

SAVANNAH ZONING BOARD OF APPEALS

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

OCTOBER 26, 2004

2:30 P.M.

REGULAR MEETING

MINUTES

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Mickey Stephens

TECHNICAL STAFF PRESENT:

Tiras Petrea, City Inspections Department

MPC STAFF PRESENT:

**John Howell, Secretary
James Hansen, Secretary
Charlotte Moore, Acting Assistant Secretary
Christy Adams, Assistant Secretary**

RE: Call to Order

Mrs. Myers called the October 26, 2004 meeting of the Savannah Zoning Board of Appeals to order at 2:30 p.m.

RE: MINUTES

1. Approval of SZBA Minutes – September 28, 2004

SZBA Action: Mr. Mackey made a motion that the Savannah Zoning Board of Appeals approve the regular meeting minutes of September 28, 2004. Ms. Lovett seconded the motion and it passed unanimously.

RE: Consent Agenda

**RE: Continued Petition of The Coastal Empire
Habitat for Humanity
Diane M. Cantor
B-04-56423-2
2018 Packard Street**

The petitioner is requesting a five foot rear yard setback variance; a 30 foot lot width variance, a 6'6" front yard setback variance, and a 3,000 square foot minimum lot area variance, which must be approved by the Board of Appeals pursuant to the requirements of Sections 8-3025(d) and 8-3163(c) of the Savannah Zoning Ordinance, in order to construct a single family residence at 2018 Packard Avenue, within an R-6 (One-family Residential) zoning district.

Summary of Findings: All the conditions required for granting a five foot rear yard setback variance; a 30 foot lot width variance, a 6'6" front yard setback variance, and a 3,000 square foot minimum lot area variance appear to be met.

**RE: Continued Petition of The Coastal Empire
Habitat for Humanity
Diane M. Cantor
B-04-56751-2
5006 Temple Street**

The petitioner is requesting a 14 foot rear yard setback variance, a 28 foot lot width variance, an 11'6" front yard setback variance, a 15 percent building coverage variance, and a 2,800 square foot minimum lot area variance, which must be approved by the Board of Appeals pursuant to the requirements of Sections 8-3025(d) and 8-3163(c) of the Savannah Zoning Ordinance, in order to construct a single family residence at 5006 Temple Street, within an R-4 (Four-family Residential) zoning district.

Summary of Findings: All the conditions required for granting a 14 foot rear yard setback variance; a 28 foot lot width variance, a 11'6" front yard setback variance, a 15 percent building coverage variance, and a 2,800 square foot minimum lot area variance appear to be met.

**RE: Continued Petition of The Coastal Empire
Habitat for Humanity
Diane M. Cantor
B-04-57012-2
4708 Dancy Street**

The above-mentioned petition was moved to the Regular Agenda.

The petitioner is requesting a 14 foot rear yard setback variance, a 28 foot lot width variance, an eleven foot six inch front yard setback variance, a 15% building coverage variance, and a 2,800 square foot minimum lot area variance which must be approved by the Board of Appeals pursuant to the requirements of Sections 8-3025(d) and 8-3163(c) of the Savannah Zoning Ordinance, in order to construct a single family residence at 4708 Dancy Street, within an R-4 (Four-family Residential) zoning district.

Summary of Findings: All the conditions required for granting a 14 foot rear yard setback variance; a 28 foot lot width variance, a 11'6" front yard setback variance, a 15 percent building coverage variance, and a 2,800 square foot minimum lot area variance appear to be met.

**RE: Continued Petition of The Coastal Empire
Habitat for Humanity
Diane M. Cantor
B-04-57106-2
5122 Dancy Street**

The petitioner is requesting a 14 foot rear yard setback variance, a 28 foot lot width variance, an 11'6" front yard setback variance, a 15 percent building coverage variance, and a 2,800 square foot minimum lot area variance, which must be approved by the Board of Appeals pursuant to the requirements of Sections 8-3025(d) and 8-3163(c) of the Savannah Zoning Ordinance, in

order to construct a single family residence at 5122 Dancy Street, within an R-4 (Four-family Residential) zoning district.

Summary of Findings: All the conditions required for granting a 14 foot rear yard setback variance; a 28 foot lot width variance, a 11'6" front yard setback variance, a 15 percent building coverage variance, and a 2,800 square foot minimum lot area variance appear to be met.

**RE: Petition of John M. Prather
B-04-54656-2
902 Mill Drive**

The petitioner is requesting an eight foot rear yard setback variance which must be approved by the Board of Appeals pursuant to the requirements of Sections 8-3025(d) and 8-3163(c) of the Savannah Zoning Ordinance, in order to build an addition to an existing single family residence at 902 Mill Drive, within an R-6 (One-Family Residential) zoning district.

Summary of Findings: All of the conditions required for granting an eight (8) foot rear yard variance appear to be met.

**RE: Petition of Cherie Restler
B-04-55474-2
544 – 546 East Gaston Street**

The petitioner is requesting a 0.74 foot lot width variance for Lot D1 and a 0.75 foot lot width variance for Lot D2 which must be approved by the Board of Appeals pursuant to the requirements of Sections 8-3009, 8-3025(d) and 8-3163(c) of the Savannah Zoning Ordinance, in order to subdivide a lot to locate each of two existing residential structures on a separate lot at 544-546 East Gaston Street, within an R-I-P-A (Residential, Medium Density) zoning district.

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

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

RE: Regular Agenda

**RE: Continued Petition of The Coastal Empire
Habitat for Humanity
Diane M. Cantor
B-04-57012-2
4708 Dancy Street**

Present for the petition was Rob Brannen, Attorney.

The petitioner is requesting a 14 foot rear yard setback variance, a 28 foot lot width variance, an eleven foot six inch front yard setback variance, a 15% building coverage variance, and a 2,800 square foot minimum lot area variance which must be approved by the Board of Appeals pursuant to the requirements of Sections 8-3025(d) and 8-3163(c) of the Savannah Zoning

Ordinance, in order to construct a single family residence at 4708 Dancy Street, within an R-4 (Four-family Residential) zoning district.

Summary of Findings: All the conditions required for granting a 14 foot rear yard setback variance; a 28 foot lot width variance, a 11'6" front yard setback variance, a 15 percent building coverage variance, and a 2,800 square foot minimum lot area variance appear to be met.

Mr. Howell stated that he received a fax and a telephone call this morning from Mrs. Crawford because she would not be able to attend today's meeting. He said she indicated by telephone that her father was in opposition only for clarification of how the houses would be located on the property that was adjacent to his. He said he offered to meet with Mrs. Crawford to go over the specifics, but because her father had to have emergency surgery today it seemed that she did not have time to do it. He said he asked her if she had spoken with Mrs. Cantor and she said she had.

Mrs. Cantor stated when Mrs. Crawford asked for information about how the houses would be located on the property adjacent to her father's property it was puzzling to her because actually they were not putting anything on the property adjacent to her father's property. She said they had two houses (4714 and 4718 Dancy Street). She said all she could emphatically say was that they had houses that have already been built and were occupied that were next to a lot that they bought from Rex Ma and that was the lot that they were building a house on. She said they were not building a house on the property that was her father's. She said maybe she was using the word "adjacent" wrong. She said it was across the street from the lot that was owned by Mr. Newsome and two Habitat homeowners owned the property on either side of this lot that they were building on. She further stated that on two different occasions they have been in a contractual relationship with Mr. Newsome to try to purchase property. She said he comes in to sign the contract but then he backs out.

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

Present for the petition was Rosalyn Holderfield.

Ms. Myers called for the Staff report.

Ms. Moore stated that this was a continuation from last meeting. She said at that time the Board asked the petitioner to consider other sign alternatives. The sign being shown on the overhead projector was the original proposed sign. It was one freestanding sign. The proposed height was 60 feet and the allowed height within the B-C district is 40 feet. She said along Victory Drive, which was a Class One roadway a 40 foot sign was allowed and the proposed height was 60 feet, which would be a variance of 20 feet. She stated that the total sign area also required a variance. The total proposed sign area by the petitioner was 610 square feet, which would be a 490 square foot variance. She said a 120 square feet was the maximum allowable sign area.

She further stated that that petitioner has provided the Board with two alternatives. The first option would have the sign in the same location. She said they were proposing a sign height of 50 feet, which would still require a variance. Also, the sign area would also require a variance because 120 square feet is the allowable maximum sign area along Victory Drive. And what was being proposed was 490 square feet, which was a difference of 370 square feet.

The second alternative would be two freestanding signs, but by ordinance only one freestanding sign would be allowed. She said the petitioner was showing one sign here, which was a smaller monument style sign which was 20 feet in height. Each sign panel would have 49 square feet, which would meet the standards of the ordinance. She said the second sign was actually located off-site. Off-site freestanding signs were not allowed. The only off-site signage allowed would be a separate use sign (billboard), which Staff felt could not be considered today. She said this would leave the Board with the first option, which was a sign height of 50 feet. However, in order to be approved at that site a 10 foot height variance would have to be approved.

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 Staff would there be a problem if the particular sign was not fixed to the building?

Ms. Moore stated Home Depot has already had fascia signage approved, but she believed they wanted a freestanding sign.

Mr. Mackey stated at the last meeting the petitioner's testimony was Home Depot wanted to get the visibility along the Truman Parkway. He asked once the building is completed, what was wrong with the sign actually either freestanding or on the back of the building?

Ms. Moore stated if the sign was attached to the building it would be a fascia sign, which they have already received approval for.

Mr. Mackey asked what if it was detached?

Ms. Moore stated it would be a freestanding sign. And when the site plan came before MPC, the location was approved, but the actual freestanding signage information was not provided. Therefore, it was shown at this location, but there was no freestanding signage shown in the rear of the property.

Mr. Mackey stated at the last meeting the question was the visibility along Truman Parkway. He said with the freestanding sign as it was, he did not know if he could support another freestanding sign along Victory Drive. He asked Staff what would be the alternatives?

Ms. Moore stated the alternative to her would be to have the sign on Victory Drive. She said there were other shopping centers in the area and they did not have signage on Truman Parkway. Also, the way the height and sign areas were classified it was by roadway and Truman Parkway was not classified. She said she believed was to not have signage along Truman Parkway and to keep it to the more local streets rather than the limited access roadways.

Ms. Holderfield stated as noted by Staff they did make changes to the size and height of the sign based on the comments from the last meeting. She said they reduced the size of the sign by 10 feet making it 50 feet in overall height. They also reduced the overall square footage for the main portion of the sign 196 and then 49. She said her calculations was 245 square feet overall, which was different than Staff's. She said this would take them 120 square feet over and above the allowed 125. Again, they reduced that from 16 X 16 to a 14 X 14. As they mentioned from the previous meeting their main intent was to obtain visibility to Truman Parkway. She said what they tried to do was have a sign that was combining a directional type sign for Victory Drive and the overall presence being oriented towards Truman Parkway.

Ms. Myers stated this was the first time she has heard the petition since she was absent from the meeting last month. She said in her opinion she would hate to see this begin to have this large of a sign on Victory Drive. She said she also knew that the intent for Truman Parkway was not to have signage on it and it was to be parkway. She said she felt this was too large of sign for Victory Drive. She said she also felt that what the petitioner wanted to do could actually be done at this site.

Ms. Holderfield stated the objective was to obtain traffic where the majority of the Home Depot traffic would be coming off of the Truman Parkway. She said their goal was to make sure that motorists traveling on Truman Parkway could properly exit off of Truman and see Home Depot was there. She said their main concern was traveling northbound on Truman and they would have a wall sign on the rear elevation, but you would not be able to see the wall sign until after you have passed the off-ramp and were over the overpass. So, they wanted to have the sign oriented towards Truman Parkway and then have a smaller sign off of Victory Drive and then try to combine the two.

Ms. Lovett stated the design looked a lot nicer from what was presented last month. She asked if it was possible that Home Depot could make something smaller?

Ms. Holderfield stated they have reduced the size and height of the sign. She said the 50 feet took them down to the minimum because they had the overpass that was between the 25 feet – 28 feet overall height. In order to have a 14 X 14 or a 12 X 12 it would bump it up into too close to the 50 foot range. She said if Home Depot was to go with the sign allowed by code the top of the sign would probably hit about 6 feet up and over the bridge. So, the whole sign would not be visible from Truman.

Ms. Myers stated she was really concerned about granting a sign of this size in this area. She said this area has been so beaten back. She said she would not like to see it start looking like Abercorn Extension, which she felt would be the beginning.

Ms. Holderfield stated they also checked into as far as having some sort of informational type sign that you see along interstates for Home Depot, but unfortunately those types signs were only restricted to restaurants, gas stations, and hotels.

Mr. Mackey stated being one of the ones who originally asked for the petitioner to bring back some different options he still felt Home Depot had not met the satisfaction of the area aesthetically.

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

Ms. Holderfield asked for purposes of clarification if they were still allowed the 125 square feet per side at 40 feet off of Victory Drive?

Mr. Petrea, Ms. Moore, and Ms. Holderfield met outside of the meeting to clarify the allowed signage.

**RE: Petition of Jodona Brown
B-04-54497-2
24 Diane Mackenzie Way**

Present for the petition was Jodona Brown.

Mr. Howell gave the following Staff report.

The petitioner is requesting a four foot rear yard setback variance and a 1.04 percent building coverage variance, which must be approved by the Board of Appeals pursuant to the requirements of Sections 8-3035 and 8-3163(c) of the Savannah Zoning Ordinance, in order to construct an addition to an existing single family residence at 24 Diane Mackenzie Way, within a PUD-M-5 (Planned-Unit-Development-Multifamily, five units per acre) zoning district.

Findings

1. Section 8-3035 of the City of Savannah Zoning Ordinance provides that within PUD-M zoning districts, single family detached dwellings shall comply with the development standards for the R-6 zoning district, which are as follows:

Rear Yard Setback
25 feet, minimum

Minimum Lot Area
6,000 square feet

Minimum Lot Width
60 feet

Maximum Lot Coverage
30 percent

2. The petitioner's house faces a residential street and the rear yard fronts Bradley Boulevard, the main entrance into the subdivision. The property is a double frontage lot and is 70 feet X 100 feet.
3. The request is to enclose a patio and add a sunroom onto the rear of a house. The lot coverage would be increased by 281 square feet, from 1,892 to 2,173 square feet. The 30 percent maximum allowable lot coverage is 2,100 square feet. The proposal will exceed the maximum lot coverage by 73 square feet. The addition will also encroach four feet into the rear yard setback. The rear yard is enclosed by a six foot high opaque wooden fence.
4. The Zoning Board of Appeals may authorize a variance in an individual case upon a finding that:
 - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.

There are no extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.

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

The intent of requiring rear yard setbacks for residences is to maintain a certain separation between other homes and to provide open space within the lot and community. This particular property's rear yard abuts a street, not another home.

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

There are no extraordinary and exceptional conditions peculiar to the property. Double frontage lots exist elsewhere in the neighborhood.

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

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

Summary Of Findings

All of the conditions required for granting a four foot rear yard setback variance and a 1.04 percent lot coverage variance appear to not be met.

Ms. Brown stated this was her first home and she wanted the sunroom because she liked being outdoors, but you cannot do it year round. She said she felt by having a sunroom that you would be able to do it.

Ms. Myers stated the petitioner had a big fence all the way around the property and felt that it may not be visible.

Ms. Brown stated that was correct. She also added that there were no houses to the rear of her property. And there was another street in front of the house, which was the main street.

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

RE: Minutes

1. Approval of SZBA Minutes – September 28, 2004

SZBA Action: Mr. Mackey made a motion that the Savannah Zoning Board of Appeals approve the regular meeting minutes of September 28, 2004. Ms. Lovett seconded the motion and it passed unanimously.

RE: Other Business

1. Nomination for Vice Chairman for 2004

Ms. Myers stated Mr. Saussy, Vice Chairman has resigned from the Savannah Zoning Board of Appeals the Board. She said the Board needed to elect a new Vice Chairman to serve for the remainder of 2004.

SZBA Action: Ms. Myers nominated Delores Lovett for Vice Chairman to serve for the remainder of 2004. Mr. Mackey seconded the motion and it was unanimously passed.

2. Election of Officers – Chairman and Vice-Chairman for 2005

Ms. Myers stated that the Board will elect officers for 2005 at their next regularly scheduled meeting in November.

Mr. Howell stated there were two gentlemen in the audience who represented the property on West 37th Street. He said a Staff report was prepared and legal notices were mailed out citing the variances that they needed. However, Staff later determined at a late date that they were in the Cuyler-Brownsville neighborhood, which required rather than a 25 foot rear yard setback a 30 foot rear yard setback. He said the application went through the process and came all the way to this office and was advertised as a request for a 5 foot rear yard setback variance, but it should have been a request for a 10 foot rear yard setback variance. Therefore, the application was pulled from the agenda because it was advertised with incorrect information.

He further stated that the petitioner called yesterday afternoon and asked to be heard today at the advertised variances of 5 feet. He said they were here today and they called Mr. Todaro.

Ms. Myers stated she felt the Board could not hear the petition today.

Mr. Mackey agreed.

RE: Adjournment

There being no further business to come before the Savannah Zoning Board of Appeals the meeting was adjourned approximately 3:05 p.m.

Respectfully submitted,

John Howell,
Secretary

JH:ca