

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

DECEMBER 21, 2004

11:00 A.M.

REGULAR MEETING

MINUTES

MEMBERS PRESENT:

Susan Myers, Chairman
Delores Lovett, Vice-Chairman
Timothy Mackey
Mickey Stephens

TECHNICAL STAFF PRESENT:

Tiras Petrea, City Inspections Department

MPC STAFF PRESENT:

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

RE: Call to Order

Mrs. Myers called the December 21, 2004 meeting of the Savannah Zoning Board of Appeals to order at 11:00 a.m.

RE: Consent Agenda

RE: Petition of Gary B. Udinsky
B-04-35633-2
104 Adair Street

The petitioner is requesting approval of a ten foot side yard setback variance along Richardson Street pursuant to the requirements of Section 8-3057 of the City of Savannah Zoning Ordinance in order to construct a single family dwelling within an R-M-25 (Multifamily Residential, 25 units per net acre) zoning district.

Summary Of Findings: All of the conditions required for granting a ten foot side yard variance appear to be met.

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

RE: Regular Agenda

RE: Continued Petition of 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.

This petition was continued from the meeting on November 23, 2004 in order for the petitioner and the residents along San Anton Drive to meet to discuss the project. The result of the meeting will be presented at the December meeting. A revised layout plan is attached.

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 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 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.

Mr. Felder stated on December 7, 2004 they held a town meeting at the Parish Hall of St. Frances Cabrini. On November 23 or 24, 2004 they hand delivered invitations to all residents abutting and across the street from St. Frances. Two residents attended. Mrs. Johnson, who lives across the street and another resident who lives across Middleground Road. There were two issues that were raised in the meeting from talking with Mrs. Johnson. He said the traffic did not affect the residents so much as their coming in the mornings. The parents come in along San Anton Drive on the property of the church in the right hand lane and they turn onto Ladera Drive to be dropped off. He said the problem happens when some of the parents leave out going back up Ladera Drive, which blocks Mrs. Johnson's driveway. The church has agreed effective January 2005 when the school reconvenes to train the parents to drive out this way towards Middleground Road. In the short term, the church plans to provide traffic cones to keep parents from going back out the out direction. In the long term and in the revised General Development Plan there will be a simple swing arm traffic gate that would be operated during normal hours. He said in the Master Plan as the school grows they eventually intend to utilize one of the three curb cuts that exist on Dutchtown Road. But for the short term with the minor increase in traffic count approximately 112 to 150 they would like to utilize this measure (traffic gate) preventing the cars from going back out and blocking the driveways of the Johnson's and potentially the residents across the street. He further stated in regard to the dumpster they relocated it back to the bottom of the access drive, which was also shown on the revised General Development Plan.

Mr. Chester Johnson (527 San Anton Drive) stated he was concerned what the rezoning would do to his property.

Mrs. Myers stated it was not a rezoning. She said in order for the Church to do the development they have to have permission from the Zoning Board of Appeals. But there was no change in his zoning at all. She asked Mr. Johnson if the rearranging of the traffic address their concerns?

Mr. Johnson stated with the rearranging of the traffic as long as flowed one way it should be fine.

SZBA Action: **Ms. Lovett made a motion that the Savannah Zoning Board of Appeals approve the petition as all of the conditions to establish the use are met. Mrs. Myers seconded the motion.**

Mr. Mackey stated he could not support the petition because he felt items 4 and 7 of the Staff report were not met. He said it says at the bottom that the additional classrooms would increase enrollment and traffic. He said he was also concerned about their future growth and the future impact it would have on the residents. He said he went out to the site and the traffic was really a problem.

Mrs. Myers asked Staff what were their thoughts based on the revised General Development Plan?

Mr. Howell stated Staff's concern on the initial Staff report on items 4 and 7 primarily were for the neighbors. He said they have now heard from the neighbors and they had no problems with the proposed traffic plan. Therefore, on item 4 because the neighbor is okay with it then Staff feels it is okay, which also tied into item 7.

Mrs. Myers stated in regard to their future development, the Church has three curb cuts they plan to use as the school grows.

Mr. Howell added that when the school has another expansion plan those changes have to come back before the Board. The Board at that time could make a finding directing them to use other curb cuts.

Mr. Mackey asked with the development that they were proposing now what was the problem with them putting it on the other side where some of the future development will go?

Mr. Felder stated close access to the current admin and classroom buildings and trying to have sort of a campus feel as best they could with the existing road. He said they also moved the building 20 feet further away from the Johnson's back yard to 70 feet, which increased the buffer.

Mr. Mackey stated they mentioned earlier that one of the items they would try to do was train the parents to go out a certain way. The parents use that because it's a shortcut and saves time. He said on a real busy or sunny day, which it was when he came out to the site, cars were sitting there and he would imagine that in the afternoon potentially blocking the resident's driveway because they were right on the corner.

Mr. Felder stated Mrs. Johnson said that she did not have any real issues when they were over here. He said the issue was when they were coming back out and they block her driveway, which is what the school will stop with a physical barrier with a rolling gate.

Mrs. Evelyn Johnson (527 San Anton Drive) stated she understood that they would have three openings on Dutchtown to help with traffic flow. She said she felt that it would be more reasonable rather than put up a gate for them to exit out Dutchtown Road and Middleground Road.

Mr. Felder stated they currently use those openings as exits, but the Church did not have the money to pave it. He said they use the curb cuts now for spill over parking for the church. However, in any case redirecting here on a paved road or on a dirt road was away from Mrs. Johnson. He said the physical arm would absolutely stop anyone blocking her driveway.

SZBA Action: Mrs. Myers called for the vote. The motion was tied 1 – 1. The Chair voted in favor of the motion, therefore the motion passed 2 – 1. Opposed to the motion was Mr. Mackey. Abstaining to the motion was Mr. Stephens.

RE: **Petition of Kathleen Meitas**
B-04-35362-2
727 East 49th Street

Present for the petition was Denise Naihan.

Mr. Howell gave the following Staff report.

The petitioner is requesting approval of a 9.6 percent building coverage variance pursuant to the requirements of Section 8-3025 of the Savannah Zoning Ordinance in order to build an addition onto a single-family dwelling. The subject property is located at 727 East 49th Street and is zoned R-6 (One-Family Residential).

Findings

1. The petitioner is requesting to add a 189 square foot sunroom onto the rear of a house. The house is 1,591 square feet in size and there is a 235 square foot detached garage on the site. The existing buildings total 1,826 square feet, or 35.8 percent building coverage. An additional 189 square feet would bring the total buildings to 2,015 square feet, or 39.6 percent building coverage.
2. Section 8-3025 of the Zoning Ordinance allows a maximum of 30 percent building coverage within an R-6 district. A standard 6,000 square foot lot allows a maximum 1,800 square feet of building area. The petitioner is requesting a 9.6 percent building coverage variance.
3. The petitioner's lot is 48.5 feet wide and 105 feet deep and contains 5,092.5 square feet. Single family homes in the R-6 district require a minimum lot width of 60 feet and a minimum lot size of 6,000 square feet. The lot is substandard in size and shape.
4. The Zoning Board of Appeals may authorize a variance in an individual case upon a finding that:
 - (a) **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.**

The petitioner's lot measures 5,092.5 square feet in size. This is below the 6,000 square foot minimum required by the Zoning Ordinance. Also, the 48.5 foot lot width is below the Zoning Ordinance minimum of 60 feet. The small lot limits the building coverage to 1,527.75 square feet (30 percent of 5,092.5). A standard

6,000 square foot lot is allowed 1,800 square feet building coverage (30 percent of 6,000). The lot currently exceeds the allowed building coverage by 5.8 percent.

The lot is substandard in size and area which is an extraordinary and exceptional condition.

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

Applying the building coverage standards to this particular piece of property would not create an unnecessary hardship. All property in the same zoning district is subject to the same requirements. There is no reason to exempt only this property from the requirements of the Zoning Ordinance.

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

The condition of being a substandard lot is not peculiar to this particular property because the majority of the lots along the block face are substandard.

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

The petitioner proposes 2,015 square feet of building area which, applied to a standard 6,000 square foot lot, is 33.6 percent building coverage. A 3.6 percent building coverage variance would still be required. There is no reason to exempt only this property from the building coverage requirements. Relief would impair the purposes and intent of the Savannah Zoning Ordinance.

Summary Of Findings

All of the conditions required for granting a 9.6 percent building coverage variance do not appear to be met.

Ms. Denise Naihnan stated she worked for Coastal Empire Exteriors and proposed the sunroom that was purchased. She said the reason Ms. Meitas would like the sunroom is because in the letter provided to the Board she enjoyed the outdoors. However, the pollen and things of that nature bothers her. She said the sunroom would also add value to her property.

Mrs. Myers stated when she drove around the site she noticed there were a number of additions on other houses in the area. She said she felt as far as she could tell it would be like the rest of the block.

SZBA Action: Mr. Stephens made a motion that the Savannah Zoning Board of Appeals approve the petition as the request would not cause substantial detriment to the public good.

RE: **Petition of Melvin M. Clark**
B-04-35860-2
720 East 41st Street

Present for the petition was Melvin Clark.

Mr. Howell gave the following Staff report.

The petitioner is requesting approval of the following variances pursuant to the requirements of Sections 8-3025 and 8-3011 of the Savannah Zoning Ordinance: 1) a 5.5 foot rear yard setback variance and a 1.5 foot side yard setback variance in order to build an addition onto an existing house; 2) a five foot side yard setback variance and five foot rear yard setback variance in order to relocate an accessory structure; and, 3) a 2.4 percent building coverage variance. The subject property is located at 720 East 41st Street and is zoned R-6 (One-Family Residential).

Findings

1. The petitioner's lot is 60 feet wide and 90 feet deep and contains 5,400 square feet. Single family homes in the R-6 district require a minimum lot width of 60 feet and a minimum lot size of 6,000 square feet. The lot is substandard in size.
2. **Rear and side yard setback variances.** The proposed 160 square foot laundry room addition onto the rear of a house would be 19.5 feet from the rear property line and 3.5 feet from the side yard property line. The addition would continue the wall of the existing part of the house which also encroaches 1.5 feet into the required five foot side yard setback from the property line.

Section 8-3025 of the Zoning Ordinance requires a minimum 25 foot rear yard building setback from the rear property line and a minimum five foot side yard building setback from the side yard property line. The petitioner is requesting a 5.5 foot rear yard setback variance and a 1.5 foot side yard building setback variance.

3. **Accessory structure.** An accessory structure was installed along the side and rear property lines. The structure replaces a previous structure. The placement aligns with the existing driveway that is beside the house. Section 8-3011 of the Zoning Ordinance requires that all accessory structures be set back a minimum of five feet from any lot line. The petitioner is requesting a five foot side yard setback variance and five foot rear yard setback variance in order to relocate an accessory structure.
4. **Building coverage.** The petitioner is requesting to add a 160 square foot laundry room onto the rear of a house. The house is 1,314 square feet in size and there is a 276 square foot detached garage on the site. The existing buildings total 1,590 square feet, or 29.44 percent building coverage. An additional 160 square feet would bring the total building area to 1,750 square feet, or 32.4 percent building coverage.

Section 8-3025 of the Zoning Ordinance allows a maximum 30 percent building coverage. A standard 6,000 square foot lot allows a maximum 1,800 square feet of building area. The petitioner is requesting a 2.4 percent building coverage variance.

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.**

The petitioner's lot measures 5,400 square feet in size. This is below the 6,000 square foot minimum required by the Zoning Ordinance. The small lot limits the building coverage to 1,620 square feet (30 percent of 5,400). The request is to build 1,750 square feet of building area, or 3.3 percent over the 30 percent maximum allowed.

A standard 6,000 square foot lot is allowed 1,800 square feet of building area (30 percent of 6,000).

The lot is substandard in size which is an extraordinary and exceptional condition.

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

If the subject property were a standard size lot, the petitioner would not require a building coverage variance. A 1,750 square foot building coverage on a standard 6,000 square foot lot is 29.2 percent.

If the subject property were a standard 100 feet deep, the proposed laundry room addition would be 29.5 feet from the rear property line and a variance would not be required.

Relocating the accessory structure five feet from the rear and side lot lines would not be consistent with the location of other accessory structures in the neighborhood. Requiring the relocation of the building five feet from the lot line would not align the building with the driveway and would create an unnecessary hardship.

Applying the development standards to this particular piece of property would create an unnecessary hardship.

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

The condition of being a substandard lot is not peculiar to this particular property as the majority of the lots along the northern side of the street are substandard in size.

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

The petitioner proposes 1,750 square feet of building area which, applied to a standard 6,000 square foot lot, is 29.2 percent building coverage or less than the maximum allowed.

The encroachment into the side yard setback is a continuance of the side walls of the house. The encroachment into the rear yard setback would not be necessary if the lot were a standard size 100 feet deep.

Requiring the relocation of the accessory structure would pose a hardship and would not be consistent with the location of other accessory structures in the immediate area.

Relief would not impair the purposes and intent of the Savannah Zoning Ordinance.

Summary Of Findings

All of the conditions required for granting the following variances do not appear to be met: 1) a 5.5 foot rear yard setback variance and a 1.5 foot side yard setback variance in order to build an addition onto an existing house; 2) a five foot side yard setback variance and five foot rear yard setback variance in order to relocate an accessory structure; and 3) a 2.4 percent building coverage variance.

Mr. Clark stated he owned the property at 720 East 41st Street. He said the shed on the side where he removed had termites and everything in it. He said his neighbor was also worried that it may fall on his house because it was leaning. He said he took it down and replaced it with another shed which at the time he did not know there were requirements. He said it was a little bigger than what he had, but he felt he had to deal with the situation. He said in regard to the addition onto the back of the house was for a laundry room.

Mr. Bryan Harder (728 East 41st Street) stated the Clark's were very nice people and have lived there for a few years. He asked how the footprint of the new sunroom compare to what was there?

Mr. Petrea (City Inspections Department) stated the issue was not the sunroom because it met the setback. The issue was the total of the sunroom, new laundry room, house, and porch which is more than the 30 percent building coverage. The side yard setback is supposed to be 5 feet from the property line.

Mrs. Myers asked if they were adding onto the sunroom?

Mr. Howell stated no. He said the petitioner was adding a new laundry room to the rear of the house.

Mrs. Myers stated in the plans a new sunroom, which may be confusing.

Mr. Clark stated the sunroom was being added onto 2 feet wider.

Mr. Petrea stated that was still legal because it met the side yard setback. However, the sum total of everything Mr. Clark was proposing to add on was more than the building coverage because it was a substandard lot of record. He said legally, he would be able to add the laundry room, but it would have to be 5 feet. As long as it was parallel with the rest of the house Inspections is able to approve it even though it was less than 5 feet, but the whole house was less than 5 feet.

Mr. Johnson (725 Maupas Avenue) stated they were directly behind Mr. Clark's residence. He said they strongly oppose the variances. He said he felt there were many discrepancies in the plans and what has been stated. He said he was concerned about what was being asked. He said the plans submitted initially and what was being requested and looking at today there were discrepancies in those plans. For example, in the plans at Inspections the sunroom on the west side was a two story addition and comes out considerably more as an addition. The rear laundry room extends out and was proposed as an enclosure of a porch. He said it was not a porch, but a stoop. In the drawing that he reviewed the porch came out considerably and was two story. As well as the additional third floor that has been added to the home. He said the discrepancies were not discussed at all in these plans or accounted for in the variances that have been presented.

He further stated – "We are seriously concerned about how an addition such as this would effect the drainage of rain water from his house onto our yard and ultimately into our basement. The amount of sunlight coming into the rooms in the rear of their house would be impacted and significantly diminished. These additions again may ultimately impact the appeal and resale value of our home. The prefabricated out building that has been installed at the edge of the property is unacceptable as the roof line hangs over onto our property. He said as the past president of Baldwin Park Neighborhood Association and current block captain and active member of the association I feel very strongly as my family does that granting these types of variances would set a negative precedent for over building lots in the Baldwin Park neighborhood. Baldwin Park is classified as a National Landmark Historic District by the National Park Service. Altering the property as requested negatively impacts the neighborhood's historic status. Mr. Clark has taken what was a charming seven room sears kit house and changed its character completely by adding a third story and then more additions to the home as requested. The seven room house would become a 12 or 14 room house as what appears to be the direction we are going. I don't understand why a larger house was not purchased.

Brief history of the construction project. We have observed it as no one else has. Major construction was begun on the house without ever submitting plans or obtaining a building permit. When forced to produce plans the plans as I mentioned earlier were questionable and full of discrepancies. The construction that I have seen does not accurately match the plans as submitted for the permits received. Several stop work orders have been issued on this project, yet construction has continued. We seriously ask as neighbors of this property that are being impacted that this variance is denied and that construction is stopped as requested in the stop work orders.

Mrs. Myers stated the Board could not do anything about the height because that is not their purview.

Mr. Petrea stated in regard to the difference in the site plan that was submitted for permit and to the Board, if the Board choose to approve the petition the site plan the Board has is what would be approved and what the petitioner would have to abide by. He said if the petitioner wanted to modify anything, Inspections would make sure that the permit plans match what Board of Appeals has approved. He said in regard to the height, the petitioner was not asking for a height limit or height variance. He said the maximum height is 50 feet. In addition, if the petitioner has put up a wood or chain link fence it did not require a permit. He said it just had to be on the petitioner's property. He said on the rear yard behind his house there was no maximum height. The front and side yard maximum height is 6 feet.

Mr. Mark McDonald (709 East 41st Street) stated he was asking that the Board deny all the variances. He said as mentioned earlier this project has been going on for quite some time and appeared to not be guided by any sort of master plan or any kind of design for the building. He said a third floor was added almost immediately with dormers on the front of the building, side, and rear. Later the eastern side of the building the roof line was changed again, which meant that it did not match even the changes that began before. So, there has been a third story expansion of the building. He said he understood that the Board did not have purview over height, but it was an expansion of the square footage on the property. He said to allow it to grow in terms of site plan was over building the house. He said there just did not seem to be a master plan and they did not know what to expect next from the construction project as it move forward. He said he would recommend to Mr. Clark that he gets some professional design assistance and meet with the neighbors and ask that the Board deny the variances.

Mr. John Deering (809 East 41st Street) stated he was the President of the Baldwin Park Neighborhood Association as well as a member of the Historic Review Board and a person who has worked in preservation for 20 years in the City. He said he urge the Board not to grant the petitioner's request of a building coverage variance. The house as built was typical of the neighborhood and on a typical size lot. He said there were other houses that have been renovated successfully and within their footprint. He said this house in Mrs. Reiter's survey of the neighborhood which was part of the Chatham Crescent Historic District was a contributing structure. He said with what has happened to the structure since the Clark's arrival in the neighborhood if it were to be reevaluated it would not be a contributing structure. He said they have changed the character of the house so much already that it is a detraction from the Historic District status. He said the neighborhood association would urge the Board not to approve the petition.

Mr. Bill O'Brien (701 Maupas Street) stated as a contractor he has renovated about twelve houses in the Baldwin Park neighborhood in the last five years. He said he also request that the Board deny the petition for the variances.

Mr. Allan Kahn (710 East 41st Street) stated he did not know a lot about historic construction or building codes, but he knew Mr. Clark was a good neighbor. He said he felt if people have positive input on how he could reconstruct the house different he felt Mr. Clark would listen.

Ms. Sherry McCumber-Kahn (710 East 41st Street) stated in regard to the variance of the laundry room she felt if the wall was already overlapping the variance by 1½ feet he could build to her fence line. But he has not asked to do that. She said he has asked to stay in line with the building and to only overlap the 25 foot variance by 4½ feet. She said in looking at a lot of the other houses in the neighborhood most of the houses had detached garages. She said because they do not have a lane they were somewhat at a disadvantage because they encroached upon others properties whether they want to or not. She said all of their garages were right up against the fence line or property line. She said there were some houses in the neighborhood that were granted variances to go from a one story house to a two story house. Also, there were several structures in the neighborhood that were not positioned in line with their houses. She said Mr. Clark has been doing work, but it has not been related to the house. For instance, Mr. Clark built a crib and an archway for a wedding. She said she felt some of the problems were subjective and they needed to stick to the objective.

Mr. Stephens stated he looked at the site and did not see a problem with the laundry room. He said he also looked at some of the cosmetic work and felt a lot of concern as far as the

neighborhood needed to be directed to Mr. Clark. He said he did not feel the sunroom, laundry room, and so forth were problems.

Ms. Myers stated she felt may be the petition needed to be continued to allow Mr. Clark to get with his neighbors to address their concerns and see if they could come up with a plan that they could approve.

Ms. Lovett stated she agreed. She said she felt there was enough expertise amongst the neighbors that they could come up with something.

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

Mr. Johnson stated meetings have been set that calls in question their character. He said he felt the neighbors should have the right to be able to address the Board again.

Mrs. Myers stated the neighbors could address the Board at the next meeting. She said the Board has granted a continuance on the petition until next month. She said the neighbors needed to get together with Mr. Clark and see if they could come up with something that everyone could agree to. She said she suggest that he (Mr. Johnson) talk to Mr. Clark about his drainage problem to see if they could come up with something.

Mr. Johnson stated he felt that was an unacceptable way to conclude a meeting. He said to not set up a meeting and recognize what the parameters of the meeting are. He said to allow people to speak and address a public forum and then tell him he cannot return to the podium to be address. He said he did not know of anywhere in Robert's Rules of Order that an individual could not come and make a readdress or rebuttle. He said as a neighbor, a person with a concern, and investment he felt he had a right to make a readdress. He said he respectfully asks that he can make another address to the issue.

Mrs. Myers granted the readdress.

Mr. Johnson stated he was less than 6 feet from where the building sat. He said this was not a personal attack against Mr. Clark, but he felt they had an investment and issues. He said he felt they should have been approach about the construction. He said when someone puts something on your property line and overhangs they should come to you and be neighborly. He said to accuse them of being unneighborly or unfriendly was out of order in terms of the way they have responded to this.

Mrs. Myers stated what the Board has ask is that Mr. Clark and the neighbors get together and have a meeting to express their concerns and see if they cannot work something out. She said they will come back to the Board at the January meeting. She said if they cannot work something out amongst themselves then the Board will address this petition at the January meeting and rule on it.

Mr. Johnson stated in the meantime that they are supposed to advise a person as to how to do their construction and how to proceed in a manner that was still going to be detrimental and over a month's time. He said he spent more than a year's time talking to Building and Permits about these issues and still feel that he was not getting any resolve. He said he did not hear any type of action in terms of what happens in the interim.

Mrs. Myers stated nothing happens in the interim. She asked Mr. Clark if he understood that he could not continue construction?

Mr. Clark stated yes.

RE: MINUTES

1. Approval of SZBA Minutes – November 23, 2004

SZBA Action: Ms. Lovett made a motion that the Savannah Zoning Board of Appeals approve the regular meeting minutes of November 23, 2004. 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 12:10 p.m.

Respectfully submitted,

John Howell,
Secretary

JH/ca