

SAVANNAH ZONING BOARD OF APPEALS

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

JUNE 22, 2004

2:30 P.M.

REGULAR MEETING

MINUTES

MEMBERS PRESENT:

**Susan Myers, Chairman
David Saussy
Delores Lovett
Timothy Mackey**

TECHNICAL STAFF ABSENT:

Tom Todaro, City Inspections Department

MPC STAFF PRESENT:

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

RE: Call to Order

Mrs. Myers called the June 22, 2004 meeting of the Savannah Zoning Board of Appeals to order at 2:30 p.m.

RE: MINUTES

1. Approval of SZBA Minutes – May 25, 2004

SZBA Action: Ms. Lovett made a motion that the Savannah Zoning Board of Appeals approve the regular meeting minutes of May 25, 2004. Mr. Mackey seconded the motion and it was unanimously passed.

RE: Consent Agenda

**RE: Petition of Mercy Housing SouthEast, Inc.
Robin Haddock, Agent
B-04-48203-2
1820 – 1826 Florance Street**

The petitioner is requesting a use (eleemosynary) which must be approved by the Board of Appeals pursuant to the requirements of Sections 8-3025 (a)(18) and 8-3163(b) of the Savannah Zoning Ordinance in order to open an eleemosynary use at 1820-1826 Florance Street. The proposed use includes office space and a medical clinic. The property is within an RM-25 (Multifamily Residential) zoning district in the Cuyler-Brownsville Planned Neighborhood Conservation District.

Summary Of Findings

The conditions necessary for the Zoning Board of Appeals to establish a use appear to be met by the proposed use in this location.

**RE: Petition of Philip M. Brennan
B-04-48471-2
2419 Riviera Blvd.**

The petitioner is requesting a 5% building coverage variance which must be approved by the Board of Appeals pursuant to the requirements of Sections 8-3025(d) and 8-3163(c) of the Savannah Zoning Ordinance, in order to build a single family residence at 2419 Riviera Boulevard, within a R-6 (One-family Residential) zoning district.

Summary of Findings: All of the conditions required for granting a 4% building coverage variance appear to be met.

**RE: Petition of Philip M. Brennan
B-04-48606-2
2419 A Riviera Blvd.**

The petitioner is requesting a 5% building coverage variance which must be approved by the Board of Appeals pursuant to the requirements of Sections 8-3025(d) and 8-3163(c) of the Savannah Zoning Ordinance, in order to build a single family residence at 2419A Riviera Boulevard, within a R-6 (One-family Residential) zoning district.

Summary of Findings: All of the conditions required for granting a 4% building coverage variance appear to be met.

**RE: Petition of Timothy Woods
B-04-49001-2
127 East 54th Street**

A resident asked that the Petition of Timothy Woods, B-04-49001-2 be moved to the Regular Agenda.

**RE: Petition of Larry & Paula Branson
Frank Stevens, Agent
B-04-49128-2
1615 East 50th Street**

The petitioner is requesting a 11% building coverage variance which must be approved by the Board of Appeals pursuant to the requirements off Sections 8-3025(d) and 8-3163(c) of the Savannah Zoning Ordinance, in order to extend a front porch after the demolition of an existing green house at 1615 East 50th Street, within a R-6 (One-family Residential) zoning district.

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

SZBA Action: Mr. Mackey made a motion that the Savannah Zoning Board of Appeals approve the Consent Agenda as amended. Ms. Lovett seconded the motion and it was

unanimously passed.

RE: Regular Agenda

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

Petition withdrawn per Petitioner's request.

RE: Petition of Melissa Jest, Agent for
Richard Sams
B-04-56608-2
1020 Abercorn Street

Petition continued per Petitioner's request.

Mrs. Myers stated that she would like the Petition of Melissa Jest, B-04-56608-2 moved to the end of the agenda for discussion.

RE: Reconsideration of Petition of Vera Guyton
B-04-57287-2
2013 East 58th Street

Mrs. Myers stated the Board was hearing first whether there was new evidence for the Board to consider rehearing the petition.

Mrs. Myers called for the Staff report.

Mr. Howell stated procedurally the Board votes whether to rehear the petition. If the Board agreed to rehear the petition then he would present the Staff report. He further stated that he had not received anything from the petitioner since the last meeting. The Board ruled on the petition at the last meeting to deny the petition. But he felt the Board needed to speak to the petitioner to see if any new evidence was available for today. He said if there was new evidence then the Board needed to vote on whether to rehear the petition.

No one present for the petition.

Mrs. Myers stated the Board would not rehear the petition.

SZBA Action: Ms. Lovett made a motion that the Savannah Zoning Board of Appeals deny the petition for a rehearing. Mr. Mackey seconded the motion and it was unanimously passed.

RE: Petition of Frenchye Bynes-Jones
B-04-48326-2
517 Maupas Avenue

Present for the petition was Frenchye Bynes-Jones.

Mrs. Myers called for the Staff report.

Mr. Webb gave the following Staff report.

The petitioner is requesting a 7.6% lot coverage variance which must be approved by the Board of Appeals pursuant to the requirements of Sections 8-3025(d) and 8-3163(c) of the Savannah Zoning Ordinance, in order to build a carport at 517 Maupas Avenue, within an R-6 (One-family Residential) zoning district.

Findings

1. Section 8-3025 of the City of Savannah Zoning Ordinance reads as follows:
District: R-6 – Single-Family Dwelling:

<u>Min. Lot Area</u> 6,000 square feet	<u>Min. Lot Width</u> 60 feet	<u>Max. Lot Coverage</u> 30 percent	<u>Side Yard Setback</u> 5 feet
<u>Front Yard Setback</u> 50 feet (from centerline of street on residential street)		<u>Rear Yard Setback</u> 25 feet	

2. The lot is 60' wide with a depth of 93' for a total square footage of 5,580. According to the petitioner's submittal, the main house is 1,712 square feet and an existing pool shed is 196 square feet for a total of 1,908 square feet of building coverage. This is 34% building coverage, which exceeds the 30% that is allowed.
3. The proposed carport would be 192 square feet. Added to the existing 1,908 square feet, this would be a total of 2,100 square feet of building coverage, which is 37.6 % of the lot area. The petitioner is requesting an additional 3.6% building coverage.
4. The Zoning Board of Appeals may authorize a variance in an individual case upon 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 a substandard lot with a square footage of 5,580, rather than the required 6,000 square feet.
 - (b) The application of this chapter to this particular piece of property would create an unnecessary hardship.

Applying the development standards to this particular piece of property would not create an unnecessary hardship. If the building were standard size, the building coverage would still exceed the allowable 30%.
 - (c) Such conditions are peculiar to the particular piece of property involved.

The substandard depth and lot area of the lot is a peculiar condition to the 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 not cause substantial detriment to the public good.

Summary Of Findings

All of the conditions required for granting a building coverage variance appear not to be met.

Mr. Mackey asked based on conditions for the variance that appear not to be met outside of it being a substandard lot what were the other points that would make it noncompliant?

Mr. Webb stated it did not meet Criteria A and B.

Ms. Bynes-Jones stated she did not know that she needed a permit to build the carport because the concrete pad was already there and had been there for quite some time. She said the carport was not completed and a stop work order was issued. She said she went to the City to meet the requirements for a carport and currently her application for her permit has been filed. She said she has already been to court for not having a permit for the carport. And when she was trying to fulfill the requirements of everything that she needed to do to get the carport she encountered a problem with variance coverage. She said she told the Court that she was willing to scale back the existing carport 5 feet off the property line, which would meet the setbacks.

Mrs. Myers asked what else would the petitioner need if she scaled back 5 feet?

Mr. Webb stated she would still need the building lot coverage, but she would meet the side yard setback requirements.

Mr. Kevin Rose (523 East Maupas Avenue) stated the carport as built was on the property line and was not in compliance with the 5 foot setback.

Mrs. Myers stated the petitioner has agreed to move it back 5 feet.

SZBA Action: **Mr. Mackey made a motion that the Savannah Zoning Board of Appeals approve the petition with the understanding that the petitioner would comply with the 5 foot side yard setback in construction of the carport. Ms. Lovett seconded the motion and it was unanimously passed.**

RE: **Petition of Douglas Kaufman
B-04-48739-2
220 East 33rd Street**

Present for the petition was Douglas Kaufman.

Mrs. Myers called for the Staff report.

Mr. Howell gave the following Staff report.

The petitioner is requesting the following variances: a 2 foot side yard setback variance from the street, a 3 foot side yard setback variance from the adjacent property, a 4 foot 8 inch rear yard setback variance, a 1 foot 4 inch front yard setback variance, and a 5,138 square foot lot area variance which must be approved by the Board of Appeals pursuant to the requirements of Sections 8-3025(d) and 8-3163(c) of the Savannah Zoning Ordinance, in order to build a two-family dwelling at 220 East 33rd Street, within a RM-25 (Multi-family Residential, 25 units per net acre) zoning district.

Findings

1. Section 8-3025(d) provides the following development standards for a two-family dwelling in RM-25 zoning district:

<u>Min. Lot Width</u> 60 feet	<u>Min. Lot Area per Dwelling Unit</u> 3,600 square feet	<u>Front Yard Setback</u> 50 feet (from centerline of street for residential street)
<u>Min. Side Yard Setback</u> 5 feet	<u>Min. Rear Yard Setback</u> 25 Feet	<u>Max. Height</u> 40 feet

2. The petitioner’s lot is 31 feet wide and 66.5 feet deep and contains 2,062 square feet. The lot is a substandard lot of record. It is located on the northwest corner of Lincoln and 33rd Street within the Thomas Square Streetcar Historic District. There is no lane in the block between 32nd and 33rd Street. Service lanes serve many purposes including property access. Lanes are common throughout the downtown area.
3. The lot is presently vacant. The petitioner proposes to construct a two-family dwelling. The Zoning Ordinance requires a minimum of 3,600 square feet of lot area per dwelling. The petitioner is requesting to build a two-family dwelling, which requires 7,200 square feet of lot area. The petitioner is requesting a 5,138 square foot lot area variance.
4. Section 8-3057, Width of Side Yards Abutting Street, provides that when a side yard of a building lies between a building and an abutting street, such side yard shall have a setback line not less than 15 feet from the property line. The petitioner is proposing to encroach two feet into the minimum 15 foot side yard setback area.
5. At the ZBA meeting on November 25, 2003 the Board approved 1.3 foot and 11.3 foot side yard setback variances and a 21 foot front yard setback variance for the petitioner to construct a 721 square foot single-family residence. Off-street parking was provided. The current petition is for a two-story two-family residence with a building footprint of 1,567.8 square feet. The requirement for off-street parking is 2.5 to four spaces, depending on the number of bedrooms. The petitioner has not submitted information concerning how the off-street parking will be provided.
6. Within the RM-25 zoning district, the maximum number of units that can be constructed on this lot within the density limit is one. Staff has a concern that this request is actually a density issue, which would require rezoning rather than the granting of variances by the Zoning Board of Appeals.
7. 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 size.

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

Variances have been approved for the construction of a single-family residence with off-street parking. The petitioner is seeking to intensify the use of the lot.

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

The lot is substandard in width and area which is peculiar to the particular property involved.

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

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

Summary Of Findings

All of the conditions required for granting a 2 foot side yard setback variance from the street, a 3 foot side yard setback variance from the adjacent property, a 4 foot 8 inch rear yard setback variance, a 1 foot 4 inch front yard setback variance, and a 5,138 square foot lot area variance appear to not be met.

Mrs. Myers stated in reference to the parking, how much of a variance would the petitioner need for parking.

Mr. Howell stated based on Finding 5 the petitioner approximately could need 2½ - 4 off-street parking spaces.

Mr. Mackey asked Staff if he said that he tried to contact the City Attorney's office?

Mr. Howell stated no, they asked the question of the Inspections Department because they initially receive the applications. He said they asked the Inspections Department for a ruling, but never heard back concerning the petition.

Mr. Kaufman stated he was the owner of the lot. He said when he filled out the application for the variances he also included the parking and it was in his original application. He said he also owned this property here, which was the same lot coverage. Basically, he wanted to build this same building on the proposed lot. He said it was the exact same building and the lot coverage would be the same as the property he already developed. He said he felt the only difference was that the proposed lot was a corner lot. And because of the corner the variances were different for side setbacks. Otherwise, it was exactly the same dimensions of 31' X 75'.

Mrs. Myers asked what would he do for parking?

Mr. Kaufman stated there was no parking and it was true that it was grand-fathered. However, as stated before it was very much in keeping with what was already preexisting in the

neighborhood. He said if you were to lay over the property lot line of the previous project with the corner lot it was the same blueprint. So, he wanted to build the same building flipped over facing 33rd Street, not 32nd Street on the corner.

Mrs. Myers asked if he would be building this structure with/without porches?

Mr. Kaufman stated with porches.

Mr. Saussy asked if he owned the property next to the proposed project?

Mr. Kaufman stated no, it was owned by Historic Savannah Foundation.

Mr. Mackey asked if this was a two family residence?

Mr. Kaufman stated yes.

Mr. Mackey asked if Staff had a chance to review his revisions?

Mr. Kaufman stated no, but it should be the same. He said if anything, it would show that there was less square footage heated than what he submitted.

Mrs. Myers stated that she knew infill building was being encouraged. She said she would like for the Board to work with Mr. Kaufman to see if they could not make this come about because she felt it was a good project. She also felt that parking was not a problem in this neighborhood.

Mr. Mackey agreed. He asked Staff what could be done to mitigate the 2½ spaces to 4 spaces with the off-street parking?

Mr. Howell stated he did not feel too much could be done about the parking other than if the petitioner could purchase the lot next door. If the petitioner owned the lot next door the Ordinance required the petitioner to combine both parcels and he could provide off-street parking.

Mrs. Myers stated you would not want to do that because you do not want to have a parking lot in a residential neighborhood.

Mr. Kaufman stated he could build a single-family house with the same footprint of this building asking for certain variances and still not put in parking. He said he did ask for certain variances before when he was planning on moving a house from one location to here, but the cost of moving it did not make sense. But what he found out was that the lot coverage of doing the same outline of the house as a single-family house could pretty much go on and he would still request a parking variance to not be able to park on there. And as the Board could see from the neighborhood there was no off-street parking. He said that was not say that there was some exceptions. But for the neighborhood in general that was the case.

SZBA Action: Mr. Mackey made a motion that the Savannah Zoning Board of Appeals approve the petition based on the hardship and that relief would not cause substantial detriment to the public good, and in addition approval of a parking variance of four off-street parking spaces. Mr. Saussy seconded the motion and it was unanimously passed.

**RE: Petition of Timothy Woods
B-04-49001-2
127 East 54th Street**

Present for the petition was Timothy Woods.

Mrs. Myers called for the Staff report.

Mr. Howell gave the following Staff report.

The petitioner is requesting a 7% lot coverage variance, an 8 foot front yard setback variance, and a 22 foot rear yard setback variance which must be approved by the Board of Appeals pursuant to the requirements of Sections 8-3025(d) and 8-3163(c) of the Savannah Zoning Ordinance, in order to build a single family residence at 127 East 54th Street, within an R-6 (One-family Residential) zoning district.

Findings

1. Section 8-3025 of the City of Savannah Zoning Ordinance reads as follows:

District: R-6 – Single-Family Dwelling:

<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u>	<u>Maximum Lot Coverage</u>	<u>Side Yard Setback</u>
6,000 square feet	60 feet	30 percent	5 feet
<u>Front Yard Setback</u>	<u>Rear Yard Setback</u>		
50 feet (from centerline of street on residential street)	25 feet		

2. The petitioner is requesting a 7% building coverage variance, an 8 foot front yard setback variance and a 22' rear yard setback variance.
3. The petitioner's property is 55' wide and 109' deep and contains 5995 square feet. The lot is substandard in width and size.
4. The proposed house is 1,734 square feet and the attached garage is 484 square feet for a total of 2,218 square feet, which is approximately 37% of building coverage. The garage would be connected to the main house and would be set back only 3 feet from the rear property line. The proposed side yard setback meets the requirements of the ordinance. However, the proposed front yard setback is 42 feet from the centerline of the residential street rather than the 50 feet required by the Zoning Ordinance.
5. Zoning Board of Appeals may authorize a variance in an individual case upon a finding that:
 - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.

The petitioner's lot is regular in shape but substandard in size.

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

A new house with a two-car garage on the property would be limited in size to 1,314 square feet.

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

The condition of being substandard in width and size is a peculiar condition.

- (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 would not cause substantial detriment to the public good.

Summary Of Findings

All the conditions required for granting a 7% building coverage variance, an 8 foot front yard setback variance and a 22' rear yard setback variance appear to be met.

Mr. Woods stated that Mr. Todaro helped him with the front setback. He said Mr. Todaro explained to him that he needed to measure 200 feet (every house) along the way and how far their house stuck out to the side sidewalk. He said Mr. Todaro calculated the measurements for him from the center of the street according to the right-of-way. He said the proposed house would be in line with the other houses. (Showed the Board a map).

Mr. Howell stated that the Zoning Administrator is authorized to do front setbacks based on the Ordinance. He said it seemed to him the Mr. Todaro has told the petitioner that what he would allow would be a 12 foot setback off the property line based on this information.

Mrs. Myers stated for clarification the petitioner was not going to build in front of any of the houses.

Mr. Woods stated no.

Ms. Crystal Davidian (122 East 54th Street) stated the houses in Ardsley Park were houses with large front stoops. She stated that depending on what the house was built like if you measured to the front of her neighbor's steps you would be 12 feet off the property line. If you measured where her neighbor's house begins then you would be another 8 feet back. She said she felt that was the issue. She said her house and her neighbors house have a large front step. So, would the petitioner build a house there or would it have a stoop.

Mr. Woods stated the way Mr. Todaro showed him was that it would not be steps and things that were included in the setback, but the house itself. He said it had to be a covered area. He added that his measurements were not to the stoop. He said the measurements were to the body of the house.

Ms. Emily Reeves (123 East 54th Street) stated they measured 27 feet from the curb and it stuck out beyond the other houses.

Ms. Penny Futrell (101 East 54th Street) stated if the petitioner is saying that the house will not stick out then she wanted to be assured that the steps and whatever else did not stick out passed anything else on the street.

Mrs. Myers stated that Mr. Judson Watson who could not attend the meeting because he had a business meeting called her and he was also concerned about the front and that it would stick out. She said his comment was that a two car garage in the back was not the norm in this area. And if there was a problem with the frontage not being the same as the others maybe what should be done is that the two car garage looked at.

SZBA Action: Mr. Mackey made a motion that the Savannah Zoning Board of Appeals approve the petition with the condition that the new house, including the front stairs, stoop and eaves, does not extend closer to the street than the other houses on the block on the same side of the street. Mr. Saussy seconded the motion and it was unanimously passed.

**RE: Petition of William Jones, Jr.
B-04-49247-2
1911 Staley Avenue**

Present for the petition was William Jones.

Mrs. Myers called for the Staff report.

Mr. Webb 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(b) of the Savannah Zoning Ordinance in order to open a child care center at 1911 Staley Avenue, 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 property is located mid-block on Staley Avenue, which is classified as a collector street.
 3. A 6 foot high chain link fence is proposed to border the property off Staley Avenue. The site plan shows the play area as fenced but no additional information as to fencing material and height is provided. This information should be provided.
 4. The outdoor play area requirement for 24 to 30 children is 2,400 to 3,000 square feet. The petitioner's outdoor play area is approximately 2,000 square feet. This does not meet the requirements of the Zoning Ordinance.
 5. Section 8-3089 (formerly 8-3064A) provides that one off-street parking space be provided for each two employees. The site plan does not show off-street parking spaces. The petitioner states that the facility will have four staff people and will have two parking spaces for each employee, as well as buffers in front of the parking spaces. The information should be provided on a revised site plan. A circular paved driveway off Staley Avenue is shown on the site plan. The petitioner has applied to the Traffic Engineering Department for approval of the curb cut and driveway.
 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 important issues should be clarified by the petitioner, including: location of staff parking, type of fencing around the outdoor play area, and the lack of sufficient square footage of play area. Therefore, the conditions required for approval of the use appear to not be met.

Summary Of Findings

The conditions necessary to establish a child care center are not met by the proposed use in this location.

Mr. Saussy stated he felt since there were so many items that needed to be addressed raised by Staff the petition may need to be continued.

Mr. Jones stated they had a revised plan with them addressing the issues.

Mrs. Myers stated they may want to consider a continuance because if they have made revisions Staff has not had a chance review them and the Board needed Staff's opinion on the revisions.

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

**RE: Petition of Cingular Wireless & Olympus Properties
Kimberly J. Adams, Agent
B-04-49359-2
10200 Middleground Road**

Present for the petition was Kimberly Adams.

Mrs. Myers called for the Staff report.

Mr. Howell gave the following Staff report.

The petitioner is requesting a use (monopole telecommunications tower) which must be approved by the Board of Appeals pursuant to the requirements of Sections 8-3025 (b) (43c), 8-3163(b), and 8-3193(2) of the Savannah Zoning Ordinance in order to erect a 150 foot monopole telecommunications tower at 10200 Middleground Road, with a B-N (Neighborhood Business) zoning district.

Findings

1. Section 8-3193(2) states: Zoning Districts and areas in which telecommunications towers are permitted:

Monopole towers: Monopole towers are permitted in the following zoning districts under specified conditions:

(2) Monopole towers shall be permitted subject to Board of Appeals approval within the neighborhood-business-limited (B-N-1), neighborhood-business (B-N), general-business, transition (B-G-1), general-business-transition (B-G-2), and planned light industrial transition (PILT) districts.

2. Section 8-3194 provides that applications for new telecommunications towers shall include the following:
 - (a) Application form
 - (b) Proof of ownership or authorization from the owner
 - (c) A map showing all towers within one mile of the proposed tower site
 - (d) A description of the service area utilizing engineering propagation studies and signal coverage
 - (e) Photo simulations illustrating the visual impact of the tower
 - (f) An engineer report documenting the structural capacity in terms of the number of antennas that the tower can accommodate
 - (g) FAA letter establishing the maximum height
 - (h) Names and addresses of adjacent property owners
 - (i) A General Development Plan

The petitioner has submitted all of the above.

3. Section 8-3197, General Standards Regarding Telecommunication Towers:
 - (1) Separation.
 - (a) Telecommunication towers shall not be permitted within 2,500 feet of another telecommunications tower except within tower farms.
 - (b) Telecommunication towers shall not be permitted within 300 feet of the right-of-way of a projected roadway as identified in these regulations.
 - (c) Guyed and lattice towers shall not be permitted within 1,000 feet of a residential zoning district, residential structure, or public use, excluding street rights-of-way and public approved access easements.
 - (2) Setbacks.
 - (a) Monopole towers shall be set back from residential districts not permitting such towers by 100 feet or the height of the tower, whichever is greater.

- (b) Monopole towers shall be set back from the property line of a residential lot in a zoning district permitting such towers by 100 feet or equal to the height of the tower, whichever is greater.
 - (c) Monopole towers shall set back not less than 30 feet from any property line adjacent to a right-of-way or access easement.
 - (d) All telecommunications towers, including stealth towers, shall conform to the setbacks required by structures in the zoning districts where the towers are located. Where there is a conflict in the setback requirements, the more restrictive setback shall apply.
 - (3) Tower Heights.
 - (a) Within the neighborhood-business-limited (B-N-1), neighborhood-business (B-N), general business 1, transition (BG-1), general business 2, transition (BG-2), planned light industrial transition (PILT) zoning districts, telecommunications towers shall not exceed 180 feet in height unless a lesser height is required by FAA.
 - (4) Design Standards.
 - (a) Telecommunications facilities shall be constructed and maintained in compliance with industry standards and applicable standards for telecommunications facilities that are published by the Electronic Industries Association and American National Standards Institute (ANSI), latest editions.
 - (b) Telecommunications towers shall be enclosed by an opaque, decay-resistant fence not less than six feet in height, except that a chainlink security fence may be permitted where sites are in remote areas and not visible from a public-right-of-way or adjacent property.
 - (c) Landscaping at telecommunications tower facilities shall conform to the land clearing and tree protection ordinance. All required landscaping shall be an evergreen variety and shall be maintained by the tower owner. A contribution to the City of Savannah tree fund shall be made in lieu of landscaping in remote sites that are not visible from a public right-of-way or adjacent property.
4. The petitioner's property is zoned B-N and the site is currently the Eagle Mini-Storage facility. The proposed monopole would be 150 foot tall on a concrete foundation pad. The proposed ground equipment will be located within one of the existing warehouse buildings. The site is located in an area where there is significant tree buffering in the adjoining neighborhood to the south and east.
5. Regarding the General and Design Standards:
- Separation: The proposed tower is located in excess of the required 2,500 foot separation from existing telecommunications towers. According to the petitioner, the closest existing tower is located approximately 4,400 feet from the proposed location.
- Setbacks: The proposed monopole would be set back 168 feet from the adjoining property to the south and 193 feet from the adjoining property to the east. The proposed monopole would be set back 72 feet from the Middleground Road right-of-way. According to the petitioner, the proposed facility appears to conform with all other setbacks required by the B-N zoning district.
- Tower Height: The proposed tower would be 150 feet tall. The ordinance limits the height to 180 feet.

Landscaping: The petitioner will make a contribution to the City of Savannah Tree Fund.

Fencing: The base of the tower will be enclosed by an opaque, decay resistant fence not less than six feet in height.

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.

Summary Of Findings

The conditions necessary for the Zoning Board of Appeals to establish a use (a 150 foot monopole telecommunications tower) appear to be met by the proposed use in this location.

Mr. Mackey asked Staff if notices were sent to the adjacent properties?

Mr. Howell stated yes.

Mr. Mackey asked if he received any objections?

Mr. Howell stated he did not receive any phone calls.

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

RE: Other Business

1. Continued Petition of Melissa Jest, Agent for
Richard Sams
B-04-56608-2
1020 Abercorn Street

Mrs. Myers stated she asked that the Continued Petition of Melissa Jest be moved to end of the agenda because according to the Ordinance it says that a reason needs to be given when a continuance is asked. She said the Board has been having continuances to go on for several months. She said she felt there needed to be some kind of policy for continuances. She said maybe Staff could look into it and give the Board some suggestions. She said she wanted it to be broad enough, so that it would give petitioners some room for continuance.

Mrs. Myers asked if Ms. Jest has been asking every month for a continuance or has Staff just carried it from month to month.

Mr. Howell stated Staff carried it over from month to month.

Mrs. Myers stated she would like a motion not to continue the petition.

SZBA Action: Ms. Lovett made a motion that the Savannah Zoning Board of Appeals remove the petition from continuance status and that the Board not continue the petition any longer. Mr. Mackey seconded the motion and it was unanimously passed.

Mrs. Myers stated for the future she felt the Board needed an actual request for continuance.

2. Timothy Mackey

Mrs. Myers welcomed and introduced Timothy Mackey as a new member of the Savannah Board of Appeals.

RE: Adjournment

There being no further business to come before the Savannah Zoning Board of Appeals the meeting was adjourned approximately 3:55 p.m.

Respectfully submitted,

Lee Webb,
Secretary

LW/ca