

SAVANNAH ZONING BOARD OF APPEALS

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

MARCH 23, 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:

Tom Todaro, City Inspections Department

MPC STAFF PRESENT:

**Charlotte Moore, Director of Development
Services
Christy Adams, Assistant Secretary**

RE: Call to Order

Mrs. Myers called the March 23, 2004 meeting of the Savannah Zoning Board of Appeals to order at 2:30 p.m. She stated the approval of the minutes will be moved to the end of the Regular Agenda.

RE: Consent Agenda

**RE: Petition of Tom & Maria Burns
B-04-37611-2
524 – 540 East Gwinnett Street**

The petitioner is requesting to establish a use (inn or apartment hotel not to exceed 15 units) which must be approved by the Board of Appeals pursuant to the requirements of Sections 8-3028(6) and 8-3163 of the Savannah Zoning Ordinance in order to open a inn with 15 units at 523-531 East Gwinnett Street and 524-540 East Gwinnett Lane, within a 2-R (Victorian Planned Neighborhood Conservation) zoning district.

Summary Of Findings

All of the conditions necessary to establish a 15-unit inn appear to be met. An approval should be contingent on a recorded plat and approval of the number of off-street parking spaces.

SZBA Action: Mr. Saussy made a motion to approve the petition with the understanding approval is contingent on a recorded plat and approval of the number of off-street parking spaces. Mrs. Stone seconded the motion and it was unanimously passed.

RE: Regular Agenda

Mrs. Myers stated that the Board was going to hear two petitions out-of-order. She said the Board would first like to hear the petition of Elizabeth Hoit-Thetford and the petition of C. Nancy Wallace.

**RE: Petition of Elizabeth Hoit-Thetford
B-04-47301-2
101 East 31st Street**

Mrs. Myers called for the Staff report.

Ms. Moore gave the following Staff report.

Present for the petition was Elizabeth Hoit-Thetford.

The petitioner is appealing a site plan decision of the Metropolitan Planning Commission pursuant to the requirements of Sections 8-3163(a) and 8-3031(F)(2) of the Savannah Zoning Ordinance regarding the compatibility of the primary exterior construction material proposed for a building at 101 East 31st Street, within R-I-P (Residential-Institutional-Professional) and B-C (Community Business) zoning districts.

Findings

1. Section 8-3031(F)(2) Planned District Standards, Building Exterior Elevations, provides that “new and refurbished buildings shall be compatible with adjacent or surrounding development in terms of building orientation, scale and exterior construction materials, including texture and color. When a proposed nonresidential use is adjacent to or across the street from existing residential use, all structures within the nonresidential property shall be compatible with and/or screened from the structures within the residential property”.
2. At the regular meeting on February 3, 2004 the MPC approved a Specific Development Plan for a college ministry center. The Decision is attached. Part of the requirements of plan review and approval are noted in Finding No. 2 above and on page 2, Finding 4.a., of the MPC Decision. The petitioner is appealing the approval of the Galvalum material for the exterior walls of the college ministry center.
3. Section 8-3163(a), Appeals from Administrative Actions, provides that “The Board of Appeals shall hear and decide upon appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this chapter, or from any decision of the Historic Board of Review and Metropolitan Planning Commission site plan reviews”.

By definition, an “error” is a mistake or an unintentional deviation from truth or accuracy. Also, an act that through ignorance, deficiency, or accident which departs from or fails to achieve what should be done. “Compatible” is defined as capable as existing together in harmony or accord.

4. The MPC decision was based on facts and findings presented at a public hearing. There appears to be no deficiency in the facts presented, therefore no ignorance of the facts nor any unintentional reasoning. Compatibility is subjective, and the MPC Board is charged with the task of making that determination. The Board of Appeals should

decide if it is appropriate in this petition where no error is found whether to replace the MPC judgment with their own. The Zoning Ordinance allows the Board of Appeals to make its own judgment about compatibility.

Summary Of Findings

There appears to be no error in the decision of the MPC in approving the site plan of the college ministry center.

**RE: Petition of C. Nancy Wallace
B-04-47559-2
17 East 31st Street**

Present for the petition was Nancy Wallace.

The petitioner is appealing a site plan decision of the Metropolitan Planning Commission pursuant to the requirements of Sections 8-3163(a) and 8-3031(F)(2) of the Savannah Zoning Ordinance regarding the compatibility of the exterior construction materials proposed for a building at 17 East 31st Street, within R-I-P (Residential-Institutional-Professional) and B-C (Community Business) zoning districts.

Findings

1. Section 8-3031(F)(2) Planned District Standards, Building Exterior Elevations, provides that “new and refurbished buildings shall be compatible with adjacent or surrounding development in terms of building orientation, scale and exterior construction materials, including texture and color. When a proposed nonresidential use is adjacent to or across the street from existing residential use, all structures within the nonresidential property shall be compatible with and/or screened from the structures within the residential property”.
2. At the regular meeting on February 3, 2004 the MPC approved a Specific Development Plan for a college ministry center. The Decision is attached. Part of the requirements of plan review and approval are noted in Finding No. 2 above and on page 2, Finding 4.a., of the MPC Decision. The petitioner is appealing the approval of “Galvalum” material, I-beams, “Hardi-board”, and wire mesh for the exterior materials of the college ministry center.
3. Section 8-3163(a), Appeals from Administrative Actions, provides that “The Board of Appeals shall hear and decide upon appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this chapter, or from any decision of the Historic Board of Review and Metropolitan Planning Commission site plan reviews”.

By definition, an “error” is a mistake or an unintentional deviation from truth or accuracy. Also, an act that through ignorance, deficiency, or accident which departs from or fails to achieve what should be done. “Compatible” is defined as capable as existing together in harmony or accord.

4. The MPC decision was based on facts and findings presented at a public hearing. There appears to be no deficiency in the facts presented, therefore no ignorance of the facts nor any unintentional reasoning. Compatibility is subjective, and the MPC Board is charged with the task of making that determination. The Board of Appeals should decide if it is appropriate in this petition where no error is found whether to replace the MPC judgment with their own. The Zoning Ordinance allows the Board of Appeals to make its own judgment about compatibility.

Summary Of Findings

There appears to be no error in the decision of the MPC in approving the site plan of the college ministry center.

Mrs. Myers stated the Board would like to hear from the City Attorney.

Mr. Blackburn stated he believed the appellants were represented by Counsel. He said to the members of the Board, he speak as Counsel for the City and thus as Counsel for the Board, without taking any sides or reference to the facts. He said the procedure is the Zoning Ordinance provides that an error of the Zoning Administrator maybe appealed to the Zoning Board of Appeals. In the site plan review, such as this, the MPC, that is the voting members of the MPC as a unit approve site plans and in doing so they serve the function of the Zoning Administrator. Thus, if the MPC made an error, then it is appealable to the Zoning Board of Appeals for the correction of an error.

He pointed out that in the Compatibility Ordinance and in the rules of the Historic Review Board, the Historic Review Board's decision, they serve a like function as the Zoning Administrator. And their decisions were appealable to the Zoning Board of Appeals. He said the due process requirements were that once you make a decision it is appealable then, or the next step was a hearing in a Court, so these were the steps in the process. However, he pointed out to the Board, that within the Zoning Ordinance and the Historic District Zoning Ordinance issues of compatibility were expressly in the Ordinance not subject to appeal. He said there was no such restriction on the appeal from the Planning Commission site review where the issue of compatibility is shown as shown here. He also pointed out to the Board that the Board has to make a determination as to whether or not it would hear such an appeal or whether or not the issue of compatibility is subject to error or whether or not such a finding by the Board would just substitute your judgment in a subjective area for the judgment of the Planning Commission. And likewise, if there is an appeal to the judiciary, it would be most unusual for the Court to substitute its judgment in for yours. So, the question of compatibility is subjective and the Board will have a very difficult road to cross as to whether it is or is not there has been a finding of compatibility and that is what is under appeal.

He stated that he asked if there was any attorney representing the parties here, so that they could rebut anything that he has said. But he believed that is the law as he understood it.

Mrs. Stone stated she would like to comment that she was not present for the voting meeting with the MPC for this petition. She said she was in Commerce, GA with the Georgia Planners Association on a resource team. She asked Mr. Blackburn that as she understood what he had just stated that the Board's role here today was to find if the MPC erred in their decision making process?

Mr. Blackburn stated that was correct.

Mrs. Myers asked the Board how did they wish to proceed?

Mr. Cohen stated he felt the Board needed to hear from the petitioners and let them tell the Board what the error is.

Ms. Nancy Wallace (114 East 31st Street) stated she has lived on the block since 1990. She said she maintains that the building as proposed and approved by the MPC Board on February 3, 2004 did not meet with current standards for compatibility. She said she was appealing the decision because she felt the MPC Board had made an error due to incomplete information. A letter from the Savannah Zoning Board of Appeals states that an “error is a mistake or unintentional deviation from truth or accuracy. Also, an act that through ignorance deficiency or accident departs from or fails to achieve what should be done.” After she made a careful review of assessable materials obtained at the MPC office which includes, the MPC Staff report dated February 3, 2004, a letter from Peter Calandrucchio dated December 18, another letter from Mr. Calandrucchio dated December 26, and the MPC Tricentennial Plan City of Savannah rezoning program dated November 12, 2003. The documents showed some information, which could be misleading and thus the MPC Board did not have full information upon which to make their decision regarding compatibility. She said she felt that she was providing more complete information upon which this appeal was being made. The presentation is to clarify significant points to the Board of Appeals and to make known the impact of this building on the entire structure of the neighborhood. (Showed photographs to the Board)...She stated as far as the errors, this was where the errors laid that there is a standard of compatibility when one looks down Drayton Street.

Ms. Myers asked if she was saying that the information that was provided to the MPC was incomplete?

Ms. Wallace stated it was not complete in that it maintained that there was no standard of compatibility. She said that it was a conglomerate of 1960's and 1970's era buildings. And she is saying no, that they have a lot of older buildings. And the newer buildings that were there were very few. She said to set a precedence that because they were there they should continue in that direction did not make good sense when there is a standard of compatibility.

Ms. Myers stated the Board was not considering the content of the decision. She said the Board was only considering if there was an error.

Ms. Elizabeth Hoit-Thetford (Petitioner) stated she also was in agreement with Ms. Wallace that there were several errors made in the MPC decision. Not necessarily through any deliberate attempt on anyone to mislead someone. She said she felt one of the main errors, which was also covered by Ms. Wallace was the idea that there was no standard of conformity. She said she did a three block survey and looked at all of the major structures in that three block area around where the proposed building would be. As the Board could see by far frame was the predominant building material. She said she found only two primary metal structures in that three block radius and both were historic diners. So, with the two metal structures there was a historic nature to them. She said the architect's rendering that was shown to the MPC Board did not show the material as it really would appear. (Showed Board a sample of Galvalum). She said at the hearing where the vote took place there was no sample of galvalum, and she felt some of the members who voted had no idea exactly what unfinished galvalum looked like. She said the sample in front of the Board today was what would be on the side of

the building. She said they believe the metal building was incompatible and that the MPC erred because they had incomplete information.

Ms. Gladney (105 East 31st Street) stated the error was the building would be inconsistent. And that this was an inconsistent building material.

Mr. Peter Calandruccio (Architect for Church) stated based on the information given he would contend that there is no new information and no error. He said in Ms. Wallace's presentation the information given regarding traditional look was the same information that was presented to the MPC. He said he had an abundance of information that he could go into only if the Board felt he needed. He said he had a photographic survey of every building along Drayton Street to demonstrate the diversity of materials. Again, this was all talked about in the last MPC meeting. He said he did not see any incompleteness of information. He said he had with him today the same information that he presented to the MPC. He stated in reference to Ms Hoit-Thetford's comments that there was no sample, to his knowledge he did not see anything new in what was said, other than the claim that there was no sample of galvalum, which there was at the first meeting. He said he did not feel there was an error.

Mr. Bill Saxman stated he wanted to reiterate that the information that was presented at the MPC there were two meetings. He said there were six issues that were addressed at the first meeting on January 20, 2004 and they asked for a continuance for two weeks to allow the church to address those six issues. The church did go back and address five of the six issues and concurred with what the Planning Commission was trying to do as far as changing the design of some of the elements. He said the issue not addressed was the galvalum. And after Mr. Calandruccio went through the presentation that he presented by showing all the various photographs up and down Drayton Street it was the conclusion based on their understanding that the Planning Commission determined that there was no standard. The Thomas Square area development standards and the plan referenced has not been adopted by City Council. Although it was undergoing he felt the design standards would have to be based on what the current regulations called for, which was that the surrounding and adjacent properties be considered compatible. The definition of compatible in the Oxford Dictionary says – "able to coexist with." He said they contend that the building was able to coexist with the development that was around this particular area. He said they felt the Planning Commission went through an extensive review of this. He said there was a sample of galvalum at one of the meetings, there were photographs, and presentations on both sides were heard.

Ms. Ardis Wood asked if the Board ruled in favor of the petitioner what would happen?

Ms. Myers stated that would be the Board's decision, whether they would make a decision, send it back to MPC, or not hear it all.

Ms. Wood stated she felt there was a lot more information presented today than there was at first. She said she hoped the Board would consider returning the petition back to the MPC.

Mr. Greg Jacobs stated he did not feel that the MPC decision was erroneous. He said he felt the MPC Board made a decision based on the fact that over the course of many many years that this neighborhood has evolved. One of the biggest mistakes he felt this neighborhood could have is that there were vacant lots with no buildings on them. He said this neighborhood has gone through a period of time where more industrial style buildings were built and there were a vast number of examples throughout the neighborhood. Again, he felt the decision made by the MPC was based on facts and a go forward basis that this neighborhood is to thrive.

Mr. Jonathan Curtis (106 East 31st Street) stated he felt the MPC Board made an error. He said he has done extensive research over the historic area and he has yet to find one building that has galvalum siding.

Ms. Sarah Barczak stated she spoke at the last meeting, but she was not at the initial meeting. She said she felt the MPC Board thoroughly went through the galvalum issue. She said numerous photographs were shown. The MPC Board discussed how five of six issues had been resolved. She said she felt as a resident that they had a better building because of the cooperative nature between the MPC Staff, church, architect, and neighbors. The MPC Board also discussed how the landscaping would help address some of the galvalum concerns because the galvalum was the lower third of the building. She said as a person who was only at the last meeting, she felt comfortable with supporting the building with the galvalum. Also, it was an 8 – 2 decision.

Ms. Virginia Mobley (President of Thomas Square Neighborhood Association) stated she was present at both MPC meetings. There were photos shown, but they were shown from an angle of someone looking for a particular style of building versus a streetscape showing everything in the area. She said the pictures of existing buildings with galvalum as their siding were in nonresidential nonhistorical neighborhoods. She said they were all industrial or educational buildings. A point that was mentioned by the church, but not taken under consideration by the MPC was that this building made of this material in this location was to be used for concerts. She stated because there was no full explanation of this material and no sample present when the main discussion and vote came up that there was no opportunity for the MPC to question the sound retention of this building. She said at the first meeting there was a sample passed around. When members of the Commission requested a sample at the second meeting there was no sample to be found. She said there is a lot of difference between seeing the actual product and seeing a picture taken from fifty feet away. She further stated that architectural design was a preference. However, there is a precedent set in this neighborhood of over 100 years of the material, design, and the scale of the buildings. She said she did not think that that was taken into full consideration based on the pictures that were shown.

Ms Myers stated she was very reluctant to overturn anything from the MPC. She said the MPC had the training and they review the site plans. She said she did not feel an error has been found.

Mrs. Stone stated she agreed. She said she was not certain where the error occurred. Also, she pointed out that the City Regulations states – “building exterior and elevations – new and refurbished buildings shall be compatible with adjacent or surrounding development in terms of building orientation, scale, and exterior construction materials including texture and color. She said this made it difficult because for one as the rest of the Board was not present at the MPC meeting when this discussion took place. She said her first inclination is to refer this back to the Planning Commission with knowing what is exactly stated in the code for them to have the large sample brought and all relevant information presented back to the MPC.

Ms. Myers stated she felt in order to send it back to the MPC the Board of Appeals would have to find an error.

Mr. Blackburn stated the Board would not return it to the MPC. He said the appellant’s next step would be to Superior Court. He said this Board was a quasi-judicial body and if the Board found an error then they have overruled.

Mrs. Stone asked if that precluded it from going back to the MPC?

Mr. Blackburn stated one might have to do that, but this Board would not be the one to determine that. He said the Board needed to find an error or not.

Ms. Myers asked the Board if they felt an error has been found enough to overturn the decision of the MPC?

Ms. Lovett stated she has not seen the error.

Mr. Saussy stated he felt having not attended the MPC meetings he did not know if he could decide one way or the other. But he understood the Board had to make a decision.

Mr. Cohen stated in reading in the decision it was in there the materials that were used and shown. He said he felt people who were at the meeting could have asked that a larger sample be shown and could have brought it up at that time. As to whether he liked galvalum or not was not the issue. He said he did not see the error, although he did not care for the material. He said not that the MPC Board made the right decision or the wrong decision, he did not see an error in their arriving at a decision whatever it was.

SZBA Action: **Mr. Cohen made a motion that on the Petition of Elizabeth Hoit-Thetford, for 101 East 31st Street that there was no error made on the part of the MPC Board in arriving at their decision. Mr. Saussy seconded the motion and it was unanimously passed.**

SZBA Action: **Mr. Cohen made a motion that on the Petition of C. Nancy Wallace for 17 East 31st Street that there was no error made on the part of the MPC Board in forming their decision.**

Mrs. Stone stated whether the Board agreed or disagreed, the issue that was before the Board was if the MPC made an error in their decision. She said based on what she had read, the subjectiveness of the code, she would have to concur.

SZBA Action: **Mrs. Stone seconded the motion and it was unanimously passed.**

**RE: Continued Petition of Annie Bell Green
B-04-53895-2
4407 Meadow Street**

Present for the petition was Annie Bell Green.

Ms. Myers called for the Staff report.

Ms. Moore gave the following Staff report.

This petition was continued from the February 24, 2004 meeting in order for the petitioner to obtain approval from Traffic Engineering of the driveway and loading area.

Nature of Request

The petitioner is requesting to establish a use (child care center) and a waiver of the requirement that the proposed use shall abut a collector or greater class of street, which must be approved by the Board of Appeals pursuant to the requirements of Section 8-3025(22b) of the Savannah Zoning Ordinance in order to open a child care center for 12 children at 4407 Meadow Street, within an R-6 (One-Family Residential) zoning district.

Findings

1. Sec. 8-3025(22b) of the City of Savannah Zoning Ordinance reads as follows:

<u>List of Uses</u>	<u>R-6</u>
(22b) Child Care Center	B

- a. Provided that 100 square feet of outdoor play space is provided each child in districts requiring Board of Appeals use approval. In other districts, 100 square feet of outdoor play space is required per child in any group using the play area at one time.
 - b. Such use shall only be permitted on a lot or plot of ground which abuts a collector street, or a major arterial. The Board of Appeals shall be authorized to waive this requirement if on the basis of evidence presented, it finds that the traffic to be generated by a particular use can be accomplished on other streets without creating traffic congestion and traffic hazards on such streets which would be detrimental to the neighborhood served by such other streets. Provided that approval for any center established requiring access along a residential or lesser classified street shall be limited to a maximum of 75 children during the daytime hours and not greater than 50 children between the hours of 9:00 p.m. and 6:00 a.m.
 - c. The architectural character, including the orientation and exterior appearance of any structure, shall be characteristic of the neighborhood within which such structure is located.
 - d. Such use shall provide the number of off-street parking spaces required for educational and institutional uses as set forth in Sec.8-3064-"Minimum Space Requirements for Off-street Parking Areas."
 - e. There shall be no on-site outdoor recreation activities after 9:00 p.m. or later than one hour after dusk, whichever occurs first.
 - f. Where an abutting use is residential, visual buffers shall be provided so as to shield all parking areas, and play areas, and outdoor activity areas from the abutting property. Such buffer shall consist of trees or other vegetation of such height and depth as determined by the Board or of an appropriately designed fence or wall or a combination thereof.
2. The outdoor play area requirement for 12 children is 1,200 square feet. The square footage of the outdoor play area appears to be more than 1,200 square feet.
 3. The petitioner's property is located on Meadow Street at the intersection of Stuyvesant Street. Meadow Street and Stuyvesant Street are classified as residential streets. In reference to Item 1.b, above, the traffic that would be generated would be within a residential neighborhood. Stuyvesant Street traverses through a residential neighborhood to Liberty Parkway, which is classified as a collector street. Mills B. Lane

Boulevard, an arterial street, is five blocks to the north. The traffic to and from the site cannot be regulated to specific streets. A child care center for 12 children within a residential neighborhood has the potential to create traffic hazards and congestion. A waiver of the street classification requirement is requested.

4. Section 8-3089 (formerly 8-3064A) provides that one off-street parking space be provided for each two employees. Off-street parking can be accommodated in the grassed area, which will meet the minimum parking requirements.
5. A six foot high privacy fence surrounds the outdoor play area. The design and type of fencing needs to be determined.
6. Section 8-3163(b), Request for Permission to Establish Uses, provides the following 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.

Provided, that the Board of Appeals may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhood.

Provided, that the proposed use shall be subject to the minimum area, setback and other locational requirements of the zoning district in which it will be located.

Provided, that the proposed use shall be subject to the off-street parking and service requirements of this chapter.

7. Traffic Engineering has approved the loading area and the location of the proposed driveway on Meadow Street near the Stuyvesant Street intersection.
8. Several of the conditions required for approval of the use appear to not be met. The petitioner proposes to establish a “business” use in a residential neighborhood. A child care center for 12 children has the potential to adversely affect the stability of the residential neighborhood, will constitute a noise nuisance, and will cause a hazard by the

number of vehicles coming and going to the site. A child care center of this size will be detrimental to the use or development of adjacent properties and the general neighborhood.

Summary Of Findings

The conditions necessary for the Zoning Board of Appeals to establish a use appear to not be met by the proposed use in this location. A waiver of the street classification requirement is requested.

Ms. Lovett stated she passed out notices to the neighbors on Sunday afternoon. She said she received about four phone calls. She said two were opposed to the petition and two were in favor of the petition.

SZBA Action: Mr. Cohen made a motion to approve the petition. Ms. Lovett seconded the motion.

Ms. Lovett asked if the same guidelines for daycare centers apply to where they have to have sufficient buffers because she would like for that to be a part of the motion.

Mr. Cohen asked Mr. Todaro did not that have to be done anyway for the buffers?

Mr. Todaro stated he would include it in the motion, but if the Board wanted something more stringent he had no problem.

Ms. Myers asked Mr. Cohen to restate the motion.

SZBA Action: Mr. Cohen made a motion to approve the subject to proper buffering to be approved by the Zoning Administrator. Ms. Lovett seconded the motion and it was unanimously passed.

**RE: Continued Petition of Donna M. Swanson, Doug
Bean Signs, for
St. George Episcopal Church
B-04-54093-2
15 Willow Road**

Present for the petition was Jimmy Parker.

This petition was continued from the February 24, 2004 meeting in order for the petitioner to submit a revised sign design.

Nature of Request

The petitioner is requesting an 18 square foot sign area variance and a 7.5 foot sign height variance pursuant to the requirements of Section 8-3002, Definitions - Signs (25) of the Savannah Zoning Ordinance in order to erect an area identification sign at 15 Willow Road, within an R-6 (One-Family Residential) zoning district.

Findings

1. At the November 25, 2003 Board of Appeals meeting, the petitioner requested an 18 square foot sign area variance and a nine foot sign height variance for the same property. The petitioner represented a religious institution that was requesting to erect an area identification sign that would be 14 feet high with a 48 square foot sign area. The Board denied the petitioner's request. The findings reported at the November 25th meeting have not changed.

The petitioner again represents a religious institution that is now requesting to erect an area identification sign that would be 12.5 feet high with a 48 square foot sign area. The Zoning Ordinance provides that no appeal requesting the same relief in regard to the same property shall be heard by the Board of Appeals for a period of 12 months. The Zoning Administrator determined that the petition is for a different relief (a 12.5 foot high sign where previously the request was for a 14 foot high sign.)

2. Section 8-3002 defines an area identification sign as a single or double-faced identification sign noting the name of a subdivision, public, charitable, educational or religious institution. It shall not exceed 30 square feet in area (excluding architectural embellishments and decorative sign support structures) nor extend more than five feet above ground level.
3. The petitioner's lot is "L" shaped and contains approximately 3.4 acres. The lot contains a church building that faces Willow Road and a wooded area along White Bluff Road. The proposed sign would be at the corner of Willow Road and White Bluff Road. The adjacent Windsor Forest Baptist Church is within a B-N zoning district and the allowable sign area is 60 square feet and 25 feet in height.
4. The petitioner's application states that the variance requests are "in keeping with other [approved signs for] churches in the area."
5. 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 is not substandard and there are no extraordinary and exceptional conditions relating to its size, shape, or topography.
 - (b) The application of this chapter to this particular piece of property would create an unnecessary hardship.

The application of the development standards to this piece of property would not create an unnecessary hardship in the development of the property.
 - (c) Such conditions are peculiar to the particular piece of property involved.

There are no conditions peculiar to the 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 sign height and sign area variance do not appear to be met.

Mr. Parker (Director, St. George Episcopal Church) stated he felt not allowing the church to put up the sign would be a hardship. He said they reduced the height of the sign to 11 feet. He said they also moved the Episcopal shield logo into a more integral part of the design and made it smaller. He said it would be backlit and more subdued. He said they also eliminated the poles that they were going to use to hold it up.

Ms. Myers asked what was the material?

Mr. Parker stated stucco. He added that the church predated the zoning in this issue. He said he felt partly because they were so far back that instead of the zoning being carried to the end of their property line where there was a utility right-of-way it was convenient to stop it at Willow Road. So, you have the case where Windsor Forest Baptist Church was zoned one way and St. George Episcopal was zoned the other.

Ms. Myers stated that he would need to give the exact location for placement of the sign to the Zoning Administrator.

Mr. Parker stated okay. He said it was on the corner, but not on the corner where it would block anybody's ability to turn or see traffic.

SZBA Action: Mrs. Stone made a motion to approve the petition as amended with the understanding the height of the sign to be 11 feet.

Mr. Saussy recused himself from the petition.

SZBA Action: Ms. Lovett seconded the motion and it was unanimously passed.

**RE: Continued Petition of Julie Thomas
Gerbsch, for
Parent & Child Development Services, Inc.
B-04-54844-2
505 East 54th Street**

Present for the petition was Jeff Powell.

Ms. Myers called for the Staff report.

This petition was continued from the February 24, 2004 meeting in order for the petitioner to meet with the adjacent residents and submit a site plan showing the location of the temporary trailers, and other intended uses.

Nature of Request

The petitioner is requesting to expand a use (eleemosynary or philanthropic institution) which must be approved by the Board of Appeals pursuant to the requirements of Section 8-3025(18) of the Savannah Zoning Ordinance in order to add three buildings for classroom use onto the property for a nine month period in order to renovate an existing facility at 505 East 54th Street, within an R-6 (One-Family Residential) zoning district.

Findings

1. The definition of an eleemosynary or philanthropic institution is a “not-for-profit organization that provides a variety of services to its members or the community but does not provide sleeping accommodations or daily meals.”
2. The petitioner provides services to teenagers. The request is to continue to provide classroom instruction in temporary buildings on the property while the main building is being renovated. The temporary buildings are industrial classroom buildings that were used by the Board of Education.
3. Section 8-3163(b), Request for Permission to Establish Uses, provides the following findings that the Board of Appeals must make to approve an application to establish a use.
The use is already established and the petitioner is requesting a temporary (nine month) expansion of the 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.

Provided, that the Board of Appeals may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhood.

Provided, that the proposed use shall be subject to the minimum area, setback and other locational requirements of the zoning district in which it will be located.

Provided, that the proposed use shall be subject to the off-street parking and service requirements of this chapter.

Provided, that wherever the Board of Appeals shall find, in the case of any permit granted pursuant to the provisions of this chapter, that any of the terms, conditions or restrictions upon which such permit was granted are not being complied with, the Board shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing

4. There will be no abnormal increase in the numbers of persons visiting the site or in vehicular traffic to the site.
5. A site plan has not been submitted. A site plan should be submitted and should include the location of the temporary buildings, vehicular access and parking, and fencing or screening of the temporary buildings.
6. The Board has the authority, based on Section 8-3163, to require that the petitioner submit a site plan and screen the temporary buildings from view of adjacent properties and from the public rights-of-way.

Summary Of Findings

It cannot be determined at this time if all of the conditions necessary to expand a use are met. The petitioner should submit a drawn to scale site plan showing the location of the temporary buildings, vehicular access and parking, and fencing or screening of the temporary buildings.

If approved, the expansion should be limited to nine months beginning on the date of the placement of the temporary trailers on the property.

Mr. Powell stated at the last meeting it was requested that they meet with the neighbors, which they did. He said the neighbors were happy with what was presented at that meeting. He said they also put in for EMC to do a survey, which they just finished yesterday afternoon. He said they also called Mr. Howell to let him know that they had just received the information.

Ms. Myers asked Ms. Moore if they moved this petition to the end of the agenda would that be enough time for her to review the additional information that was requested.

Ms. Moore stated yes.

SZBA Action: Mrs. Stone made a motion that the petition be moved to the end of the agenda. Mr. Saussy seconded the motion and it was unanimously passed.

**RE: Petition of Bernita Murray
 B-04-37109-2
 1032 Allen Avenue**

Present for the petition was Bernita Murray.

Ms. Myers called for the Staff report.

Ms. Moore gave the following Staff report.

The petitioner is requesting a rehearing of a decision by the Savannah Zoning Board of Appeals pursuant to the requirements of Sections 8-3162 and 8-3165 of the Savannah Zoning Ordinance

in order to open a child care center for 12 children and a waiver of the requirement that the proposed use shall abut a collector or greater class of street at 1032 Allen Avenue, within an R-4 (Four-Family Residential) zoning district.

Findings

1. Article 11, Section 8, of the Rules and Procedures adopted by the Board of Appeals provides that a request for a rehearing shall be filed within five days following the Board's decision and the request shall be filed in the same manner as the original application. The Board may grant a rehearing only if the petitioner has submitted new and relevant information. Applications for a rehearing shall be denied upon a finding by the Board that there has been no substantial change in facts, evidence, or conditions relative to the petition.

Upon approval of a request for rehearing, the Board shall rehear the petition at the same meeting.

2. The Board Decision from the February 24, 2004 meeting is attached.
3. The petitioner has changed the request from a child care center for 18 children to a child care center for 12 children. Traffic Engineering has no problem with a child care center for 12 children at this location. The City Traffic Engineer must approve a driveway and parking plan. The petitioner attached a driveway concept with the application. One off-street parking space is required and is not provided on the plan.
4. Section 8-3163(b), Request for Permission to Establish Uses, provides the following 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.

Provided, that the Board of Appeals may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhood.

Provided, that the proposed use shall be subject to the minimum area, setback and other locational requirements of the zoning district in which it will be located.

Provided, that the proposed use shall be subject to the off-street parking and service requirements of this chapter.

5. The petitioner's property is located in the middle of a block near the end of Allen Avenue. The property is two blocks west of Stiles Avenue and two blocks south of West Gwinnett Street, both of which are classified as major arterials. Allen Avenue is classified as a residential street. The traffic that would be generated would be within a residential neighborhood. The traffic to and from the site cannot be regulated to specific streets. A child care center for 12 children within a residential neighborhood has the potential to create traffic hazards and congestion. A waiver of the street classification requirement appears to not be justified.
6. Several of the conditions required for approval of the use appear to not be met. The petitioner proposes to establish a "business" use in a residential neighborhood. A child care center for 12 children has the potential to adversely affect the stability of the residential neighborhood, will constitute a noise nuisance, and will cause a hazard by the number of vehicles coming and going to the site. A child care center of this size will be detrimental to the use or development of adjacent properties and the general neighborhood.

Summary Of Findings

The conditions necessary for the Zoning Board of Appeals to establish a use appear to not be met by the proposed use in this location and a waiver of the street classification requirement appears to not be justified.

SZBA Action: Ms. Lovett made a motion to rehear the petition. Mr. Saussy seconded the motion and it was unanimously passed.

Ms. Murray stated at last month's meeting the Board felt that 18 children was too many and there was concern about traffic. She said she talked to the Traffic Engineering department and it was suggested that she decrease the number of children to 12. And it was also recommended for her to do a circular driveway. She said she was willing to accept the changes.

Ms. Myers asked how many off-street parking spaces were needed?

Ms. Moore stated one.

SZBA Action: Mr. Cohen made a motion to approve the petition for 12 children with the understanding that there be a circular driveway as recommended by the Traffic Engineering department. Mr. Saussy seconded the motion and it was unanimously passed.

**RE: Petition of Rev. Charles Primm
B-04-37232-2
1143 East Gwinnett Street**

Present for the petition was Rev. Primm.

Ms. Myers called for the Staff report.

Ms. Moore gave the following Staff report.

The petitioner is requesting to establish a use (church) which must be approved by the Board of Appeals, a 16.6 percent lot coverage variance, and a 25 foot rear yard setback variance pursuant to the requirements of Sections 8-3163 and 8-3025 of the Savannah Zoning Ordinance in order to add an office to an existing church at 1143 East Gwinnett Street, within an R-4 (Four-Family Residential) zoning district.

Findings

1. Section 8-3025(Use 15) requires Board of Appeals approval to establish a church within an R-4 zoning district. The expansion of any use approved under this condition is considered to be a new use.
2. Section 8-3163(b), Request for Permission to Establish Uses, provides the following findings that the Board of Appeals must make to approve an application to establish a use.
Because the church exists, this is essentially a request for permission to intensify the 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.

Provided, that the Board of Appeals may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhood.

Provided, that the proposed use shall be subject to the minimum area, setback and other locational requirements of the zoning district in which it will be located.

Provided, that the proposed use shall be subject to the off-street parking and service requirements of this chapter.

3. The existing church is a conforming use. The requirement that a church be 100 feet from any conforming residential dwelling was addressed at the time the church was initially permitted at this location. The petition is a request to build an office.
4. Residential dwellings occupy lots on the same side of the street. Some of these lots have accessory buildings in the rear yards that are built up to the property line. A lane serves all of the lots on the block. These residential dwellings within an R-4 zoning district are permitted a maximum 50 percent lot coverage. A nonresidential use is permitted a maximum 35 percent lot coverage. The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood. The proposed use will not be affected adversely by the existing uses.
5. The proposed expansion is not on a lot of sufficient size. A variance is requested from the building coverage and setback requirements. No additional parking is required.
6. Section 8-3025 provides that within an R-4 zoning district, for nonresidential uses the maximum lot coverage is 35 percent and the minimum rear yard building setback is 25 feet from the property line. The petitioner's present lot coverage is 42.5 percent and the request is to increase the lot coverage to 51.6 percent. The petitioner is requesting to add a 320 square foot office built to the rear property line which will encroach 25 feet into the minimum rear yard setback area.
7. The petitioner's lot is 50 feet wide, 70 feet in length and contains 3,500 square feet. 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 lot is a substandard lot of record.
8. 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 is substandard in area and width. This is an extraordinary and exceptional condition. Other lots along the same side of the street are also substandard.
 - (b) The application of this chapter to this particular piece of property would create an unnecessary hardship.

The present church building already exceeds the allowable building coverage. The application of the development standards to this piece of property would not create an unnecessary hardship in the development of the property.
 - (c) Such conditions are peculiar to the particular piece of property involved.

The substandard condition is peculiar to the property involved and also to the other lots on the same side of the street.
 - (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 building coverage variance and rear yard building setback variance do not appear to be met. All of the conditions necessary to expand a use appear to be met.

Mrs. Stone asked how do you meet all the conditions, yet you are not recommending the approval of the variance?

Ms. Moore stated for example if this had not been a substandard lot and an acre lot, would this be appropriate, based on the criteria.

Ms. Rosalyn Truitt (Hope Six Coordinator Housing Authority of Savannah) stated the Housing Authority opposed the addition to the church because as part of Hope Six development they were acquiring properties in the Benjamin Van Clarke neighborhood. And the Housing Authority owned the property at 1148, which was directly in back of the property of the church. Under ordinary circumstances it would not be a consideration. But the Housing Authority was looking at putting a new home on that site for a first time home buyer. The Housing Authority has also recently purchased property at 1202 Drayton Street. She said if the addition is made to the church it would be on the lane. And 1148 Drayton also backed up almost to the lane. She said the Housing Authority felt it would be difficult with the type of investment they were making in the area.

Ms. Cindy Herrera (Consultant for Hope Six) She said the Hope Six program in Savannah was bringing a 50 million dollars investment into the Benjamin Van Clarke neighborhood. The key component of that investment was the purchasing of multiple lots. The Housing Authority will demolish dilapidated structures and building new homes that will be offered to home buyers. She said there was also a significant rental component that would be a mixed income rental community. Based on that one of the key components was to try to bring the neighborhood to a more traditional residential feel. She said part of what they were doing in trying to build is that all of the streets in the neighborhood were being run through contiguous which was an old public housing site and to bring it back to much more of a traditional neighborhood in which the at most the majority of the neighborhood or as much as possible could in fact be conforming with today's zoning standards. She said they felt by adding something that was not necessarily in conformance with zoning standards detracts from the investments that the Housing Authority has underway for that particular neighborhood.

Mr. Cohen asked how would the addition that the church wanted to add detract from what Housing Authority was trying to do across the lane?

Ms. Herrera stated the backyard of the house she felt would be more closed off by having a building that close and closing off the view out the back of the yard that the person would have.

Mr. Cohen stated he did not see where it would hurt their project.

Ms. Marsh Verdry (Integral Properties) stated they were the developer of the Savannah Hope Six projects in Savannah. She said her concern was that she was trying to make sure that whatever the Housing Authority built they could sell.

Rev. Primm stated it was an old structure and the back of it was on the lane. He said he did not see how his proposed structure would interfere with anything.

Ms. Myers suggested that he may need to ask for a continuance. She said then he could look at maybe moving the proposed addition off the lane.

Mrs. Stone suggested that the petitioner get with the Hope Six representatives and discuss how they could make it all work and be compatible in the neighborhood.

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

**RE: Petition of Poticny Deering Felder
Arend Jan de Voest
B-04-37400-2
1 West Jones Street**

Mr. Cohen recused himself.

Present for the petition was John Deering, Architect and Harold Yellin, Attorney.

Ms. Myers called for the Staff report.

Ms. Moore gave the following Staff report.

The petitioner is appealing a decision of the Director of Inspections pursuant to the requirements of Sections 8-3163 and 8-3025(e) of the Savannah Zoning Ordinance in order to build eight dwelling units at 1 West Jones Street, within an R-I-P-A (Residential, Medium Density) zoning district.

Findings

1. Section 8-3163(a), Appeals from Administrative Actions, provides that the Board of Appeals shall hear and decide upon appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of the Zoning Regulations. The Zoning Administrator works under the direction of the Director of Inspections.
2. Section 3025(e), Density Restrictions In Certain Districts, provides that within an R-I-P-A district, a lot smaller than 3,500 square feet containing a dwelling structure originally designed as a single family dwelling shall not be permitted to contain more than three dwelling units, inclusive of dwelling units within a carriage house. A lot 3,500 square feet or larger and containing a structure originally designed as a single family dwelling shall maintain not less than 900 square feet of lot area per dwelling unit.
3. The petitioner refers to the Georgia Historical Society 1878 Sanborne maps. Copies of the 1888 and 1898 maps are attached.
4. The petitioner's property is located on the corner of Bull and West Jones Streets. The lot is 100 X 60 feet and contains 6,000 square feet. The petitioner is requesting to build

a total of eight dwellings on the property. Based on Finding No. 2, a total of six dwellings are permitted. (6,000 sq. ft. lot area / 900 sq.ft. per unit = 6 units).

Summary Of Findings

There appears to be no error in the decision of the Director of Inspections in determining that six dwelling units are permitted on a 6,000 square foot lot within an R-I-P-A zoning district.

Mr. Deering stated in the second sentence it says – “a lot 3500 square feet or larger and containing a structure originally designed as a single family dwelling shall maintain not less than 900 square feet per dwelling unit.” It says “a structure” and that was a singular term. He said they contend that on the Sanborn maps that this always had two structures on the lot.

Ms. Myers asked if there was anything in there about one being a main structure?

Mr. Deering stated no. He also stated that the letter “D” in the Sanborn maps stands for dwelling. He said where there was a carriage house next door it was clearly written carriage house and the two others as dwelling units. He said his client entered into a due diligence period on this property with the opinion of the City Zoning Administrator that this particular development would require 600 square feet of lot area per dwelling unit. He said the building inspector felt that this would stand up, however they are saying that this is a disagreement between two peoples interpretation of the ordinance.

Ms. Myers asked the petitioner if he was saying that Mr. Vickers said that it did not read as two dwelling units?

Mr. Deering stated yes.

Mr. Harold Yellin, Attorney, stated two people looked at the same ordinance and came to two different conclusions. He said Mr. Todaro, after reading the ordinance came to the conclusion that based on 600 square feet per unit there could be 10 units on this site. And Mr. Vickers, also looked at the same ordinance and said based on his reading there could only be 6 units on this site. He stated he received a letter today dated March 23, 2004 that had been written at his request from Israel Small, Assistant City Manager, because he had inquired as to how often was this ordinance used. In the letter it says – “according to the City’s Zoning Coordinator this code section has never been applied to a property for density calculations in his 7/+ years on the job.” He said that was not necessarily the final word, but it was important that the Board realized that this code section at least in the last 7 years has not been used and he was not sure that it applied. He said what he would like for the Board to consider is that maybe the answer is somewhere in between. Mr. Todaro’s interpretation that would allow 10 and Mr. Vickers interpretation that would allow 6.

He further stated the eastern most lot has primarily been a residential use, although there have been commercial uses in that building. The lot next door has been commercial since at least 1924. He said if something is residential and you applied that statute then you would need 900 square feet. If something were commercial you would need to have 600 square feet. In looking at it in a more practical way $3,000 \text{ square feet} / 900 = 3 \frac{1}{3}$. And if you have $3,000 \text{ square feet} / 600 = 5$. If you add the two figures together $8 \frac{1}{3}$, which is also the midpoint between what Mr. Todaro and Mr. Vickers thought. He said he believed the number 8 made sense and felt that it was within the Board’s purview to decide what was the appropriate number.

Mr. Ed Hill stated he disagreed. He said the petitioner wanted to take a historic structure and make it into 8 units. In an e-mail from Mr. Todaro dated January 8, 2004 to Beth Reiter that “from an off-street parking standpoint the conversion of these structures into 8 dwelling units will result in a reduction in intensity,” indicates that 8 structures is all the petitioner initially wanted. He said he did not see how 8 dwelling units would make a reduction of an intensity. Regarding off street parking, the property was considered grandfathered. He said Mr. Todaro further said in his e-mail “that if the property is converted into 8 dwellings, no additional off-street parking would need to be provided.” Consequently, when the petition went before the Historic Board of Review because the footprint included that structure there, which now is a part of Arthur Smith’s shop they were allowed to put a building which is practically larger than the original building on the lot. He said he felt the reason why this particular section was in the ordinance was to keep things just like this from happening.

Mr. Deering stated there were five parking spaces planned on-site that enter from the lane. He said they had a scheme for the height/mass that was presented to the Historic Review Board that had more square footage on the Bull Street side in order to preserve the historic structure the view of the historic structure they omitted that and put it somewhat on the western portion of that lot. He said he also felt that this was a reduction in use from a commercial space to a residential space.

Mr. Tom Todaro stated when he reviewed the application he looked at it in the singular sense when it talks about “a building.” He said as far as the parking the complete downstairs of that, that building as well as the small annex building remained commercial, as it could be broken up into a half dozen of little antique shops instead of just one without any new parking, which was the rationale he used.

Mr. Alex Raskin stated he owned two properties in Monterey Ward. He said he opposed the petition and asks that the Board upholds the ordinance as written.

Ms. Myers stated her feeling was it was the Director of Inspections who has given this finding and she did not see an error in his decision.

SZBA Action: Mrs. Stone made a motion that there appears to be no error in the decision of the Director of Inspections. Ms. Lovett seconded the motion.

Mr. Yellin stated even if the Board decided that there could only be 900 square feet per unit when you divide 6,000 by 900, that number is 6 2/3.

Ms. Myers stated the Board was just considering if the Director of Inspections made an error in his opinion.

Mr. Yellin stated as a part of parliamentary procedure he needed to know whether or not the Board wanted them to come back to them or back to Mr. Todaro or Mr. Vickers.

Ms. Myers stated all the Board was considering if there was an error in the decision of the Director of Inspections in determining that 6 dwelling units were permitted on a 6,000 square foot lot within an RIPA zoning district.

Mr. Yellin asked when the Board receives fractions if they round up or round down?

Ms. Myers stated he needed to talk to the Director of Inspections.

Mr. Yellin asked if that was the Chair's opinion or the opinion of the entire Board?

Mrs. Stone stated she was the maker of the motion and she was upholding exactly what it is stated in the Staff report – “there appears to be no error in the decision of the Director of Inspections in determining that six dwelling units are permitted on a 6,000 square foot lot within an R-I-P-A zoning district.”

Mr. Yellin asked if implicitly it was the Board's motion today that they would not be considering what that number means?

Mrs. Stone stated that is her motion.

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

**RE: Continued Petition of Julie Thomas
Gerbsch, for
Parent & Child Development Services, Inc.
B-04-54844-2
505 East 54th Street**

Ms. Moore stated when the petition initially was before the Board the motion was to have the petitioner to meet with the neighbors to find out what their concerns were. She said they had a neighborhood meeting. She said in the Board's minutes of February 24, 2004 it says that they were concerned where the trailers would be placed. She said that is shown here on their plans. In yellow were the three trailers. There was also concern about where the Staff and students would park. She said that was not changing, so it would be the same location as in the past. There also was concern about the sound or sight barrier, which was one thing that was missing from the petitioner's plan. However, they have indicated that they would provide a fence or some type of vegetation, but it was not shown on the plans.

Ms. Myers stated the Board also asked at last meeting about the two dumpsters. She asked if they would still be on the property?

Ms. Moore stated yes, because the petitioner would have to contact the City because of the overhead power lines that might interfere with the placement of the dumpsters. She said from the information she has she did not know where they would be placed or whether or not they have talked to the City.

Mr. Jeff Powell stated the two dumpsters are on the corner and one of those was for newspapers. He said they talked with the residents at the meeting and they told them that they could have the one for newspapers removed, but the residents asked that they keep it because neighbors used it. He said the other dumpster was a City dumpster and they had one driveway that had power lines and there was no other access, so that was the only place they could put the City dumpster. He said they talked to the neighbors about the City dumpster and they seemed to have understood that if they could not move it in, it would have to stay in its current location.

Mrs. Stone asked if the dumpsters were screened?

Mr. Powell stated no. However, they would be willing to screen them if that would help. He said they also told the neighbors that they would be willing to put up any type of fence they would like.

SZBA Action: Mr. Cohen made a motion to approve the petition subject to working out the screening with Staff and that there is a time limit of 9 months for placement of the trailers to be on the property with the understanding if the trailers have to exceed the time limit as set, the petitioner will have to come back before the Board of Appeals. Mr. Saussy seconded the motion and it was unanimously passed.

RE: Minutes

1. Approval of SZBA Special Meeting Minutes – February 12, 2004

SZBA Action: Mr. Saussy made a motion to approve the Special Meeting minutes of February 12, 2004. Mr. Cohen seconded the motion and it was passed. Abstaining from the motion was Mrs. Stone.

2. Approval of SZBA Minutes – February 24, 2004

SZBA Action: Mrs. Stone made a motion to approve the meeting minutes of February 24, 2004. Mr. Cohen seconded the motion and it was unanimously passed.

RE: Other Business

RE: Adjournment

There being no further business to come before the Savannah Zoning Board of Appeals the meeting was adjourned approximately 4:45 p.m.

Respectfully submitted,

Charlotte Moore
Director of Development Services

CM/ca