Meeting Minutes](#)

[August 24, 2023 Meeting Minutes.pdf](#)

**Motion**

The Savannah Zoning Board of Appeals does hereby approve the August 24, 2023, Meeting Minutes.

**Vote Results ( Approved )**

Motion: Betty Jones

Second: Stephen Plunk

Stephen Merriman, Jr. - Abstain

Karen Jarrett - Aye

Michael Condon - Aye

Stephen Plunk - Aye

Betty Jones - Aye

**VII. Approval of Final Agenda**

[5. Approve the Final Agenda](#)

**Motion**

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

**Vote Results ( Approved )**

Motion: Michael Condon

Second: Betty Jones	
Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Aye
Michael Condon	- Aye
Stephen Plunk	- Aye
Betty Jones	- Aye

## VIII. Consent Agenda

## IX. Old Business

## X. Regular Agenda

### [6. 612 East Gwinnett Street | Variance to the minimum front yard setback | 23-004374-ZBA](#)

[Application.pdf](#)

[Site Plan.pdf](#)

[Site Visit Photos.pdf](#)

[STAFF REPORT.pdf](#)

[612 East Gwinnett- Site Plan 20230928.pdf](#)

**Ms. Melissa Paul-Leto** gave the Staff report. The Petitioner is requesting a variance to the maximum front yard setback within the TC-2 (Traditional Commercial-2) Zoning District for a proposed (Over-under) duplex to provide two required parking spaces at 612 East Gwinnett Street. The subject property fronts 30-feet onto a 16-foot-wide frontage road from East Gwinnett Street with no lane access to the rear of the property. The property is located within the Traditional-Commercial-2 (TC-2), City Council District 2. The property is currently undeveloped and is between a two-story family residence and a two-story over/under duplex. Ms. Paul-Leto showed the Board the site plan.

**Ms. Paul-Leto** explained that the TC-2 Zoning District's requirement is five feet maximum. They would also be required to have a parking space even if it was a single-family residence and not a duplex. As there is no lane and the lot is 30-feet in width, it is difficult to provide parking, this is the reason why the Petitioner is applying for the front yard maximum setback requirement variance to provide two parking spaces in the front. She stated that the proposed plan meets all the development standards within the TC-2 Zoning District except for the maximum five-foot front yard setback.

**Ms. Paul-Leto** stated that the request is not injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare. The variance seeks to provide two conforming parking spaces within the front yard where a maximum front yard setback requirement is five feet. She showed the Board an aerial view of the subject properties. Ms. Paul-Leto pointed out that 612 East Broad is in the middle. The property owner also resides at 610 East Broad Street. A duplex and a vacant property are here which are a part of another development within this historic African American theater. She said as the Board can see as shown on the screen, a very small passageway is here for access to the property. A large wall separates the road into East Gwinnett Street.

**Ms. Paul-Leto** said that the two adjacent properties do not have a conforming parking space on the subject lots. The property at 610 East Gwinnett Street has a gravel front yard that does not meet the five-foot front yard setback. Therefore, the property owner is providing a compact parking space. Also, the property at 614 and 616 East Gwinnett Street does not have a dedicated parking space on the subject properties for the duplexes. The property owner at 614 and 616 East Gwinnett Street also owns 618, 620, and 624 East Gwinnett Street. The subject property east of 612 East Gwinnett Street addressed as 614 and 616 currently provides parking on the right-of-way.

**Ms. Paul-Leto** explained that the special conditions of the lot is 30 feet in width. The only appropriate area for the Petitioner to provide the required parking spaces is in the front yard as there is no lane facing the rear yard of the property. The special conditions are not purely financial in nature. There is no adequate space to

provide the required parking spaces for the proposed two story over/under dwellings with the lot width 30 feet, no lane access to the rear of the property, and the maximum front yard setback of five feet. She stated that the literal interpretation of the regulations would result in an undue hardship on the Petitioner as a variance is required to conform to the minimum parking requirements. Otherwise, the Petitioner would have to apply for a parking variance for two vehicles parking spaces.

**Ms. Paul-Leto reported** that based upon the review criteria, Staff' recommends approval of the requested variances to the maximum five-foot front yard setback to provide two vehicle parking spaces at 612 East Gwinnett Street. She showed the Board some site visit photos of the properties. Ms. Paul-Leto entertained questions from the Board and stated that the Petitioner was present and available to answer their questions.

**Ms. Jones**, for clarity, asked Ms. Paul-Leto if this area is at the overpass on East Gwinnett Street.

**Ms. Paul-Leto** answered yes.

### **PETITIONER COMMENTS**

**Ms. Silvia Helena S. Da Silva** was sworn in earlier by Mr. Merriman. Ms. Silva stated that more than four years ago, she has been thinking about doing something with the property. So, now she wants to be able to fulfill her dream.

### **PUBLIC COMMENTS**

None.

### **BOARD DISCUSSION**

The Board had no discussion for this petition.

**Mr. Merriman** entertained a motion.

#### **Motion**

The Savannah Zoning Board of Appeals does hereby approve the variance request to the maximum 5-foot front yard setback to allow for two (2) vehicle parking spaces for property at 612 East Gwinnett Street.

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

Motion: Betty Jones

Second: Michael Condon

Stephen Merriman, Jr. - Abstain

Karen Jarrett - Aye

Michael Condon - Aye

Stephen Plunk - Aye

Betty Jones - Aye

### [7. 1907 East 62nd Street | Variances to the maximum size and minimum side yard setback for an accessory dwelling unit | 23-004509-ZBA](#)

[Application.pdf](#)

[AERIAL-SITE MAP 23-004509-ZBA.pdf](#)

[Site Visit.pdf](#)

[STAFF REPORT.pdf](#)

**Ms. Melissa Paul-Leto** gave the Staff report. The Petitioner is requesting two variances to the Accessory Dwelling Unit Ordinance:

- A variance to the maximum ADU square footage in relation to the principal dwelling.
- A variance to the minimum side yard setback for an ADU. The property is located within the RSF-10 (Residential Single-Family-10) Zoning District at 1907 East 62nd Street.

**Ms. Paul-Leto** stated that the subject property fronts 100 feet onto East 62nd Street and 200 feet in-depth with no lane access to the rear of the property. The subject property is a rectangular shaped lot of approximately 20,000 square feet of area and 100 feet of frontage. The property is currently developed with a 1-story single-family dwelling, a rear covered porch, and an existing garage. She showed the Board a picture of the front yard. The garage is towards the right. She also showed the Board the subject structure that the Petitioner is hopeful of developing into an accessory dwelling unit for her grandparents. The existing garage is 672 square feet in size and will be converted into an ADU which the requirement is 40% of the principal dwelling and will go over by 5%. This makes it a total of 45% over the principal dwelling unit. Ms. Paul-Leto stated that it does not meet the required 7-foot setback and the ADU requirements. The side setback is the same setback as the principal dwelling unit. It currently has three feet - five inches, when the requirement in the RSF-10 is 7 feet. Ms. Paul-Leto showed the Board a picture of the setback area.

**Ms. Paul-Leto** said the request is not injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare. The variances seek to provide an existing garage into a conforming accessory dwelling unit. She explained that the special condition would be that the existing garage was built with a nonconforming side setback of three feet - five inches; and now the Petitioner is proposing to convert it into an accessory dwelling unit. The building will have to meet the accessory dwelling unit requirements. The existing garage converting into an ADU is currently 45% over the principal dwelling and it does not meet the minimum side yard setback at the principal dwelling.

**Ms. Paul-Leto** reported that based on the review criteria, Staff recommends approval of the requested variances to the maximum 40% to 45% of the principal structure and the variance to the minimum 7-foot side yard setback requirement to 3-feet - 5 inches in order to convert the existing garage into an accessory dwelling unit at 1907 East 62nd Street. She entertained questions from the Board and informed them that the Petitioner was available also to answer their questions.

### **PETITIONER COMMENTS**

**Ms. Natalie Helbling** was sworn in earlier by Mr. Merriman. Ms. Helbling thanked the Board for hearing their Petition and explained that her grandparents would like to move to Savannah. She purchased the house in the Fall of 2021. Her grandparents both are elderly. She lives alone and they thought it would be a good idea to utilize the space on her property and convert it into an ADU. Ms. Helbling stated that she has supportive letters from both of her adjacent neighbors stating that it is okay for the variance to be approved. The neighbor on the right side has a 7-foot setback. This neighbor and her grandfather are very good friends. The neighbor on the left is also great and has given his approval also. They live on an awesome street, and she is very lucky to have such incredible neighbors.

**Ms. Helbling** said the single story is ideally for her grandparents. They will not have to walk upstairs; they could pull right up into the driveway. There is an additional space on the left side of the driveway where she could park. Therefore, they will not be parking on the street. The garage is built that way, and they just want to utilize what they have on the property.

### **PUBLIC COMMENTS**

**None.**

### **BOARD DISCUSSION**

The Board was in agreement with the Staff recommendation.

**Mr. Merriman** entertained a motion.

### **Motion**

The Savannah Zoning Board of Appeals does hereby approve the requested variances to the maximum 40%

to 45% of the principal structure and the variance to the minimum 7-foot side yard setback requirement to 3-feet 5-inches to convert an existing garage into an accessory dwelling unit at 1907 East 62nd Street.

**Vote Results ( Approved )**

Motion: Stephen Plunk

Second: Betty Jones

Stephen Merriman, Jr. - Abstain

Karen Jarrett - Aye

Michael Condon - Aye

Stephen Plunk - Aye

Betty Jones - Aye

[8. 3009 Skidaway Road | Variance to the maximum monument sign height | 23-004528-ZBA](#)

[Application.pdf](#)

[AERIAL-SITE MAP 23-004528-ZBA.pdf](#)

[STAFF REPORT.pdf](#)

**Ms. Melissa Paul-Leto** gave the Staff report. The Petitioner is requesting a sign variance to the maximum height of a monument sign. The property is located within the B-C (Community Business) Zoning District at 3009 Skidaway Road. The maximum height for a monument sign is 10-feet in height. The subject property fronts 142 feet onto Skidaway Road and approximately 276 feet in-depth. Ms. Paul-Leto showed the Board the layouts for the monument sign. She showed the Board what is existing. It is a steel structure with brick overlay and an "I Did It All" image; the Petitioner wishes to keep this electronic message unit.

**Ms. Paul-Leto** explained that a Dairy Queen business was on this site. The Petitioner wishes to replace the pylon facing which would not require a variance but has the shaping of the Dairy Queen as a trademark. They are trying to avoid a lawsuit. They want to replace the top unit with their "COOK OUT" sign, which is what the establishment will be. Currently, it is 24 feet - 7 inches and they are proposing 24 feet, a reduction of 7 inches. She showed the Board some existing pictures off of Skidaway which seems to be a development pattern of their monument signage. She showed the Board the COOK OUT monument sign in relation to other signs.

**Ms. Paul-Leto** said the request is not injurious to the neighborhood or otherwise detrimental to the public, health, safety, or welfare as the monument sign is existing. The Petitioner is proposing to remove two existing frames signage from Dairy Queen on the monument sign and replace it with their sign, COOK OUT. This will provide 7 inches lower in height than what is currently existing. The property owner's existing monument sign which he adopted through the purchase of the establishment, is not irregular within the development pattern. The special conditions would be that the monument sign exist and has a height of 24 feet - 7 inches in height. The Petitioner is proposing 7 inches lower in height than what is existing for a total of 24 feet. Ms. Paul-Leto said that the special conditions are not purely financial in nature. The Petitioner would be willing as she mentioned, to replace the pylon facing within the existing Dairy Queen sign frames. However, the shaping of the top frame is trademarked by Dairy Queen.

**Ms. Paul-Leto** stated that the Petitioner was not aware when renovating the restaurant space that the monument sign was not conforming as several monument signs adjacent and throughout Skidaway Road are all larger in height than the existing sign on this property. However, the Petitioner was told this by the Building and Zoning Department.

**Ms. Paul-Leto** reported that based upon the review criteria and the development pattern regarding the monument signs, Staff recommends approval of the requested variances to the maximum sign height to provide a 24-foot monument sign at 3009 Skidaway Road. She entertained questions from the Board.

**PETITIONER COMMENTS**

**Mr. John Armfield** was sworn in earlier by Mr. Merriman. Mr. Armfield said they would like to keep the existing signage that is here because the other properties that are adjacent to them are also nonconforming. He explained that the cost of building a new sign and taking the sign down would be very expensive.

**PUBLIC COMMENTS**

None.

**BOARD DISCUSSION**

**Ms. Jones** said she is familiar with this area. They were wondering what would go here since Dairy Queen was no longer here.

The Board agreed with Staff recommendation.

**Mr. Merriman** entertained a motion.

**Motion**

The Savannah Zoning Board of Appeals does hereby approve the requested variance to the maximum sign height to provide a 24-foot monument sign at 3009 Skidaway Road.

**Vote Results ( Approved )**

Motion: Betty Jones

Second: Michael Condon

Stephen Merriman, Jr. - Abstain

Karen Jarrett - Aye

Michael Condon - Aye

Stephen Plunk - Aye

Betty Jones - Aye

[9. 108 Gaston Street Unit B | Variance to the minimum parking requirements | 23-004425-ZBA](#)

[📎 Application.pdf](#)

[📎 AERIAL-SITE MAP 23-004425-ZBA.pdf](#)

[📎 Letter of Support #1.pdf](#)

[📎 STAFF REPORT.pdf](#)

[📎 Letter of Support #2.pdf](#)

[📎 Letter of Support #3.pdf](#)

**Ms. Melissa Paul-Leto** gave the Staff report. The Petitioner is requesting a variance to one vehicle parking space within the D-R (Downtown Residential) Zoning District for a change of use from residential to retail, general use at 108 Gaston Street. The subject property fronts 24-feet onto East Gaston Street and is a four-story residential dwelling with a basement space. Ms. Paul-Leto said that the Petitioner is proposing to have a change of use for Unit B into a new make-up boutique use. This classification is Retail, General. The minimum parking requirements for such use is one parking space per 250 square feet. The building is located within a parking reduction area, the Downtown Savannah parking area, which means that parking may be reduced by 60 percent which results in 1.6 spaces, which rounds to two parking spaces. The current use for Unit B is a two-bedroom garden apartment without a designated

parking space. The change of use can claim the credit for one parking space for a non-conforming parking area. The final parking requirement is one parking space. The Petitioner is not able to provide on-site parking.

**Ms. Paul-Leto** showed the Board the floor plan. Entrance is from Gaston Street. The Petitioner has already moved in and has established a make-up boutique retail store. She said that the Petitioner will speak more on this in her presentation. Ms. Angeletti's proposal is to continue this use for the Savannah Film Industry. Based on the site plan, there is a carriage house in the back, a courtyard, and then the four-story building.

**Ms. Paul-Leto** said that based on the variance criteria, Staff states that the request could be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare as potential customers will take up on-site parking that the residential and short-term rental units end up utilizing. As of now, she is not aware that retail customers will be coming here. She assumes that the customers will be coming to the establishment. But Ms. Paul-Leto believes that the Petitioner can go on site to do the make-up for the Film Industry.

**Ms. Paul-Leto** explained that there are special conditions or unique circumstances that are peculiar to the land, buildings, or structures that are involved in, and which are not applicable to other buildings regarding the subject property. Currently, the property owner rents long term a bedroom basement apartment. She said that the property owner has decided to lease the basement space for retail use, which is a more intense use than a residential unit, with one parking space per 250 square feet. The property owner is not being deprived of all use of the Unit B space as it can still be used as an apartment unit without the need of a parking variance. The special conditions may not be purely financial in nature; however, the property owner currently does not require a parking variance and could still rent the unit as a residential dwelling. The literal interpretation of the regulations would not result in undue hardship for the property owner. The owner could keep utilizing the basement apartment as a rental apartment. The Petitioner could find a space that has sufficient parking available without the need for a variance. Therefore, she could look for another property and/or another parcel to have the retail establishment with sufficient parking.

**Ms. Paul-Leto** said the variance if granted would not be the minimum variances needed for the property. Currently, there is no need for a parking variance as an apartment unit. She explained that, therefore, based on Staff recommendation and the review criteria, Staff recommends denial of the requested parking variance at 108 East Gaston Street, Unit B. She entertained questions from the Board and informed them that the Petitioner was also present to answer questions.

**Ms. Jarrett** asked Staff if the owner and the user is the same individual.

**Ms. Paul-Leto** answered no.

**Ms. Jarrett** asked therefore, the user came in and said I want to use this space. How long have they actually been using this space? Any idea?

**Ms. Paul-Leto** said this is a question for the Petitioner. However, it appears that the space was recently decorated and moved in with her make-up establishment. But, Ms. Paul-Leto said she does not believe the Petitioner is currently using the space because she cannot do so without the parking requirement. The property owner has authorized the Petitioner to do the retail establishment.

### **PETITIONER COMMENTS**

**Ms. Dawn Angeletti** came forward and stated that she is the Petitioner. Ms. Angeletti stated that she received three letters of support for the petition. Her neighbors are supportive of her small business. She is a single woman, opening a small business in a very lovely area and everybody has been supportive. Ms. Angeletti said she does not understand why Staff is recommending denial of her business. She is looking to open a small boutique. Basically, there will be foot traffic and she will go on site to take make-up to the industry people. She has invested a lot of money into this business; she is very excited to bring a small business to this area and has a lot of support to do so.

**Mr. Condon** asked Ms. Angeletti how many customers she would be doing make-up for at a time at the



establishment.

**Ms. Angeletti** answered one person at a time.

**Ms. Jarrett** asked her if she lives at the establishment as well as work here.

**Ms. Angeletti** answered that she does not.

**Ms. Jarrett** asked Ms. Angeletti where she parks.

**Ms. Angeletti** stated that she has street parking and there is free parking on the back. She is near Forsyth Park. There is a lot of parking available.

**Mr. Condon** told Ms. Angeletti that he assumes that the folks who would be engaging in her services are making appointments to do so.

**Ms. Angeletti** answered typically, yes.

**Mr. Condon** asked her, therefore, people walking by might come in and schedule an appointment. What he is trying to define is how many potential cars could be associated with people at her establishment at a time.

**Ms. Angeletti** answered probably one if they are coming in for an appointment.

**Mr. Plunk** asked Ms. Angeletti if she has started seeing customers here.

**Ms. Angeletti** answered no, not at this location. She has the business up and running online. But she is waiting to get the variance approval. This is the last piece of the puzzle for her to be able to fully open the business to the public. She is looking forward to doing so as honestly this is her dream.

**Mr. Plunk** asked, "Is this your first location?"

**Ms. Angeletti** answered yes.

**Mr. Plunk** informed her that he guesses because she works on movies sometimes, she does the makeup on site.

**Ms. Angeletti** said they have been on strike since early July. Therefore, she has been out of work since then and this is why she has been putting things together hopeful of opening her business. She was hopeful of opening the business October 1.

**Mr. Plunk** informed Ms. Angeletti that he has not had a chance to read her letter of support. Does someone live in the carriage house?

**Ms. Angeletti** answered yes, someone lives in the carriage,

**Mr. Plunk** asked her if she got a letter of support from this neighbor.

**Ms. Angeletti** said she has read only one of the letters. She believes it was from the next-door neighbor.

**Ms. Jones** asked if the letters of support were for the business or the parking.

**Mr. Merriman** stated he believes the letters were for the parking as this is what is being requested.

**Ms. Jarrett** stated that there will only be one potential car for this business. But Ms. Angeletti's car will also be there. Correct?

**Ms. Angeletti** answered yes.

**Ms. Jarrett** said someone lives in the carriage house. Therefore, this car will be there also. The main

house also will need parking.

**Ms. Angeletti** said the main house has a parking garage space.

**Ms. Jarrett** asked Ms. Angeletti if she could not park in the garage.

**Ms. Angeletti** answered that they did at one time allowed her to use the garage, but when they asked for that variance, it was not granted.

**Mr. Plunk** asked her if she uses this space rather it counts against it or not,

**Ms. Angeletti** answered no. She does not currently use the garage, but potentially she could use it.

**Mr. Merriman** asked if the property owner was present,

**Ms. Angeletti** answered no. The property owner is on vacation.

**Mr. John Anagnost** said he talked with the Petitioner about the garage. He explained that the reason she could not use the garage space is because they are receiving credit for a nonconforming parking area for the existing apartment unit of one space. If they claim the space in the garage for this area of the site, they no longer get credit for nonconforming as it counts for one space for the existing apartment. Therefore, it is a wash. They lose the credit for nonconformity because they are already claiming that space for the existing use.

#### **PUBLIC COMMENTS**

None.

#### **BOARD DISCUSSION**

**Ms. Jarrett** said she is somewhat concerned that a slippery slope is being created here.

**Mr. Merriman** asked her to please elaborate.

**Ms. Jarrett** said if they allow this building to get away without having a parking space, then how quickly will they have another residential, due to retail space, by a petitioner come forward. She stated that she did not see it as much in this particular situation, but she has seen it in a lot of other situations where other developments have said, "well they got to do it." This is just her concern.

**Mr. Merriman** said Ms. Jarrett had a valid concern; however, they do treat each case individually not as a precedent. Mr. Merriman asked the Board if they had any more discussion.

**Mr. Condon** said as usually, Ms. Jarrett has very strong points. His thoughts on this matter, because of the nature of this business, one person at a time, that the potential exists that the impact would be less. If this was a retail establishment where the Petitioner would be selling makeup to the public and people would be pulling up, taking up parking spaces, go in and buy product, etc., he believes it would be significantly different. In this instance, it is by appointment, one person at a time. These people could park anywhere, even in one of the public parking garages and walk to the establishment. This may be something that the purchasers are advised to do. However, he understands what Ms. Jarrett is saying. But in this case, he believes that the impact is small.

**Mr. Plunk** stated that if the request is granted, that the Petitioner look at utilizing the garage. In this area sometimes there is parking and sometimes there is not. It changes totally from day-to-day. It is right next to the Forsyth Park. Sometimes there are events and the Farmer's Market is here every Saturday. Sometimes there are lots of parking spots and sometimes there is not anything they can do to mitigate the impact. Without the property owner being here, they cannot speak about the garage.

**Mr. Merriman** entertained a motion.

**Motion**

The Savannah Zoning Board of Appeal does hereby approve the requested parking variance at 108 East Gaston Street, Unit B.

**Vote Results ( Approved )**

Motion: Michael Condon

Second: Stephen Plunk

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

[10. 514 Maupas Avenue | Variances to the minimum requirements for an accessory dwelling unit | 23-004393-ZBA](#)

📎 [Application.pdf](#)

📎 [08-24-2023 ZBA Submittal Wilkinson Residence Set R \(REVISED\).pdf](#)

📎 [Letter of Support #1.pdf](#)

📎 [Letter of Support #2.pdf](#)

📎 [Letter of Support #3.pdf](#)

📎 [Letter of Support #4.pdf](#)

📎 [Letter of Support #5.pdf](#)

📎 [Project Information.pdf](#)

📎 [Site Visit Photos.pdf](#)

📎 [STAFF REPORT.pdf](#)

**Ms. Melissa Paul-Leto** gave the Staff report. The Petitioner is requesting the following variances for an accessory dwelling unit:

- A variance for an 11-foot 3-inch reduction to the minimum 15-foot rear yard setback requirement when the ADU proposed height is over 15-feet in height when not abutting a lane.
- A variance to a 2-foot 4-inch reduction to the eastside 5-foot setback requirement for an accessory dwelling unit.
- A variance to maximum coverage of 40% of the principal dwelling to allow for an additional 17.6 square feet, or 1% increase, which is 41%.
- A decrease to the 125% lot area requirement for an accessory dwelling unit from 5,565.3 square feet of existing lot area to the required 7,500 square feet is required.

The property is located within the RSF-6,000 square feet (Residential Single-Family-6) zoning district at 514 Maupas Avenue.

**Ms. Paul-Leto** showed the Board the site plan that the architect provided. A two-story residence is located here, an existing garage, a small shed, and a steel staircase that goes up to the second story. The Petitioner is proposing to demolish the shed, staircase, and the garage. Once these items are demolished, the Petitioner is proposing to build a two-story carriage house within the same footprint of the existing garage. The proposed site plan indicates a two-story building with a garage and storage on the first floor and an accessory dwelling unit on the second floor.

**Ms. Paul-Leto** said the criteria shows that the request is not injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare. However, the Petitioner could have proposed an

accessory dwelling unit that is smaller in size and height that would meet the side and rear yard setback requirements. The Petitioner does not meet the 125% lot area for an accessory dwelling unit; does not meet the maximum coverage of 40%, the required side yard setback, nor the 15 feet required rear yard setback for an ADU that would be over 15 feet in height. She explained that by demolishing the existing garage, the Petitioner was given a clean slate to meet all the requirements for an accessory dwelling unit, except for the 125% lot area.

**Ms. Paul-Leto** reported that based upon the review criteria, Staff recommends approval of the requested variances to the maximum 40% of the principal structure to the minimum five-foot side yard setback to the minimum rear yard setback requirement based on the proposed height being over 15 feet in height requirement and to the lot area not meeting the 125% requirement for an accessory dwelling unit at 514 Maupas Avenue. She stated that the project has received five letters of support. Ms. Paul-Leto entertained questions from the Board and stated that the architect for the project was present.

**Ms. Jarrett** asked Staff if the proposed ADU and the house are the same elevation as far as the roofline goes.

**Ms. Paul-Leto**, for clarity, asked Ms. Jarrett if she was speaking about the elevation.

**Ms. Jarrett** explained that she was speaking about the height.

**Ms. Paul-Leto** stated that the architect will be able to answer Ms. Jarrett's question.

### **PETITIONER COMMENTS**

**Mr. Michael Johnson of SHAH Architecture** came forward. Mr. Johnson was sworn in by Mr. Merriman earlier. He explained that the existing garage is dilapidated. It is on ground level whereas the main house is elevated and is much taller. There is a significant difference in height. He said, however, he does not have the exact dimensions with him today. But he would be able to provide the dimensions to the Board later. But it is substantial. While it is a two-story carriage house, it is substantially smaller in height than the main structure.

**Mr. Johnson** explained the reason they left the building to reuse the footprint would be to move it and slide it forward would be more out context with the neighborhood than the other carriage houses. Then they would be back in front of the Board asking for a variance because the accessory structure would be too close to the main house.

### **PUBLIC COMMENTS**

None.

### **BOARD DISCUSSION**

The Board was in agreement with the Staff recommendation.

**Mr. Merriman** entertained a motion.

#### **Motion**

The Savannah Zoning Board of Appeals does hereby approve the requested variances to the maximum 40% of the principal structure, to the minimum 5-foot side yard setback, to the minimum rear yard setback requirement based on the proposed height being over 15-feet in height requirement, and to the lot area not meeting the 125% requirement for an accessory dwelling unit at 514 Maupas Avenue.

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

Motion: Michael Condon

Second: Betty Jones	
Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Aye
Michael Condon	- Aye
Stephen Plunk	- Aye
Betty Jones	- Aye

[11. 524 East 45th Street | Variance to the minimum rear yard setback requirement | 23-004390-ZBA](#)

📎 [Application.pdf](#)

📎 [Letters of Support.pdf](#)

📎 [AERIAL-SITE MAP 23-004390-ZBA.pdf](#)

📎 [Project Information.pdf](#)

📎 [STAFF REPORT.pdf](#)

**Ms. Melissa Paul-Leto** gave the Staff report. The Petitioner is requesting an 11-foot reduction to the 20-foot rear yard setback to construct a rear addition to the principal dwelling. The property is located within the RSF-6,000 square feet (Residential Single-Family-6) Zoning District at 524 East 45th Street. The minimum rear yard setback requirement in the RSF-6,000 Zoning District is 20 feet. She displayed a picture and explained that the subject property is a rectangular shaped lot of approximately 6,300 square feet in area and 60 feet of frontage with 105 feet in-depth with lane access to the rear of the property on East 44th Lane. The property is not only located within the RSF-6, but also in the Ardsley Park/Chatham Crescent local historic district. Ms. Paul-Leto said she has spoken to the Director of Historic Preservation, Ms. Michalak. She was informed that there is no need for a Certificate of Appropriateness [COA] for the demolition of an existing rear addition that they have to construct a new rear addition.

**Ms. Paul-Leto** stated that the property is currently developed with a one-story, single-family dwelling, a small rear addition, a rear deck, and a rear accessory building. The rear addition currently meets the 20-foot rear yard setback requirement. She explained that as the Board could see from the image shown, there is a little addition here and there is essentially a type of storage accessory structure that was existing and is nonconforming. The Petitioner is proposing to demolish the existing deck and the rear addition and reformat it so that they will have a master bedroom, a rear addition, and a deck. They will keep the existing accessory structure.

**Ms. Paul-Leto** said the requested variance is consistent with the intent of the Ordinance and Comprehensive Plan. The request is not injurious to the neighborhood or otherwise detrimental to the public, safety, or welfare. There are no special conditions or unique circumstances which are peculiar to the land, buildings or structures involved and which are not applicable to other buildings regarding the subject property. The Petitioner is proposing to demolish the existing deck and the existing rear addition to construct a master bedroom that will encroach into the minimum 20-foot rear yard setback by 9 feet.

**Ms. Paul-Leto** reported that Staff recommends denial of the requested variance to the minimum 20-foot rear yard setback for the reduction of 11 feet from the required 20-feet leaving a remainder of a 9-foot rear yard setback based on the findings in their Staff report and that the Petitioner is not suffering any undue hardship. However, if the Zoning Board of Appeals is inclined to approve the requested variance, it is unlikely to be a detriment to the public good. She entertained questions from the Board.

### **PETITIONER COMMENTS**

**Mr. Michael Johnson of Shah Architecture** thanked the Staff for their help with both of their projects for the last month and a half. Mr. Johnson said he wanted to note that on this project they have eight letters of support that are from neighbors on each side, including neighbors on the other side of the street. He displayed an image on the screen and stated that the addition sort of forms an "L-shape". Both of the adjacent properties to this property as well as the property to the rear, have additions to their main house that exceed the variance request that they are asking for. Where this property is abutted on the western

side where they are doing the L-shape, the property immediately to the west also has an addition that extends beyond what they are asking for. The property directly behind them on the lane has an addition that extends all the way to the lane with no setback. This is also the smallest house on the street. This is a fairly well-developed street. and is a great neighborhood. Mr. Johnson said this is the best and only option for the owners to take, expand the house and bring it into context with the neighborhood. He said as the Board could see on the site plan; the "L" extends both adjacent to them and to the rear of them as an addition to this property. In this case, what they are asking for is less than both of those additions. He said from an expectation and as a property owner, you would expect to be able to develop your property in a way that is contextual with your neighborhood. Mr. Johnson said he believes that this is what they are asking to do. He said that the property owners were present and would speak to this issue.

**Mr. Ruprecht Von Gwinuer** came forward and stated that his wife and he have lived in the west for 10 years. They plan to apply for U.S. Citizenship next year. They live in the loveliest neighborhood that they have ever experienced in their lives. They are happy to live here, but there is only one problem, the house is small. By March 2024, they expect to have seven grandchildren. Their family visits them all the time. This is the reason they want to add one more bedroom. As has been said, this would clearly be less than what their neighbors on both sides have already extended to their homes. Mr. Von Gwinuer said they are requesting a modest change, and they would be very grateful if it is approved.

**PUBLIC COMMENTS**

None.

**BOARD DISCUSSION**

**Ms. Jarrett** stated that it appears from the map that there are only a couple of houses here that do not have something that extends into the setback limit along East 44th Lane.

The Board had no further discussion.

**Mr. Merriman** entertained a motion.

**Motion**

The Savannah Zoning Board of Appeals does hereby approve the requested variance to the minimum 20-foot rear yard setback with a reduction of 11-feet from the required 20-feet, leaving a remainder of a 9-foot rear yard setback at 524 East 45th Street.

**Vote Results ( Approved )**

Motion: Stephen Plunk

Second: Michael Condon

Stephen Merriman, Jr. - Abstain

Karen Jarrett - Aye

Michael Condon - Aye

Stephen Plunk - Aye

Betty Jones - Aye

📎 [Application.pdf](#)

📎 [AERIAL-SITE MAP 23-004535-ZBA.pdf](#)

📎 [Site Plan.pdf](#)

📎 [STAFF REPORT.pdf](#)

**Ms. Melissa Paul-Leto** gave the Staff report. The Petitioner is requesting a variance to the 5-foot minimum side yard setback for an addition to the principal dwelling. The property is located within the RSF-5 square feet (Residential Single-Family-5) zoning district at 139 North Leeds Gate Road. The subject property fronts onto North Leeds Gate Road with no lane access to the rear of the property.

The property is an irregular shaped lot of approximately 6,098.4 square feet (0.14 acres) and has no lane access to the rear of the property. The Petitioner is proposing to construct a side addition. Ms. Paul-Leto displayed a picture of the side view showing where the addition would be placed. The property is currently developed with a curved driveway, a large Oak tree in the front yard, and a one-story single-family dwelling.

**Ms. Paul-Leto** stated that the request is not injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare. She showed the Board the proposed site plan. It has a setback of three feet when the requirement is five feet. The parcel is of unusual cone like shape where the side yards angle inward toward the rear yard. The proposed addition would encroach two feet into the required five-foot side yard setback, resulting in a 3-foot side yard setback if the variance is approved. Ms. Paul-Leto explained that the literal interpretation would not deprive the Petitioner of rights commonly enjoyed by other properties in this same zoning district. Other properties proposing to have an addition that would encroach into the required side yard setback would need to apply for a variance such as the Petitioner has done.

**Ms. Paul-Leto** reported that as a likely suitable design alternative available not requiring a variance, the Staff recommends denial of the requested variance to the minimum side yard setback from the required 5-feet to the requested 2-feet reduction at 139 North Leeds Gate Road. However, if the Zoning Board of Appeals is inclined to approve the requested variance, it is unlikely to be a detriment to the public good. She entertained questions from the Board and stated that the Petitioner is present as well.

**Mr. Condon** thanked Ms. Paul-Leto for all her good work. He said it appears from the map that was provided, that the right rear corner is already about two feet off the property line.

**Ms. Paul-Leto** answered correct. She is not sure when this was constructed. But it is nonconforming to the side setback as well.

**Mr. Plunk** asked Staff if they received any letter in support or opposition to this variance request from any of the neighbors on either side.

**Ms. Paul-Leto** answered no. Staff has not received any letters in support or in opposition.

### **PETITIONER COMMENTS**

**Mr. Kenneth Wilson** came forward and explained that the project is for an extension to their dining room. They want to enlarge this area so that the entire family would be able to sit around the table in the dining room. This is their first home, and his children want to keep it.

**Mr. Plunk** asked Mr. Wilson if he has spoken with the property owner whose lot is being encroached upon. Do they have any comments one way or the other?

**Mr. Wilson** replied that they are good neighbors. They ensured that their lines would not cross over into the neighbor's property.

**Mr. Merriman** said to be clear, he believes that the Petitioner wants to come within three feet of his property, but he will not go over onto the neighbor's property.

### **PUBLIC COMMENTS**

None.

## **BOARD DISCUSSION**

The Board had no further questions or discussion.

**Mr. Merriman** entertained a motion.

### **Motion**

The Savannah Zoning Board of Appeals does hereby approve the requested variance to the minimum side yard setback from the required 5-feet to the requested 2-foot reduction at 139 North Leeds Gate Road.

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

Motion: Betty Jones

Second: Michael Condon

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

### **13. 404 West Waldburg Street | Rear Setback Variance**

📎 [404 W Waldburg Variance.pdf](#)

📎 [916 MLK Submission.pdf](#)

📎 [AERIAL-SITE MAP 23-004538-ZBA.pdf](#)

**Mr. Edward Morrow** gave the Staff report. He cited that the file no. is 23-004538-ZBA. He explained that the request was filed by Mr. Patrick Shay on behalf of the Community Housing Services Agency (CHSA). CHSA is a nonprofit organization that was established in 1989 by the City of Savannah with associated partners for the purpose of developing affordable housing. Mr. Morrow explained that the specific request today is to reduce a rear yard setback from a requirement of 10 feet to approximately five feet - six inches. The proposal is to develop 16 apartments that are two-bedroom units that are affordable housing units and are ideally for small families who are in danger of being displaced because of the rising rent rates in the City of Savannah.

**Mr. Morrow** stated that the Historic Preservation Commission (HPC) reviewed this petition in July 2023 and granted a Certificate of Appropriateness (COA) and additionally forwarded a recommendation to the Zoning Board of Appeals for approval for the requested setback variance request. The subject parcels total 0.2 acres and are situated east of Martin Luther King Jr. Boulevard, between West Bolton Lane and West Waldburg Street. The property is located within the Victorian Historic District and is zoned TC-2 (Traditional Commercial - 2).

**Mr. Morrow** displayed a rendering of the proposed apartment buildings. He said that in reviewing the variance criteria, Staff found this was consistent with the intent of the Ordinance in maintaining the established development patterns within the area. He stated that the requested setback is unlikely to be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare. There are some special conditions associated with this parcel because of its unique shape. It is an "L-Shape" that has double frontage and typically our Zoning Standards are based on parcels that have front, rear, and side. Therefore, this particular parcel would cause some undue hardship. The literal interpretation in this case would deny the Petitioner some of the rights commonly enjoyed by other properties. This is the



minimum variance that is required to develop the parcel as requested. Special privilege would not be granted if the Board chose to approve the requested variance.

**Mr. Morrow** showed the Board the site plan. He explained that one other variance was associated with this parcel that they resolved prior to coming to this Board. It was a request to reduce one parking space. The Petitioner had an excess of bicycle parking spaces that were able to be converted to moped and motorcycle spaces. Therefore, this would eliminate the need for an additional variance. Today, there is only one variance request related to the setback.

**Mr. Morrow** reported that based on this review, Staff recommends approval of the variance request. He entertained questions from the Board.

**Ms. Jones** asked about the parking.

**Mr. Morrow** answered that based on the site plan that Staff received and the amendments to parking based on the addition of the motorcycle and moped spaces, the proposed development would be fully parked onsite.

### **PETITIONER COMMENTS**

**Mr. Patrick Shay, Senior Principal of GM Shay Architects, came forward and introduced Ms. Meredith Stone, the Lead Designer for this project.** Mr. Shay said they agree with the Staff report. He commended the Staff and the City of Savannah for their level of cooperation in working through this process. This is a meritorious endeavor. He is hopeful that the Board will be favorable to the Staff's recommendation.

**Ms. Jones** asked Mr. Shay that when they say, affordable housing, "what is the price range?"

**Mr. Shay** answered that he could not say the exact price range, but the concept is to try and help people that are currently unsheltered, especially young families, be able to transition into being able to pay rent. It is not going to be market rent but will be below market rent.

**Ms. Jones** asked "workforce?"

**Mr. Shay** said it could be less. The aim is to help people who are unsheltered be able to make the transition, learn how to pay rent, learn how to get settled in that world, and then transition to another location.

### **PUBLIC COMMENTS**

None.

### **BOARD DISCUSSION**

**Mr. Plunk** said the project sounds like a notable endeavor.

**Mr. Condon** said the project sounds good to him also.

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 request for reduction of a rear-yard setback from 10' to 5'-6" at 404 West Waldburg Street.

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

Motion: Stephen Plunk	
Second: Betty Jones	
Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Aye
Michael Condon	- Aye
Stephen Plunk	- Aye
Betty Jones	- Aye

#### 14. Entelman Street, 618-624 East Gwinnett Street | Height Variance Request

- [📎 Site Plan.pdf](#)
- [📎 Letter of Opposition 1.pdf](#)
- [📎 Sign Posted\\_1.png](#)
- [📎 Sign Posted\\_2.png](#)
- [📎 Staff Report - Entelman St Variance.pdf](#)
- [📎 Letter of Opposition 2.pdf](#)
- [📎 Letter of Opposition 3.pdf](#)
- [📎 718 East Broad Street Development Supplemental Zoning Documents.pdf](#)

**Mr. Ed Morrow** gave the Staff report. Mr. Morrow stated that this petition was filed by Attorney Joshua Yellin on behalf of Mr. Jerome Elder for seven parcels that are at the intersection of East Broad and East Gwinnett Streets. The Petitioner is requesting variances to the maximum permissible height of structures in the TC-2 (Traditional Commercial - 2) zoning district, which is 3 stories up to 45 feet. The Petitioner proposes to redevelop a blighted historic theatre building in association with 3 new buildings. One of the proposed buildings would have mixed commercial and residential uses and the other two would have residential uses. The two buildings would have partial 4 stories that would be 47 feet in height, and there would be a partial 5th story that would be approximately 58 feet in height.

**Mr. Morrow** said it is important that he note that a Specific Development Plan has not been submitted. This is purely submitted on the basis of determining the feasibility of these heights within this particular zoning district. He stated, therefore, in essences, they are only discussing height. There will be forthcoming plans at which time other variances and adjustments might be required in order to get this done.

**Mr. Morrow** displayed the proposed site plan on the screen. He explained that they will have a setback and as the Board can see, three stories are permissible in this zoning district. Pointing to an area, he said that a partial 4 story will be over here, and the 5th story is back here. Going down towards the underpass, there will be three stories and then, the historic theater building.

**Mr. Morrow** stated that some facts and findings on this case are, there are 7 parcels that are a part of the proposed development. They are adjoining the unimproved Entelman Street. This particular section of the right-of-way will be improved as a result of the proposed development. The subject properties are not within a historic district; however, they are on the boundary of two historic districts. They are the Downtown Historic District and the Victorian Historic District. These districts are on the other side of East Broad Street and as he said, this project is not in either of those districts. The 7 parcels comprise of 1.3 acres and are zoned TC-2 (Traditional Commercial) and the current zoning district would permit the development of apartment buildings or mixed-use buildings as proposed. If the parcels were to be developed as apartment buildings, they would be allowed to have 3 floors up to the maximum height of 45 feet. But, again, it would be within 3 stories. This would have a requirement of 435 square feet per dwelling unit. Within the TC zoning district, buildings are capped at 10,000 square feet of floor area a piece. Therefore, in this way, the density of any particular building is sort of capped within this district. However, it has to be consistent with the traditional development pattern. He explained, however, that when they look at this in a gross sense and when all the site development factors are applied, the net

number would actually be different. But in a rough aspect in determining a gross density with 1.3 acres, you would potentially get 129 units. In an absolute maximum, the net number is likely to be much lower.

**Mr. Morrow** said to give the Board a sense of the scale of what type of development they would be talking about, they are not talking about a particular development at this time as these details will be determined later on within the site development process. He explained that the height map, which applies to the properties that are on the other side of East Broad Street would currently permit up to three stories, and the subject parcels are within the Downtown Savannah Parking Reduction District. Any commercial uses or nonresidential uses that would come about as a result of this, would be entitled to a variety of parking reductions based on their nature; he said just to identify a couple of eating and drinking establishments which they know are proposed, as well as indoor amusements potentially, would be entitled to as much as a 40% parking reduction. Initially, it was believed that the existing theater might be qualified to be grandfathered because of its parking requirement. However, presently Staff is unclear as to whether or not they would get credit for the previous fact that the theater was initially developed without parking. Mr. Morrow said these are details that Staff is still working on. Nonetheless, today they are talking about the height beyond the 3 stories at this particular location.

**Mr. Morrow** displayed a map showing the locations of the parcels outside the historic districts. He pointed out that to the north, the Board could see the Downtown Historic District and the area shown in the green color is the Victorian District. He also displayed the Historic District Height Map and pointed out that the site is on the corner. The thin strip indicates 3 stories of permitted uses behind the 2.5 stories. Mr. Morrow stated finally these are the Downtown Savannah Parking District regulations and within the circle, is the subject parcels just inside the Parking Reduction area. He said in downtown, these areas are parking exempt if they are identified in the green color. The areas that are shown in the yellow color, there is a table entitling certain nonresidential uses to parking reductions. Residences in this area still require one parking space per dwelling unit.

**Mr. Morrow** explained that the proposal is consistent with the intent of the Ordinance as presented. Through deep setbacks of the 4th and 5th stories, the Petitioner has created a concept that is contextually sensitive to the site's surrounding. The traditional pattern of development is contemplated here. Other policies documents point to the idea that this particular intersection is going to be a node of commercial activities. Therefore, based on Staff's reading of the existing Ordinances and Policy Documents, they are going to see a mixture of uses and intensification of activities. He stated again that this petition is not a request for zoning, but simply to evaluate the feasibility of height higher than 3 stories; and also, the idea that they would want to promote commercial uses that are responsibly located within close proximity of residences. There are no special conditions or circumstances that are applicable, except for the fact that this is done in the context of preserving the historic theater. Therefore, it is sort of an infill development in this regard. Mr. Morrow stated that this request is necessitated by the Petitioner's chosen design. Obviously, a less dense proposal could produce something that might not necessarily require this, but the Petitioner will make the argument that this is in the interest of preserving the theater. The request is not likely purely financial in nature. But the understanding is the intent to preserve the theater. Mr. Morrow said he believes this is an attempt to try to bring the two things into balance.

**Mr. Morrow** said the literal interpretation would not deprive the Petitioner of any rights and would not result in unnecessary, undue hardship. The variance is not required to make reasonable use of the subject properties. If granted this variance would not confer on the Petitioner any special privileges.

**Mr. Morrow** said they are at the renderings that were provided to Staff last week. Staff recommends approval of the requested variances to the height of the proposed structures within the TC-2 zoning district with the following condition:

1. Future specific development plans shall be consistent with the conceptual Site Plan reviewed in association with this petition.

**Mr. Morrow** entertained questions from the Board.

**Ms. Jarrett** stated that Mr. Morrow said something along the lines of not making the residents feel like they were being enclosed. She wonders how the resident at 612 East Gwinnett Street feels about it; and also, the residents at the duplex next to it and the single-family. They will be surrounded by this

development. Ms. Jarrett explained that issues connected with cutting off the parking for that one duplex is also a concern. Needless to say, parking is a big concern that she has. She sees that the Conceptual Site Plan shows underground parking. With the viaduct here for Gwinnett Street, she has serious concerns about underground parking and the burden on that retaining wall for the viaduct. Frankly, the people on the opposite side of the street having 3 stories and then almost immediately almost 2 and one-half stories, and having to face 3, 4, and 5 stories across the street is a big concern as well.

**Mr. Morrow** responded that this was something that was brought up. As the Board heard, this is somewhat beneficial to have both of these on the agenda at the same time so he could say if there are any opportunities to potentially improve the off-street parking situation. The Petitioner is open to speaking with Ms. Da Silvia who owns the home and is intending to build another home, which will have the setback on the front that this Board just approved. The Petitioner is willing to work with the owner to improve this situation.

**Ms. Jones** said her concern is about the church that is next to this. How would this impact the church? She also has a concern about the eating and drinking facilities where wine and alcoholic beverages will be served in these establishments. Isn't the allowable requirement 600 feet?

**Mr. Morrow** explained that this would require "special use" in the zoning district. Therefore, the establishments would be required to go through a process and gain approval from the Metropolitan Planning Commission as well as from Savannah City Council. This is definitely something that would be pursued later. Restaurants would be permitted by "right" within this zoning district.

**Ms. Jones** stated that she has a concern about 3, 4, and 5 stories being in a residential neighborhood because of the impact it has on the residents. She, too, is concerned about the parking. Once the parking is expanded, they will start parking in front of residential homes. All residential homes do not have off street parking.

**Mr. Morrow** said it is Staff's understanding that one of the principal bases for this request was in order to accommodate more off-street parking. Therefore, in working with the Petitioner going forward, Staff wants to clarify that a portion of what is going up, will essentially be parking. The limitation for height, they are running up against meeting the off-street parking requirement. With the concern of the viaduct, there are peculiar circumstances that are inherent to underground parking. The Petitioner is trying to accommodate as much parking onsite as possible.

**Ms. Jones** said the overpass on Gwinnett Street is a flood area. When it rains hard, the street is impassable.

**Mr. Morrow** explained that at the point when the Sites Specific Development Plans are submitted, this will be determined by the City of Savannah review departments, including Stormwater, Traffic, and all the other relevant departments.

**Ms. Jones** said she noticed that Staff received letters of opposition.

**Mr. Morrow** stated that Staff received three letters of opposition in essence asking that this petition be continued so that the neighborhood have more time to prepare and understand what is being asked for.

#### **PETITIONER COMMENTS**

**Attorney Joshua Yellin** came forward and stated that he was present on behalf of the Petitioner, Jerome Elder of J. Elder Studios. Attorney Yellin explained that he would pull up the site and the plan for the requested area. He is excited to bring this petition before the Board today. He believes that everyone in the City of Savannah is probably excited to see some form of rehabilitation for the historic Eastside Theater and this is 100% of what their request is about today. They are not proposing a rezoning; they are not proposing any other variances other than the height variance. Their proposal is to restore, rehabilitate, and adaptably reuse the historic Eastside Theater, which needs to be mentioned that it is not within a historic district. Any applicant can go out by right and demolish this theater; increase their available lot area and not come before the Board for the variance that they are asking for today. Attorney Yellin said because they have this very unique opportunity to restore the theater, they need to

make the rest of the pieces work on the site. The only request they are asking for is the height variance. There are other similar projects that need setback variances, that needs parking variances, and need all sorts of variances, but they are asking for and what has been recommended for approval by Staff is solely for a height variance.

**Attorney Yellin** said he believes that the height variance has been very carefully planned, and very carefully tiered to minimize impacts on their surroundings. He explained that what they have done is step everything back from every visible right-of-way so that there is only one portion of one building that is 5 stories, then there are two buildings, as the Board can see from what he is displaying on the screen, no one will ever see from looking down on the building. As the Board can see from the back corner of the property, this is the one portion that will be 5 stories. They have the 2 buildings where only one portion would be 4 stories. What is important to mention contextually about the site, he is aware that all of them know about the Eastside Theater. He is sure that they all have driven by it many times. The theater was built in 1946; seated 750 people, which under today's standards would require 189 parking spaces. At the time the theater was developed, it was ringed by apartments and houses. They are no longer there, but for the two. One of which they are restoring. They are not demolishing the house that the Board sees in the photo. They are going to reuse it. Is it within their right to demolish that house? Yes, 100%. Could they put a building adjacent to it? Yes, but their plan is to restore every single historic structure that is on site.

**Attorney Yellin** said what makes this site unique, is not just because of the historic Eastside Theater, but it is what the Board sees in the distance. The trees are seen in the back of the site. Behind those trees is the CSX rail line. What few people know that adjacent to the CSX rail line all of this is zoned industrial. There are 28 acres of industrial property immediately adjacent to this site. He explained that height limit for industrial property is zero [0]. Anyone could go in on this industrial property and build a structure with unlimited height. Attorney Yellin said they conscientiously designed this proposal to put their limited taller buildings at the back. He said also it is important for him to mention based on what came up from Mr. Morrow's Staff report, they do thank him for the recommendation of approval, is that they are not making this request to bypass the City's density requirements. They could already put by right about 129 units on this property. It would be 129 studio apartments. They could probably fit that with three 3 story buildings. But this is not the type of development they want to have. They do not want a multi studio development. They want a multi-family development. Therefore, in order to make the units bigger with multiple bedrooms and have families living here, they need to go up somewhere because it is a balloon. They are squeezing out the balloon. They have the theater that they are 100% committed at this point to restore. They want to bring it in, both to restore a theater within the building; not just restoration of the building, itself, but they want to restore a single screen theater within this site. The other proposed use is currently for a food incubator for a food hall. They know that there are community benefits, and active uses that are good for the community. He is aware that his client has had good conversations with Savannah Tech and other partners who want to come into this site because the building right now is an underutilized access to the community. They want to be sure that they can open it up for the community, restore it to the life that it previously had as a monumental testament to the City of Savannah, and ensure that it is not destroyed. Attorney Yellin stated that the proposal today is to restore it. They believe that what they have proposed is a very limited height variance. They are not coming in with a blank of walls. They know that there are other projects on East Broad Street. 601 East Liberty Street is one; the Park and Broad Apartments are the other that is there. He explained that Park and Broad is a three-story building and it also is 28,000 square feet. They are working within the Ordinance as presented, dividing it up into the three 10,000 square foot buildings. They are not asking for an increase to the building size.

**Attorney Yellin** said they are doing everything that they actively can to make the site work in the context of the Ordinance, but they do believe that the height provides for a more usable, more rentable, better product for the future tenants that they hope to get into this building. As Mr. Elder can talk about as the architect for this project; frankly, it provides for a better architectural design. This district not being in the Historic District does not have parameters for architectural review. Now, Mr. Elder does not want to tell the Board that, but he is proud of his design; and he knows that their Applicant is very proud of the design. However, the other reason for requesting the height is for them to be able to do a pitched roof. In this way, they will not have to do a Suburban flat concept that would be out of keeping with the area. Mr. Elder will talk with the Board about how he has studied the area; studied the design and is conscientiously designing this site to be in keeping with the historic pattern. Attorney Yellin stated what is interesting as well about this site is unlike on the other side of the street which does have the historic grid pattern that they see in the Downtown and Victorian Historic

Districts, this site from Gwinnett Street all the way to Liberty Street has never had through streets. It has always been kind of this middle ground, industrial area with very large lots that are very different from the character across from them. There used to be bakeries, commercials, and industrial uses all along this area. They have the large school; they have the large park, and they know that this is a great site for infill multi-family development. The Formey Early Educational Institute is down the street. There is also the middle school directly behind them, and they are in walking distance to the Kroger; and despite all of this, they will be adequately parked. They are not asking for a parking variance.

**Attorney Yellin** said he realizes that this has been a lot, but he likes to think of it as the "grand unveiling" for this project. But they want to get feedback from the Board on this petition. He is aware that members from the public are here to speak on it. They are trying to get feedback from everyone to ensure that everyone with the City of Savannah can be proud of this restoration and proud of this rehabilitation. They believe that it is not just good for the community, but for the City of Savannah. They welcome feedback, not just from the Board, but from the community as well. They want to see how they make this project be the crown jewel of East Broad Street. Attorney Yellin thanked the Board for hearing their petition and thanked the Staff for their recommendation of approval for the height variance request.

**Mr. Jerome Elder**, Architect for the project, thanked the MPC Staff for being helpful to them as this project was being developed. Mr. Elder explained that over the course of the last three weeks, they were working with MPC, Housing Authority of Savannah, reaching out to the community, and one of the things that the team and he have been fortunate is to be a part of is the revitalization of this area. They discussed the revitalization of the theater, learning the physical histories of this area and corner. For them, they saw this as being the anchor point.

**Mr. Elder** explained that on the site where the lots are vacant and they will do the new projects on, they not only want to work within the zoning requirements, but also trying to understand what the needs of the community are. In talking with the citizens and neighboring church, they are still open and are working on engaging with everyone. This is a process, and it is something that is done as a community. The developer wants this to be something great for the community and that it will bring benefits. Mr. Elder said they realize that this will be something that the people will see sitting on the East Broad corridor within its boundary, but for them, they see it as a connector. They see it as an opportunity to bring all of the different aspects of Savannah together, blended, and start bringing in more uses and get more activities.

**Mr. Elder** said one of the issues that the City brought up was housing. As Attorney Yellin, they can by right add approximately 129 to 150 units here. However, they want to be comfortable with how they do it. One of the options was to go for one large building as seen on Park Avenue and East Broad Street. But instead, what they have done as shown on their site plan, they divided it into three separate buildings. He said to answer some of Ms. Jarrett's and Ms. Jones's questions per parking, they have been working and exploring this with various engineers. They have also gone to the SPR for review. They have discussed how they can do the underground parking below the "L-shaped" area. He explained also that in the building, they are proposing to be up to 5 stories with the 4th story as a setback. This building in the proposal will have surface parking. They are also trying to accommodate parking for the theater uses as it currently has no parking spaces. While they currently have a letter that lets them know at this time, there are some parking spaces that will be grandfathered in. They want to ensure that they will not be negatively impacting the remaining community and neighboring neighborhoods with their parking requirements.

**Mr. Elder** explained that another area they are looking at reopening is Entelman Street and actually create a connector to help address the traffic flows. Their concern is that when the land is developed, how would that effect flooding. They are working with the civil engineers and also anybody else that is working with the site to address mitigating it. This is something that they will be doing during the entire time of this development. Mr. Elder stated that he would address a few other things. He said for this project particularly, they are trying to make sure that the building massing is an opportunity to design something that is thoughtful, respectful, and also speaks to the future of what Savannah can be. He explained that his home is in Trinidad. Many people have asked him what made him come back here. He went to college here but left when he graduated. Now, he is back and has been in Savannah for approximately 15 years. He came back because Savannah is his home away from home. His parents have decided that they want to retire here from Trinidad. Consequently, he is looking forward to this. But one of the things that they all are facing is that everyone else wants it to be that way. So, Savannah now is his home, but we have a problem. We have a housing shortage!

**Mr. Elder** said to going back to those first concerns, to address the housing shortage, this isn't even trying to maximize and get 120 units. But it is somewhere in the range between 80 and 90 units. Within these 80 or 90 units, they are also trying to accommodate workforce housing and some affordable housing. In order to do so

is why they have to build a little higher. If not, they will end up just with a lot of studio units. Because from the time you start going to larger units, the cost goes up and then you end up with less units which means that the price goes up. Mr. Elder said they have worked and believe that what they are proposing with the setbacks would not only allow them to develop this thoughtfully, but also develop it with those aspects in mind because it is of utmost importance to the developer and to the community at large. He entertained questions from the Board.

**Ms. Jarrett** asked Mr. Elder if he has talked with the residents in the area. Have there been any public meetings on this?

**Mr. Elder** answered yes, they have had a meeting at the W. W. Law Center. They are working to have a larger upcoming meeting as he has only been able to meet with the Vice-President and a few of the members. The feedback has been positive. They have had a discussion with the neighboring church, St. James AME. He thanked Rev. Scott for having the meeting. He said for them, it is all about the community. This is how they see themselves being able to address many of the concerns that they get. The agencies in Savannah have been positive. Even, though, their project is not in the Historic Districts, they have included the MPC Historic Preservation Staff in their discussion in looking at the mass, the setbacks, and looking at how this project could be seen as an appropriate massing and height for the area.

**Ms. Jarrett** stated that one of the things that she hears from the public is that the height is a concern. She told Mr. Elder that he mentioned that he did not want to ask for a variance to the 10,000 square foot limit for building. But instead wanted to ask for a variance to the height. Have you talked with the public about what they would prefer?

**Mr. Elder** answered that they have talked with the public and have shared with them; and what they have received were positive. Because of the setback for what they are asking for the height, which is across the board.

**Ms. Jones** said she is familiar with the Eastside Theater as she grew up going to this theater. A lot of what Mr. Elder is talking about, she understands. Ms. Jones said she is glad that the theater will be remodeled as they were wondering what was going to happen to the theater. The design looks good, and she is glad to hear them say affordable and workforce housing. When developers come into the City, they build luxury apartments, and everyone cannot afford them. But she has concerns about the height. Ms. Jones thanked Mr. Elder for his time.

## **PUBLIC COMMENTS**

**Mr. Merriman** asked to see a show of hands from the public that wanted to speak concerning this petition.

Many hands were raised.

**Mr. Merriman** entertained a motion to set a speaking time limit on each person.

**Mr. Condon** told Attorney Yellin that based on the letters of opposition and the folks here today that there may be a small disconnect between what they are thinking and may be the situation. He suggested to Attorney Yellin that possibly he might want to ask the Board to continue this so he will have a little more time to work with the public. Mr. Condon said he has a concern about the status of the Neighborhood Association, etc. However, this is just a suggestion.

**Attorney Yellin** responded that Mr. Elder and he talked about this before the meeting. This site is unique, and it is the Eastside Concerned Neighborhood. They have heard opposition, not from the actual Neighborhood Association, but from neighborhood associations which Ms. Jones knows about, and it is always unique. However, they try to go to the neighborhood associations in the area and not to the adjacent neighborhood associations as they want to talk to the appropriate neighborhood association. If he is doing Feiler Park, he does not talk to Ardsley Park about the project. However, he understands the concerns, and this is 100% something they are willing to entertain. They are very proud of this project and believe that many people are supportive of the project. They know even if it is continued, that they will not win everyone over. There are people who are simply against height. They need the height, and this is not to say that there are not some changes that can be made, but they need the height to save the theater and to make a buildable, rentable project for families and not studios. Yes, they are willing to entertain a meeting. They will try to get to everyone in the room. Thank you.

**Mr. Merriman** said he believes that the Board could make a motion for continuance without it being

requested.

**Mr. Plunk** stated that looking at some of the letters of opposition, there is a question as to whether appropriate signage was posted. He saw on the agenda that there are pictures of the site. Were there any issues with public notices? In this case, was a lack of public notification given?

**Mr. Morrow** explained that public notifications were done in accordance with all requirements of the State and Local Ordinances. What he has heard is that at some later point, a sign might have fallen down. Sometimes the signs do get destroyed by the wind and weather. Public notices were mailed, and signs were posted. All notification requirements were met.

**Mr. Merriman** entertained a motion to continue this Petition.

**Mr. Condon** stated that the Board wants to ensure that whatever is done here is respectful of the various buildings here and the Historic Neighborhood that exists here. He moved to continue this Petition to the October 26, 2023, meeting in order for the Petitioner and the neighborhood to get together and come to a more consensus.

**Ms. Jones** seconded the motion.

**Ms. Jarrett** said her concern is that they have gotten this far into the project. They have a lot of people here who wanted to speak today. Should they allow them the opportunity to go ahead and speak?

**Mr. Merriman** explained that after the Board deals with the motion that is on the floor, Ms. Jarrett can make a motion that the Board allow the public to speak today. He asked if there was more discussion on the motion.

The motion passed to continue this petition to the meeting of October 26, 2023.

**Mr. Merriman** entertained Ms. Jarrett's motion that the Board allow the public to speak on this petition today.

**Ms. Jarrett** made a motion to allow the public to speak on this petition today.

**Mr. Condon** seconded the motion.

**Mr. Merriman** asked Ms. Jarrett if she was including a time limit in the motion.

**Ms. Jarrett** said yes. She amended her motion to include a 2-minute time limit for each person.

**Mr. Condon** seconded the amended motion.

**Mr. Merriman** called for the discussion on the motion.

**Mr. Plunk** said he personally believes that if the Board is postponing this so that they may discuss it among themselves, he is not sure what the Board hears today would be relevant by the time they hear this again. They would ideally like to hear from the public and learn how those conversations went. By the time they hear this again, all of this could be irrelevant. He understands that a lot of people came to the meeting, but he believes that the majority of people came to ask that this petition be postponed. Mr. Plunk said he believes that most of the public is now getting what they came to asked for.

**Mr. Merriman** said if the motion is extended for the public to speak, it will also mean that the Petitioner will have a chance to respond to the public comments. Then they will have had a meeting on the entire petition.

**Ms. Jarrett** said she understood what the Board members were saying. If the public is willing to wait until they have had an opportunity to meet with the developer, they can certainly withdraw their willingness or interest in speaking. However, if they want to speak, she believes they should be given the opportunity to do so.

#### **Motion**

The Savannah Zoning Board of Appeals does hereby continue this Petition to the meeting of October 26, 2023, to allow the Petitioner time to meet with the residents and the Neighborhood Association.



**Vote Results ( Approved )**

Motion: Michael Condon

Second: Betty Jones

Stephen Merriman, Jr. - Abstain

Karen Jarrett - Aye

Michael Condon - Aye

Stephen Plunk - Nay

Betty Jones - Aye

**Motion**

Ms. Jarrett moved that the Board allow the public to speak on this petition today and set a 2-minute time limit per person.

**Vote Results ( Rejected )**

Motion: Karen Jarrett

Second: Michael Condon

Stephen Merriman, Jr. - Nay

Karen Jarrett - Aye

Michael Condon - Aye

Stephen Plunk - Nay

Betty Jones - Nay

**XI. Other Business**

**XII. Adjournment**

15. Adjourned

There being no further business to come before the Board, Mr. Merriman adjourned the meeting at approximately 12:08 p.m.

Respectfully Submitted,

Edward Morrow, Director  
Development Services

ED:mem

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