

**SAVANNAH ZONING BOARD OF APPEALS**

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

**JULY 27, 2004**

**2:30 P.M.**

**REGULAR MEETING**

**MINUTES**

**MEMBERS PRESENT:**

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

**TECHNICAL STAFF PRESENT:**

**Tiras Petrea, City Inspections Department**

**MPC STAFF PRESENT:**

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

**RE: Call to Order**

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

**RE: MINUTES**

1. Approval of SZBA Minutes – June 22, 2004

**SZBA Action: Mr. Mackey made a motion that the Savannah Zoning Board of Appeals approve the regular meeting minutes of June 22, 2004. Mr. Saussy seconded the motion and it was unanimously passed.**

**RE: Consent Agenda**

**RE: Petition of Gary B. Udinsky  
B-04-35740-2  
2263 Mosley Street**

Ms. Myers stated she had a request to move the above-mentioned petition from the Consent Agenda to the Regular Agenda. She said that it would be placed in order under the Regular Agenda.

**RE: Petition of Charles P. Roberson  
B-04-34655-2  
6 English Saddle Court**

The petitioner is requesting a 19 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 an addition to an existing building at 6 English

Saddle Court, within a PUD-M-12 (Planned Unit Development – Multi-family 12 units per net acre) zoning district.

**Summary of Findings:**

All of the conditions required for granting a 19 foot rear yard setback variance appear to be met.

**RE: Petition of Eric Howland  
B-04-34880-2  
2309 Whitaker Street**

The petitioner is requesting a three foot side yard setback variance which must be approved by the Board of Appeals pursuant to the requirements of Sections 8-3025(d) and 8-3063(c) of the Savannah Zoning Ordinance, in order to construct an accessory dwelling structure at 2309 Whitaker Street, within an R-I-P (Residential-Institutional-Professional) zoning district.

**Summary of Findings:**

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

**RE: Petition of Frank & Patricia McIntosh  
B-04-35226-2  
205 East 50<sup>th</sup> Street**

The petitioner is requesting a 7.6% lot coverage variance and a four 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 an addition to an existing single family residence at 205 East 50<sup>th</sup> Street, within an R-6 (One-Family Residential) zoning district.

**Summary of Findings:**

All the conditions required for granting a 7.6 percent building coverage variance and a four foot rear yard setback variance appear to be met.

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

**RE: Regular Agenda**

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

Present for the petition was William Jones, Jr.

Mr. Webb gave the following Staff report.

The petitioner is requesting to establish 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. This petition was continued from the June 22, 2004 meeting to clarify information about the play area fence and parking.

### **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. The petitioner has stated to staff that fencing for the play area will be a six foot high chain link fence with laminated vinyl strip inserts. The fence design should be changed to provide a six foot high wooden fence that is opaque along the west and south sides of

the play area.

4. The outdoor play area requirement for 24 to 30 children is 2,400 to 3,000 square feet based upon 100 square feet per child. The petitioner's outdoor play area has been reconfigured to be approximately 2,500 square feet, which would allow 25 children. The petitioner has expressed to staff that they will provide childcare services for a maximum of 25 children.
5. Section 8-3089 requires that one off-street parking space be provided for each two employees. The petitioner states that the facility will have four staff people. The revised site plan shows five employee parking spaces, which meets the requirements. However, the site plan should be revised to provide landscaping to shield the parking area. The landscaping should consist of a three foot high evergreen hedge along the west side of the parking area. 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. The conditions necessary to establish a use appear to be met, with approval of the Traffic Engineer and provided that the site plan is revised to meet the visual buffer

requirements.

**Summary Of Findings**

The conditions necessary to establish a child care center for a maximum of 25 children are met by the proposed use in this location, provided that the site plan is revised to show a six foot high opaque wooden fence on the west and south sides of the play area and a three foot high evergreen hedge along the west side of the parking area.

**SZBA Action:** Mr. Mackey made a motion that the Savannah Zoning Board of Appeals **approve** the petition with the understanding that a six foot high opaque wooden fence is on the west and south sides of the play area and a three foot high evergreen hedge along the west side of the parking area. Ms. Lovett seconded the motion and it was unanimously passed.

**RE: Petition of Nevile Stein, For  
Donejo Properties, Inc.  
B-04-35105-2  
513 West 35<sup>th</sup> Street**

Mr. Saussy recused himself from the petition.

Present for the petition was Neville Stein.

Mr. Webb gave the following Staff report.

The petitioner is requesting a two space off-street parking variance and a 53 percent lot area variance which must be approved by the Board of Appeals, pursuant to the requirements of Sections 8-3025(d) and 8-3163 within an R-M-25(Multi-family Residential, 25 units per net acre) zoning district within the Cuyler-Brownsville Planned Neighborhood Conservation District.

**Findings**

1. Section 8-3025 of the Savannah Zoning Ordinance states:

Zoning District:	R-M-25 (Multi-family Residential, 25 units per net acre)		
<u>Min. Lot Area</u>	<u>Min. Lot Width</u>	<u>Max. Lot Covg</u>	<u>SideYd Setback</u>
3,600 square feet Per dwelling unit (Multi-family)	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 proposing to convert an existing single-family residence into a duplex.
3. The petitioner’s lot is 30 feet wide and 112 feet deep. The lot area is 3,360 square feet. The lot is substandard in size and width for the existing single family house. The Zoning

Ordinance requirements for a single family dwelling are a minimum of 6,000 square feet lot area and a minimum lot width of 60 feet.

4. The Zoning Ordinance states that a duplex would require a minimum lot area of 7,200 square feet. The lot area is 3,840 square feet less than the requirement. The petitioner is requesting a 53 percent lot area variance.
5. The Zoning Administrator has stated that two off-street parking spaces are grandfathered because the property is an existing historic single family dwelling with no off-street parking. The site plan shows three off-street parking spaces in the rear. This would provide a total of five parking spaces for the two dwellings. The Zoning Ordinance requires two off-street spaces for each dwelling unit, or a total of four spaces for a duplex. The requested parking space variance is not needed because of the grandfathered spaces.
6. In regard to the requested lot area variance, 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 size and width for the existing single family dwelling. The lot is less than half of the size required by the Zoning Ordinance for a duplex.

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

The application of the development standards to this particular piece of property would not create an unnecessary hardship. The property can continue to be used for a single family dwelling. The City of Savannah Housing Department has constructed similar size single family dwellings in the Cuyler-Brownsville neighborhood.

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

The substandard lot size is 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 53 percent lot area variance appear not to be met.

**Mr. Stein** stated his mission as a developer was to find appropriate affordable rental housing. He said they talked to the City and CHSA and they both agreed that this would be appropriate. They also agreed that as an affordable unit double story of that size to rehab it into anything

would cost a lot of money and would demand a rent above what was typical for that neighborhood. He said when you look at that block it was amidst of open spaces and things that did not work. He said he felt the only things that worked in that area were two other duplexes right in the same block, which were attractive. The units that did not work in that area were single family units of that size, which have fallen into disrepair.

**Mr. Mark Veredy (Director, City Housing Department)** stated when Mr. Stein and his group approached the City and CHSA about the concept of buying and renovating this property, they developed a little bit of experience with the developers before they purchased and renovated a single story house in the 600 block of the same street last year. He said this property was in much worst shape and was severely dilapidated. While the City is building some two story houses for sale in Cuyler-Brownsville the square footage of those was between 1400 and 1500 square feet and were very hard to sell. He said to do this as a single family house for sale, which was something they considered with about 1800 square feet was more expensive to renovate than to build to new. So they began talking to the developer about the potential of doing it as a single family rental, which they knew would not work from a cash flow point of view if you are trying to provide affordable housing, so they looked at ideas for a duplex. The reason they felt it would be a viable project for a duplex was because there were six lots and five of the lots were 30' x 112', which was the same size lot as the property that Mr. Stein was here about. On the six lots there were houses built and one of those was a one story and the other five were two stories. He said four of the five two story houses were designed as duplexes or set up so that they had two front doors where you went upstairs to a unit and then downstairs. The only two story of the five that was setup as single family house was the one that Mr. Stein purchased. Of the five two story houses there were only three remaining. Two of them (one on either side) had been demolished. The two closest to M.L.K., Jr., Blvd. have recently been improved and renovated and were setup as duplexes.

He further stated the property across the street were seven unit two story row house complex, which had all been rental as well but was lost in a fire. And as a result the land is vacant. The property at 509½ was one of the ones that had recently been renovated, which was 30 feet away from the petitioner's property. The properties were basically the same lot size as the petitioner's property (30' x 112'). He said the difference was that they were laid out from all appearances as a duplex with one up and one down. He stated their feeling was as they looked at this was because it appeared that all the two story houses that were built on this street except for Mr. Stein's were rental properties. And even the ones across the street were attached rental properties. He said seemed like what the petitioner was proposing to do would not jeopardize the neighborhood and felt that it would be an improvement.

**Ms. Genorris Washington (520 West 36<sup>th</sup> Street)** stated she was concerned about the renters taking care of the property and theft. She said she lived alone and feared for her safety if it was going to be that many rental units. She said she would rather see a single family home in this location as opposed to a duplex.

**Mr. Mackey** stated they have a really strong neighborhood association in Cuyler-Brownsville. He said he felt the property was more detrimental vacant as opposed to being developed.

**Mr. Veredy** stated that Olivia Swanson, President of the association was also a Board member of CHSA, which was providing part of the financing to this project. He also added that the screening process that the petitioner uses for the tenants has been very good.

**SZBA Action: Mr. Mackey made a motion that the Savannah Zoning Board of Appeals**

**approve the petition for a lot area variance based on relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Savannah Zoning Ordinance. Ms. Lovett seconded the motion and it was passed. Abstaining from the motion was Mr. Saussy.**

**RE: Petition of Gary B. Udinsky  
B-04-35740-2  
2263 Mosley Street**

Present for the petition was Gary Udinsky.

Mr. Webb gave the following Staff report.

The petitioner is requesting two one-foot side yard setback variances 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 2263 Mosley 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> 6,000 square feet	<u>Minimum 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 petitioner is proposing to construct a single-family residence on a substandard lot at 2263 Mosley Street. The lot is 50 feet wide. The petitioner is requesting two, one-foot side yard setback variances.
3. The proposed building is 42 feet wide and 24 feet deep and is 1,008 square feet in size. The building coverage is less than the maximum of 30 percent that is allowed by the Zoning Ordinance. As proposed, the building will have four-foot side yard setbacks instead of the five yard setbacks that are required.
4. The Zoning Board of Appeals may authorize a variance in an individual case upon a finding that:
  - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.

The lot is a substandard lot of record, with a width of 50 feet rather than the 60 feet required.



- (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 create an unnecessary hardship.

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

The substandard width of this 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.

**Mr. Udinsky** stated this was a nonstandard lot and he was trying to construct a single family dwelling, which would be for sale or rent. The lot was smaller than it needed to be to make the house fit on the lot. He said it would take a nonperforming asset of the County and turns it into a performing asset. He said he humbly ask for the Board to look favorably on his request.

**Pastor Fogle (423 West 42<sup>nd</sup> Street)** stated the property that the petitioner was talking about was next door to some property that the Church has. He said his concern was about the substandard lot and the code required 5 feet between houses, but this would be 4 feet. He said he felt this would be a problem not only for the person who may rent or buy the house, but because of the fact that they were short of what the standard supposed to be between houses.

**Mr. Mackey** asked Pastor Fogle if he currently owned the lot?

**Pastor Fogle** stated yes and there were three lots.

**Mr. Tyrone Bryant (2261 Mosley Street)** stated the lots were 25', but when you put two lots together they were 50'. He said his objection was his property was directly on the property line and 4 feet would not be suitable. He said they came out and staked the property and staked 1 foot on his property.

**Mrs. Myers** stated asked if he was saying that he was not 5 feet from the property line?

**Mr. Bryant** stated no.

**Mr. Webb** stated that in actuality Mr. Bryant's property encroached on the petitioner's property.

**Mr. Udinsky** stated one of the confusing issues was that Mosley Street was not opened all the way to the creek. He said Mosley Street stopped one lot beyond the lots that they were talking about. So, the lots that Mr. Mackey referred to were not accessible at all. He said the standard for the neighborhood if you go down the street, the houses were already closer together than the 10 feet that you currently would have by the development standard. He said what he was proposing continued what was already the standard for the neighborhood. He also stated that the exact issue that was brought up by the neighbors was partially correct and partially incorrect. He said he had the property surveyed and it showed that Mr. Bryant's house did slightly encroach about 1.74 feet. But it was not his house that encroached, but the eave of the building that encroached. He said that did not pose a problem in terms of his attorney's advice

and the title insurance that has been purchased. And it did not pose a problem in terms of the construction of the new house. However, he did ask Inspections Department if he needed to put 5 feet on one side and ask for a 2 foot variance on the other side. He said the advice that he got from Inspections Staff was “no” and just go ahead and ask for two 1 foot variances. He said that was the reason it came before the Board the way it did.

**Mrs. Myers** asked Staff if it would be better to get the 2 foot variance on the west side?

**Mr. Petrea** stated that it did not matter if it was two lots because it was under one property identification number. He said if it was 3 feet or less from the property line his understanding was based upon his conversations with the Building Code Division of Inspections Department was that there had to be a firewall and there could not be any windows on that side of the house. He said that was why they suggested for the petitioner to ask for one on each side.

**Mr. Mackey** asked Mr. Udinsky if Pastor Fogle’s property was adjacent to his?

**Mr. Udinsky** stated on the map his property was here and Pastor Fogle’s property was down here, so it would not be adjacent and these were the lots that Pastor Fogle pointed to. He said these were the lots that also were not reachable.

**Pastor Fogle** stated the three lots from where he was standing to the right of where the petitioner was planning to build was his. He said he did not know how the petitioner was planning to move to the right on their lots in order to get a house built in there. He said he knew if he moved to the right he would move onto their property.

**Mrs. Myers** suggested that the neighbors, Mr. Udinsky, and Staff get together to see if they could work out a compromise.

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

**RE: Petition of Ashley W. Smith & Walter Strong, For  
Coastal Landmark  
B-04-35964-2  
5 & 7 East 41<sup>st</sup> Street**

Present for the petition was Ashley Smith and Walter Strong.

Mr. Howell gave the following Staff report.

The petitioner is requesting a 20 foot front yard setback variance, a five foot rear yard setback variance, two two foot side yard setback variances, a 33.75 percent lot area variance, and a four space off-street parking variance which must be approved by the Board of Appeals pursuant to the requirements of Sections 8-3025(d) and 8-3063(c) of the Savannah Zoning Ordinance, in order to build two attached single family townhomes and two accessory dwelling units (carriage houses) at 5 and 7 East 41<sup>st</sup> Street, within a P-R-I-P (Planned-Residential-Institutional-Professional) zoning district.

### **Findings**

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

District: R-I-P – Single-Family Townhomes:

<u>Minimum Lot Area</u> 1,800 square feet (per unit)	<u>Minimum Lot Width</u> 18 feet (per unit)	<u>Side Yard Setback</u> 5 feet
<u>Front Yard Setback</u> 50 feet (from centerline of a residential street)	<u>Rear Yard Setback</u> 25 feet	

District: R-I-P – Accessory Dwellings:

Rear Yard Setback  
5 feet

2. At the meeting on April 29, 2004 the Savannah City Council rezoned the eastern portion of the lot from B-C to P-R-I-P to accommodate the petitioner’s request to build two attached single-family townhomes. The petitioners are now proposing to build two attached townhomes with two accessory dwellings (carriage houses), or a total of four dwellings.
3. The undeveloped lot has not been subdivided at this time. The portion proposed for development is approximately 53 feet of frontage on 41<sup>st</sup> Street and a depth of 90’ for a total of 4,770 square feet.
4. As proposed, the project appears to have the following setbacks: a four foot front yard setback, two three foot side yard setbacks, and a zero rear yard setback (for the carriage houses).
5. The parking requirement for each dwelling unit is two off-street spaces. The carriage houses will contain four off-street parking spaces beneath the dwellings accessed from the lane. The four dwellings that are proposed require a total of eight off-street spaces. There are three on-street spaces along the block directly in front of the petitioner’s property.
6. A new residential structure must be set back a minimum of 25 feet from the front property line that abuts a residential street even if the street right-of-way is not the standard 60 foot width.
7. The Zoning Board of Appeals may authorize a variance in an individual case upon a finding that:
  - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.  
  
The petitioner’s lot is a standard size and shape.
  - (b) The application of this chapter to this particular piece of property would create an unnecessary hardship.

The recently rezoned lot will accommodate two single-family townhomes as originally requested by the petitioners. The front yard, side yard, rear yard, off-street parking and lot area variances to support the additional development are not justified.

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

There are no peculiar conditions concerning the petitioner's 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 would impair the purposes and intent of the Savannah Zoning Ordinance and the purpose of the recent rezoning.

### **Summary Of Findings**

All of the conditions required to grant the front yard, side yard, rear yard, off-street parking and lot area variances appear to not be met.

**Mr. Smith** stated in his original survey of the property the dimensions were 113.65 x 90. He said they have met with MPC several times to discuss their plans, as well as the City. The construction of the townhomes was Phase I of what the plan would be. He said their conversations with MPC when they rezoned the property were to accommodate this townhomes construction, which was why they did what they did. The remaining portion of the property was in BC and Phase II of that would either be a rezone to RIP inact one scene II of what they had here or to remain as BC and do some sort of commercial use on the remainder of the property. He said they had a 10 foot setback on the front, which was from the property line and would be 30 foot total from the centerline of the road right-of-way. This would be in conjunction with what was going on in the neighborhood. He said in reference to the side yard setbacks would be 5 feet on either side, which was standard with the neighborhood. Since the site plan was drawn up they have had a conversation with Tom Todaro, City Inspections, and they (petitioner) was willing to move the garage in on a lot to accommodate for the apron. And one of the things that Inspections said they had a problem with was construction of these garages on the rear of the property and having the apron to come out in to the lane. He said Inspections felt that encumbered trash trucks or things like that, so they were willing to move the property in a hair to accommodate for the apron.

He further stated that they would like to maintain the courtyard area because it provided green space for the future owners of these properties. He said he felt the major concern that Staff had was probably the construction of the carriage house. He said the site plan has been their plan from the beginning. The construction of the carriage house was really more so to provide marketability of this product. He said he felt the renewal of the area will allow them to reach price points that could be helped by the addition of carriage house for either additional rental income, home office space, workout room or whatever tenants want.

**Mrs. Myers** stated this was not traditional in this neighborhood.

**Mr. Smith** stated he did not know if he would say that carriage houses were necessarily traditional in Thomas Square. He said he would probably compare it to downtown or Ardsley Park.

**Mr. Mackey** stated he was concerned about this project when it came before MPC. He said the lane was part of Popeye's drive-thru lane. Also, some of Popeye's customers use the lane when their food is not ready, so they have to pull over and Popeye's will bring it out to them. He said his point was the petitioner would like to put a carriage house there, but he did not feel there was enough space.

**Mr. Smith** stated the carriage house will be above the garage. He said what they planned to do was provide access on each side. He said if there is a potential tenant they will have doors on either side for access and could park on the street.

**Mr. Mackey** asked what street would provide access to the garage?

**Mr. Smith** stated from the lane.

**Mr. Mackey** asked how would they navigate that when Popeye's is adjacent to it? He said the question that was raised by MPC was if they ever discussed their project with Popeye's?

**Mr. Smith** stated no. He also stated that it was his understanding that the lane was a public lane.

**Mr. Mackey** stated that the lane was also blocked by two dumpsters. He said when they put their garage doors there they will access it off of Bull Street adjacent to the drive-thru of Popeye's. He asked if that was correct?

**Mr. Smith** stated yes.

**Mr. Howell** added that the lane appeared to be a public lane, but that would be a question that would have to be answered by the Traffic Engineering Department.

**Mr. Smith** stated it was his understanding that the construction of the garages whether it be a garage or pad parking that it would enhance the area because they were providing off-street parking. He said his concern was if they did not do that he was not sure where people will park. However, they would be willing to offer to take the carriage house component out and leave the garage providing it as additional space that the owners could use. He said he understood from the City that in order to do that they would just have to remove the kitchen component of the carriage house. He said then they would be looking at variances on setback.

**Mr. Walter Strong** stated in an effort to try to come up with a concept that at the time was in agreement with the original rezoning of Thomas Square this was what they came up with. In reference to the parking the neighboring structure and the coffee shop also utilized that public lane. He also added that there not only was two cottages back there that in fact it was eight cottages back there. He said with the parking variance, the two townhomes they would have on-site parking. The carriage house since it was only a one bedroom unit they would only need 1 parking space per unit, which he felt 41<sup>st</sup> Street could provide.

**Mr. John Detrick** stated he wanted to clarify that the dumpsters were not blocking the street. He said the lane has come before the Board at least twice before. He also added that the property had been a theater and a night club, so there should be parking allowed for the carriage house.

**Mr. Strong** stated he would love to hear any recommendations from the Board or Staff on how to make the project work.

**Mr. Saussy** stated he felt it would be an enhancement to the neighborhood. He asked if the main concern was the carriage house.

**Mr. Howell** (inaudible).

**Mrs. Myers** stated she also felt this was a good project for the area. She said she felt that it was an urban mixed neighborhood and felt the Board did not have the purview to do anything about Popeye's use of the lane as a part of their food service. She said that was something that everyone was going to have to deal with.

SZBA Action: Mr. Saussy made a motion that the Savannah Zoning Board of Appeals approve the petition with the garage apartment or carriage house setback from the lane far enough for an apron.

**Motion failed for lack of a second.**

**Mr. Strong** asked if the kitchen is the issue in the carriage house, which is what made it an accessory dwelling, could they ask for the Board to approve the setbacks for the main unit. He said that way that would allow them to get through the permitting process and start construction. He said they could either talk to the neighbors at Popeye's and do what they felt they could do in order to try to get the accessory dwelling approved because this would allow them to get the ball rolling on their construction.

**Mr. Saussy** asked the petitioner if he was saying that they would build the carriage house but it would not be a living quarter?

**Mr. Strong** stated the garage would still be there because that was on-site parking for the residents of the townhomes. However, the use would be for storage or office and not an accessory dwelling, which he thought by definition would have to have a living space, kitchen space, and a bathroom.

**Mr. Smith** stated he would propose for the Board to make a motion for approval with the removal of the accessory dwelling of the carriage house component.

**SZBA Action: Mr. Saussy made a motion that the Savannah Zoning Board of Appeals approve the front, rear and side yard setback variances with the condition that the carriage houses are developed as garages with storage and not dwelling units, and the garage is set back from the lane for the drive apron to not interfere with the lane as per the City of Savannah Inspections Department requirement. Ms. Lovett seconded the motion and it was unanimously passed.**

**RE: Other Business**

**RE: Adjournment**

There being no further business to come before the Savannah Zoning Board of Appeals the meeting was adjourned approximately 4:05 p.m.

Respectfully submitted,

John Howell  
Secretary

JH/ca