

SAVANNAH ZONING BOARD OF APPEALS

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

APRIL 27, 2004

2:30 P.M.

REGULAR MEETING

MINUTES

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Delores Lovett

TECHNICAL STAFF PRESENT:

Tom Todaro, City Inspections Department

MPC STAFF PRESENT:

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

RE: Call to Order

Mrs. Myers called the April 27, 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 Chris Norman
B-04-35187-2
302 West Park Avenue**

The petitioner is requesting a 24 percent building coverage variance and an 18 foot rear yard setback variance pursuant to the requirements of Sections 8-3028 and 8-3163 of the Savannah Zoning Ordinance in order to build an addition onto an existing house at 302 West Park Avenue, within a 3-R (Victorian Planned Neighborhood Conservation) zoning district.

Summary of Findings: All of the conditions required for granting a 24 percent building coverage variance and an 18 foot rear yard setback variance appear to be met.

**RE: Petition of John Lowe
B-04-35474-2
208 East 48th Street**

The petitioner is requesting a 6.7 percent building coverage variance pursuant to the requirements of Sections 8-3025 and 8-3163 of the Savannah Zoning Ordinance in order to build an accessory structure at 208 East 48th Street, within an R-6 (One Family Residential) zoning district.

Summary of Findings: All of the conditions required for granting a 6.7 percent building coverage variance appear to be met.

The petitioner's site plan shows a "carriage house". Two dwellings on the same lot are not permitted with the R-6 zoning district. An approval of the petitioner's request is not an approval of a "carriage house", but an approval of an accessory structure with a bathroom.

**RE: Petition of Roscoe Sneed
B-04-35857-2
1515 East 33rd Street**

The petitioner is requesting a three percent building coverage variance pursuant to the requirements of Section 8-3025 and 8-3163 of the Savannah Zoning Ordinance in order to build an addition onto an existing house at 1515 East 33rd Street, within an R-6 (One Family Residential) zoning district.

Summary of Findings: All of the conditions required for granting a three percent building coverage variance appear to be met.

**RE: Petition of Ronald H. Cohen, for
Castle Homes Builders
B-04-59078-2
421 East Anderson Street**

The petitioner is requesting approval of a 1,191 square foot lot area variance for Lot 10-A; a 1,035 square foot lot area variance for Lot 10-B; a 9.2 percent lot area coverage variance for Lot 10-A; a 25 foot rear yard setback variance for Lot 10-A; and a 1 foot side yard setback variance for Lot 10-B pursuant to the requirements of Sections 8-3028, 8-3009, and 8-3163 of the Savannah Zoning Ordinance in order to divide a parcel of land to locate each of two structures on a separate lot at 421 East Anderson Street, within an 1-R (Victorian Planned Neighborhood Conservation) zoning district.

Summary of Findings: The proposed subdivision meets the requirements of Section 8-3009 of the City of Savannah Zoning Ordinance.

**RE: Petition of Whitley Reynolds, for
Xavier Cervera
B-04-40018-2
2017 Habersham Street**

The petitioner is requesting a 15 foot lot width variance for Lot A, a five foot lot width variance for Lot B, a five foot side yard setback variance for Lot A along the common property line, a six foot yard setback variance for Lot B along the common property line, a 3,968 lot area variance for Lot A, a 3,521 square foot lot area variance for Lot B, and a seven percent lot area coverage variance for Lot A pursuant to the requirements of Sections 8-3025, 8-3009, and 8-3163 of the Savannah Zoning Ordinance in order to recombine two existing lots to relocate each two residential structures on a separate lot at 2017 Habersham Street, within an R-B (Residential Business) zoning district.

Summary of Findings: The proposed subdivision meets the requirements of Section 8-3009 of the City of Savannah Zoning Ordinance.

SZBA Action: Mrs. Stone made a motion that the Savannah Zoning Board of Appeals approve the Consent Agenda as submitted. Mr. Saussy seconded the motion and it was passed. Mr. Cohen abstained to the Petition of Ronald Cohen, for Castle Home Builders, B-04-59078-2.

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

Present for the petition was Rev. Charles Primm.

Mr. Howell gave the following Staff report.

This petition was continued from the March 23, 2004 meeting in order for the petitioner to meet with the adjacent residents and submit revised plans.

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.

Rev. Primm stated at last month's meeting the Housing Authority had concerns of the petition. Since that meeting he has met with them and they have submitted a letter to Staff stating that they do not have an objection to his petition.

SZBA Action: Mr. Cohen made a motion that the Savannah Zoning Board of Appeals approve the petition as submitted. Mr. Saussy seconded the motion and it was unanimously passed.

**RE: Petition of Poticny Deering Felder
Arend Jan de Voest
B-04-34911-2
1 West Jones Street**

Mr. Cohen recused himself.

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

Mr. Howell gave the following Staff report.

The petitioner is requesting a 150 square foot lot area per dwelling unit variance pursuant to the requirements of Sections 8-3025(e) and 8-3163 of the Savannah Zoning Ordinance in order to redevelop an existing building and build an addition to use the property as eight dwelling units at 1 West Jones Street, within an R-I-P-A (Residential, Medium Density) zoning district.

Findings

1. The petitioner's property is located on the southwest corner of Bull and West Jones Streets. The lot is 60 X 100 feet and contains 6,000 square feet. The property currently contains several dwellings, a carriage house, and an antique shop. The proposed redevelopment of the property would result in a development totaling eight dwelling

units.

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. Eight dwellings would be permitted on a lot containing 7,200 square feet.
3. Multi-family developments within the R-I-P-A zoning district, not subject to Finding No. 2, are required to provide a minimum of 600 square feet of lot area for each dwelling with a minimum lot width of 20 feet.
4. The petition is proposing to build eight dwelling units and provide 750 square feet of lot area per dwelling unit. The request is for a lot area variance of 150 square feet for each of the eight units from the required 900 square feet of lot 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 exceeds the minimum size requirements. There are no extraordinary and exceptional conditions related to the size or shape of the lot.
 - (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. At least six dwellings can be accommodated within the lot area 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.

The proposal will require less off-street parking than the current uses. The Historic Review Board has approved the height and mass of the project. Relief, if granted, would not cause substantial detriment to the public good.

Summary Of Findings

All of the conditions required for granting a 150 square foot lot area per dwelling unit variance appear to not be met.

Mrs. Stone stated her concern was with people living in a unit having two cars and there were at least six units, four off-street parking spaces she felt that would be a lot of cars parking on the street.

Mr. Howell stated correct, but this was not a request for a parking variance.

Mrs. Myers stated last month the Board had unanimously upheld the Director of Inspections recommendation, which was for six units. She said she did not understand why the petition was back before the Board.

Mr. Howell stated the first petition was the appeal of a decision. This petition is for a lot area variance.

Mr. Deering stated last month they could not discuss square footage variances and unit counts, so, they reapplied for a lot area variance. He said this property has existed as a commercial property for many years. And has not been used as a single family residence since the early 1900's. He said when the Zoning Administrator first ruled on this back in January said that he did not know if that zoning section applied. He stated that this proposal would require less off-street parking spaces. There were twenty-four parking spaces that were allowed with the current use. Twenty-one spaces for the commercial use that was there now and there were three apartments there, and that counted for three units. He said they were required to convert to residential units one off-street parking space per residential units, and they will only be using eight. He said of those eight, five will be on-site and three will be off-site within the grandfathered spaces leaving twenty-one spaces that were allowed under the current use to be given back to the street. He said they have received Historic Review Board approval for height/mass.

He further stated that the original interpretation from Mr. Todaro allowed 600 square feet per unit on this site, which would have allowed them 10 units. But their request has always been for eight units. He said 6.67 units were allowed on this property. Under the criteria stated in the Staff report, he felt what was peculiar to the size was the size of this lot is 6,000 square feet. He said if this was new construction or in a different zoning classification it would allow for 10 units. There were neighboring townhouses that were four stories and had one unit per floor, and have been there for many years. And also have one or two units in the carriage house, which has higher density than what they were requesting on their petition. He also said that the Assistant City Manager said that as far as he knew, this section of the ordinance has not been applied in seven years. Mr. Deering further stated that he felt this also made the property peculiar from others in the neighborhood. He said in reference to hardship the City back in January conveyed to his client that 10 units would be allowed on this property. The developer placed a contract on this property with earnest money based on the knowledge that he could put eight units on this site, therefore sustaining substantial expenses in nonrefundable deposits, architecture and attorney's fees, soil and survey costs, and miscellaneous other fees. He also stated they felt this was a peculiar piece of property considering that it was a single-family house when it was first constructed.

He stated that they felt it was unfair to apply this particular zoning ordinance to this property when it has been for most of its existence a commercial property.

He further stated that he would like to read a letter that the City Manager sent to his client.

“I reviewed the number 1 West Jones Street petition for the construction of residential units. The Historic Review Board has approved the height and mass of the project and now the petition is before you concerning the number of residential units permitted on the site. My comments to you are an advisory capacity as City Manager and as a member of the Metropolitan Planning Commission. My comments are not intended to provide an interpretation or ruling on the density provisions of our zoning ordinance. According to Tom Todaro, our Zoning Administrator, the current zoning allows for six to seven residential units on the lot and the petitioner is seeking eight units. The limit on residential density was enacted to ensure that we do not experience excessive density in existing and new residential units in the Historic District, which would in turn produce parking shortages and other livability problems. At the same time the City has attempted to promote residential infill within the Historic District and we have also promoted the construction of new buildings that meet the design standards. This is especially true on lots which are vacant or which have structures that are not compatible with our design standards. The construction of new infill residential development on Jones Street will be supportive of our goals for residential infill and for the construction of compatible historic structures. The Zoning Board of Appeals will have to decide if this unusual structure, which currently occupies 1 West Jones Street should be given a one unit variance to accommodate such new development. I hope this information is helpful to you. Signed, Michael Brown.”

Mr. Ed Hill (2 East Taylor Street) stated that he felt it would set a precedent if the Board gives somebody a variance to deviate from what will be the norm regardless of the anomalies. He said they did not want the overcrowding.

Mr. Mark McDonald (Executive Director of Historic Savannah Foundation) stated HSF felt the grounds for granting a variance have not been met. And the ordinance required that all four requirements be met. He said he felt as a matter of law that the Board could not grant the variance request. He said HSF ask that the Board deny the petition.

Mr. Bill Stube (Historic Savannah Foundation) stated he believed that if relief was granted on this project it would impair the purpose and intent of the Savannah Zoning Ordinance. He said he did not feel that two or ten wrongs make a right because there have been many other projects in the City that had higher densities as mentioned by the applicant. The variance being sought was in fact two units, but it was really a 33 percent increase when you go from 6 to 8. In addition, the project as envisioned violated the intent of the zoning ordinance as far as density on the site.

Ms. Dian Brownfield stated as a resident of Jones Street she did not support this project. Also, as a member of the Historic Review Board when the petition came before the Board, she voted against the project because she felt the density of that property was too much for that site. And felt it has been over built for a long time. However, she felt the design itself was well done, but she did not think more than six units should be in this area. Ms. Brownfield stated as President of the Downtown Neighborhood Association they were also opposed to this project. She said maybe the Ordinance needed to be rewritten, but they felt it should be upheld at six units.

Ms. Caroline Hill (2 East Taylor Street) stated she was representing the Levy's who were unable to attend the meeting, but wanted the Board to know that they were opposed to the project. She read a letter from the Levy's.

"I am writing this letter to your Board because my wife and I will be out-of-town on business when this appeal will be heard. I, Gary M. Levy and my wife Joan Levy have resided at 17 West Jones Street since 1987. We have attended two of the previous three hearings. We are both business professionals and know the working of balance sheets. I am an insurance broker, owner of real estate and an Innkeeper along with Joan. The problem here is that the developers cannot make money unless there are sufficient units to sell. My wife and I would like to object to this use of space at number 1 and number 3 West Jones Street. The proposed structure is too massive for the space and will not provide adequate parking for condo owners. Eight units equal sixteen autos... We have spoken against this project at the first hearing and we would have at this hearing. Please do not let this variance pass. Respectfully submitted, Gary and Joan Levy."

Mr. Harold Williamson (Resident of East Taylor Street) stated he had a letter from one of the neighbors, Nora Loheron, dated April 27, 2004, which stated her opposition to the proposed project. He also stated that as a resident of the area he also felt that parking would be a significant issue. He said that he also was opposed to the petition.

Ms. Raye Williamson (24 East Taylor Street) stated she also had a letter from a neighbor, Liz Braye, which stated her opposition to the proposed petition. Ms. Williamson stated that she also felt that parking would be a serious problem. And she was also concern about the chopping up of houses into multiple units. She said she felt that six units were enough for the property.

Mr. E.T. Smith (5 East Gordon Street) stated his concern was if there was going to be any parking issue, what study had been done to prove it. He said he was also confused as to how many units were being proposed. He asked if the petitioner was talking about 6, 6.67, 8, or 10 units. He asked about the parking that would accommodate these units. He said he felt it would be appropriate if facts were used in the petition to show precisely what was going to be done. As well as an analysis of parking showing the affect if you had sixteen cars. He said he felt that when you talk about something with the importance that it had to Savannah on Bull Street in the five squares in the very place that the vast majority of people who come to Savannah to see this historic place go then there should be some real facts and analysis done. He further stated that he had a letter from Mike and Norma Powers, who were also in opposition to the petition.

Ms. Naomi Lebey (4 West Taylor Street) stated she was opposed to the variance since they felt that the integrity of both the house at 1 West Jones and the neighborhood would be damaged by increasing the density of both people and additional needed parking.

Mrs. Myers stated she felt the Board got the idea of the problem with parking. She said if they had an objection if they could state different concerns would also be helpful.

Mr. Michael Sottile (10 West Taylor Street) stated he opposed the granting of any variance that exceeded six units because of the sheer bulk, the affect on the historicity, and the quality of the house and the neighborhood.

Mr. Alex Raskin (3 West Gordon Street) stated he had two properties in Monterey Ward. He said he felt this Board was the last line of defense of this important building. He said he felt the neighborhood was counting on the Board to reject the petition.

Ms. Emma Adler (Resident on Monterey Square) stated she was opposed to the petition. She said she felt that Jones Street was one of the most important streets in the national Historic

District. And the corner in question was one of the most important corners and should not be overbuilt.

Mr. Harold Yellin (Attorney) stated they were at the last meeting and they were at this meeting because of an unusual zoning ordinance. This was the ordinance that imposed a limitation of three units. If in fact the property were originally designed as a single-family dwelling, which was the basis of the limitation. This was decided as a matter of interpretation and this was what the last meeting was about. He said he highlighted the area by the rectangle, which was the area roughly 60 X 100 feet in size. And as mentioned by Mr. Howell most lots downtown were 30 X 100 feet. He said he has always questioned when you talk about originally designed as single-family residential that building the eastern most property was the piece of property that was originally designed as a single-family residential. This property (western one-half of the property) was not originally built as single-family residential. And since the 1920's has been used as an antique store and a funeral home and was built for that purpose. He said he often wondered and pose the issue to the Board if in fact there was a limitation of three units. He asked if the three units applied to the eastern one-half and not to the western one-half. If in fact that were true, then the 600 square feet would apply to this half, but not to that half. He said this would mean, was this property entitled to three units on the eastern half and five units on the western half because it is 3,000 square feet divided by 600 is five units.

He further stated that it was also his understanding that whether it was 8 units or 6 units according to the ordinance the property owner could still keep the ground floor retail and have 6 units above. There has been no discussion that he was aware of until this moment about whether a petitioner could or could not do that and maybe Mr. Todaro can help. But, it has always been his understanding based on precedent, the ordinance, and what you see on Broughton Street that when you do your calculation even if you rule 6 units, you could have 6 units above ground floor retail. He said it has always been this petitioner's plan to eliminate retail on the ground floor. He said he would state that for the record, and they could put in a declaration of record if it would please the Board. But they were eliminating the ground floor retail in favor of 8 units, which was something the Board had not heard today. If the Board decides that a variance was required, lot area variances were not uncommon. He said he has uncovered variances on Price Street, Liberty Street, Brady Street, and so forth.

He also stated that it was his understanding that there was 24 grandfathered parking spaces, 21 as a result of the commercial, and 3 as a result of the residential. He said what made that interesting was became an asset of the property. Whether Mr. Collins builds his 8 units or not, he did not know the answer. But the next person may come in and decide that they wanted to put an Inn in the same building just like the Eliza Thompson down the street. The only difference would be the Eliza Thompson house received a variance. He said this building would not need a variance because there were already 24 grandfathered parking spaces, which made it an asset of the property. It was his understanding that if you wanted to come in and put in a downtown Inn, a 24 unit Inn, you could with out regard to density. He said you were comparing 8 residential units versus potentially 24 of something else. He said he would ask that the Board consider not only the parking was the asset and what could go here, but also what he understood the ordinance to be, which was you may put 6 units right now even with Mr. Vickers statement above retail. He said they were saying that they would remove the retail and have 8, which was an important consideration for the Board to consider.

Mr. Todaro stated that Mr. Yellin was correct that the downstairs could remain retail use. He said he also thought there was a back-up contract on this project to cut it into 4 or 5 little antique shops and residential upstairs. He said Mr. Vickers' opinion, which he provided in writing to the

Board, but Mr. Hill's copy does not show what Mr. Cohen's copy shows where he specifically stated - "the Zoning Board of Appeals was an option. The ordinance specifically allows for this type of variance." He said he did make a strict interpretation, but he left that as an option. And he was not sure as to why he did not include that in Mr. Hill's letter. He said as far as the parking, they base the parking on the last legal use. And based on the information he had, the ground floor of that building was an antique shop. An antique shop is calculated one parking space for every 400 square feet of leaseable area. And that was why there was such a high number considered grandfathered. Based on the ordinance, it was a lesser intensity use. Mr. Smith may have had a limited number of clients, but that was not to say that another antique shop that was more successful or four or five that it may get broken into would have a higher number of vehicles. He said that was why it was going around that 8 units, which required 8 off-street parking spaces based on the code was a lesser intense use. He said these types of variances have been granted in the past. However, it was up to the Board to make that decision.

Mrs. Stone stated she has taken into consideration all that has been said today and she supported infill development in the downtown area. However, she felt that it should not impair the purpose and intent of the Zoning Ordinance.

SZBA Action: Mrs. Stone made a motion that the Savannah Zoning Board of Appeals approve the Staff recommendation for six units.

Mr. Saussy stated he understood both sides of the situation. He said it seemed to him that if this was left to six units there was the possibility of putting two, three, or four commercial units in there with apartments above. He said he felt that would be more of a problem in terms of parking. He said it would also create a lot more outside people coming around to the area. He said he could not second the motion.

SZBA Action: The motion failed for lack of a second.

Mr. Saussy stated he could make a motion in support of 7 units.

SZBA Action: Mr. Saussy made a motion that the Savannah Zoning Board of Appeals approve the petition for seven units.

Mrs. Stone stated she did not know the feel of the residents in regards to seven units. She said she did not know if the petition needed to be continued in light of the information presented today for the residents to consider whether a variance for the seven units was more desirable than the retail space below.

SZBA Action: The motion failed for lack of a second.

Mr. Yellin stated he talked to the petitioner and he said as a compromise they would give up retail on the ground floor and accept seven units.

Mrs. Stone asked Mr. Todaro if he was saying that it would be allowed and it would not have to come back for any variance of any sort if the motion for 6 units was approved. She said they could still legally put in the commercial on the ground floor without coming back to any Board for any variances. She asked if that was correct?

Mr. Todaro stated yes.

SZBA Action: Mrs. Stone made a motion that the Savannah Zoning Board of Appeals postpone the petition to later on the agenda to allow the residents and petitioner to discuss what was just heard before a vote is taken. Mr. Saussy seconded the motion and it was unanimously passed.

Mrs. Myers stated she was calling a petition out of order. She called for a Staff report on the Petition of Ruth Singleton.

**RE: Petition of Ruth Singleton
 B-04-35976-2
 4711 Sylvan Drive**

Present for the petition was Ruth Singleton.

Mr. Howell gave the following Staff report.

The petitioner is requesting a use (eleemosynary or philanthropic institution) which must be approved by the Board of Appeals pursuant to the requirements of Sections 8-3025(18) and 8-3163 of the Savannah Zoning Ordinance in order to open an eleemosynary or philanthropic institution at 4711 Sylvan Drive, within an R-6 (One Family Residential) zoning district.

Findings

1. An eleemosynary or philanthropic institution is a not-for-profit organization that provides a variety of services but does not provide sleeping accommodations. Institutions included under this definition are: YMCA/YWCA, JEA, Girl and Boy Scouts, and civic clubs.
2. The petitioner proposes to establish a “guidance and counseling” service in an existing single-family dwelling. The dwelling is located in the Sylvan Terrace neighborhood. No expansion of the house is proposed.
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.
 - (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.

4. The petition did not include the type of activities associated with the proposed use. The number of people who would use the service, the number of vehicles associated with the level of use, and the hours of operation are not known.

Summary Of Findings

The conditions necessary for the Zoning Board of Appeals to approve a use appear to not be met. Sufficient information to determine if the proposal will meet all requirements of Section 8-3163(b) has not been provided.

Ms. Singleton stated they were trying to build a bridge for others to follow for women who needed to be off of welfare. She said they could help them by counseling and giving them direction. She said there would be those who did not finish school and they would guide them towards completing their education, so they could be more independent in taking care of their families. She said they would also guide them to get back into the workforce.

Mrs. Myers asked if they would counseling at the site?

Ms. Singleton stated yes. She said they would also help them with money management, how to get a job, and education.

Mrs. Myers asked if the clients would make an appointment to come to the house?

Ms. Singleton stated they did not have to make an appointment. She said they would be able to walk-in. She also said in terms of traffic there would be none because the clients did not have a car. In addition, she said it was a non-profit organization.

Mrs. Myers asked if anyone lived in the house?

Ms. Singleton stated no.

Mr. Howell asked if it was state regulated?

Ms. Singleton stated no.

Mr. Howell asked how would she advertise for the business?

Ms. Singleton stated the Department of Family Children Services would refer clients.

Mr. Howell asked what would be the hours of operation?

Ms. Singleton stated 9:00 a.m. – 5:00 p.m.

Mrs. Stone stated her concern was the house would be vacant and setup somewhat like an office. She said she felt the information sounded a little vague.

Mr. Cohen asked the petitioner if she owned the house?

Ms. Singleton stated yes.

Sister Barbara stated she has known Ms. Singleton for fifteen years. She said Ms. Singleton used to operate a personal care home in the past. She said she felt she was a responsible woman of integrity and sensitive to those in need. She said she believed that Ms. Singleton with the center for woman could make a serious attempt at serving our underserved woman in the community. She said she felt a precedent was already set in the community of similar service such as the Hope House and Peeler House. She said she understood the information was vague, but it was a new program until it gets started and the Board says “yes.”

Ms. Singleton stated she applauded what the petitioner was trying to do, but she felt because this was more of a business type services it may be better suited in more of a business type location.

Ms. Ann Chase stated she also has known the petitioner for fifteen years. She said she could vouch that the facility will be well run and felt it would be an asset to the neighborhood. She said when Ms. Singleton had the House of Love there was opposition, but the neighbors later became friends with the petitioner.

Mr. Harris Odell stated he felt what was being done today was an attempt to confuse whether or not Ruth Singleton was a good person, therefore anything she chose to do anywhere was acceptable. Or whether or not what she submitted to the Board complied with the ordinance. He said he felt it did not. He said if the Board looked at the petition the petitioner has failed to list the number of people who would use the service, which would determine volume and whether or not there would be vehicles associated. He said this was a residential area and the petition was so indefinite that there was no way you could give credibility to something that you do not have enough information to make an informed decision. This is a residential area and you have homeowners who have been there for an extended period of time.

Mr. Thomas Ellis (President Sylvan Terrace Neighborhood Association) stated the neighbors were opposed to the petition because this is a residential area and not a business type area. He said he felt what they understood from the petitioner was this would be a business. And the residents of Sylvan Terrace felt that no business should be in a residential area.

SZBA Action: Mrs. Stone made a motion that the Savannah Zoning Board of Appeals **deny** the petition based on the proposed use will be detrimental to the use of adjacent residential properties and the general residential neighborhood. Mr. Cohen seconded the motion and it was unanimously passed.

**RE: Petition of Poticny Deering Felder
Arend Jan de Voest
B-04-34911-2
1 West Jones Street**

Mr. Cohen recused himself.

Ms. Myers recalled the above-mentioned petition. She asked if a compromise was able to be reached?

Mr. Mark McDonald stated the resident group asked him to represent their position. The issue about retail was an issue that had them confused and they were not prepared for it and had not researched the law on it. He said they did not know if what had been represented was accurate. He said they would like the Board to rule on what has been requested today, which was a variance to allow 8 units. He said they stand in opposition for it. And they felt the law only allowed 6 units under the ordinance and felt that none of the four conditions for a variance had been met. He said they were interested in a legal opinion from the City Attorney about the retail issue because they did not understand why a retail store did not have a square footage requirement for land for it as well since it consumed land.

Mr. Yellin stated the neighborhood group met and they were not a part of that discussion. Basically, they left it for them to decide. He said if they wanted to go with 7 units, his client would agree. And if they wanted 6 units over retail, his client would also agree to that. He said that was how they left it with the neighborhood. It sounded like the group did get together, but they did not decide. He supposed the options available to this group was to vote on a variance of 7 units, to deny it, to continue it, or his client could withdraw the petition, in which he believed that would mean 6 units above retail. He said they would agree to continue the petition, but he wanted to also express to the Board that they wanted to reserve the right that they may withdraw their petition at anytime between now and the next meeting. He said he did not want anyone to say that they were surprised to find out. He said he wanted everyone to understand that by withdrawing the petition they go back to a non-variance what they believed was 6 units over retail and that in fact may happen. He said they invite people to call them and comment and they will keep the doors and communication opened until then.

SZBA Action: Mrs. Stone made a motion that the Savannah Zoning Board of Appeals continue the petition until the next meeting. Mr. Saussy seconded the motion and it was unanimously passed.

Mr. Howell asked that whoever converses with the City Attorney that they copy him with their information. He further stated that notices would not be sent out notifying anyone of the meeting for next month. He said the meeting is the fourth Tuesday at 2:30 p.m.

**RE: Petition of The Spriggs Group, P.C.
C. Kenneth Spriggs
B-04-35053-2
202 West Duffy Street**

*Mrs. Stone left the meeting approximately 4:55 p.m.

Present for the petition was Kenneth Spriggs.

Mrs. Myers called for the Staff report.

Mr. Howell gave the following Staff report.

The petitioner is requesting a use (banks and offices, three stories or less) which must be approved by the Board of Appeals pursuant to the requirements of Sections 8-3028(31) and 8-3163 of the Savannah Zoning Ordinance in order to open an office at 202 West Duffy Street, within a 3-R (Victorian Planned Neighborhood Conservation) zoning district.

Findings

1. The petitioner proposes to establish an office in a church building. No expansion of the building is proposed. The office will not be open to the public.
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.
 - (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 renovation of the vacant building will improve the character of the neighborhood. The off-street parking requirement for the proposed use (office) is 12 parking spaces. The parking requirement for a church is one space for each eight seats. If the church had 96 seats, 12 off-street parking spaces were required. It is not known how many seats are within the church. There are no off-street parking spaces on the property.

Based on the previous use, the Zoning Administrator shall determine the off-street parking requirement for the proposed use.

Summary Of Findings

The conditions necessary for the Zoning Board of Appeals to approve a use appear to be met with the condition that the Zoning Administrator determine the off-street parking required.

Mr. Spriggs stated there were twelve on-street parking spaces grandfathered with the church. He said you could park three cars in front of the church. And on the Barnard Street elevation you could park four cars along the side. He said of the twelve spaces on-street seven of them were taken up within the environment of the church itself. The previous access to the property at the side of the church was another lot, so there was no physical way off the street that you could get to the property. He said they did not need any more than twelve spaces.

Mr. Todaro stated there was no off-street parking. He said they do grandfather it in based on the last legal use. The church seated 96 people and you needed 1 parking space per eight seats, which was how you get 12 parking spaces.

Mr. Bill Kern stated on the western end of the church there were two apartments. He said the tenants at 204 and 206 West Duffy Street used the blank area for parking. He said when his service people come into the area there is never any parking. He said he was not opposed to the project, but he was just concerned with the parking.

Mr. Todaro stated the code says if you have seven or less people based on number of employees, if it is more than seven it was based on square footage at one per every 200 square feet. He said if the petitioner's use was equal to 12 spaces or less he was fine. If the petitioner's use was more than 12 spaces then...

Mr. Cohen asked how many square feet was the building?

Mr. Spriggs stated about 3200 square feet.

Mr. Cohen asked Mr. Todaro if the petitioner needed anything from the Board for parking if he has seven employees or less?

Mr. Todaro stated no.

Mr. Cohen asked Mr. Todaro if the petitioner has more than seven employees he would have to have 16 parking spaces based on 3200 square feet?

Mr. Todaro stated no. He said it would be 1 per ever 300 square feet, which would be 10.

SZBA Action: **Mr. Saussy** made a motion that the Savannah Zoning Board of Appeals **approve** the petition as submitted based on the proposal would not cause detriment to the public good. **Mr. Cohen** seconded the motion and it was unanimously passed.

**RE: Petition of Heather Rogers, for
Mike Milliken
B-04-35342-2
427 Montgomery Street**

Present for the petition was Heather Rogers.

The petitioner is requesting a 300 square foot lot area per dwelling unit variance pursuant to the requirements of Sections 8-3025 and 8-3163 of the Savannah Zoning Ordinance in order to build a fourth apartment within an existing structure at 427 Montgomery Street, within an R-B-C-1 (Residential-Business-Conservation-Extended) zoning district.

Findings

1. Section 8-3025 provides that within the R-B-C-1 zoning district, multi-family dwellings are permitted with the requirement that the lot area contains a minimum of 600 square feet per dwelling unit. The minimum lot width required is 20 feet.
2. The petitioner's property is 35 X 60 feet and contains 2,100 square feet. The minimum 600 square foot lot area per dwelling requirement permits 3.5 dwelling units. The petitioner is permitted three dwelling units and is requesting one additional dwelling unit. If the lot area were 2,400 square feet, then four dwelling units would be permitted. The Zoning Ordinance does not have a provision for converting fractional dwelling units into a whole number.
3. 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 size or shape of the lot.
 - (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. Three dwelling units can be accommodated within the lot area 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.
 - (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 300 square foot lot area per dwelling unit variance appear to not be met.

Mrs. Myers stated the way the other buildings were in that area, which was two floors with one rental unit that they would be going to a less dense build up. She said if you look on the street the ones that were done were done in two units. She said she felt you would be going backwards with this building by bringing in more density. She said she did not feel it would be with where the neighborhood was moving.

Ms. Rogers stated she had a letter from SDRA that supported their petition. She said they would be returning the 2nd and 3rd floors of this building back to the original floor plan.

Mr. Cohen asked if they were planning to put it back to three residential units?

Ms. Rogers stated they were planning to keep the commercial business on the bottom floor. The 2nd and 3rd floors they would turn into two apartments per floor.

SZBA Action: Mr. Cohen made a motion that the Savannah Zoning Board of Appeals approve the petition as submitted based on relief would not cause substantial detriment to the public good. Mr. Saussy seconded the motion and it was unanimously passed.

**RE: Petition of Serlisa Wright
B-04-35580-2
117 West 58th Street**

Present for the petition was Serlisa Wright.

Mr. Howell gave the following Staff report.

The petitioner is requesting a use (child care center) which must be approved by the Board of Appeals pursuant to the requirements of Sections 8-3025(22b) and 8-3163 of the Savannah Zoning Ordinance in order to expand a child care center at 117 West 58th Street, within an R-4 (Four Family Residential) zoning district.

Findings

1. The petitioner currently operates a child care center at this site in a commercial style structure. The petition did not state the number of children currently permitted at this site. The petitioner is proposing to increase the number of children and is not proposing an expansion of the existing building. Directly across the street is a commercial operation and adjacent to this is a quadraplex. Single-Family residences back-up to the petitioner's property.
2. Sec. 8-3025(22b) of the City of Savannah Zoning Ordinance reads as follows:

<u>List of Uses</u>	R-4
(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. The architectural character, including the orientation and exterior appearance of any structure, shall be characteristic of the neighborhood within which such structure is located.
 - c. 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."
 - d. There shall be no on-site outdoor recreation activities after 9:00 p.m. or later than one hour after dusk, whichever occurs first.
 - e. 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.
3. The outdoor play area requirement for 46 children is 4,600 square feet. The petitioner's outdoor play area is approximately 7,350 square feet.
 4. Section 8-3089 (formerly 8-3064A) provides that one off-street parking space be provided for each two employees. Twelve off-street parking spaces are identified on the site plan. A parking plan must be submitted and approved by the City Traffic Engineer.
 5. A wooden (height not shown) privacy fence surrounds the outdoor play area to buffer the abutting property.
 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. Several of the conditions required for approval of the use appear to not be met. The petitioner proposes to intensify a “business” use in a residential neighborhood. A child care center for 46 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 expand a child care center appear to not be met.

Ms. Wright stated she was licensed for 50 – 60 children. She said when she initially sought approval in 1998 she approximated 46 children, but she was licensed for 56 children. She said if you have additional children, you get extra square footage in the evenings for the before and after care program. She said she has had up to 60 children in her daycare, but she currently has about 58 children. The building was an existing building and she now has enough funding to expand the other side. She said they were not adding to the building because it was already there.

She further stated that where her building was located there were two commercial businesses in front. The properties that were on each side of her they could not see the buildings. She said the playground was located behind the building with a 6-foot high privacy fence. She said she has been there since 1998 and has never received a complaint from the residents.

Mrs. Myers asked how many additional children was she trying to get approval for?

Ms. Wright stated 70 children, but the total would be about 125 children. She said if she gets approval she would move the children over to the other side of the building. Also, there was another daycare about three blocks from her in a predominantly residential area and the daycare provider is licensed for 77 children.

Mr. Todaro stated they have been through this with Ms. Wright many times and the Assistant City Manager wrote her a letter. In 1998 when he talked to her and she wanted to lease this building, it is a commercial building in a residential neighborhood. He said what he did was approved her for a Pre-K private school because that was one of the things that you could change from one to the other. He said it was limited, not in the number of children, but the number of instructors to no more than three teachers. He said Ms. Wright has come in with a set of building plans to go up on the numbers. He said for several years he told Ms. Wright that

she had to go before the Board of Appeals for the increase in children. He said he had letters both from Israel Small and Michael Brown from June 2003 that were sent to Ms. Wright. He further stated that if he were not mistaking according to the ordinance the limit would be 75 in an R-4 district. Therefore, the Board would not be able to exceed 75 if they wanted to. But there was a discrepancy between what the City approved it for and what she got the State to approve it for, and the City's number was considerably less.

Ms. Wright stated if she is allowed 75 children then she will use the renovated side for daycare and the existing side, which was smaller as offices.

SZBA Action: Mr. Saussy made a motion that the Savannah Zoning Board of Appeals approve the petition for its use with the following conditions: (1) Approval is only for 75 children, and (2) a variance of the outdoor play area. Mr. Cohen seconded the motion and it was unanimously passed.

**RE: Petition of Brad Baugh
B-04-35711-2
911 Whitaker Street**

Present for the petition was Gary Sanders, Architect for Brad Baugh.

Mr. Howell gave the following Staff report.

The petitioner is requesting a use (assembly hall) which must be approved by the Board of Appeals pursuant to the requirements of Sections 8-3025(17) and 8-3163 of the Savannah Zoning Ordinance in order to open an assembly hall at 911 Whitaker Street, within a 3-R (Victorian Planned Neighborhood Conservation) zoning district.

Findings

1. The petitioner proposes to establish an assembly hall in an existing residential building. No expansion of the building is proposed.
2. Assembly halls include union halls, conference halls, business meetings, civic halls and activities of a similar nature. This use may include office space where incidental to the use.
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.
 - (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.

4. Several of the conditions are not met. If there are no restrictions on hours of operation, and the number of people to use the facility, the proposed use could be detrimental to the adjacent residential neighborhood. No information was submitted concerning off-street parking. Assembly halls are required one parking space for each four seats, including temporary seats.

Summary Of Findings

The conditions necessary for the Zoning Board of Appeals to approve a use appear to not be met.

Mr. Sanders stated the owner wanted to live in the top of it and host wedding receptions in the lower level and it would have regular operating hours.

Mrs. Myers asked how did they handle the Wedding Cake house, which was very much like this petition?

Mr. Todaro stated there were no limited hours.

Mrs. Myers stated she was just wondering if the Board should look to what they did there.

Mr. Todaro stated most of the events that took place there were at night and they had the library parking lot across the street.

Mr. Sanders stated the parlor of the house was in the front of the house and there was a carriage house between it and the neighbor behind. In reference to the parking Mr. Baugh got two agreements from the neighbors. One of them being Poticny Deering Felder, which was on the corner and they have agreed to let him use sixteen spaces after 5:00 p.m. and all day on the weekends. Also, his neighbor to the north has rental units that he has allowed Mr. Baugh to use from 9:00 a.m. – 5:00 p.m. when the residents are gone.

Mrs. Myers asked Mr. Todaro if there was a problem with parking?

Mr. Todaro stated he would need to provide some off-street parking. He said the architectural firm sounded like a good idea if they operated at opposite hours.

SZBA Action: **Mr. Cohen** made a motion that the Savannah Zoning Board of Appeals approve the petition with the understanding that parking is to be approved by the Zoning Administrator. **Mr. Saussy** seconded the motion and it was unanimously passed.

RE: Other Business

1. Petition of SouthCoast Medical Group, LLC
Harold B. Yellin, Agent
B-030603-55754-2
7215 Seawright Drive
Request for 1-Year Extension

Mr. Howell stated this was a parking lot that was approved by the Board. He said the language in the letter satisfied the requirements for the Board to grant an extension of the petitioner's approval. He said he felt it was a reason for a good cause for the Board to extend the petitioner's request.

SZBA Action: **Mr. Cohen** made a motion that the Savannah Zoning Board of Appeals approve the request for a one year extension to June 24, 2005. **Mr. Saussy** seconded the motion and it was unanimously passed.

RE: Minutes

1. Approval of SZBA Minutes – March 23, 2004

SZBA Action: **Mr. Saussy** made a motion that the Savannah Zoning Board of Appeals approve the regular meeting minutes of March 23, 2004 as submitted. **Mr. Cohen** 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 5:45 p.m.

Respectfully submitted,

John Howell,
Secretary

JH:ca