

**SAVANNAH ZONING BOARD OF APPEALS**  
**ARTHUR A. MENDONSA HEARING ROOM**  
**112 EAST STATE STREET**

**AUGUST 24, 2004**

**2:30 P.M.**

**REGULAR MEETING**

**MINUTES**

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:**

**David Saussy**

**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 August 24, 2004 meeting of the Savannah Zoning Board of Appeals to order at 2:30 p.m.

**Mr. Howell** stated item 9 under the Regular Agenda, Petition of The Spriggs Group, P.C., B-04-34907-2 has been determined by the Zoning Administrator that this petition must be heard by the Metropolitan Planning Commission and will not be heard today by the Zoning Board of Appeals. He said the petition will be decided upon by the MPC at the September 7, 2004. He also stated that if there was anyone present who had any concerns or information for Staff that they would be interested in hearing from those persons. He said he could be reached at 651-1467.

**RE: MINUTES**

1. Approval of SZBA Minutes – July 27, 2004

**SZBA Action:** Mr. Mackey made a motion that the Savannah Zoning Board of Appeals approve the regular meeting minutes of July 27, 2004. Ms. Lovett seconded the motion and it passed unanimously.

**RE: Consent Agenda**

**RE: Petition of Kern-Coleman & Company, LLC**  
**Thomas Olson**  
**B-04-35107-2**  
**11 East Perry Street**

The petitioners are requesting a 23 percent 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 carriage house at 11 East Perry Street, within a B-C-1 (Central-Business) zoning district.

**Summary of Findings:** All the conditions required for granting a 23 percent building coverage variance appear to be met.

**RE: Petition of John Flucas, For  
Sheryl & Author Rivers  
B-04-34787-2  
927 & 931 Stark Avenue**

The petitioners are requesting two, three foot rear yard setback variances for Lots A and B, a 3.5 foot side yard setback variance for Lot B, and a seven percent lot coverage variance for Lot B, 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 two single-family residences at 927 and 931 Stark Avenue, within an R-6 (One-family Residential) zoning district.

**Summary of Findings:** All of the conditions required for granting two three-foot rear yard setback variances for Lots A and B, a 3.5 foot side yard setback variance for Lot B, and a seven percent lot coverage variance for Lot B appear to be met.

**RE: Petition of Saussy Engineering, P.C  
S. Mark Boyles  
B-04-35034-2  
458 M.L.K., Jr., Blvd.**

The petitioner is requesting an 84 space off-street parking variance which must be approved by the Board of Appeals pursuant to Sections 8-3025(d) and 8-3163(c) of the Savannah Zoning Ordinance, in order to build an addition to an existing building at 458 Martin Luther King, Jr. Blvd., within a B-C (Community-Business) zoning district.

**Summary of Findings:** That the Metropolitan Planning Commission recommend to the Savannah Zoning Board of Appeals that an 84 space off-street parking variance be approved. The conditions necessary to grant a six percent 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 submitted. Ms. Lovett seconded the motion and it was unanimously passed.

**RE: Regular Agenda**

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

Present for the petition was Gary B. Udinsky, petitioner.

Mr. Howell gave the following Staff report:

**The petition was continued from the July 27<sup>th</sup> meeting in order for the adjacent property owners to meet with the petitioner. A meeting was held on August 19<sup>th</sup>.**

Mr. Howell stated that Mr. Fogle he would not be in attendance today. He said in his meeting with Mr. Fogle and Mr. Bryant that Mr. Fogle stated that he was concerned about the closeness of the proposed building to his property line. He said Mr. Bryant who also is not in attendance today and whose eave encroached onto the petitioner’s property desired that the petitioner maintain the full 5 foot side yard setback that is required by the Ordinance. He said that was the jest of the meeting.

**Nature of Request**

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>Maximum 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.

### **Summary Of Findings**

All of the conditions required for granting two, one foot side yard setback variances appear to be met.

**Mr. Udinsky** stated this is a substandard lot and has been used apparently for some dumping of garbage in the past. He said his plan is to build a single family residence that would either be sold or rented. He said to make the house marketable it needed to be of a certain size and that was why they were asking for the side yard setbacks.

**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: Petition of Alex & Andre Grikitis  
B-04-34309-2  
1114 East Broad Street**

The petitioner has requested that this item be postponed to the September 28, 2004 Zoning Board of Appeals meeting.

**RE: Petition of CHSA Development, Inc.  
Darrel Daise  
B-04-34420-2  
835 East Duffy Street**

Present for the petition was Darrel Daise.

Mr. Webb gave the following Staff report.

The petitioner is requesting a 52.3 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 of the Savannah Zoning Ordinance, for 835 East Duffy Street, within an R-4 (Four-family Residential) zoning district.

### **Findings**

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

Zoning District: R-4 (Four-family Residential)

<u>Minimum Lot Area</u> 3,600 square feet per dwelling unit (Multi-family)	<u>Minimum Lot Width</u> 60 feet	<u>Maximum Lot Coverage</u> 30 percent	<u>Side Yard Setback</u> 5 feet
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<u>Front Yard Setback</u> 50 feet (from centerline of street on residential street)	<u>Rear Yard Setback</u> 25 feet
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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 114 feet deep. The lot area is 3,420 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 lot area of 6,000 square feet 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 3,780 square feet less than the requirement. The petitioner is requesting a 52.3 percent lot area variance.
5. 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.
  - (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 52.3 percent lot area variance appear not to be met.

**Ms. Lovett** stated she felt that a 52.3 percent lot area variance was quite significant. She asked if this would set a precedent?

**Mr. Webb** stated this petition was very similar to one heard at the last Board meeting on 35<sup>th</sup> Street. However, each petition is supposed to be taken on its own merits.

**Mrs. Myers** stated it was sort of where they took the Ordinance and put it on existing development. She said this was much denser development than what the Ordinance called for because it was sort of just a general ordinance and it did not take into consideration the building patterns in this neighborhood. In addition, she felt that this project would be a very good addition to the neighborhood.

**Mr. Darrel Daise (Director, CHSA)** stated CHSA would like to convert this from a single family house to a duplex. This would cause financial hardship upon not only CHSA but any developer or low income family who wanted to renovate this property. He said CHSA owned lots 829, 831, and 833 on East Duffy Street before they sold them to New Legacy to develop for low to moderate income families. He said on East Duffy there currently were six duplexes that were on substandard lots.

**Ms. Lovett** asked what was the square footage?

**Mr. Daise** stated about 2,000 square feet.

**Ms. Lovett** asked what was the square footage of the single family?

**Mr. Veredy** stated about 14,000 square feet.

**Ms. Mary Osborne** stated she is Alderman for District 2. In addition, she is a member of the CHSA Board. She said they were very excited to be able to do projects like this. She said as the Board could see that currently the structure was an eyesore. She said the capacity of this building to accommodate a duplex was more than adequate from their perspective. She said CHSA felt that it would be a finishing touch to that entire block, which would give completion and renovation in that area. She said they would like to have the Board's support in granting their petition.

**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: Petition of Otis Johnson  
B-04-34500-2  
1908 Linnhurst Drive**

Present for the petition was Otis Johnson.

Mr. Howell gave the following Staff report.

The petitioner is requesting to establish a use (child care center) and a waiver of the requirement that the proposed use shall be on a collector or arterial street, 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 1908 Linnhurst Drive, 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 petitioner is requesting to establish a child care center for 24 children. The outdoor play area requirement for 24 children is 2,400 square feet, based upon 100 square feet per child. The site plan is not to scale and it can not be determined if the play area requirement is met.
3. The property is located on Linnhurst Street, which is classified as a residential street. A

child care center can only be permitted on a lot which abuts a collector street or a major arterial street. The Board of Appeals is to waive this requirement.

4. Section 8-3089 requires that one off-street parking space be provided for each two employees. The site plan shows an existing parking area, but does not show the number of parking spaces. The site plan should be revised to provide landscaping to shield the parking area.
5. The site plan should be revised to demonstrate that the parking requirement will be met.
6. The site plan shows a circular paved driveway off 52<sup>nd</sup> Street. The petitioner has applied to the Traffic Engineering Department for approval of the curb cut and driveway.
7. The abutting uses are residential. Visual buffers must be provided to shield all parking areas, play areas, and outdoor activity areas from the abutting property. The site plan does not show visual buffers.
8. 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.

9. The number of children requested for the child care center (24) has the potential to generate traffic that would be detrimental to the residential neighborhood. Therefore, condition number 4 and condition number 7 are not met.

### **Summary Of Findings**

The conditions necessary to establish a use and to waive the street classification requirement for a child care center appear to not be met.

**Mr. Johnson** stated he was proposing to open up a daycare at 1908 Linnhurst Drive. He said could have a daycare for 6 or less children during the day from 6:00 a.m. to 6 p.m. and he could have as many as he wanted during the night. He said he talked to the people at 6606 Abercorn Street. At night after 6:00 p.m. it became sitter-services, therefore you could have as many children as you wanted under baby sitter services.

**Mr. Howell** stated he would think that would be a code enforcement issue or Inspections Department issue.

**Mr. Johnson** stated he spoke to the people in Atlanta and also with Staff and they said something about he would need buffers and there were certain things that he would need to revise. He said Mr. Howell asked him why didn't he just try to do a home daycare. He said he told Mr. Howell that he was trying to get it through the State, so they would operate it. In addition, he talked to the past and present Mayors about what all he had to do and they told him not to spend anymore money on this property. He said he was told by Staff that he may even have to put up a 6 foot fence around the house for buffering. He said he would use hedges around the driveway to help with buffering. He said he has gotten approval from the City for the circular drive. He also has adequate parking.

He further stated that there were already businesses on Linnhurst Drive. 2219 Linnhurst Drive is a business on Linnhurst. Also, there is a mental and substance abuse facility directly behind his proposed daycare that is owned by Gateway, 1915 East 51<sup>st</sup> Street. He said it was also mentioned that the daycare may generate a lot of traffic. He said if his request for 24 children was too much he would be willing to decrease the number of children. He said he rented a van to pickup and drop off children to help keep the traffic to a minimum. He said he felt the daycare center would be a plus to the neighborhood.

**Ms. Lovett** asked what would be the daycare's hours of operation?

**Mr. Johnson** stated first he was going to start regular daycare, but it would be a 24-hour daycare.

**Mrs. Myers** asked how many staff members will they have?

**Mr. Johnson** stated they will start out with four staff members, but a total of ten when they are fully opened.

**Mrs. Myers** asked if it would be ten staff members at once?

**Mr. Johnson** stated no, they would rotate. He said that was one of the reasons their plans had to be revised to show the parking for employees.

**Mr. Mackey** asked Staff what was the rule according to the regulations on a 24-hours a day daycare center.

**Mr. Petrea** stated he did not know about an actual rule, but any type of business must have zoning approval before they received any type of certificate for operation in the City of Savannah. He said if it is six or less then they do not have to appear before the Board. But if it is seven or more they have to have Board approval and it does not matter if it is at day or night.

**Mr. Howell** stated in the Ordinance under the section for child care centers where there is a limit on the hours of operation other than what was in the Staff report about limiting the outdoor recreation and hours. Under finding 1-B the hours are limited to 9:00 p.m. – 6:00 a.m. 1-E says there are no outdoor recreation activities after 9:00 p.m. or later than 1 hour after dusk, whichever occurs first. Mr. Howell stated that the potential is for vehicles coming and going all through the night next door to houses.

**Mr. Johnson** stated there would not be any activity after the time stated by Staff. He said some of the children will be infants, so they would not be on the playground anyway. He said there would be no more than 6 children outside at a time.

**Mr. Howell** stated that he wanted to clarify his conversation with Mr. Johnson. He stated that he told him that generally the Board does not approve a daycare of this size within a residential neighborhood, but he did not want to discourage him from applying for whatever he wanted to apply for.

**Mrs. Harriet Boyer** stated she and her husband own the empty lot next door located at 1908. She stated that the property is cleared off and ready for a house to be built. When the daycare center goes in it will substantially lower what they could get for the lot. It would probably be impossible to sell it to anyone, except Mr. Johnson. She further stated that Mr. Johnson would probably not want to pay what the property is worth because he knows that she couldn't sell to anyone else. As far as the daycare center is concerned located on the next street, it is 51<sup>st</sup> Street and not Linnhurst Drive.

**Mrs. Boyer** stated that she is not sure where Mr. Johnson is planning to park because there is very little parking on Linnhurst Drive, unless they park on her empty lot which she has already told him he can not do. There is no off-street parking. Everyone will have to park on the street along with the residents. As far as the backyard is concerned, it doesn't appear big enough for children to play.

**Mrs. Myers** stated that this is not up to the Board, but the State.

**Mrs. Boyer** stated that her concern is her property value.

**Mr. Howell** stated that the back play area is under the purview of the Board. He further stated that from the site plan that was submitted, Staff did not determine that this is an appropriate play area.

**Mrs. Myers** stated that the standards are set by the State.

**Mr. Howell** stated that the standards are set by City Council. He further stated that there are different standards that are set by the State. In addition, City Council establishes stricter requirements.

**Mr. Mackey** asked if he needed 100 square feet per child.

**Mr. Howell** stated that this is correct. The drawing as submitted, which stated scale 1 to 30, you can not meet the requirements with something like this.

**Mr. Mackey** stated the site shows an existing parking area, but it does not show the number of parking spaces. He said that the plan needs to be revised to show the existing parking.

**Mr. Howell** stated, yes and it would need to be reviewed by the Traffic Engineering Department. The traffic department will need to determine regulations with regard to the size of the parking space and a copy of any approved driveway permit issued by the traffic department shall be presented to Staff.

**Mr. Mackey** asked does the petitioner have the proper buffering for this project and was it shown on the sketch?

**Mr. Howell** stated that today is the first time he has seen the site plan presented to the Board by Mr. Johnson.

**Mr. Johnson** stated that he had copies of the site plan with him.

**Mrs. Myers** stated that the problem with the plan is the fact that Staff hasn't had time to review them.

**Ms. Sandra Smith** stated that she lives at 1915 Linnhurst. She stated that she is opposed to the petition, not because of it being a daycare but because of the amount of children and it being a 24-hour daycare. She stated that the petitioner indicated that some of the neighbors did not have any children. She stated that this is not an issue because she loves children. There is a church at the end of the street that meets on Wednesday and Sunday with plenty of cars. The house next door to the petitioned site does not have a driveway. The house next door to her has no driveway and they already have to park their vehicles on the street next to the house where he wants to put the daycare. There is no available parking for 24 people. It would be a traffic jam.

**Ms. Smith** stated that she purchased her home 2½ years ago because she liked the house and she liked the fact that this was a quiet street. The Boyers have lived in the area for almost 40 years. A lot of people on the street have lived in the area for a number of years. She said 17 people out of 26 homes have signed their petition in opposition of the daycare.

**Mr. Ellis Cook** stated he was representative of this district. He said he felt that it was obvious that this was a traditional single family neighborhood. He said the people in the neighborhood most were opposed to having a 24 children daycare center in the middle of a residential neighborhood. He said Mr. Johnson talked about a business on Linnhurst Drive, but actually the business was on the corner of Skidaway Road and Linnhurst, which was a commercial corridor and was zoned for what was there. He said he sympathized with the residents who felt their properties would be devalued if a 24-hour daycare facility is allowed. He said he would hope that the Board would preserve this as a single family neighborhood and not allow the

daycare center.

**Mr. Mackey** asked if the hours of operation under the Board’s purview or State mandated?

**Mr. Petrea** stated he felt it was something the Board could look at, but at this time he was not sure if the code restricted it to certain only day time hours.

**Mr. Mackey** stated being a president of a community association and personally representing the association before being a member of the Board he could say without hesitation petitions requesting 24 children in a daycare he has objected to because of volume, traffic, and other concerns. However, he felt there were some unanswered questions, such as the hours of operation; 24 hours, which he was not familiar with and zoning Staff was not sure how the code would read and how it would affect this petition. He said he would like to help the petitioner, but Staff also has not had a chance to review the site plan that was presented at the meeting. Traditionally, things presented the day of the meeting the Board has given a continuance, so Staff would have a chance to review the information.

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

**RE: Petition of Scott Stephen Howell  
B-04-34596-2  
8 Rose Hill Drive**

Present for the petition was Scott Stephen Howell.

Mr. Webb gave the following Staff report.

The petitioner is requesting an 11 foot front 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 8 Rose Hill Drive, 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 purpose of the request for an eleven foot front yard setback variance is to construct a single- family residence on a standard lot at 8 Rose Hill Drive. The lot has a depth of 89 feet and a width of 72 feet, giving 6,408 square feet of lot area.

3. The proposed square footage of the residence exceeds the maximum lot coverage of 30 percent. The square footage of the residence is 2,067 square feet. With a lot area of 6,408 square feet, the maximum square footage allowed would be approximately 1,922 square feet.
4. The petitioner's site plan shows that the building will meet the side and rear yard setback requirements. The proposed building does not meet the required front setback requirement.
5. 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.

This lot is a standard lot of record, with a width of 72 feet and a depth of 89 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.
  - (c) Such conditions are peculiar to the particular piece of property involved.

There are no apparent peculiar conditions particular to this 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 cause substantial detriment to the public good.

### **Summary Of Findings**

All of the conditions required for granting an 11 foot front yard setback variance appear not to be met.

**Mr. Howell** stated he tried to come with a plan to build and be compatible with the neighborhood. He said all the homes in Rose Hill had a minimum lot depth of 100 feet with exception to three. There was one existing home on Lot- D owned by Larry Miles (10 Rose Hill) which could not be present today. And Lots- B and C were undeveloped. He said if the home was wider than 50 feet in order to obtain a home of 1,472 square feet heated it would not be consistent with the other homes in the neighborhood. If he had to go to the smaller home he felt it would adversely affect or depreciate the value of the other houses. He said this was why he was requesting an 11 foot front yard setback variance and approximately 1 percent increase the maximum lot coverage.

**Mrs. Myers** asked if he considered maybe flipping the project around pulling the house back. She said then he would need a rear yard setback and that way the uniformity could continue that was present on the street.

**Mr. Howell** stated that was no problem.

**SZBA Action:** Ms. Lovett made a motion that the Savannah Zoning Board of Appeals approve the petition with the understanding for an 11 foot rear yard setback pulling the house back in order to maintain the front yard setback. Mr. Mackey seconded the motion and it was unanimously passed.

**RE: Petition of Linda Polite & Shannon Thorpe  
B-04-34679-2  
306 Lily Street**

Present for the petition was Linda Polite & Shannon Thorpe.

Mr. Webb gave the following Staff report.

The petitioners are requesting to establish a use (child care center) and a waiver of the requirement that the proposed use shall be on a collector or arterial street, 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 306 Lily Street, within an R-4 (Four-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-4</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 petitioner is requesting to establish a child care center for 12 children. The outdoor play area requirement for 12 children is 1,200 square feet, based upon 100 square feet per child. The site plan does not clearly indicate the play area and it cannot be determined if the play area requirement is met.
  3. The property is located on Lilly Street, which is classified as a residential street. A child care center is allowed only on a lot which abuts a collector street or a major arterial street. The Board of Appeals is authorized to waive this requirement.
  4. Section 8-3089 requires that one off-street parking space be provided for each two employees. The site plan shows an existing parking area for two vehicles, which meets the requirement for the three employees that the petitioner will have. The site plan should be revised to indicate that the area is for employee parking and to provide landscaping to shield the parking area.
  5. The petitioner must apply to the Traffic Engineering Department for approval of the curb cut and circular driveway required for the loading and unloading of children.
  6. The abutting uses are residential. Visual buffers must be provided to shield all parking areas, play areas, and outdoor activity areas from the abutting property. The site plan shows an eight foot privacy fence along the front yard and a six foot privacy fence along the side yard. A chain link fence is shown along the rear yard. A chain link fence is not a privacy fence. A solid privacy fence must be shown along the rear yard to screen the play area.
  7. 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.

8. Findings No. 7 are not met. The traffic generated by a child care center with 12 children has the potential to be detrimental to the neighborhood.

### **Summary Of Findings**

The conditions necessary to establish a use and to waive the street classification requirement for a child care center appear to not be met.

**Mrs. Myers** asked Staff if they have heard from anyone in the neighborhood?

**Mr. Webb** stated they did not receive any calls regarding this petition.

**Mr. Howell** stated the petitioner's property was one lot from Augusta Avenue, which was a collector or arterial street. He said this is something that could be taken into consideration because the petition was the first house that faced Lily Street. It was also a corner lot and the building faced Augusta Avenue. Now, that he thought about it Staff would not have a problem with it because of its close proximity to Augusta Avenue, therefore he would recommend that the Board waive that requirement.

**SZBA Action: Mr. Mackey made a motion that the Savannah Zoning Board of Appeals approve the petition with the understanding that the street classification requirement be waived.**

**Ms. Lovett** asked Staff if they could explain Finding 7- 7 in the Staff report.



**Mr. Howell** stated Staff felt that a daycare of 6 was allowed as a matter of right. He said when you get above that the question of whether it was a nuisance or hazard, Staff took a very conservative viewpoint. He said if the Board noticed most every petition for anything above 6 Staff took that position that the potential for a nuisance or hazard and lets the Board decide whether it actually would be or not.

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

**RE: Petition of Lucy Hedrick, Pattie Williams  
& Lisa Blakenley  
B-04-34730-2  
1662 Winter Drive**

Present for the petition was Lucy Hedrick, Pattie Williams, and Lisa Blakenley.

Mr. Howell gave the following Staff report.

The petitioners are requesting a waiver of a street classification requirement which must be approved by the Board of Appeals pursuant to Sections 8-3025 and 8-3163 of the Savannah Zoning Ordinance in order to establish an Adult Day Care Center (Use 20d) at 1662 Winter Drive, within a B-G (General-Business) zoning district.

### **Findings**

1. According to Section 8-3025 of the Savannah Zoning Ordinance, an Adult Day Care Center must meet the following conditions:
  - a. Such use shall only be permitted on a lot which abuts and has vehicular access to a collector street, major arterial or secondary arterial. The Zoning Board of Appeals may waive this requirement if, on a basis of evidence presented, it finds that the traffic to be generated by a particular use can be accommodated on a minor or residential street without creating traffic congestion and traffic hazards to the neighborhood served by such streets. When such use is located on a minor or residential street, the Board may limit the number of persons, utilizing the facility and the hours of operation based on the traffic to be generated, the size of the property, the characteristics of the neighborhoods, and the location of the use in relation to adjacent properties.
  - b. The parking layout and design shall be characteristic of the neighborhood within which such use is located.
  - c. One off-street parking space per employee, including supervisory personnel, plus safe and functional off-street patron pickup and delivery space as approved by the City Traffic Engineer shall be provided.
  - d. When the building housing such use is located across the street from or adjacent to a dwelling unit the use shall operate only between the hours of 6:30 am and 9:00 pm.
  - e. A site plan shall be submitted by the MPC under the provisions of section 8-3031 prior to the issuance of a building permit or an occupancy permit.

2. The petitioner is requesting a waiver of the street classification requirement in order to operate a proposed adult day care center, which must be located on a collector or arterial street. No information has been submitted by the petitioner to justify the waiver.
3. The facility will operate between 8 a.m. and 5 p.m. and will have a maximum of 30 clients, as regulated by the Georgia Licensing Board.
4. There are dwelling units adjacent to the site.
5. Six employees will be on-site each day, which requires six off-street parking spaces. The site plan, which is not drawn to scale, shows four off-street parking spaces on the property. There appears to be enough area to double-stack six cars, but the double-stacking must be approved by the Traffic Engineer. A parking lot of this size would not be characteristic of the neighborhood.
6. The submitted site plan shows a proposed concrete driveway for client use. The City Traffic Engineer must approve the driveway location.

### **Summary Of Findings**

The proposed plan does not meet the development requirements stated in Section 8-3025 for Adult Day Care (Use 20d).

**Mr. Howell** further stated a citizen at 1648 Winter Drive notified the Zoning Administrator and said that he and his wife could not make the meeting, but they were concerned about taxes and a commercial use.

**Ms. Pattie Williams (Co-Owner)**, stated in their petition letter it was stated that they would have 6 employees on staff. However, as far as the administrator they were required to have a licensure person on board, but that person would not be there on a daily basis. Also, the RN would be on-call. So, on a day-to-day basis there would always be an LPN, driver, and two nursing assistants. She said they also said that the capacity would not hold more than 30 clients. She said they were willing to decrease the number of clients to 20. Also, they were willing to put up a privacy fence. She said their business hours would be 8:00 a.m. – 5:00 p.m. Monday thru Friday.

She further stated in reference to the Traffic they will offer a pickup and drop off service for their clients.

**Ms. Lovett** asked what other kind of traffic activity would be involved? She asked if there would be other health care providers that will come to administer services.

**Ms. Williams** stated they would have Meals-on-Wheels service, which would provide lunch for their clients.

**Mr. Andrew Barnwell (Resident)** stated he was not directly in front of the property of the proposed petition, but adjacent. He said the young lady who is directly in front of the property is on National Guard training. He said that she gave him a notarized letter. He said what concerned him with the property was a couple of years ago someone tried to open a daycare, which was not feasible because of traffic problems and other issues. Now, it is being proposed for an adult daycare center. Two months ago there was some type of daycare service and the

neighbors had problems with people that would stray away from the property. He said the neighbors are concerned about the patients that will be at the Adult Day Care because those patients could also wander off from the site. He said they felt that a staff of 3 or 4 would not be able to attend to 20 to 30 clients with problems. He said the neighbors in the area were totally opposed to the petition.

**Mr. Grady Lipsey (Resident)** stated he lived two houses down from the proposed petition. He said as stated by his neighbor earlier they have had problems before with people that have been in that house and tried to open a daycare. He said he wanted the Board to know that he was opposed to the petition.

**Mr. Ellis Cook** stated this is a quiet single family residential neighborhood. He said this petition has been before the Board before and it was denied because of the parking and traffic would adversely affect the neighborhood. He said he did know of anyone in the neighborhood that was not opposed to having this in their neighborhood. He said it was a strong stable neighborhood and most of the people have been living in this neighborhood for at least over 10 years. He said he would ask that the Board deny the petition on behalf of everyone in the neighborhood because of reasons earlier stated.

**Ms. Williams** stated in reference to the type of clients that they would target to attend their center would be elderly people who were unable to live alone due to health reasons. She said as far as alzheimers patients they would not solicit services for those patients. She said they would solicit for residents who wanted to live in their home as opposed to going to stay in a nursing home. Also, they would monitor the care of these patients and residents that live with their love ones. As far as the mental capacity of the people that they would be targeting it would not be alzheimers or dementia people. She said she understood that the residents that the neighbors had problems with in the past were people with mental disorders.

**Mrs. Mary Barnwell (1657 Winter Drive)** stated as far as their home on Winter Drive it was a one block area. She said they have taken out so many houses until there is only about ten houses on Winter Drive, so as you come off of Skidaway you would pass the ten houses because it was right there and as you continued on you would see the Truman Parkway and then go on around the curve. She said this also helped with the quietness in the neighborhood.

**Ms. Lucy Hedrick (Petitioner)** stated in reference to the quietness the residents that they would have in their center they would not make any noise because they would be elderly people in the house given activities within the house. She said there would not be any noise and there was not going to be any children running around or anything like that. She said the quietness would continue.

**Mrs. Myers** stated she felt this was a business and should not be in a residential area.

**Mr. Mackey** stated Finding 2 of the Staff report says that “no information has been submitted by the petitioner to justify a waiver of the street classification.” And parking was a concern of his. Also, the fact that the proposed plan did not meet the development requirements stated within the section for Adult Day Care.

**SZBA Action: Mr. Mackey made a motion that the Savannah Zoning Board of Appeals deny the petition based on the concerns stated above. Ms. Lovett seconded the motion and it was unanimously passed.**

RE: **Petition of Tuan Dinh Vu  
B-04-34844-2  
2117 Florida Avenue**

Present for the petition was Tuan Dinh Vu.

Mr. Howell gave the following Staff report.

The petitioner is requesting a 1.6 foot side yard setback variance for an existing residential structure; 3.87 foot side yard setback and 2.86 rear yard setback variances for an existing accessory structure and a 2.48 percent 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 make additions to an existing residential structure and an accessory structure at 2117 Florida 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>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>Rear Yard Setback</u>	<u>Accessory Structures</u>		
25 feet	5 foot setback from all property lines		

2. The petitioner’s lot contains an existing main residence, with covered porches, and a detached garage with workshop.
3. The lot has a width of 105 feet and a depth of 100 feet for a total square footage of 10,500 square feet.
4. The proposed building area is 3,410 square feet, or 32.48 percent lot area coverage. This exceeds the maximum lot coverage by 2.48 percent.
5. The petitioner is requesting development setback variances in order to build additions to the existing structures on the property. The variances include a 1.6 foot side yard setback variance on the east side of the lot in order to construct a covered side porch on the residential structure; a 2.86 rear yard setback variance and a 3.87 foot side yard setback variance on the west side of the lot in order to add to the existing detached garage and workshop; and a 2.48 percent lot coverage variance.
6. The Zoning Board of Appeals may authorize a variance in an individual case upon a finding that:
  - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.

The lot exceeds the minimum lot size and width standards for the R-6 district. There are no extraordinary and exceptional conditions pertaining to the particular piece of property.

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

The application of the development standards would not create an unnecessary hardship. The petitioner can continue to use the single-family residence.

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

There are no apparent peculiar conditions particular to this 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 1.6 foot side yard setback variance, a 3.87 foot side yard setback variance, a 2.86 foot rear yard setback variance, and a 2.48 percent lot coverage variances appear not to be met.

**Mr. Howell** further stated that he heard from two adjoining property owners that were unable to be at the meeting today because of health reasons and that they lived behind the petitioner. Ms. Lavonia Howell at 2114 New York Avenue is a rear yard neighbor as well as Milly Raeford at 2110 New York Avenue. He said both had similar comments and objections. Essentially, their concern was that the petition as proposed would cover up a part of their rear yard with a building that they could stand in their backyard and touch. He said they were also concerned about the roof drainage that would come off of the structure onto their properties. He said they both object to the petition as proposed and asked that Staff speak on their behalf to the Board.

**Mr. Dinh Vu** stated he was sorry for what he did with the workshop. He said one day his whole garage collapsed, so he thought that he could rebuild on top of the old concrete slab. Then he had some material left, so he thought that he could also extend to make a workshop and at that time he received a stop work order.

**Mrs. Myers** stated that his neighbors were concerned about the extension on his old garage.

**Mr. Dinh Vu** stated he would do whatever the Ordinance required to satisfy his neighbors.

**Mrs. Myers** asked the petitioner if he could take down the rear extension for the workshop?

**Mr. Dinh Vu** stated yes.

**Mr. Howell** stated according to the application he indicated that it was a 1.6 foot side yard setback for a residential structure. Then the 3.87 side yard for accessory structure and 2.86 for

a rear yard for an accessory structure. He said he wrote the accessory building in because the application just listed side yard, side yard, and rear yard because the application did not state what it was for. The best Staff could do from looking at the plans with the scale was make that determination. But he believed that Mr. Dinh Vu was saying that he was going to be 3.87 feet from the side yard.

**Mr. Dinh Vu** stated yes.

**Mr. Howell** stated the variance would be the difference between 5 and 3.87, which was approximately 1.2 feet.

**SZBA Action: Ms. Lovett made a motion that the Savannah Zoning Board of Appeals approve the petition for a 1.2 foot side yard variance provided that the extension on the rear is eliminated. Mr. Mackey 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 4:25 p.m.

Respectfully submitted,

John Howell  
Secretary

JH/ca