

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

**SEPTEMBER 28, 2004**

**2:30 P.M.**

**REGULAR MEETING**

**MINUTES**

**MEMBERS PRESENT:**

**David Saussy, Vice-Chairman  
Delores Lovett  
Timothy Mackey**

**MEMBERS ABSENT:**

**Susan Myers, Chairman**

**TECHNICAL STAFF PRESENT:**

**Tom Todaro, City Inspections Department**

**MPC STAFF PRESENT:**

**Charlotte Moore, Acting Secretary  
Amada Bunce, Acting Assistant Secretary  
Christy Adams, Assistant Secretary**

**RE: Call to Order**

Mr. Saussy called the September 28, 2004 meeting of the Savannah Zoning Board of Appeals to order at 2:30 p.m.

**RE: MINUTES**

1. Approval of SZBA Minutes – August 24, 2004

**SZBA Action: Mr. Mackey made a motion that the Savannah Zoning Board of Appeals approve the regular meeting minutes of August 24, 2004. Ms. Lovett seconded the motion and it passed unanimously.**

**RE: Consent Agenda**

**RE: Petition of Patricia M. Smith  
B-04-57361-2  
820 Barnard Street**

The petitioner is requesting a 25 percent building coverage variance which must be approved by the Board of Appeals pursuant to the requirements of Sections 8-3028 and 8-363(c) of the Savannah Zoning Ordinance, in order to construct a roof over an existing deck at 820 Barnard Street, within a 3-R zoning district, in the Victorian Planned Neighborhood Conservation District.

**Summary of Findings: All the conditions required for granting a 25 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 passed unanimously.**

**Mr. Saussy** stated under the Regular Agenda the Board has been asked to hear the petition of Scott K. Monson, B-04-58365-2 first because of a meeting conflict.

The Board agreed to hear the petition first.

**RE: Regular Agenda**

**RE: Petition of Scott K. Monson, Agent for  
D.R. Horton Homes, Inc.  
B-04-58365-2**

Present for the petition was Scott Monson.

The petitioner is requesting 10 percent building coverage variances for various lots pursuant to the requirements of Sections 8-3025 and 8-3035 of the Savannah Zoning Ordinance in order to build new homes at 13903 Coffee Bluff Road (Coffee Pointe Subdivision), within a PUD-M-3.3 (Planned Unit Development Multifamily-3.3 Units Per Net Acre) zoning district.

### **Findings**

1. The maximum building coverage allowed within the PUD-M-3.3 zoning district is 30 percent. The petitioner is requesting a variance to allow up to 40 percent building coverage for various lots within Coffee Pointe Subdivision.
2. The original zoning for the petitioner's property was R-10, which allowed a density of four units per acre with a minimum lot area of 10,000 square feet. There was no limitation on building coverage for residential units.
3. The petitioner applied to the Metropolitan Planning Commission for rezoning of the property from R-10 to PUD-R to allow for a reduced lot area requirement. MPC Staff recommended denial of the request for a PUD-R district, based on concerns related to the maximum permitted overall density (8 units per acre) and the fact that PUD-R allowed limited business uses.
4. Staff recommended an alternative PUD-M-3.3 zoning because density would be limited to 3.3 dwelling units per acre and no business uses would be allowed. The petitioner accepted this recommendation because the plan for the property was to develop 183 single family residential lots with a density of 3.3 units per acre and no business uses were planned.
5. The resulting PUD-M-3.3 zoning allowed for smaller lots with lower density than the original R-10 zone. However, the PUD-M-3.3 only allows a maximum building coverage of 30 percent. This restriction did not exist in the original zoning or in the requested zone.
6. The petitioner is requesting a variance to extend the maximum building coverage to 40 percent. The petitioner is requesting that the additional 10 percent maximum building

coverage be applicable to the entire development, not just Phase I that is illustrated in the application material.

7. The petitioner's development plan includes designated common open space that can compensate for a building coverage variance for individual lots. The total amount of common open space within the 70.69 acre subdivision is 7.75 acres, or approximately 10 percent.
8. The petitioner's development plan meets all of the building setback requirements of the PUD-M-3.3 zoning district.
9. From the typical building coverage exhibit provided by the petitioner, building coverage on individual lots can range from 23.2 percent to 36.3 percent. The largest building on the smallest lot in the subdivision would result in a building coverage of 39.1 percent.
10. 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 amount of open space to be retained within the overall development and the fact that all building setback requirements for the PUD-M-3.3 zoning district will be met mitigate the building coverage variance.

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

The application of the 30 percent maximum building coverage standard would create an unnecessary hardship. This standard is an unintended consequence of a staff recommendation for an alternative zoning district to control density. The original zoning and the requested zoning did not provide a building coverage standard.

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

These conditions are peculiar to this piece of property and to the development project involved.

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

Relief would not cause substantial detriment to the public good or impair the purposes and intent of the zoning ordinance.

### **Summary Of Findings**

All the conditions required for granting 10 percent building coverage variances for various lots in the Coffee Pointe Subdivision appear to be met.

**Mr. John Wood (Resident)** asked how many houses would be affected by this plan? He said

he owned property on the northern side near the buffer that was extended.

**Ms. Moore** stated she was showing approximately 14 lots of the 183, which only may be Phase I.

**Mr. Scott Monson (Thomas & Hutton Engineer)** stated the number of lots that may exceed the 30 percent coverage was dependant upon the sales and the product that is chosen to be placed on the lot when the lot and house are purchased. He said they have done a lot fit matrix of the available product and it appeared that about 30 percent or 40 percent of the building product available with the available options would exceed the 30 percent. The exact choice of the building product and which lot it goes on would dictate the ultimate number of lots that exceeded the 30 percent.

**Alderman Tony Thomas (6<sup>th</sup> District Southside)** stated he met with the petitioner and several of the residents around the area itself. He said from what they wanted to do he had no objection and there seemed to be no objection from the northerly neighbors. He said he did hear in Mr. Wood's statement comments about maybe if there were going to be additional houses. He said he felt it was important to point out that there would be no additional houses. He said it would strictly be accommodating 14 lots, therefore he saw no objection as to why the petition should not be approved for this development.

**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 passed unanimously.**

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

Petition withdrawn per Petitioner's request.

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

Present for the petition was Otis Johnson.

Ms. Bunce gave the following Staff Report:

This petition was continued from the August 24, 2004 meeting to obtain additional findings. The ordinance does not limit the hours of a child care center. The Board may impose restrictions. The revised plan does show parking and the play area but a scaled plan has not been received to determine if the play area requirement is met.

### **Nature of Request**

The petitioner is requesting to establish a use (child care center) and a waiver of the requirement that the proposed use shall 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 a parking area. However, since the plan is not to

scale, it cannot be determined whether the proposed spaces meet the minimum requirements.

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 should be revised to indicate that the proposed fence is opaque.
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. Mackey** asked Staff if she said there were no limitation on the hours?

**Ms. Bunce** stated correct. She said a center was limited to a maximum of 75 children during the day time hours and not greater than 50 children between the hours of 9:00 p.m. – 6:00 a.m.

**Mr. Mackey** asked if she said during her presentation that the Board could set parameters?

**Ms. Bunce** stated yes.

**Mr. Johnson** stated since there was only 2,200 square feet they would request approval for 19 children instead of 24 children. He said he could also eliminate the 24 hour daycare service at this time. He said he also mentioned to Mr. Bowyer that he would provide bus service for the children since they were concerned about the traffic and provide speed bumpers to help slow down traffic. He said he was not trying to come in and stir up the neighborhood. He said he was just trying to start up a business. He said he wanted to help the neighborhood to get adjusted to the daycare. He said he did not need Board approval for a group daycare because he could have a group daycare in the house. He said it is now setup where more than one adult in the house up to 6 children or 7 children per adult as long as they were licensed. He said the daycare center was already in operation because anyone could have a home daycare.

**Mr. Mackey** asked Mr. Todaro if he could explain what the petitioner meant by a group daycare?

**Mr. Todaro** stated they have tried to explain this to the petitioner in the past, but he did not want to accept what they said. He said this was a single-family residential district and somebody could have a home based business of 6 children or less if that was there residence and the daycare for 6 children or less was secondary. He said that part is true. The fact that what the State allowed versus what the City allowed could be in conflict. He said if he wanted to operate a daycare there that was not part of a residence where someone who operated it lived there and it was 6 children or less it had to go before the Board of Appeals for approval. He said without that the petitioner could not operate a daycare there and he should not be operating one there now because he did not have approval from the City.

**Mr. Mackey** stated Staff on page 2 of the staff report number 3 says – “a childcare center can be only permitted on a lot which abuts a collector street or a major arterial.” He said to his understanding the petitioner was on neither.

**Ms. Bunce** stated the petitioner was on a residential street.

**Mr. Mackey** asked Staff if the site plan now provided the landscaping to shield the parking area?

**Ms. Bunce** stated yes, however it was not to scale.

**Mr. Mackey** asked if the site plan showed the visual buffers?

**Ms. Bunce** stated yes, a fence was shown.

**Mr. Mackey** asked conditions 4 and 7, will the proposed use be considered or not considered as detrimental to adjacent properties?

**Ms. Bunce** stated the findings were that conditions 4 and 7 are not met.

**Ms. Lovett** asked what will his hours now be since he said he was revising his hours of operation?

**Mr. Johnson** stated 8:00 a.m. – 6:00 p.m. Monday thru Friday.

**Mr. Ellis Cook (3<sup>rd</sup> District Representative)** stated he was very familiar with the area and he has been by the area and talked to the people who live in the neighborhood. He said it was a single-family residential neighborhood and he did not think the petitioner met any of the criteria for what he proposed to do. He said he felt what the petitioner proposed to do would definitely be detrimental to all of the property owners in the neighborhood. He said it would increase traffic and everything else that was associated with that would cause in his opinion their property values to decrease. He said he knew of no one in the neighborhood that was in favor of the petition. In fact, everybody that he has talked to was opposed to the petition and he would hope that the Board deny the request.

**Mr. Corey Holowchek (1908 Linnhurst)** stated he felt it was still a business and did not think it was necessary for their neighborhood. He said there was already a lot of other stuff in the area and at times it was really difficult to navigate through the area because of the traffic. He said he would rather see a family in the house rather than a business.

**Mr. Waleed Bey** stated he and his family have been in the neighborhood for over 20 years. He said he is the caregiver to a quadriplegic who is in a wheelchair. He said he felt the daycare would be detrimental to the area because it would add more traffic to the area. He said he also felt that the increase in traffic would be dangerous to his quadriplegic that he provides care for.

**Mr. Johnson** stated as he mentioned earlier he was willing to ask the City about putting speed bumpers in the road to help slow down traffic. He said he was also willing to provide pickup/drop off service. Also, businesses were already in the area.

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

**RE: Petition of Thomas & Hutton Engineering  
Daniel E. Gay, Jr. For  
International Longshoreman's Association  
B-04-55667-2  
221 N.E. Lathrop Avenue**

Mr. Mackey recused himself from the petition.

Present for the petition was Daniel E. Gay, Jr., Agent.



Ms. Moore gave the following Staff report:

The petitioner is requesting approval of an off-street parking area within an RM-25 (Multi-Family Residential, 25 units per net acre) zoning district and two variances to: 1) reduce the amount of required parking; and, 2) to reduce the required setback for a fence.

### **Findings**

1. **Background.** The petitioner seeks to construct an office building in an I-L (Light - Industrial) zoning district and a parking area within an RM-25 (Residential Multi-Family, 25 units a net acre) zoning district. The site contains a total of 4.43 acres and is located on the west side of East Lathrop Avenue between Damon Street and North Lathrop Avenue. The I-L zoned parcel is presently developed within an office building that includes an assembly hall and a credit union. The existing building will be demolished when the new building is constructed.
  
2. **Off-street Parking Lots within a Residential District.** Section 8-3093 requires the Board of Appeals to review off-street parking and service facilities that are intended to serve a commercial use if either is proposed to be located within a residential district. Parking and service facilities can be approved if there is compliance with the following criteria:
  - a) The commercial establishment to be served by such parking and service space shall be a conforming use.  
  
An office, assembly hall, and credit union are conforming uses within an I-L zoning district.
  
  - b) The remote off-street parking spaces shall be in an R district that either adjoins the commercial district on the same side of the street, or shall be directly across the street from a commercial district.  
  
The proposed parking area is within a residential district and is directly across the street (Lehwald Street) from the commercial street. Lehwald Street is proposed to be quit-claimed from the City.
  
  - c) The proposed design and proposed location of such remote off-street parking facilities shall be approved by the Board of Appeals.  
  
The site plan is attached. The design meets all of the dimensional requirements of the zoning ordinance.
  
3. **Required Parking Spaces.** Based on the combination of proposed uses, a total of 396 parking spaces are required and 330 spaces have been provided. The petitioner seeks a variance to eliminate 66 spaces.

The petitioner submitted that the normal business operation at the facility extends from 6:00 a.m. to 6:00 p.m. Work for the ILA members is dispersed through hiring calls at 6:00 a.m., 7:00 a.m., 12:00 p.m., and 6:00 p.m. The number of members who occupy the facility during each hiring call was estimated as follows:

6:00 a.m.: 150 members  
7:00 a.m.: 125 members  
12:00 p.m.: 120 members  
6:00 p.m.: 100 members

Members arrive a few minutes before the designated times for the hiring calls, and most leave within 15 minutes after the hiring call. In addition to ILA members, approximately 13 people will occupy the building between the hours of 8:00 a.m. and 5:00 p.m.

4. **Required Buffer.** Pursuant to Section 8-3066, a parking facility must have a Type “G” buffer where it is adjacent to a residential use and a right-of-way. The petitioner proposes to construct a six foot tall wooden fence, which complies with the Zoning Ordinance. However, the fence is proposed to set back from one to four feet from the property line. The requirement is a minimum setback of five feet. Along Kirkland Street, the proposed setback is one foot. Adjacent to the residential property, the setback is two to four feet. Adjacent to Damon Street, the proposed setback is two feet. The intent of the setback is to allow the area between the property line and the fence to be planted.
5. **Variance Criteria.** 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.

**Parking.** Based on the needs of the proposed facility, 330 parking spaces will provide sufficient parking.

**Buffer.** The proposed 6 foot tall fence exceeds the required three foot height and will provide more effective screening of the parking area.
  - (b) The application of this chapter to this particular piece of property would create an unnecessary hardship.

**Parking.** Strict application of the parking requirement would create an unnecessary hardship.

**Buffer.** Strict application of the buffer requirement would create an unnecessary hardship.
  - (c) Such conditions are peculiar to the particular piece of property involved.

**Parking.** The ILA business operation is unique to the particular piece of property.

**Buffer.** The conditions that affect the proposed fence setback are unique to the 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.

**Parking.** Relief would not cause substantial detriment to the public good or

impair the purpose and intent of the Zoning Ordinance.

**Buffer.** Relief would not cause substantial detriment to the public good or impair the purpose and intent of the Zoning Ordinance.

### **Summary Of Findings**

All of the conditions required for granting variances to eliminate 66 parking spaces and to reduce the buffer setback appear to be met.

**Mr. Harold Yellin, Attorney,** stated the intention is to replace an outdated facility with a state of the art building for ILA 1414. As mentioned by Staff they will still have 330 parking spaces, which is an interesting fact for the Board to consider because they only have 328 now. So, they will have two more than they have right now despite the bigger building because they will be utilizing the L-shaped parking lot across the street. He said the first variance that they were requesting was for a parking variance even though they will be utilizing the L-shape. He said he has been out to the site and found that this was like no other use that he was aware of. He said there were set hours four times a day. He said folks come, staying about 15 – 20 minutes to pick up their assignment and they leave. He said he also found because people were picking up their assignments that they often parked on the roads to get their assignments and not be in the parking lot. He said he felt it was a fair statement to say that the 328 parking spaces before and now the 330 were more than adequate to handle their needs, so they would agree with Staff's finding.

He further stated the only other variance to talk about was the buffer required, which was a Type G buffer. Originally, they had proposed a 6 foot fence and there has been discussion as to what fence ought to go and where it should be located. He said in conversation with Mr. Gay, he was saying that they would be okay eliminating the fence on the rights-of-way (adjacent to Damon Street and Kirkland Street). But they would like to keep the fence adjacent to the multi-family residences for security reasons. He said they also felt it was an appropriate location for a fence because there was a chain link fence on the other side. He said their request before the Board was that they would comply with the removal of this fence. He said the only place that they would like to keep a fence was the L-shape area that was along the southern boundary and the western boundary.

**Ms. Lovett** asked what would be the impact on parking if you were using the social hall as well as your daily operations?

**Mr. Yellin** stated he would anticipate that the social hall would have a greater parking need other than the four times a day that comes in. He said he also thought that in terms of frequency that they were not talking about it being a frequent use of the property. It would be an available use but not a frequent use. He said it was also true that for this particular property there were lots of places where people parked that they were not allowed to count, such as Green Street, Lehwald Street, Damon Street and so on. He said these were places where people parked now. He said if you took into account existing parking and where people could park on the street that they were capable of handling a much larger crowd, which they did not anticipate would happen very often.

**Mr. Todd Neagle (Lott & Barber Architects)** stated in response to the question about the social hall even though it was a large space it was still a smaller function of the whole building. He said from an occupant load the social hall could only accommodate 275 people. And the

way the parking was counted for it would be 67 parking spaces, which was 1 car for every 4 seats. He said the social hall would be used mainly on weekends. Currently, they did not have a social hall. He said their current use was to use it for themselves and then try to make it aware to the public that they have this capability of a social hall that they could lease out to the public.

**SZBA Action:** Ms. Lovett made a motion that the Savannah Zoning Board of Appeals approve the petition as submitted with the understanding the petitioner will keep the fence adjacent to the multi-family residences along the southern boundary and the western boundary of the area west of Lehwald Street. Mr. Saussy seconded the motion and it was passed.

**RE: Petition of The Coastal Empire  
Habitat for Humanity  
Diane M. Cantor  
B-04-56423-2  
00 Packard Avenue**

The aforementioned petition was continued per the petitioner's request.

**RE: Petition of The Coastal Empire  
Habitat for Humanity  
Diane M. Cantor  
B-04-56751-2  
00 Temple Street**

The aforementioned petition was continued per the petitioner's request.

**RE: Petition of The Coastal Empire  
Habitat for Humanity  
Diane M. Cantor  
B-04-57012-2  
00 Dancy Street**

The aforementioned petition was continued per the petitioner's request.

**RE: Petition of The Coastal Empire  
Habitat for Humanity  
Diane M. Cantor  
B-04-57106  
00 Dancy Street**

The aforementioned petition was continued per the petitioner's request.

**RE: Petition of Rosalyn Holderfield, For  
The Home Depot  
B-04-57240-2  
1901 East Victory Drive**

Present for the petition was Rosalyn Holderfield.

Ms. Moore gave the following Staff report:

The petitioner seeks to install a freestanding pylon sign at 1901 East Victory Drive for a home improvement store that is located within a B-C (Community Business) district. As proposed, the petitioner seeks variances to allow: 1) 20 additional feet of sign height above the 40 foot maximum allowed; and, 2) 180 square feet of sign area beyond the 125 square feet maximum allowed.

### **Findings**

1. **Freestanding Signage.** The Zoning Ordinance provides that for each nonresidential use two principal use signs, one of which may be a freestanding sign, shall be permitted. A freestanding sign is defined “as a sign supported by one or more upright poles, columns, or braces in or upon the ground surface, and not attached to any building or structure.”
2. **Background.** The petitioner desires to construct the sign in the northwest portion of the Home Depot site adjacent to Victory Drive. The sign is proposed to have two sign panels. The larger sign panel, 256 square feet, would be visible to motorists along the Truman Parkway and would be placed approximately 44 feet from the ground. The smaller sign panel, 49 square feet, would be visible to motorists along Victory Drive and would be placed approximately 13 feet above the ground.
3. **Height.** The maximum allowed sign height is determined by roadway classification. Victory Drive is a Class I street, which allows a sign height no greater than 40 feet. The petitioner seeks a variance to construct a 60 foot sign, a difference of 20 feet (an increase of 50 percent).
4. **Sign Area.** The maximum allowable sign area is also determined by roadway classification. The maximum sign area allowed is 125 square feet. The total proposed sign area is 305 square feet, a difference of 180 square feet (an increase of 144 percent).
5. **Variance Criteria.** In accordance with Section 8-3163(c), (Powers and Duties Generally, Request for a Variance), the Board of Appeals can approve a variance from the requirements of the Zoning Ordinance provided that it is not contrary to the public interest and [because of] special conditions, a literal enforcement of the provisions of this chapter [Zoning Ordinance] will, in an individual case, result in unnecessary hardship.” In consideration of a variance, the spirit of the Zoning Ordinance “shall be observed, public safety and welfare secured, and substantial justice done.”

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 property is regular in size, shape, and topography. The property has frontage on Victory Drive and Truman Parkway.

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

Application of the maximum height and sign area requirements would not create a hardship. The petitioner's property has dual frontage on Victory Drive and Truman Parkway.

- (c) Such conditions are peculiar to the particular piece of property involved. There are no unusual or peculiar conditions related 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 would cause substantial detriment to the public good and impair the purposes and intent of the Savannah Zoning Ordinance.

### **Summary Of Findings**

The four conditions required to grant approval of the height and sign area variances appear not to be met.

**Mr. Mackey** asked how much higher would the proposed sign be over the existing billboard?

**Ms. Moore** stated she did not have the information regarding the billboard.

**Mr. Saussy** stated the height of the particular sign seemed to be much higher than anything else in the area.

**Ms. Moore** stated unfortunately she did not have information regarding the other sign heights within the area, but the maximum allowable was 40 feet.

**Mr. Saussy** asked what was the size of the sign itself?

**Ms. Moore** stated the sign areas with the two panels was 305 feet. And the maximum allowable was 125 feet.

**Mr. Mackey** asked would there be another sign at the entrance off of Skidaway?

**Ms. Moore** stated technically that would be off-site. However, there was a directory sign there but she was not certain if Home Depot was intending to place signage on that directory.

**Ms. Holderfield** stated there would not be any signage on Skidaway although currently there was a directory sign there. She said Home Depot did not have any rights to go on that existing sign. She said on her representation of the proposed smaller sign, which was 7 X 7 it was approximately at 20 feet in height, but that Home Depot was blocked by trees on Victory Drive, therefore they did not have a clear view to the front of the building. She said this would serve as an entrance point for Home Depot off of Victory Drive.

She further stated that on her representations where it said north bound it should say south bound and vice versa. She said traveling south bound on Truman Parkway on their boom test the flag point was at 60 feet and it was currently where the billboards were. She said they

wanted the sign closer to Truman Parkway but they did not have ownership of that property. Consequently, they had to move it in closer to the building and garden center area. She said where they were showing the sign as proposed now was the best guess as to where the sign would be located. She said the sign was a 16 X 16 (Home Depot) and will be the only cabinet on this sign, which was at 60 feet. The purpose was to grab the attention of motorists before they hit the off-ramp. She said if they were to conform to code on this then this sign would not be visible. She said the sign actually would be cockeyed a little bit and you would see more of the edge of the cabinet because of the orientation of the roadway.

**Mr. Mackey** asked if the sign would be illuminated at night?

**Ms. Holderfield** stated yes, but will shut off approximately 1 hour after the store closes. She stated Home Depot signs were typically lollipop signs with the cabinet on top of a pole. She said it would be aluminum cladding and a stucco material that would also match the building. The reason for the combination sign was because they wanted to eliminate having two signs. However, they wanted the exposure off of Truman Parkway as well as the directory type sign off of Victory Drive, so they elected to combine the two signs.

**Mr. Mackey** asked how far would their sign be from the existing billboard?

**Ms. Holderfield** stated approximately 200 feet.

**Mr. Mackey** asked Staff if the variance was granted what would be the potential affect on the existing sign ordinance?

**Ms. Moore** stated Staff believed that the variance criteria had not been met. She said that this would allow the petitioner to have something that other property owners have not been granted. She said it was not clear what exceptional extraordinary conditions were related to this property. She said they had frontage along Truman Parkway and Victory Drive, so there was dual frontage. She said there were no trees within the rear of this property. Motorists coming off of the Truman Parkway will have visibility of the building. She said they could have fascia signage in the rear of the building as well. A 40 foot sign would be able to provide them full visibility.

**Ms. Holderfield** stated in reference to the conditions they were lower than Truman Parkway. She said since Home Depot was a regional shopping outlet it attracted customers from a regional area, therefore everybody was not familiar with Savannah and its special streets. So, they felt they needed the exposure off of the major arterial roads, such as Truman Parkway. She said if they conformed to the 40 feet they would not have that exposure. Truman Parkway was considerably elevated than the grade of the site.

She further stated in reference to the statement that says the application of this chapter would create an unnecessary hardship although they had the frontage the visibility was hindered due to the elevation from Truman Parkway and it was also hindered off of Victory Drive because of the landscaped trees. She said they felt they had limited visibility to the storefront. She said off of Skidaway Road there was access to the site, but they did not have visibility from Skidaway Road. And the adjacent property there was an existing retail there now.

She stated in reference to the statement that says such conditions are peculiar to the particular piece of property involved, they felt they had limited visibility on all four sides. She said there were trees and also traveling north bound there was heavy foliage as well. And in reference to the statement that says relief if granted would not cause a substantial detriment to the public

good or impair the purposes or intent of the Savannah Zoning Ordinance they felt it did not have any detrimental affect to the Ordinance.

**Mr. Saussy** stated he was concerned about this large of sign on Victory Drive. He said he felt the signage would create similar situations like on Abercorn being sign after sign with varying heights. He said he felt the proposed sign did not meet the criteria.

**Ms. Holderfield** stated the only thing she could suggest is to slightly reduce the size of the sign because they had a strong presence with the 16 X 16. She said if they could reduce the size of the sign down to 14 X 14 and then lower the sign to 50 feet that would still provide them with ample coverage off of Truman Parkway. She said they felt that was the main source of their motorist attraction, which they felt was imperative. She said if that was something the Board could consider for approval of them reducing it down to 196 square feet. She said they would maintain the 7 X 7, which was what people really would see from Victory Drive. She said they also upgraded the sign to not just be the pole sign with the cabinet attached to it. They took time to add upgraded measures to the sign. And if Staff felt like there was something else they could do the design of the sign they would be happy to do them as well.

**Mr. Mackey** stated he was concerned that when Home Depot is completed the traffic that would be stacked coming off of the off-ramp from Truman Parkway, which was already bad.

**Mr. Todaro** stated Zoning Board of Appeals has granted one variance that was similar to this. He said the Best Western sign on Abercorn where Waffle House and them were on the same sign, so it has happened before. In addition, there has been another request from another business on Truman Parkway for a pylon sign.

**Mr. Saussy** stated that was what he was concerned about. Eventually, you will have sign after sign on Victory Drive and then it would look like Abercorn.

**Mr. Mackey** stated he was sure there were other municipalities or communities that have sign ordinances that were more stringent, for instance Hilton Head. He asked what type of extraordinary things does Home Depot do when you encounter those communities that required things like that?

**Ms. Holderfield** stated they try to work with the community as far as doing whatever upgrades to the sign that they possibly could. She said they could make the sign a double pole sign and add any decorative features. However, the one thing that they could not do was change the trademark logo, which was the orange and white. But they could do anything related to the structure to make it more appealing to the community. She said if there were any Mediterranean designs or something that they had to fall in line with Home Depot did not have a problem with that at all.

**Mr. Mackey** stated he was interested in Home Depot doing something a little more aesthetically pleasing. He asked if Home Depot would be willing to give the Board some more drafts and come back at the next meeting?

**Ms. Holderfield** stated yes. She said if they could move forward in looking at it from the perspective that Home Depot does need a certain size at a certain height for the Truman Parkway. She said if they could come to an agreement there and then work out the necessary aesthetics to the sign.



**Mr. Mackey** stated he felt Home Depot needed to come back with something visually compatible to mitigate the height. He said she could think of it in terms as if she was in Vermont.

**Ms. Holderfield** stated okay. She added that she also did the sign in Vermont.

**Mr. Saussy** stated maybe they could even consider another location for the sign?

**Mr. Mackey** suggested to the petitioner that she research another location on the site with the same height, and to also research at the same position a more creative sign.

**Ms. Holderfield** asked if the Board preferred to have something as far as a sign for Truman behind the building?

**Mr. Mackey** stated she could also do that.

**Ms. Holderfield** stated in summary she would be looking for two signs. One still on Victory Drive, so that they still had representation for the entrance and a second one on Truman, which would be more behind the building. However, someone else owned the property directly between Home Depot and Truman Parkway, so it would be immediately behind the building.

**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 Vera Guyton  
B-04-57507-2  
2013 East 58<sup>th</sup> Street**

Present for the petition was Vera Guyton and Dorothy Bennet Hill, Agent.

Ms. Bunce gave the following Staff report.

The petitioner is requesting a use (child care center) and a waiver of the requirement that such use shall only be permitted 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 expand a child care center at 2013 East 58<sup>th</sup> Street, within an R-6 (One-Family Residential) zoning district. This application was heard previously and was denied. The petitioner requested a rehearing but due to a medical emergency was unable to attend that meeting.

### **Findings**

1. The petitioner currently operates a family daycare home (i.e. a day care for six children as a home occupation) at this site in a single-family dwelling unit. The petitioner is requesting a child care center for 12 children. The petitioner is not proposing an expansion of the existing dwelling.
2. 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.
3. The outdoor play area requirement for 12 children is 1,200 square feet. The petitioner's outdoor play area is approximately 2,800 square feet.
  4. The property is in mid-block of a residential street. Single-family residences are adjacent to the petitioner's property and directly across the street. Delesseps Avenue, an arterial street, is one block to the south. A child care center for 12 children within a residential neighborhood has the potential to create traffic hazards and congestion. A waiver of the street classification requirement does not appear to be justified.
  5. Section 8-3089 (formerly 8-3064A) provides that one off-street parking space be provided for each two employees. Two off-street parking spaces are identified on the site plan. The site plan also shows a circular driveway off 58<sup>th</sup> Street for drop-off and pick-up of children. It is unclear if this driveway has been approved by the City Traffic Engineer. In prior discussions for the previous application, staff has understood that the driveway would enter and exit the site from the lane.
  6. A concrete block wall surrounds the outdoor play area. This wall is sufficient to shield

the play area from the abutting residences.

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. Several of the conditions required for approval of the use do not appear to be met. The petitioner proposes to establish a “business” use in a residential neighborhood. A child care center for 12 children has the potential to adversely affect the stability of the residential neighborhood, to constitute a noise nuisance, and to cause a traffic hazard by the number of vehicles coming and going to the site. There appears to be inadequate area in front of the property to provide for a drop-off and pick-up of the children. A child care center of this size will be detrimental to the use or development of adjacent properties and the general neighborhood.

### **Summary Of Findings**

The conditions necessary to establish a child care center appear to not be met at this location and a waiver of the street classification requirement appears to not be justified.

**Mr. Mackey** asked if this petition came before the Board before?

**Ms. Bunce** stated yes, and it was denied. The petitioner requested a rehearing, but was unable

to attend because of a medical emergency.

**Mr. Todaro** stated it appeared that the Traffic Engineer department has approved the pickup and drop off.

**Ms. Dorothy Bennet Hill** stated that Ms. Guyton would like to get approval for a group home. She said the group home would have 12 children. She added that a group home was classified as 6 – 18 children. She said Ms. Guyton did have approval by the City for the driveway in the front for the daycare. Currently, she has 6 children that she keeps. She said Ms. Guyton has been doing this for the past 10 years and her neighbors have not objected to her having the daycare. And also the additional six children will be picked up and dropped off.

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

**Ms. Guyton** stated she would do morning and evening shifts. She said she have parents that work 3 p.m. – 11 p.m., 2 p.m. – 10 p.m. and sometimes midnight. She said she has operated the daycare for a while in the area and has never had any problems with her neighbors.

**Ms. Lillian O'Donovan** stated she owned the property next door. She said she loves children, but there was a daycare center that was immediately behind the proposed building. She said she has noticed that it was for sale and it carried the capacity for 60 – 80 children. She said the noise level was really bad. She said her garage apartment was right by the back yard. And one of her tenants who sometimes work nights has to sleep-in in the mornings. She said she would probably have to break his lease because the noise is so bad.

**Mr. Saussy** asked if she was to right or left of the property?

**Ms. O'Donovan** stated there house was on the corner and hers was next to it to the left. She said she had a house that was in front of the property and the garage apartment was in back directly next to the backyard.

**Mr. Mackey** asked if she has had a problem with this petitioner's daycare since she has been operating at the site for 10 years?

**Ms. O'Donovan** stated she did not know she had been there for 10 years. She said when she goes over there she have not seen any children, however she is not over there that much. If they were not in the backyard and there was no noise element, then she would not object.

**Mr. Mackey** stated that the crux of the problem that she is facing is coming from the other entity and not the petitioner.

**Ms. O'Donovan** stated, yes, but she is saying that if there is a center right next door then it's like being right there. The other one is a way from her and is located on DeLesseps.

**Mr. Mackey** stated that he understands what she is saying. He further stated that he understood her to say in her testimony that the petitioner has been in the location 10 years and she didn't know that she was there.

**Ms. O'Donovan** stated that she knew that there was a person who had the center before, but she did not know that it had been sold. In other words, she didn't realize that it had been 10 years since the property was sold. She stated that she thought that it was more like five or six

years.

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

**RE: Petition of Douglas Kaufman  
B-04-57682-2  
308 East 33<sup>rd</sup> Street**

Present for the petition was Douglas Kaufman.

Ms. Moore gave the following Staff report:

The petitioner is requesting the following 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 construct a single family residence at 308 East 33rd Street, within an RM-25 (Multi-family Residential) zoning district: two, two-foot side yard setback variances; a 20 foot rear yard setback variance; a two space off-street parking variance; and a 3,938.5 foot minimum lot area variance,.

**Findings**

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

<u>Minimum Lot Width</u>	<u>Minimum Lot Area</u>	<u>Front Yard Setback</u>
60 feet	6,000 square feet	50 feet (from centerline of street for residential street)

<u>Minimum Side Yard Setback</u>	<u>Minimum Rear Yard Setback</u>	<u>Maximum Height</u>
5 feet	25 Feet	40 feet

2. The petitioner’s lot is 31 feet wide and 66.5 feet deep and contains 2,062 square feet. The lot is a substandard lot of record. It is located on East 33rd Street within the Thomas Square Streetcar Historic District. There is no lane in the block between 32<sup>nd</sup> and 33<sup>rd</sup> Street. Service lanes serve many purposes including property access. Lanes are common throughout the downtown area.
3. The lot is presently vacant. The petitioner proposes to construct a single-family dwelling. The Zoning Ordinance requires a minimum of 6,000 square feet of lot area for a single-family dwelling. The petitioner is requesting a 3,938.5 square foot lot area variance.
4. The petitioner is requesting a two space-off street parking variance. The petitioner has not submitted a parking survey detailing the current on-street parking situation in the area.
5. Zoning Board of Appeals may authorize a variance in an individual case upon a finding that:

- (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.

The lot is substandard in size.

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

The application of this chapter would create an unnecessary hardship to the petitioner who seeks to construct a single-family dwelling.

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

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

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

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

### **Summary Of Findings**

All of the conditions required for granting two, two-foot side yard setback variances; a 20 foot rear yard setback variance; and a 3,938.5 foot minimum lot area variance appear to be met. The request for a two space off-street parking variance needs further information from the petitioner, including a parking survey.

**Mr. Douglas Kaufman**, petitioner, stated the parking seems to be the only detriment at this point. He further stated that he did not understand that until he received a call from Mr. Lee Webb and that he needed to have an auto survey showing the existing parking in both the morning and evening hours. He stated that he took pictures at 9:00 AM, 12:00 PM (noon) and again at 6:30 PM, in both directions looking east and west.

**Mr. Kaufman** stated with regard to parking on 33<sup>rd</sup> Street, you could put approximately ten cars on each side of the street for a total of 20 cars, between Lincoln and Habersham Streets. Mr. Kaufman stated that the next petition will be for lot 54 which is located next door. He is proposing to building a single-family home on lot 51. There will be no exit into the back yard because there will be no back yard per se. There will be a two foot balcony for plants in the rear of the property.

**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 passed unanimously.

RE: Petition of Douglas Kaufman  
B-04-57818-2  
310 - 312 East 33<sup>rd</sup> Street

Present for the petition was Douglas Kaufman.

**Ms. Moore** stated that she wanted to point out the petitioner's zoning district if RM-25, which means no more than 25 units per net acre. She stated that based on the petitioner's proposal to

build a duplex, those two units are equivalent to 42.5 units per acre, which would exceed the requirement of the district. She further stated that her understanding is that the density requirements are not variable and in this case if the petitioner wanted to develop a duplex he would have to rezone the property to a density that would allow him to have two units on that particular piece of property.

**Mr. Todaro** stated that he believes the Board of Appeals has the authority to grant the petitioner’s request.

**Mr. Kaufman** stated in this particular variance the addresses for the property was 310 – 312 East 32<sup>nd</sup> Street, which were numbers that were already there before he got the property. He said he felt that meant that there use to be a doubled numbered lot with a two-family dwelling there in the past. He said all he was doing was putting back what was existing.

**Ms. Moore** stated she felt the inconsistency was that this neighborhood was developed late 1800’s - early 1900’s and zoning did not take place until 1960. She said she felt there was inconsistency between the zoning and the development pattern of the area and the Thomas Square plan was looking to bridge that gap.

**Mr. Kaufman** stated the Board has approved the exact same building across the street on the corner of Lincoln and 33<sup>rd</sup> Street, which he also planned to build there as well.

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

**RE: Petition of Thelma Lynah  
B-04-57934-2  
10 West 52nd Street**

Present for the petition was Thelma Lynah.

Ms. Bunce gave the following Staff report.

The petitioner is requesting an 8.83 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 at 10 West 52<sup>nd</sup> Street, within an R-4 (Four-family Residential) zoning district.

**Findings**

1. Section 8-3025 of the Savannah Zoning Ordinance provides the following minimum development standards:

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

<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	50 percent	5 feet
One-family (Detached)			

Front Yard Setback  
50 feet (from centerline  
of street on residential  
street)

Rear Yard Setback  
25 feet

2. The petitioner's lot is 60 feet wide and 100 feet deep and contains 6,000 square feet. The lot is standard in width and size.
3. The existing residence is 1,883 square feet in size. The existing carport is 242 square feet. The existing lot coverage is 35.4 percent.
4. The petitioner is proposing a 295 square foot addition onto the rear of the existing house. The building coverage would be increased from 35.4 percent to 40 percent, which meets the requirement for lot coverage.
5. The present rear yard setback of the house is 26.17 feet. The proposed addition would encroach into the required 25 foot rear yard setback area, leaving a 16.17 foot rear yard setback. The petitioner is requesting an 8.83 foot rear yard setback 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 petitioner's lot is regular in shape and standard in size.
  - (b) The application of this chapter to this particular piece of property would create an unnecessary hardship.  
  
The lot is standard in size. Application of the development standards of the Zoning Ordinance would not create an unnecessary hardship.
  - (c) Such conditions are peculiar to the particular piece of property involved.  
  
There are no peculiar conditions 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 would impair the purposes and intent of the Zoning Ordinance.

### **Summary Of Findings**

All of the conditions required for granting an 8.83 foot rear yard setback variance do not appear to be met.

**Mr. Wallace Bell, Agent**, stated Ms. Lynah cared for foster children who were handicapped that required special equipment. He said Ms. Lynah has also planned to adopt those children. He said the main reason she needed the addition was because the equipment was too big to be turned around in the room in the space that she currently has. He said therapists come in to the



home to also provide care and space was of the importance. He said they were trying to create an addition where the equipment can be used and handled in the space available.

**Mr. Mackey** asked how long has Ms. Lynah been operating this business at this location?

**Ms. Lynah** stated 3 years. She said she had two special need children, ages 7 and 3. She said they had to have therapy and schooling at home, so she needed a therapy room. The therapists and teacher come to her home to provide therapy and teach the children. She said she had twelve pieces of equipment that she could not use because her bedroom was not large enough to do their therapy.

**Mr. Saussy** asked if she lived in the home?

**Ms. Lynah** stated yes.

**Ms. Lovett** stated she had the opportunity to see Ms. Lynah’s setup and what she was trying to do. She said she felt it really was needed.

**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 passed unanimously.**

**RE: Petition Ian Robb  
B-04-58281-2  
31 East 52<sup>nd</sup> Street**

Present for the petition was Ian Robb.

Ms. Bunce gave the following Staff report.

The petitioner is requesting a 1.75 foot rear yard setback variance and 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 8-3163(c) of the Savannah Zoning Ordinance, in order to build a detached two-car garage at 31 East 52<sup>nd</sup> 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 detached two-car garage at 31 East 52<sup>nd</sup>

Street. The lot is 60 feet wide and 105 feet deep. The petitioner is requesting a 1.75 foot rear yard setback variance and a three foot side yard setback variance.

3. According to Section 8-3011; Location of accessory uses or buildings: “Accessory uses of buildings shall be permitted only in the rear yards, unless otherwise provided for in this chapter. An accessory use or building shall be set back not less than five feet from any lot line.”
4. The proposed building is 20 feet wide and 20 feet deep and is 400 square feet in size. As proposed, the garage will have a two foot side yard setback and a 3.25 foot rear yard setback instead of the five foot setbacks that are required.
5. The Zoning Board of Appeals may authorize a variance in an individual case upon a finding that:
  - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.

There are no extraordinary or exceptional conditions pertaining to the petitioner’s property. The lot is standard in size, with a width of 60 feet and a depth of 105 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. There is adequate space on the lot to construct the garage in accordance with the development standards.
  - (c) Such conditions are peculiar to the particular piece of property involved.

There are no peculiar conditions related to this particular 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 Zoning Ordinance.

### **Summary Of Findings**

All of the conditions required for granting a 1.75 foot rear yard setback variance and a three foot side yard setback variance do not appear to be met.

**Mr. Robb** stated he purchased the property about two months ago with no garage, but now realizes he needs one. He said he looked at the property for the best place to put a two car garage. He said he looked in his area to see how other garages were built on the lane and felt this was the best location on his property. He said he did not come before the Board, which was his mistake. However, he did talk with other people and felt this would be in accordance with what he thought the law was.

**Mr. Saussy** asked if the garage has already been built?

**Mr. Robb** stated it has not been completed. He said they stopped construction once the Zoning Administrator advised them. He said he considered putting it on the other side of the property, but there was a Bradford Pear there that he did not want to take down. He said there also was a shed that he will take down that will also help to improve the lot. He said the other reason for wanting to leave it was because it did not leave a lot of room between the back door for putting chairs out and sitting around. He said he felt this would leave more space in the yard overall.

**Mr. Mackey** asked how near was he to completion before the Stop Work Order?

**Mr. Robb** stated the siding was not up as well as the trimmings inside had not been completed.

**Mr. Mackey** asked if the frame was up?

**Mr. Robb** stated yes. And he had to finish the roof because of the threat of the storms coming to the area.

**Mr. David Sauers (39 East 52<sup>nd</sup> Street)** stated he has talked to several of the neighbors and nobody had any complaints about it. He said he felt it was consistent with the other garages in the area and it was also set back a little further than the other garages.

**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 passed unanimously.**

**RE: Petition of Richard Estus  
B-04-58392-2  
2065 East Victory Drive**

Present for the petition was Richard Estus.

Ms. Moore gave the following Staff report.

The petitioner is requesting a variance of 185 feet from the distance separation requirement of 500 feet between separate use signs, which must be approved by the Board of Appeals pursuant to Sections 8-3112(l) and 8-3163 of the Savannah Zoning Ordinance, in order to construct a separate use sign at 2065 East Victory Drive, within a B-C (Community Business) zoning district.

### **Findings**

1. **Request.** The petition is only a request to review the distance separation. A site plan was not submitted and is not under consideration. The sign must comply with the other requirements of Section 8-3112 if relief is granted for the distance separation.
2. **Separate Use Sign Definition.** A separate use or outdoor advertising sign is defined as “an off-premises sign that advertises or directs attention to a business, product, service, or establishment not usually conducted on the premises on which the sign is located.”
3. **Distance Requirement from Separate Use Signs.** With the exception of a single 12’ x 25’ poster panel sign, the minimum separation requirement between separate use signs is 750 feet. The 12’ x 25’ single poster panel sign has a 500 foot requirement. The

petitioner indicates that there is an existing 6' x 12' separate use sign 385 feet from the location where the petitioner desires to locate a 10.5' x 36' sign. Because the proposed sign is smaller than 12' x 25', the 500 foot separation would apply. Therefore a 115 foot variance to reduce the separation requirement from 500 feet to 385 feet is desired.

4. **Variance Criteria.** In accordance with Section 8-3163(c), (Powers and Duties Generally, Request for a Variance), the Board of Appeals can approve a variance from the Zoning Ordinance provided that it is not contrary to the public interest and “[because of] special conditions, a literal enforcement of the provisions of this chapter [Zoning Ordinance] will, in an individual case, result in unnecessary hardship.” In consideration of a variance, the spirit of the Zoning Ordinance “shall be observed, public safety and welfare secured, and substantial justice done.”

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 property is regular in size, shape, and topography. There are no extraordinary and exceptional conditions.

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

All proposed locations for separate use signs are subject to the same requirements. There appears to be no justifiable reason to exempt the proposed sign from the requirements.

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

There are no unusual or peculiar conditions of 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 would cause substantial detriment to the public good and impair the purposes and intent of the Savannah Zoning Ordinance.

### **Summary Of Findings**

All of the conditions required for granting a variance of 185 feet from the required distance separation of 500 feet between separate use signs appear not to be met.

**Mr. Estus** stated the sign location that he was requesting a variance for the intent of the ordinance was to prevent signs primarily large single pole signs on Abercorn, Lynes Parkway, Derenne Avenue, etc. from being visually where you could not see them one to the other. So, there was a 500 foot spacing between them. He said he felt this was not a billboard, it was a 6' X 12' little sign that has been there about four years. But because of the billboard, you could not see his proposed sign and there was also a couple of businesses between them. The ordinance that regulated the signs he felt the intent was not for this particular location. He said

he did not feel that his variance would impair the purposes or intent of the Savannah Zoning Ordinance.

**Mr. John Callen (Real Estate Manager, Lamar Outdoor Advertising)** stated they had the existing off-premise sign that had Checkers on it as shown in the picture. He said the ordinance clearly states that you needed to have a 500 foot separation between off-premise signs. He said 185 foot variance was more than what he recalled excessive and felt it would set an unusual precedent. He said billboard companies like himself could come in and start applying for variances on a large scale basis and based upon allowing this the precedent would be set to allow it.

**Mr. Estus** stated this was the first time he has ever applied for a variance. He said he would not apply for a variance if he considered a 6' X 12' sign a standard outdoor advertising sign. He said this was a sign that belonged to Murray Geffin and has been there a number of years. It was not the standard outdoor that Lamar had, which was the 12 X 25 or 14 X 48 or any of the other ones.

**Mr. Mackey** stated the question would be if the ordinance was talking about the sign that was shown earlier.

**Mr. Todaro** stated even though Mr. Estus did not recognize the 6 X12 as being a separate use sign it was specifically listed in the ordinance as an option size of a sign that would be allowed as a separate use sign. He said maybe the intent was different, but it was in the ordinance.

**Mr. Estus** stated he felt the intent of the ordinance for 500 foot spacing was as he mentioned before for the high rise signs, the single pole signs or major signs.

**Mr. Mackey** asked Mr. Todaro when was the last time the ordinance was revised?

**Mr. Todaro** stated it has been many years. He said he has been doing it for 8 to 10 years and it has been the same. He said there have been a couple of variances on billboards during his time. He said one was with Lamar and one was with Mr. Estus. One was dealing with a wetlands issue, which was approved by MPC because it could not be put in the wetlands. The other one was a separation issue and was only off by less than 10 feet, which was approved by Board of Appeals.

**Mr. Mackey** stated with respect to the petitioner's request in terms of the shortage of the distance within 500 feet the only harm was that it was in conflict with the ordinance.

**Mr. Todaro** stated he guessed that would be an opinion.

**Ms. Lovett** asked Mr. Callen if it was his contention that the only harm was the conflict with the ordinance?

**Mr. Callen** stated as a billboard industry Lamar Outdoor was nationwide, but they were also a local company. He said they believed in abiding by the governing standards of the local municipalities. And it clearly states 500 foot separation. He said his other point was that he felt that when you set a precedent by allowing a variance of this magnitude, you were then opening it up for others to come forward wanting to put more signs up that were less than 500 foot spacing. He said in his opinion a variance was 5, 10, 15 feet, not almost 200 feet.

Mr. Estus stated if both were visible and you could ride down Victory Drive and see both of them then he would not be before the Board.

**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 passed unanimously.

**RE: Petition of Renee M. Reid  
B-04-58500-2  
111 West Anderson Street**

Present for the petition was Howard Reid.

Ms. Bunce gave the following Staff report.

The petitioner is requesting to establish a use (day nursery) which must be approved by the Board of Appeals pursuant to the requirements of Sections 8-3028(18) and 8-3163(b) of the Savannah Zoning Ordinance in order to open a day nursery at 111 West Anderson Street, within a 3-R (Density range between 35 and 60 dwellings per net acre of residential land) zoning district in the Victorian Planned Neighborhood Conservation District.

### **Findings**

1. Sec. 8-3028(18) of the City of Savannah Zoning Ordinance reads as follows:

<u>List of Uses</u>	<u>3-R</u>
(18) Day nurseries	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 day nursery for 18 children. The outdoor play area requirement for 18 children is 1,800 square feet, based upon 100 square feet per child. The site plan indicates a play area of 1,527 square feet, which would serve 15 children.
  3. The property is located on West Anderson Street, which is classified as a secondary arterial street. A day nursery is allowed only on a lot that abuts a collector street or a major arterial street. This requirement is met.
  4. Section 8-3089 requires that one off-street parking space be provided for each two employees. The site plan does not show a designated parking area for employee vehicles. The site plan should be revised to indicate the area for employee parking and to provide landscaping to shield the parking area.
  5. The site plan shows a circular driveway on Anderson Street. The site has a front parking lot with an entrance and exit on West Anderson Street that could be utilized for the loading and unloading of children. The Traffic Engineering Department must approve the access to the site for the proposed use.
  6. The abutting uses are residential. Visual buffers must be provided to shield play areas, and outdoor activity areas from the abutting properties. The site plan shows a wood and chain link fence along the rear yard only. A chain link fence is not a privacy fence. A solid privacy fence must be shown along the west side yard and 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. Conditions No. 4 and No. 7 are not met. The traffic generated by a day nursery with 18 children has the potential to create a nuisance or hazard because of the additional traffic that will be generated. Also, the proposed use could be detrimental to the adjoining residential properties.

### **Summary Of Findings**

The conditions necessary to establish a use appear to not be met.

**Mr. Reid** stated he revised his plans. He said his plans showed 157, but he took the line further from the storage gate to the back porch gate to get another 130 +/- square feet. The playground area was sufficient for 16 children as opposed to 18 children. He said he would also have adequate parking. He said they would also change the chain link fence to a wooden privacy fence.

**SZBA Action:** Mr. Mackey made a motion that the Savannah Zoning Board of Appeals approve the petition for 16 children with the following conditions: approval of the curb cuts and driveway plan by Traffic Engineering, provide a solid fence to visually screen the play area, and provide landscaping to shield the parking area.

**Ms. Lovett** asked if they had received approval for the circular driveway?

**Mr. Reid** stated the circular drive was showing where the cars could come in/out because the building used to be a dentist office. On the street end and where the building ends there was a parking zone.

**Mr. Mackey** asked how many children were they talking about?

**Mr. Reid** stated 16 children.

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



**RE: Petition of Richard Brown  
 B-04-58581-2  
 116 – 118 West 33<sup>rd</sup> Street &  
 117 – 119 West 32<sup>nd</sup> Street**

Present for the petition was Richard Brown.

Ms. Moore gave the following Staff report.

The petitioner is requesting the following variances pursuant to the requirements of Sections 8-3025, 8-3009, and 8-3163 of the Savannah Zoning Ordinance in order to divide a parcel of land to locate each of two structures on a separate lot at 116-118 West 33<sup>rd</sup> Street and 117-119 West 32<sup>nd</sup> Street, within an R-I-P (Residential-Institutional-Professional) zoning district in the Thomas Square Streetcar Historic District. For Lot 18-A: a 4,115 square foot lot area variance; a four percent lot coverage variance; a 25 foot front yard setback variance; a 13.7 foot rear yard setback variance; a two foot west side yard setback variance; and a 1.3 east side yard setback variance. For Lot 18-B: a 3,720 square foot lot area variance; a 5.3 front yard setback variance; and a 17 foot rear yard setback variance.

**Findings**

1. Section 8-3025 of the City of Savannah Zoning Ordinance provides the following development standards for a two-family dwelling in an R-I-P zoning district:

<u>Minimum Lot Area</u> 7,200 square feet	<u>Minimum Lot Width</u> 60 feet	<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	<u>Building Coverage</u> 40 percent

2. Each of the two proposed lots is required to have a minimum size of 7,200 square feet. Lot 18-A will be 60 feet by 51.42 feet, or 3,085 square feet. This is a variance of 4,115 square feet from the required minimum lot size of 7,200 square feet. Lot 18-B lot will be 60 feet by 58 feet, or 3,480 square feet. This is a variance of 3,720 square feet from the required minimum lot size of 7,200 square feet.
3. Lot 18-A also requires the following variances: a four percent lot coverage variance; a 25 foot front yard setback variance; a 13.7 foot rear yard setback variance; a two foot west side yard setback variance; and, a 1.3 east side yard setback variance.
4. Lot 18-B also requires a 5.3 front yard setback variance and a 17 foot rear yard setback variance.
5. Section 8-3009, Reduction or Change in Lot Size, provides that no lot shall be reduced or changed in size so that the total area, lot width, front, side or rear setbacks, lot area per dwelling unit, area required to maintain proper building coverage, or other dimensions, areas or open spaces required by these regulations are not maintained except as hereafter provided: Any resultant lot will contain a residential structure, exclusive of a garage apartment and/or accessory residence, at the time of the

subdivision. No resultant lot shall be less than the average lot size within the block face area, provided that the Savannah Zoning Board of Appeals may approve a lot that is less than the average lot width and lot area of the block face area upon a finding that:

- a. The property is located within a historic district and such subdivision would not alter the historic character of the district; or.
  - b. The property is not located within a historical district and such subdivision would not result in the creation of a lot with a lot width or lot area less than 75 percent of the average lot width and/or lot area of the majority of lots within the block face area,
6. Both of the lots will contain a residential structure at the time of the subdivision. This requirement of Section 8-3009 is met.
  7. The property is located within the Thomas Square Streetcar Historic District. This requirement of Section 8-3009 is met.
  8. The proposed subdivision would not alter the historic character of the district. This is a relocation of the lot line. This requirement of Section 8-3009 is met.

### **Summary Of Findings**

All of the conditions required by Section 8-3009 for granting the following variances appear to be met. For Lot 18-A: a 4,115 square foot lot area variance; a four percent lot coverage variance; a 25 foot front yard setback variance; a 13.7 foot rear yard setback variance; a two foot west side yard setback variance; and a 1.3 east side yard setback variance. For Lot 18-B: a 3,720 square foot lot area variance; a 5.3 front yard setback variance; a 17 foot rear yard setback variance.

**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 passed unanimously.

**RE: Petition of Felicia E. Drayton  
B-04-58139-2  
1234 East 54<sup>th</sup> Street**

Present for the petition was Felicia Drayton.

Ms. Bunce gave the following Staff report.

The petitioner is requesting to establish a use (child care center) and a waiver of the requirement that such use shall only be permitted 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 1234 East 54<sup>th</sup> Street, within an R-4 (Four-Family Residential) zoning district.

### **Findings**

1. Sec. 8-3025(22b) of the City of Savannah Zoning Ordinance contains the following requirements for opening a child care center in an R-4 zoning district:

<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 18 children. The outdoor play area requirement for 18 children is 1,800 square feet, based upon 100 square feet per child. The site plan indicates two play areas with a combined total of 2,954 square feet which meets the outdoor play area requirement.
  3. The property is located on East 54<sup>th</sup> Street, which is classified as a residential street. A child care center is allowed only on a lot that abuts a collector street or a major arterial street. The Board of Appeals is authorized to waive this requirement. A waiver of the street classification requirement does not appear to be justified.
  4. Section 8-3089 requires that one off-street parking space must be provided for each two employees. The site plan does not show a designated parking area for employee vehicles. The site plan should be revised to indicate the area for employee parking and to provide landscaping to shield the parking area.

5. The site plan shows a circular driveway connecting Cedar Street and East 54<sup>th</sup> Street. The petitioner must apply to the Traffic Engineering Department for approval of the curb cuts and driveway for the loading and unloading of children.
6. The abutting uses are residential. Visual buffers must be provided to shield all play areas and outdoor activity areas from the abutting properties. The site plan shows fencing along the west side yard and the rear yard. A chain link fence is not a privacy fence. A solid privacy fence must be shown along the west side and east side yards and 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. Conditions No. 4 and No. 7 are not met. The traffic generated by a child care center for 18 children has the potential to create a nuisance or hazard. The proposed use could be detrimental to the adjoining residential properties and to the general 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.

**Ms. Drayton** stated that she was requesting to increase her daycare from 6 children to 18 children. She said the purpose was due to an increase in request from present parents whose children are currently enrolled as well as neighbors.

**Mr. Mackey** asked if she would consider 12 children as opposed to 18 children?

**Ms. Drayton** stated yes. She also stated that she was willing to make all provisions necessary as recommended by Staff.

**SZBA Action:** **Ms. Lovett** made a motion that the Savannah Zoning Board of Appeals approve the petition for a child care center for 12 children with the following conditions: approval of the curb cuts and driveway plan by Traffic Engineering, provide a solid privacy fence (six foot high wooden fence) to screen the outdoor play areas and provide landscaping to screen the employee parking area. A waiver of the street classification requirement is approved. **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 5:00 p.m.

Respectfully submitted,

Charlotte Moore  
Acting Secretary

**CM/ca**