

**SAVANNAH ZONING BOARD OF APPEALS**

**ARTHUR A. MENDONSA HEARING ROOM  
112 EAST STATE STREET**

**JANUARY 27, 2004**

**2:30 P.M.**

**REGULAR MEETING**

**MINUTES**

**MEMBERS PRESENT:**

**Susan Myers, Chairman  
Helen Stone, Vice Chairman  
Ronald Cohen  
Delores Lovett  
David Saussy**

**TECHNICAL STAFF PRESENT:**

**Tiras Petrea, City Inspections Department**

**MPC STAFF PRESENT:**

**John Howell, Secretary  
Christy Adams, Assistant Secretary**

**RE: Call to Order**

Mrs. Myers called the January 27, 2004 meeting of the Savannah Zoning Board of Appeals to order at 2:30 p.m.

**RE: Minutes**

**SZBA Action: Mrs. Stone made a motion to approve the minutes of the December 16, 2003 Meeting. Mr. Saussy seconded the motion and it passed unanimously.**

**RE: Consent Agenda**

**RE: Petition of Lacy M. DeVoe  
B-04-34092-2  
1924 Clemson Street**

**Summary Of Findings**

All of the conditions required for granting a seven-foot front yard setback variance and a two percent building coverage variance appear to be met.

**SZBA Action: Mrs. Stone made a motion to approve the petition as submitted by Staff. Ms. Lovett seconded the motion and it passed unanimously.**

**Mr. Howell** stated on his site visit there was no sign posted on the property. However, he felt that should not stop the petition from moving forward.

**Mrs. Stone** asked if the Board would be in violation of the law by not accurately having the property posted?

**Mr. Howell** stated he talked with Tom Todaro and he said as long as two out three of the requirements were met, he felt the notification process had been satisfied.

**Mrs. Stone** asked if he heard any objections from any of the surrounding property owners?

**Mr. Howell** stated no.

**Mr. Cohen** asked Ms. DeVoe, the petitioner, if she posted a sign on her property?

**Ms. DeVoe** stated no.

**RE: Petition of Ron B. Ridgeway  
B-04-34218-2  
601 – 607 East Duffy Street**

**Summary Of Findings**

All of the conditions required for granting a 13 percent building coverage variance appear to be met.

**SZBA Action:** **Mrs. Stone made a motion to approve the petition as submitted by Staff. Mr. Saussy seconded the motion and it passed unanimously.**

**RE: Petition of A. Fox Construction, Inc.  
Aaron Fox  
B-04-35164-2  
912 East 37<sup>th</sup> Street**

**Summary Of Findings**

All of the conditions required for granting a five-foot rear yard setback variance appear to be met.

**Ms. Sharon Lemon (Neighbor)** stated that she was not clear as to what the petitioner was requesting.

The above-mentioned petition was removed from the Consent Agenda to the Regular Agenda.

**RE: Regular Agenda**

**RE: Continued Petition of Alethia M. Cooper  
B-03-34989-2  
4015 Rockdale Street**

No one present for the petition.

Mrs. Myers called for the Staff report.

**Mr. Howell** stated that he talked to Mr. Roberts who is working with Ms. Cooper on this petition and asked him if he wanted to continue this petition. Mr. Roberts said that he would, but has not had time to work on it because of taking care of an ill family member that required him to be

out-of-town. However, he would like to continue the petition until the February meeting and he would get the information from the Traffic Engineering as requested by the Board.

**SZBA Action:** Mrs. Stone made a motion to continue the petition until the next regularly scheduled February Meeting. Mr. Cohen seconded the motion and it passed unanimously.

**RE: Petition of Carrie Coppock  
B-04-33970-2  
719 Hamilton Street**

**Mrs. Myers** stated she called Staff about this petition because she could not find a posting sign for this project and she was not sure which one it was.

**Mr. Howell** stated he saw a street address for 721, so he assumed that 719 was immediately adjacent to the east.

**Mrs. Myers** asked did the petitioner come and pick up the sign.

**Mr. Howell** stated that the inspections department prepares the signs. He further stated that he would like to introduce Mr. Petrea, Zoning Inspector, from the Inspections Department and he will go over the sign procedure.

**Mr. Petrea** stated that the sign was prepared, but no one picked it up. Mr. Petrea stated that there were three signs that no one picked up.

**Mrs. Stone** asked should the petition be continued.

**Mrs. Myers** stated that the Board heard a previous petition (Devoe) that wasn't properly posted. She said that the Board would hear the petition, but from this point forward, if a sign is not posted on the property, the petition will not be heard.

**Mr. Howell** stated that Mr. Todaro has indicated that if the petition meets two out of the three public notice requirements, then he was satisfied.

**Mr. Cohen** stated that the petitioner needed to do what is required.

**Mrs. Stone** stated that the petitioner needed to meet the requirements. If the property is to be posted, and the surrounding property owners notified, then that is what needs to be done. Why make everybody else do it, if the Board is not going to hold everyone to the same standard.

**Mrs. Myers** stated that since the Board started the meeting in this manner, they will continue.

Present for the petition was Carrie Coppock, petitioner.

**Mrs. Myers** called for the Staff report.

**Mr. Howell** gave the following Staff report:

The petitioner is requesting approval to establish a church within an R-4 (Four-Family Residential) zoning district. The subject property is located at 719 Hamilton Street.

Additionally, two variances are requested: 1) a variance to allow a church to be located on minor roadway; and, 2) a variance to allow a church to be located less than 100 feet from a conforming residential dwelling.

### Findings

1. Section 8-3163(b), Request for Permission to Establish Uses, provides the following eight findings that the Board of Appeals must make to approve an application to establish a use.
  - (1) The proposed use does not affect adversely the general plans for the physical development of the City, as embodied in this chapter, and in any master plan or portion thereof adopted by the Mayor and Aldermen.
  - (2) The proposed use will not be contrary to the purposes stated for this chapter.
  - (3) The proposed use will not affect adversely the health and safety of residents and workers in the City.
  - (4) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.
  - (5) The proposed use will not be affected adversely by the existing uses.
  - (6) The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of such use.
  - (7) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement, noise or fume generation, or type of physical activity.
  - (8) The standards set forth for each particular use for which a permit may be granted have been met.
2. The petitioner states that a church previously existed on the property and submitted the attached utility statements. The proposed site plan indicates minor building additions, demolition of several structures and establishing a parking lot. The off-street parking requirement for a church is one space for each eight seats. Adequate off-street parking cannot be determined from the site plan.
3. Section 8-3025(Use 15) requires that a proposed use (church) must be on a collector or arterial street and must be a minimum of 100 feet from any conforming residential dwelling.
4. The petitioner's property is on Hamilton Street, north of 37<sup>th</sup> Street between Paulsen Street and Atlantic Avenue. Hamilton Street is a residential street. Paulsen and 37<sup>th</sup> Streets are classified as collector streets and less than one block from the petitioner's property.
5. The proposed use must be 100 feet from any conforming residential dwelling. The church adjoins a residential dwelling. Establishing the use requires a variance from the 100 foot separation requirement.
6. The Zoning Board of Appeals may authorize a variance in an individual case upon a finding that:
  - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.

The petitioner's lot is regular in shape and size.

- (b) The application of this chapter to this particular piece of property would create an unnecessary hardship.

The previous church building was adjacent to a residential dwelling. The street classification requirement was addressed when the previous church was initially allowed on the property. The separation requirement was addressed at the same time. Not allowing a church to rebuild on the same lot would create an unnecessary hardship.

- (c) Such conditions are peculiar to the particular piece of property involved.

The conditions of size and shape are not peculiar to the particular piece of property involved.

- (d) Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Savannah Zoning Ordinance.

Relief, if granted, would not cause substantial detriment to the public good.

### **Summary Of Findings**

All of the conditions required to establish a use (church) and to grant variances from the requirements that the proposed use shall be 100 feet from a residential dwelling and be on a collector street appear to not be met. One of the conditions not met is the off-street parking requirements.

**Ms. Coppock** stated she was going in where there already was a church at one time. She said there was a building beside it that would be demolished. Therefore, she felt that there would be more than enough parking. Also, there were some buildings on the front of the property that was being used as storage area that would be removed.

**Mrs. Myers** asked if the church would be located where the long shed was?

**Ms. Coppock** stated yes. She added that her husband pastor's the church and she would teach Bible class. Currently, they meet every third Saturday. Also, a part of it would be used as her television ministry.

**Mrs. Stone** asked Staff if she understood that a church use to be on this site, but was not located where this church is?

**Mr. Howell** stated that was his understanding. He said the petitioner also provided copies of utility bills. However, the Ordinance says that you are allowed a grace period of 12 months to reestablish the same use on a building. He said he felt because the petitioner was before the Board today that the Zoning department has determined that the 12 months grace period was not met.

**Mrs. Myers** stated she would feel more comfortable if the petitioner would get with Staff and show exactly how the parking was going to be.

**Ms. Lovett** stated that was also one of her questions as to how many cars the parking lot would accommodate, as well as the size of the congregation.

**Ms. Tanji Coppock** stated there was a warehouse there that they were going to have remodeled that was located on one of the three lots. On the two remaining lots there would be nothing there, so it could be used for parking.

**Ms. Lovett** asked what were the size of the lots?

**Mr. Howell** stated the tax map showed 90' X 120'.

**Mrs. Myers** asked Staff if he has heard from any of the neighbors?

**Mrs. Stone** stated that she felt the petition may need to be continued if that was agreeable to the petitioner. She said this would give them time to sort out the parking issue, but she wanted to hear from anyone who came out today who wanted to speak on this petition.

**Mr. Howell** stated he received a phone call this morning from Mrs. Grant who lives in the area and she stated that she was in favor of the petition.

**Mrs. Myers** asked the petitioner if she would like a continuance?

**Ms. Coppock** stated yes

**SZBA Action:** Mrs. Stone made a motion to continue the petition until the next regularly scheduled meeting. Ms. Lovett seconded the motion and it was passed unanimously.

**RE: Petition of Steve & Nancy Magulias  
B-04-34592-2  
1402 Bacon Park Drive**

Present for the petition was Lee Meyer, agent for the petitioners.

Mrs. Myers called for the Staff report.

Mr. Howell gave the following Staff report:

The petitioners are requesting two variances to allow expansion of an existing residence within the required side yard setback and front yard setback areas. The residence is located at 1402 Bacon Park Drive and is within an R-6 (One-Family Residential) zoning district.

**Findings**

1. The petitioners' lot is located on the corner of Bacon Park Drive and Club Circle. The lot is 132 to 139 feet wide and 100 feet to 142 feet deep and contains approximately 16,000 square feet.
2. The Zoning Ordinance requires lots within R-6 zoning districts to be a minimum of 60 feet wide and a minimum of 6,000 square feet in lot area. The lot exceeds the minimum requirements in width and area.

3. Section 8-3055 provides that the side yard building setback for a corner lot is a minimum of 15 feet from the property line. The petitioners propose to build a garage up to the side yard property line on the west side of the house adjacent to Club Circle.
4. The front yard building setback requirement is a minimum of 25 feet from the right-of-way. The recorded subdivision plat for Magnolia Park indicates a 15 foot front yard building setback. The existing house is nonconforming in terms of the front yard building setback. The petitioners propose to expand the eastern portion of the house within the required 25 foot minimum front yard building setback area.
5. The Zoning Board of Appeals may authorize variances in an individual case upon a finding that:
  - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.

The lot exceeds the minimum requirements for width and area. There are no extraordinary and exceptional conditions.
  - (b) The application of this chapter to this particular piece of property would create an unnecessary hardship.

The Zoning Ordinance setback requirements applied to this lot would not create an unnecessary hardship.
  - (c) Such conditions are peculiar to the particular piece of property involved.

There are no conditions that are peculiar to this particular piece of property involved.
  - (d) Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Savannah Zoning Ordinance.

Relief, if granted, would impair the purposes and intent of the Savannah Zoning Ordinance.

### **Summary Of Findings**

All of the conditions required for granting a 15 foot side yard variance and a 2.5 foot front yard setback variance appear to not be met.

**Mr. Meyer** stated while the site was not unusual the house plan was. He said this was an existing house the petitioner acquired. He said they recently adopted two children and would like to expand this house. He said it was a 16,000 square foot lot and the minimum was 6,000. He said they felt it was a picturesque area and would ask that the Board grant their petition. He added the petitioner talked to the neighbors and no one was in objection.

**Ms. Lovett** asked if there was a way to do the addition without having to get a variance?

**Mr. Meyer** stated there were a number of trees and they would have to take out some of the trees to add the addition.

**Mr. Cohen** asked Staff on the east side of the house if that was considered the front?

**Mr. Howell** stated because their address was Bacon Park Drive he assumed this was the front of the house. He said if the front was on the other street they would be required to be 25 feet from the front. However, because it is a corner the side yard is required to be setback 15 feet.

**Mr. Cohen** asked how wide was the cul-de-sac? He said what he was trying to get at when you talk about the side yard setbacks it was because of a house being close to another house even though it was setup on property line. So, he was trying to determine how far it was from the house across the cul-de-sac.

**Mr. Meyer** stated the right-of-way was a 120 feet. He said they were not blocking anyone's view.

**Mr. Howell** stated he felt the area was not zoned properly because of the large lots that were there.

**SZBA Action:** **Mr. Cohen made a motion to approve the petition as submitted. Mr. Saussy seconded the motion and it was unanimously passed.**

**RE: Petition of Beverly S. Carson  
B-04-34963-2  
502 East 45th Street**

Present for the petition was Walter Carson.

**Mrs. Myers** called for the Staff report. She added this petition also was not posted.

**Mr. Cohen** asked if the applicant at the time when they file their petition was told that they have to get it posted, otherwise it will not be heard. He said he felt the applicant should be told as opposed to just handing them something to read

**Mrs. Myers** stated in the future if an applicant comes before the Board and their property has not been posted the petition will not be heard.

**Mr. Howell** stated that it says on the application "an applicant will be required to post a sign on the property 12 days prior to the meeting."

**Mr. Cohen** stated what he was saying was he felt the applicant also needed to be told that when they file their application.

**Mr. Petrea** stated okay.

Mr. Howell gave the following Staff report:

The petitioner is requesting a variance to reduce a portion of a required rear yard setback from 25 feet to approximately 6.5 feet. The property is located at 502 East 45<sup>th</sup> Street and is within an R-6 (One-Family Residential) zoning district.



**Findings**

1. The petitioner's lot is located on the northeast corner of 45<sup>th</sup> Street and Atlantic Avenue. The petitioner proposes to add a garage and family room onto the rear of a single-family residence. There is a lane in the block.
2. The lot is 154 feet wide and 105 feet deep and contains 16,170 square feet. The Zoning Ordinance requires lots within R-6 zoning districts to have a minimum 60 foot lot width and 6,000 square foot lot area and the rear yard building setback must be a minimum of 25 feet from the property line. The lot is a standard lot of record. The existing house is 24.71 feet from the rear yard property line and the petitioner proposes to encroach 19 feet into the rear yard setback.
3. Section 8-3058 (formerly 8-3048), Reduction in rear yard size for certain lots fronting on lanes, provides that relief may be afforded to a property if the average rear yards for existing principal buildings on adjoining lots having frontage on the same side of the same lane is less than the minimum rear yard setback requirements.

In this case, research of the MPC Geographic Information System (buildings data layer), resulted in the finding that on the four lots to the east (240 feet total distance) all principal buildings are set back at least 25 feet from the rear property line. There are accessory buildings in the rear yards of several of the lots that are permitted to be a minimum of five feet from the rear property line.

4. The Zoning Board of Appeals may authorize a variance in an individual case upon a finding that:
  - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.
 

The petitioner's lot is regular in shape and exceeds the minimum standard in size. There are no extraordinary and exceptional conditions.
  - (b) The application of this chapter to this particular piece of property would create an unnecessary hardship.
 

There is sufficient space on the side of the existing house to build an addition without encroaching into the rear yard setback area. No unnecessary hardship is created by the application of the setback requirements of the Zoning Ordinance.
  - (c) Such conditions are peculiar to the particular piece of property involved.
 

There are no peculiar conditions related to this particular piece of property.
  - (d) Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Savannah Zoning Ordinance.
 

Relief, if granted, would impair the purposes and intent of the Savannah Zoning Ordinance.

**Summary Of Findings**

All of the conditions required for granting a 19 foot rear yard setback variance do not appear to be met.

**Mr. Carson** stated there were 11 Atlantic Avenue lots between Victory Drive and 46<sup>th</sup> Street. He said the twelfth one was the First Christian Church, which was on Victory Drive. The one thing that was different about these lots was all the lots on the Boulevard were twice as deep down the numbered street as the lots next door. From his reading of the Staff report, it was his understanding that one of the issues they were dealing with was reduction in rear yard size for certain lots fronting on lanes. The only reason he thought this might not apply was the lot was twice as big as all the rest of the lots on the block.

**Mr. Howell** stated the rear yard setback in the Ordinance allowed some relief if it could meet the criteria that was outlined in Finding 3. Subsequently, the findings were none of the setbacks within 200 feet averaged out below 25 feet, so the petitioner was subject to the same rear yard setback requirements as everyone else.

**Mr. Carson** stated the only thing about that was everyone had garages that were right on the property line on the lane and granted they were built in the 30's. However, there was a house on 44<sup>th</sup> Street, Trevor Wells' house was built two years ago and his garage was right on the lane property line. He said everyone on that lane on both sides had a fence right on the lane property line for the entire length of the lane between Atlantic and Paulsen. He said he was only coming 6 feet inside his fence, but he did not know what the Ordinance said until now. He said he would ask that the Board grant them relief on their project.

**Mr. Cohen** stated he felt this petition was very similar to the previous petition. It was an extra large lot with a lot of side yard area. Atlantic Avenue has a couple of hundred feet right-of-way or more with the park in between. And if you looked across the lane most of those were there. He said he felt the petition was in keeping with what is there.

**SZBA Action: Mr. Cohen made a motion to approve the petition as submitted. Mrs. Stone seconded the motion.**

**Mrs. Stone** pointed out that if this was going to be a separate building, not attached this would not be a problem. She said the penalty came with the fact that this would all be attached, which she felt was an impractical reason not to be able to approve something. She said she understood lot coverage more than she understood the fact that it had to be two separate structures.

**SZBA Action: Mrs. Myers called for the vote and it was unanimously passed.**

**Mr. Carson** asked regarding the sign issue, if it was the responsibility of the petitioner to post the sign?

The Board stated yes.

**Mr. Carson** asked where should he have gone to pick up the sign?

**Mr. Cohen** stated the Inspections Department.

**Mr. Carson** stated he read the application, but he thought it meant the City posted the signs.

**SZBA Action:** Mrs. Stone made a motion that the sign issue be looked into, so that the Board is not blaming the applicant for doing something that they truly were not fully aware of. Mr. Cohen seconded the motion and it was unanimously passed.

**RE:   Petition of A. Fox Construction, Inc.  
      Aaron Fox  
      B-04-35164-2  
      912 East 37<sup>th</sup> Street**

Present for the petition was Shawn Cleveland.

Mrs. Myers called for the Staff report.

Mr. Howell gave the following Staff report.

The petitioner, A. Fox Construction, Inc., is requesting a variance to allow a portion of a proposed building to encroach approximately five feet into a required 25 foot rear yard setback. The subject property is located at 912 East 37<sup>th</sup> Street and is within an R-4 (Four-Family Residential) zoning district.

### **Findings**

1. The petitioner's lot is located on the north side of 37<sup>th</sup> Street between Harmon and Ott Streets. The lot is currently vacant and the petitioner proposes to construct a single-family residence on the lot. The property consists of two substandard lots that have been recombined. There is no lane in the block.
2. The combined lots result in a property that is 60 feet wide and 91 feet deep and contains 5,460 square feet. The property is regular in shape. For one-family detached dwellings, the Zoning Ordinance requires lots within R-4 zoning districts to have a minimum 60 foot lot width and 6,000 square foot lot area. Therefore, the property is substandard in area.
3. The rear yard building setback is a minimum of 25 feet from the property line. The proposed house is 28 feet wide along the front, 18 feet wide along the rear, and 56 feet deep. The shape of the house is a result of the petitioner desiring to retain a large tree in the rear yard. Designing the proposed house to retain the tree has resulted in a narrow residence that will be acceptable to the owner. However, the house is proposed to encroach five feet into the rear yard setback area.
4. The Zoning Board of Appeals may authorize variances in an individual case upon a finding that:
  - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.

The lot is substandard in area, which is an extraordinary and exceptional condition.
  - (b) The application of this chapter to this particular piece of property would create an unnecessary hardship.

The Zoning Ordinance rear yard setback requirement applied to this lot would result in the property owner and the neighborhood losing a large, mature tree. The application of the development standards would create an unnecessary hardship.

- (c) Such conditions are peculiar to the particular piece of property involved.

The lot is substandard in area. This condition is peculiar to the particular property involved.

- (d) Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Savannah Zoning Ordinance.

Relief, if granted, would not cause substantial detriment to the public good.

### **Summary Of Findings**

All of the conditions required for granting a five foot rear yard setback variance appear to be met.

**Ms. Sharon Lemon (Resident of 920 East 37<sup>th</sup> Street)** stated her concern was she has been living in the area for the past 25 years and the two lots that were adjacent to the house has given her some breathing room. She said the houses were really congested in that area. She said she felt to put another dwelling will completely occupy the space and make it even more congested and tight fit.

**Mrs. Myers** stated she felt the problem that she would run into was this type of density was allowed in this area.

**Ms. Lemon** stated years ago she talked with the neighbor on the other side, who is not deceased, about the property, which she told her a portion of the property belonged to the City. She said she petitioned the City some years ago to acquire the property, but they never got back with her until she received the petition notice from Board of Appeals.

**Mrs. Myers** stated unfortunately there was nothing this Board could do to help her. She said those issues were not within this Board's purview.

**Mrs. Stone** asked who owned the property?

**Mr. Cleveland (Office/Project Manager for A. Fox Construction)** stated the City Housing was building the house. He said they prepared the drawings and site plan and that was the reason for the variances because of the tree.

**Mrs. Myers** stated to Ms. Lemon there was no relief that the Board could give her. She said she would suggest that she talk with City Housing.

**SZBA Action:** Mrs. Stone made a motion to approve the petition as submitted. Mr. Saussy seconded the motion and it passed unanimously.

**RE: Other Business**

1. Special Meeting – February 12, 2004 at 9:30 a.m.

**Mrs. Myers** stated she has been asked to ask the Board about holding a special meeting for a gentleman who has to leave for Korea. She said he has been heard by the Historic Review Board, which they granted his petition, but he needed to also come before the Board of Appeals. She said she agreed to a Special meeting on February 12, 2004 at 9:30 a.m.

2. New Board Member - Mr. Cohen

**Mrs. Myers** welcomed Mr. Ronald Cohen as a new member to the Board.

3. Nomination for Vice President

**SZBA Action: Mr. Saussy nominated Helen Stone for Vice President. Ms. Lovett seconded the motion and it was unanimously passed.**

**RE: Adjournment**

There being no further business to come before the Savannah Zoning Board of Appeals the meeting was adjourned approximately 3:30 p.m.

Respectfully submitted,

John Howell,  
Secretary

JH/ca