

**SAVANNAH ZONING BOARD OF APPEALS**

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

**FEBRUARY 12, 2004**

**9:30 A.M.**

**SPECIAL MEETING**

**MINUTES**

**MEMBERS PRESENT:**

**Susan Myers, Chairman  
Ronald Cohen  
Delores Lovett**

**MEMBERS ABSENT:**

**Helen Stone  
David Saussy**

**TECHNICAL STAFF ABSENT:**

**Tom Todaro, City Inspections Department**

**MPC STAFF PRESENT:**

**John Howell, Secretary**

**RE: Call to Order**

Mrs. Myers called the February 12, 2004 special meeting of the Savannah Zoning Board of Appeals to order at 9:30 a.m.

**RE: Regular Agenda**

**RE: Petition of T. Jerry Lominack  
B-04-39060-2  
301 West Broughton Street**

Present for the petition was Jerry Lominack.

Mrs. Myers called for the Staff report.

Mr. Howell gave the following Staff report.

The petitioner is requesting a variance from the Historic District Height Map pursuant to the requirements of Section 8-3030 of the Savannah Zoning Ordinance in order to build an addition onto the roof of an existing four-story building at 301 West Broughton Street, within a B-C-1 (Central-Business) zoning district.

**Findings**

1. The petitioner's lot and building are located on the corner of Broughton and Jefferson Streets. The lot is 62 feet wide and 90 feet deep and contains 5,571 square feet.
2. The existing building is being redeveloped and contains a sit-down restaurant on the first floor and part of the second floor. The remainder of the second floor and the third floor are proposed to be office and commercial uses. Three residences will be on the fourth

floor. The petitioner is requesting that two of these residences be permitted to expand to a fifth floor.

3. Within the B-C-1 zoning district, lots with non-residential uses do not have lot size, building setback and lot coverage requirements. Lots within the B-C-1 zoning district with multi-family residential uses are required to be a minimum of 20 feet wide and a minimum of 600 square feet in lot area per dwelling unit. Three dwellings are proposed. The lot exceeds the minimum requirements.

4. Sec. 8-3030(l)(1) of the City of Savannah Zoning Ordinance provides the following:

Design Standards: The Visual Compatibility Factors are further expressed in the following:

Height: The Height Map, attached hereto and specifically incorporated by reference herein and bearing the designation “Historic District Height Map” with the signature and seal of the Clerk of Council, is hereby adopted and approved and made a part of the Zoning Map of the City of Savannah as an “overlay” thereon. All new construction or additions to existing structures shall be within the height limits as shown on the Historic District Height Map.

5. The Historic District Board of Review found that the one story height variance would result in a development that would be consistent with Visual Compatibility Factors as set forth in Section 8-3030(k)(6). (Decision attached).

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 lot exceeds the minimum size requirements. There are no extraordinary and exceptional conditions related to the shape of the lot or the topography.

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

The Zoning Ordinance requirements applied to this lot would not create an unnecessary hardship. The proposed dwellings can function within the four story height requirement. There is no reason to exempt only this property from the four-story height requirement.

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

There are no conditions of size and shape 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 one story variance from the four-story height limit set by the Zoning Ordinance appear to not be met.

**Mr. Lominack** thanked the Board for the special called meeting. He said the owner of one of the units was going to Korea and his fiancé needed a place to live while he is gone. He said he felt this building in a way was the victim of a historic quirk. The first floor of this building when it was built major renovations took place in the 1920's. He said there was a mezzanine put into the first floor. He said the building exceeded the square footage allowed for it to be considered a mezzanine under the building code. Therefore, that made the building a four story building instead of a three story building. He said they felt historically this building was a three story building from an architectural history standpoint. He said they also felt that it was within the spirit of the height map.

**Mrs. Myers** asked if she understood correctly that it was not visible?

**Mr. Lominack** stated it was visible from a block away barely above the parapet. However, if the criteria that the National Park Service use for determining visibility of an addition or part of a building was applied, which would be from the adjacent corners, it would not be visible under the National Park Service Secretary of Interiors standards.

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

**Mr. Cohen** stated in the staff report where it says unnecessary hardship he felt every petition almost could say there was no hardship and you could do it another way. He said it seemed like that should be in there.

**Mr. Howell** stated it was a part of the Ordinance.

**Mr. Cohen** asked if the Ordinance said that it had to meet all of them or one of them? Because if it was a hardship, it could be that or it could be something else. He said he was not sure that it had to meet everything.

**Mrs. Myers** stated maybe the Board needed to get together and look at that section. She said the Board was having Mr. Blackburn, City Attorney, to come and talk to the Board on some other matters and they could also ask him about that section of the Ordinance.

**RE: Other Business**

**RE: Adjournment**

There being no further business to come before the Savannah Zoning Board of Appeals the meeting was adjourned approximately 9:45 a.m.

Respectfully submitted,

John Howell,  
Secretary

JH/ca