

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

NOVEMBER 23, 2004

2:30 P.M.

REGULAR MEETING

MINUTES

MEMBERS PRESENT:

Susan Myers, Chairman
Delores Lovett
Timothy Mackey
Mickey Stephens

TECHNICAL STAFF ABSENT:

Tom Todaro, City Inspections Department

MPC STAFF PRESENT:

John Howell, Secretary
James Hansen, Secretary
Christy Adams, Assistant Secretary

RE: Call to Order

Mrs. Myers called the November 23, 2004 meeting of the Savannah Zoning Board of Appeals to order at 2:30 p.m.

RE: Consent Agenda

RE: Continued Petition of Jason Olvey
B-04-55242-2
818 West 37th Street

The petitioner is requesting a 10 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 818 West 37th Street, within an R-M-25 (Multifamily Residential, 25 units per acre) zoning district in the Cuyler-Brownsville Planned Neighborhood Conservation District.

Summary Of Findings: All the conditions required for granting a 10 foot rear yard variance appear to be met.

RE: Petition of Murray K. Barnard, A.I.A, For
Coastal Empire Habitat for Humanity
B-04-35903-2
Corner of 57th Street and Jefferson Street

The above-mentioned petition was withdrawn per Petitioner's request.

**RE: Petition of Two Stones, LLC
Richard T.B. Stone
B-04-36077-2
3401 Bull Street**

The petitioner is requesting approval of a 16 foot 6 inch front yard setback variance, an 11 foot side yard setback variance, and a one foot side yard setback variance pursuant to the requirements of Section 8-3025(d) of the Savannah Zoning Ordinance in order to construct a single-family dwelling within an R-4 (Four-Family Residential) zoning district.

Summary Of Findings: All of the conditions required for granting a 16½ foot front yard setback variance, a one foot side yard setback variance, and an 11 foot side yard setback variance appear to be met.

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

**RE: Continued Petition of Albert Faragalli
B-04-55642-2
19 West 37th Street, Lot A**

Present for the petition was Albert Faragalli.

Mr. Howell gave the following Staff reports.

The petitioner is requesting a 2,895 square foot lot area variance, a nine percent building coverage variance, a 9 foot 5 inch side yard setback variance, and a two space off-street parking pursuant to the requirements of Section 8-3025(d) of the Savannah Zoning Ordinance.

Findings

1. **Background.** The petitioner intends to rehabilitate a single-family dwelling into a two-family dwelling and build an accessory dwelling at 19 West 37th Street (Lot A), which is located in an R-I-P (Residential-Institutional-Professional) zoning district. The petitioner's lot is 6,105 square feet.
2. **Development Standards.** In accordance with Section 8-3025 of the City of Savannah Zoning Ordinance, the R-I-P district has minimum and maximum development standards. Based on the site plan provided by the petitioner, the proposed development lacks the required lot area requirement for a two-family dwelling and an accessory dwelling unit, and also exceeds the maximum allowable building coverage.
 - a. **Lot Area.** The R-I-P district requires that a two-family dwelling have 3,600 square feet of lot area per dwelling unit (7,200 square feet total). An accessory dwelling requires 1,800 square feet per dwelling unit. Together, the three dwelling units require 9,000 square feet. Because the petitioner's lot contains 6,105 square feet of lot area, a 2,895 square foot lot area variance is requested.
 - b. **Building Coverage.** Within the R-I-P district, the building lot coverage cannot

exceed 40 percent. As proposed, the main dwelling and accessory dwelling will have a combined 2,954 square feet of building lot coverage, exceeding what is allowable by nine percent.

- c. **Side Yard Setback.** The ordinance requires a fifteen foot side yard setback from a secondary arterial roadway (in this case, Whitaker Street). The petitioner's plan shows a five foot seven inch side yard setback from Whitaker Street. The petitioner is requesting a nine foot five inch side yard setback variance.
 - d. **Parking Requirement.** The main house will have two dwelling units, each with three bedrooms, and the accessory dwelling will have one unit with two bedrooms. The petitioner is required to provide six, off-street parking spaces. Four spaces will be provided on the ground level of the accessory dwelling. The petitioner is requesting a two space, off-street parking variance. The petitioner provided an on-street parking survey which shows a total of seventeen spaces on 37th Street between Whitaker and Bull Streets, and seven spaces on Desoto Street. No on-street parking is allowed on Whitaker Street.
3. 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.**

There are no extraordinary or exceptional conditions that relate to the property due to its size (6,105 square feet), shape (55 feet by 111 feet), or topography. Although the property is 55 feet in width, which is five feet less than the required 60 feet for a single family, two-family, or multi-family (up to eight units) residence, this is not an extraordinary or exceptional condition that would necessitate that granting of other variances to allow the property to be developed.
 - (b) **The application of this chapter to this particular piece of property would create an unnecessary hardship.**

The petitioner is seeking to rehabilitate an existing single-family residence into a two-family dwelling and construct a new accessory dwelling on the property. A single-family residence is an option that would more nearly meet the development standards.
 - (c) **Such conditions are peculiar to the particular piece of property involved.**

The conditions described in (a) are not peculiar to the subject property and application of the required development standards would not create an unnecessary hardship.

- (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 the conditions required for granting a nine percent building coverage variance, nine foot five inch side yard setback variance, a two space, off-street parking variance, and a 2,895 square foot lot area variance appear to be not met.

**RE: Continued Petition of Albert Faragalli
B-04-55793-2
15 West 37th Street, Lot B**

The petitioner is requesting a 2,895 square foot lot area variance and a two percent building coverage variance pursuant to the requirements of Section 8-3025(d) of the Savannah Zoning Ordinance.

Findings

1. **Background.** The petitioner intends to build a two-family dwelling and an accessory dwelling on a vacant lot at 15 West 37th Street (Lot B), which is located in an R-I-P (Residential-Institutional-Professional) zoning district. The petitioner's lot is 6,105 square feet.
2. **Development Standards.** In accordance with Section 8-3025(d) of the City of Savannah Zoning Ordinance, the R-I-P district has minimum and maximum development standards. Based on the site plan provided by the petitioner, the proposed development lacks the required lot area requirement for a two-family dwelling and an accessory dwelling unit, and also exceeds the maximum allowable building coverage.
 - a. **Lot Area.** The R-I-P district requires that a two-family dwelling have 3,600 square feet of lot area per dwelling unit (7,200 square feet total). An accessory dwelling requires 1,800 square feet of lot area per dwelling unit. Together, the three dwelling units require 9,000 square feet. Because the petitioner's lot contains 6,105 square feet of lot area, a 2,895 square foot lot area variance is requested.
 - b. **Building Coverage.** Within the R-I-P district, the building lot coverage cannot exceed 40 percent. As proposed, the main dwelling and accessory dwelling will have a combined 2,525 square feet of building lot coverage, exceeding what is allowable by two percent.
3. 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.**

There are no extraordinary or exceptional conditions that relate to the property due to its size (6,105 square feet), shape (55 feet by 111 feet), or topography. Although the property is 55 feet in width, which is five feet less than the required 60 feet for a single family, two-family, or multi-family (up to eight units) residence, this is not an extraordinary or exceptional condition that would necessitate the granting of other variances to allow the property to be developed.

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

The petitioner is seeking to construct a two-family dwelling with an accessory dwelling on the property. A single-family residence is an option that would more nearly meet the development standards.

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

The conditions described in (a) are not peculiar to the subject property and application of the required development standards would not create an unnecessary hardship.

- (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 the conditions required for granting a 2,895 square foot lot area variance and a two percent building coverage variance appear to be not met.

Mr. Faragalli stated the intention of the project is to have the properties appear as if they were single family homes. He said they would like in the future to sell them as single family homes, so they divided the lots into two. One lot would have a restored home and the other lot would be new construction. He said the accessory structures would serve as parking and possible mother-in-law suite. He said they felt this was the best approach to the project for future reference instead of trying to put another apartment complex on there. And since they divided the lots into two there was only 6,109 square feet on the lot to work with. He said according to the Zoning Ordinance you could only fit a single family structure on there and that was why they were asking for the variances.

He further stated in reference to the parking he talked with the Traffic Department about pulling out onto Whitaker Street, which was the reason why they were asking for the variance on the parking. He said if they could not back out they would not be able to get enough cars in there

without having a turnaround in the driveway. The driveway was designed so the cars could pull out and then pull forward out onto Whitaker Street.

Mr. Mark McDonald (Historic Savannah Foundation) stated he was present today to ask the Board to grant the variances on the petitions.

Mr. Don Reinke (Developer) stated he was the developer on this project. He said he has talked with Historic Savannah Foundation for some time concerning the property. He said he felt it was a magnificent house on the corner. He said although a lot of money has been put into stabilizing the property there was still a considerable amount of work to do. A lot of this was being able to come out financially to where it was feasible to make the project work.

Ms. Lovett stated she felt the development would be great for the area.

SZBA Action: Ms. Lovett made a motion that the Savannah Zoning Board of Appeals approve the petitions (B-04-55642-2) and (B-04-55793-2) as submitted based on relief would not cause substantial detriment to the public good. Mr. Stephens seconded the motion and it was unanimously passed.

**RE: Petition of Poticny Deering Felder
Arend Jan de Voest, For
St. Frances Cabrini
B-04-35764-2
11500 Middleground Road**

Present for the petition was Brian Felder.

Mr. Howell gave the following Staff report.

The petitioner is requesting to establish a use pursuant to the requirements of Section 8-3025(a) of the Savannah Zoning Ordinance in order to construct a new classroom building for a day school (Use 22) at 11500 Middleground Road. The subject property is zoned R-6 (One-Family Residential).

Findings

1. The subject property contains a church, parish house, day school and playground. The loading and unloading for the school is from the internal driveway accessed from Ladera Drive and San Anton Drive. The petitioner is requesting to erect a new building on the opposite side of the internal driveway from the school, within the existing open field.
2. Section 8-3025(Use 22) requires Board of Appeals approval to establish a parochial school within an R-6 zoning district. The expansion of any use approved under this condition is considered to be a new use.
3. 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.

Because the school exists, this is essentially a request for permission to intensify the 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.

4. Conditions No. 4 and No. 7 appear to not be met. The additional classrooms would increase enrollment and increase traffic. The increased traffic has the potential to create a nuisance or hazard within the residential neighborhood along San Anton Drive. The proposed location of the classroom building within 60 feet of the backyard of the residential houses could be detrimental to those properties.

Summary Of Findings

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

Ms. Lovett asked if they would be entering from San Anton?

Mr. Howell stated you could enter off of Middleground Road, but he did not know the exact traffic pattern. He also said from being on-site it appeared that San Anton and Ladera were the only ways in/out for pickup and drop-off for the day school.

Mr. Brian Felder, Architect, stated they were here because the Zoning Ordinance says if they expand the use they have to get Board of Appeals approval. However, the church is not shoehorning a 10½ acre church into a residential neighborhood. The church predated the neighborhood and the property was purchased by the Dioceses in the mid - late 1960's. He said the church opened its doors approximately 1970 with its first building and has steadily grown. In the 1980's the Sanctuary was built. In 2000 the first dedicated school building was built.

He further stated the neighborhood according to the tax records grew up some time in the 1980's. He said to one side it was all St. Joseph's property and to the south of Dutchtown was retail and medical use owned by St. Joseph's and others. He said his point was that the neighborhood grew up around a church with a substantial amount of green space. He said even if the master plan was fully realized there would be less than 25 percent of the space covered by this large piece of property.

He stated in reference to number 7 of the Staff report the cars currently come in San Anton off of Middleground Road. Currently, the school served 112 students. It should be noted that when they open this new school building, the current building used by the school will go back to religious education. He said when the church opens this building they will have approximately 150 students as they go through 6th grade (Pre-K – 6th). He said to address the issue of vehicles stacking up, they have created two drive lanes in front of the school and their goal is to stack up cars here to allow them to stage during pickup and proceed back out the one way drive to Middleground Road. Alternatively, the church has an access that they lost by the widening of Middleground Road and three curb cuts on Dutchtown. He said it was not like a shopping center in that it only happened at 7:00 a.m. and 3:00 p.m. He said he did not feel it would be a major impact on a daily basis. In addition, they have a 59 foot buffer and it would remain green space. He said they have a retention pond there and tree plantings adjacent to the residential property.

Mr. Mackey stated in Staff's presentation they said the new classrooms that the petitioner was proposing to build would be on the property line.

Mr. Felder stated it would be 59 feet off.

Mr. Stephens stated when he went out and looked at the property with Staff he was concerned about putting a school so close to a residential area and the noise abating from a school even at 59 feet.

Mr. Felder stated currently those were soccer and play fields. He said it would be a little better for the people on the corner. He said you have soccer fields here that were maintained by St. Joseph's as a gift to the City. And then you have their play fields here where they would have regular recreation. He said it has always been that way.

Mrs. Myers stated so there were children always out there.

Mr. Felder stated during sports season. He said the school, which has been there since 2000 also utilizes this playground. He further stated when the hospital was notified by Staff they were not able to send some one today, but they wrote a letter stating –

“St. Joseph's Hospital is pleased to support the plans of St. Frances Cabrini school to construct a new building. Over the years the school and church have been good neighbors to St. Joseph's. We know the property will be well maintained.”

Mr. Mackey asked Ms. Delk what was in their master plan in terms of future for the school?

Ms. Delk stated the site presented on the diagram showed the school building and first phase that they were putting up as well as the subsequent wings that are included. She said they

would house the complete student body. She said it will be Pre-K – 8th grade with one class per grade.

Mr. Mackey asked if eventually they wished to get to the 8th grade or 12th grade?

Ms. Delk stated 8th grade. She said they abided by the Dioceses guidelines. She said just as the other Catholic schools and Dioceses were Pre-K – 8th grade.

Mr. Mackey stated with the proposed development they would be able to do Pre-K – 6th grade.

Ms. Delk stated with the shaded area that represented the building they wanted to begin construction on in utilizing their current space that would give them enough space to add 6th grade. She said in 2007 they would bump back to their religious education building and use current space to add 7th grade and 8th grade until they proceeded with the next stage of construction.

Mr. Mackey stated for clarification eventually to get to the 8th grade they will have to do new construction.

Ms. Delk stated yes and that was represented in the dotted areas as part of the master plan.

Mr. Howell stated any time they expand their building they would have to get Board approval.

Ms. Delk added as far as the design of the school building, it was designed to be a courtyard type construction so that the classrooms were contained around a square with an inter courtyard. However, they would not open out into the courtyard. She said there would be an inter hallway that would contain noise that people might be concerned about. And as mentioned earlier they will be using the green space and the playground as they have already been using it since 2000.

Mrs. Evelyn Johnson (527 San Anton) stated there was a little street between her and the church. She said her driveway was on the little street. She said the school was right across the street from her house. She said they entered from Middleground Road onto Ladera at 7:30 a.m. or 8:00 a.m. She said her concern was if they were going to reroute the traffic coming into the new school because there was a lot of traffic that comes onto the little street in the morning. On the side of the street that she resided on San Anton was not a straight thru street. There were only two houses on the side where she resided which was 525 and 527 San Anton. She said she was on the corner lot, which they purchased in 2002. She said if they had known that the school was going to be expanding they would never had bought the property. She said you really had to be there to see the traffic.

Mrs. Myers asked if anyone from the school came out to talk to the neighbors?

Mrs. Johnson stated no.

Mrs. Myers stated she felt the petitioner needed to talk with the neighbors and address their concerns, which she felt could be easily resolved.

Mrs. Johnson stated she was the only neighbor affected by the traffic on the side of the street lived on.

Mr. Stephens stated there should be concern about it because it was real tight little street. He said he raised the questions about the traffic when they went out to look at the site.

Mrs. Johnson stated she would like to know about any proposed buffering because it currently was a clear lot. She said she felt it would be an eye sore to look out her kitchen window at a building. She said she would like to know what they were going to do about the traffic and if they would be entering from Dutchtown Road and build a road from that way. Currently, as it was she has to time their getting out of school as well as their activities in order to get out of her driveway.

Mr. Felder stated the cars come in San Anton and were routed thru here to come back around and drop off along this drive. He said as it was shown in the other diagram to help alleviate the issue of back up they would have four drop offs. In the long term they intended to connect thru to Dutchtown Road.

Mr. Chester Johnson (527 San Anton) stated in the first map he received from what he could tell was that the petitioner was going to build out onto Middleground Road and come down to Ladera. He said on the other side of Ladera was where they pulled in to get into their garage. He said on the daily basis during drop off and pickup you have cars lined up from Middleground Road all the way around to the school itself. He said he just wanted to know if what they were going to do now was not going to interfere with him getting in/out of his garage.

Mrs. Myers stated she felt what the petitioner was saying was that they were going to make four drop off lanes in the hopes that they would not have the back-up. Eventually, they were going to have the entrance come in off Dutchtown Road.

Mr. Mackey stated he was not prepared to support the petition because the petitioner has not met with the neighbors. He said he felt the petitioner has not met their due diligence by meeting with the neighbors first. He said he agreed with the Chairman that the petitioner needed to call a meeting and not only meet with the Johnson family but also the rest of the families on that corridor. He said in the future with their expansions and the state of the public schools there was no doubt in his mind that they would get more takers in their school. He said with that comes enlargement, other circulation problems, and growing pains that would have a direct impact on the quality of their life. He said he was not getting into their ability to be able to get in/out of their property or sell the property if they had to because those were serious issues. He said it would be his suggestion that they (petitioner) meet with the neighbors and come back.

Mrs. Johnson added that currently the petitioner showed San Anton as if it goes all the way thru, which it did not.

Mrs. Myers stated what the Board was asking was for her and the rest of the neighbors meet with the church to go over the concerns. She said she felt a continuance would be a good idea.

Mr. Mackey asked if Staff was going to facilitate that meeting?

Mr. Howell stated if he was directed to.

Mr. Dempsey Logue (Parishioner) stated he was on the construction committee. He said they have worked on this project for several years. He said he would like to point out that when the traffic comes in to the little side street and incidentally the neighbor's driveway did not empty out onto San Anton. It was the only one that emptied out to the rear of the house onto the little side

street. When the traffic comes into the school in the morning they come what would be the driver's right hand side leaving the east side of that street open, so that they could get in/out of their driveway. He said they did not block the neighbor's driveway. He said they come in on the right hand side of the road and their driveway was on the left hand side of the road. Also, Mr. and Mrs. Johnson stated that they bought their house in 2002, which was a couple of years ago. He said nothing has changed since they bought their house. The traffic was the same today as it was then. He said it would probably get better from their standpoint because they would be coming in the street off of San Anton and when the widening project is completed on Middleground Road they would probably exit onto Dutchtown Road.

Mrs. Myers stated the Board still felt they needed to meet with neighbors. She said the next meeting will be December 21, 2004 at 11:00 a.m.

Mr. Logue stated they could do that.

Mr. Felder stated they would like to request a continuance.

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

RE: MINUTES

1. Approval of SZBA Minutes – October 26, 2004

SZBA Action: Ms. Lovett made a motion that the Savannah Zoning Board of Appeals approve the regular meeting minutes of October 26, 2004. Mr. Mackey seconded the motion and it passed unanimously.

RE: Other Business

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

SZBA Action: Ms. Lovett nominated Timothy Mackey, Chairman for 2005 and Mickey Stephens, Vice-Chairman for 2005. Mrs. Myers seconded the motion and it was unanimously passed.

RE: Adjournment

There being no further business to come before the Savannah Zoning Board of Appeals the meeting was adjourned approximately 3:25 p.m.

Respectfully submitted,

John Howell,
Secretary

JH/ca