

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

**JANUARY 25, 2005**

**2:30 P.M.**

**REGULAR MEETING**

**MINUTES**

**MEMBERS PRESENT:**

**Timothy Mackey, Chairman**  
**Mickey Stephens, Vice-Chairman**  
**Delores Lovett**

**MEMBERS ABSENT:**

**Susan Myers**

**TECHNICAL STAFF PRESENT:**

**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 January 25, 2005 meeting of the Savannah Zoning Board of Appeals to order at 2:30 p.m.

**RE: Minutes**

1. Approval of SZBA Minutes – December 21, 2004

**SZBA Action: Mr. Stephens made a motion that the Savannah Zoning Board of Appeals approve the regular meeting minutes of December 21, 2004. Ms. Lovett seconded the motion and it was unanimously passed.**

**RE: Consent Agenda**

**RE: Petition of Jay Maupin, EMC Engineering, For  
Housing Authority of Savannah  
B-05-59950-2  
1148 Graydon Street**

The petitioner is requesting approval of an 8.3 foot side yard setback variance along Live Oak Street pursuant to the requirements of Sections 8-3057 and 8-3163 of the Savannah Zoning Ordinance in order to construct a single-family dwelling. The subject property is a corner lot located at 1148 Graydon Street and Live Oak Street. The property is zoned R-4 (Four- Family residential).

**Summary Of Findings: All the conditions for granting a 8.3 foot side yard setback variance appear to be met.**

**RE: Petition of Jay Maupin, EMC Engineering, For  
Housing Authority of Savannah  
B-05-60176-2  
1202 East Waldburg Street**

**RE: Petition of Jay Maupin, EMC Engineering, For  
Housing Authority of Savannah  
B-05-60320-2  
1234 East Waldburg Street**

The petitioner is requesting approval of 3.25 foot and 13.25 foot side yard setback variances pursuant to the requirements of Sections 8-3025, 8-3057 and 8-3163 of the Savannah Zoning Ordinance in order to construct a single-family dwelling. The subject property is a vacant corner lot located at 1234 East Waldburg Street and Cedar Street. The property is zoned R-4 (Four-Family Residential).

**Summary Of Findings:** All the conditions for granting of 3.25 foot and 13.25 foot side yard setback variances appear to be met.

**RE: Petition of Richard Brown, For  
Gail Wheeler  
B-05-60756-2  
3608 Stevens Street**

The petitioner is requesting a side yard setback variance of 15 feet and a 29.5 percent building coverage variance pursuant to the requirements of Section 8-3025(d) of the Savannah Zoning Ordinance in order to construct an addition onto an existing residence within an R-6 (One Family Residential) zoning district.

**Summary Of Findings:** All the conditions for granting a 15 foot side yard setback variance and a 29.5 percent lot coverage variance appear to be met.

**Mr. Kyles (Resident)** requested the Petition of Jay Maupin, EMC Engineering, for Housing Authority of Savannah, B-05-60176-2, 1202 East Waldburg Street be moved to the Regular Agenda.

**SZBA Action:** Mr. Stephens 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: Regular Agenda**

**RE: Petition of Jay Maupin, EMC Engineering, For  
Housing Authority of Savannah  
B-05-60176-2  
1202 East Waldburg Street**

Present for the petition was Jay Maupin.

**Mr. Kyles (1209 East Waldburg Street)** stated he had a letter saying they wanted to put a house on the lot at 1202 East Waldburg Street, which he did not have a problem with. He said his property is valued at \$100,000. Years ago people wanted to put small houses in that area, but the neighbors said no because they felt it would decrease the value of their properties.

Now, the Housing Authority wanted to put a house in this area. He asked what would be the value and size of the house?

**Mr. Howell** gave the following Staff report.

The petitioner is requesting approval of a ten foot side yard setback variance pursuant to the requirements of Sections 8-3057 and 8-3163 of the Savannah Zoning Ordinance in order to construct a single-family dwelling. The subject property is a vacant corner lot located at 1202 East Waldburg Street and Live Oak Street. The property is zoned R-4 (Four- Family Residential).

**Mr. Howell** further stated he did not know the square footage for the building, but in relationship to buildings next door and from the plan that was submitted the building would be similarly sized with the buildings in the area.

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

**Mr. Jay Maupin, EMC Engineering**, stated he did not have any renderings of the potential house on this lot. He said the homes will be built by individual builders and would probably vary in plans. He said the general price range of these lots was \$130,000 - \$150,000 for these homes, which will be for sale. He said this project was a part of the Hope VI project. The purpose of the project was to reinforce the neighborhood and stabilize and bring up property values.

**Mr. Mackey** stated what Mr. Maupin was referring to was this was considered infill housing, whereas you have a vacant lot and some agency (Housing Authority) was going to build on the lot with hopes of helping to secure the neighborhood.

**Mr. Kyles** stated in the same block (1210 East Waldburg and 1220 East Waldburg) were also vacant homes, which he believed the Housing Authority owned and he was not sure of 1219 East Waldburg. He said what he was worried about was he did not want to have a Garden Homes right next door to him. He said he would be more comfortable knowing what was going to happen or plans to happen ahead of time rather than something just thrown up in his neighborhood.

**Ms. Lovett** stated it was typical with some of the other homes that she has seen as part of the Hope VI project that any construction would probably improve the area. She said it was very difficult to build anything that was valued less than \$100,000.

**Mr. Mackey** stated he would ask Mr. Maupin as a gesture of good will that whoever the principles are that are acting with him on this that they have a discussion with the neighbors to ease their comforts and fears they may have. However, this was not contingent upon whatever decision the Board may make on the petition.

**Mr. Maupin** stated he will do that. He said they have had several meetings with many of the neighborhood groups throughout the course of this project through various phases.

**SZBA Action:** Ms. Lovett made a motion that the Savannah Zoning Board of Appeals that the Savannah Zoning Board of Appeals approve the petition as all of the conditions for granting a variance are met. Mr. Stephens seconded the motion and it was unanimously passed.

RE: **Continued Petition of Melvin Clark  
B-04-35860-2  
720 East 41<sup>st</sup> Street**

Present for the petition was Melvin Clark.

Mr. Howell gave the following Staff report.

The petition was continued from the meeting of December 21, 2004 in order for the petitioner and the neighbors meet to address their concerns and come back to the January, 2005 meeting.

### **Nature of Request**

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 41<sup>st</sup> 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 met with the neighbors and he had some agreements that they had worked out. He said what he agreed to with the neighbors was instead of a 10 foot laundry room it will be a 5 foot laundry room. He said he also agreed to pull the shed back 18 inches away from the property line. He said him and his neighbors signed the agreement.

**Mr. Mackey** asked if there was anyone present to speak in favor or in opposition to the petition.

No one came forward.

**Mr. Howell** asked if the proposed laundry room had been reduced in size from 10 X 16 to 5 X 16?

**Mr. Clark** stated 5 X 14.

**Mr. Howell** stated the petitioner has reduced the size from 160 square feet to 70 square feet. The initial 10 X 16 was approximately 130 square feet over the building coverage, but with the change, he was now under the building coverage so no variances would be needed for that. However, he would still need a variance for the shed.

**SZBA Action: Ms. Lovett made a motion that the Savannah Zoning Board of Appeals approve the petition and the revised site plan 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 Erik S. Vadersen  
      B-05-60595-2  
      529 East 44<sup>th</sup> Street**

Present for the petition was Erik Vadersen.

Mr. Mackey called for the Staff report.

Mr. Hansen gave the following Staff report.

The petitioner is requesting a rear yard setback variance of 25 feet and a 7.12 percent building coverage variance pursuant to the requirements of Section 8-3025(d) of the Savannah Zoning Ordinance in order to construct an addition onto an existing structure and to combine two existing structures within an R-6 (One Family Residential) zoning district.

### Findings

1. Section 8-3025(d) requires a minimum 25 foot rear yard setback for residential structures within an R-6 district. The maximum lot coverage allowed by Section 8-3025(d) within the R-6 district is 30 percent.
2. The subject parcel is a standard interior lot located on the south side of 44<sup>th</sup> Street between Paulsen Street and East Atlantic Avenue. The lot is 63 feet in width and 105 feet deep (6,615 square feet). A single family home (circa 1925) exists on the lot. An existing carriage house is also located on the lot to the rear of the main house. The carriage house is located on the property line adjoining lane with no setback. The primary house and the carriage house are approximately seven feet apart.
3. The Zoning Administrator has determined that the carriage house is a non-conforming structure as defined in the Zoning Ordinance. Additionally, the existing lot coverage (also non-conforming) currently exceeds the allowable total by approximately 345 square feet (5.2 percent).
4. It is the intention of the petitioner to combine the two structures into one cohesive unit by means of an addition spanning the current seven foot separation between the buildings. The addition (new construction) would result in total lot coverage of 37.12 percent, 7.12 percent in excess of that allowed by code.

If approved and constructed as proposed, the resultant structure would be considered one building for setback purposes. Because the carriage house has been constructed with no setback, combining the two structures into one unit will result in a zero rear yard setback. A rear yard setback variance is necessary to accommodate the proposed change.

5. In accordance with Section 8-31639(c) of the Savannah Zoning Ordinance, the Board of Appeals may authorize, upon appeal in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals 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 subject parcel is a standard rectangular lot containing 6,615 square feet. The minimum lot size in an R-6 district is 6,000 square feet. The parcel contains no unusual topographic features.

- b. **The application of these regulations to this particular piece of property would create an unnecessary hardship.**

Application of the regulations in strict conformance to the Zoning Ordinance would not create an unnecessary hardship.

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

The conditions described in a. (above) are not peculiar to the subject property.

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

Relief, if granted, would not cause substantial detriment to the public good. The two structures already exist on the lot as non-conforming uses and combining them into one unit would have negligible impact. Combining the non-conforming structures would technically result in a zero rear yard setback which does not impair the purposes and intent of the Zoning Ordinance.

### **Summary Of Findings**

All of the conditions required for granting a 25 foot rear yard setback variance and a 7.12 percent lot coverage variance appear not to be met.

**Mr. Vadersen** stated what he was trying to do was connect the carriage house to the main house to give them more space because they were looking at increasing the size of their family. He said also his wife's mother will be moving in with them in the near future. Currently, the house was approximately 2900 square feet, but it was not set up for children. He said they would like to be able to add an additional two bedrooms on the second floor of the carriage house and two child accessible bathrooms because the house only had showers.

**Mr. Mackey** asked how old was the house?

**Mr. Vadersen** stated it was built in 1925. He said he looked at other properties in the neighborhood that either exceeded the rear yard setback or had additions similar to theirs. He said he noticed in his immediate neighborhood there were about fifteen of which he had pictures. Basically, they were looking to fill in the space that was in the center, which was about 7 feet and the length of the carriage house was approximately 18 feet and then they will build up to create a second story across the back. The area that they wanted to fill in was sort of a concreted little porch area.

**Mr. Mackey** asked if he was going to come back with the terra cotta roof?

**Mr. Vadersen** stated the roof that was on there now was tin. He said they would probably replace the entire roof with terra cotta tiles. He said the other thought was to do the main house with the terra cotta roof and the extension off the back of the house will be flat with little eaves or dormers across the top much like 230 East 45<sup>th</sup> Street. He said it really depended on the architect in terms of what could they do and the cost if they extended the roof line all the way back and could it be done with standard building materials. He said he felt that it would be easier and cheaper to run it straight across without extending the roof line.

**Mr. Mackey** asked Mr. Todaro if there was anything in particular that came to mind in regard to this petition?

**Mr. Todaro** stated the Board has granted variances similar to this one with the connection from the carriage house to the main house.



**Mr. Vadersen** stated it was the house at 502 East 45<sup>th</sup> Street. He further stated that he had a letter from his neighbors saying they had no objection to his petition.

**Mr. Mackey** asked if there was anyone present to speak in favor or in opposition to the petition.

No one came forward.

**SZBA Action:** Mr. Stephens made a motion that the Savannah Zoning Board of Appeals approve the petition as submitted based upon the finding that the relief granted would not cause substantial detriment to the public good. Ms. Lovett seconded the motion and it was unanimously passed.

**RE: Other Business**

**Mr. Howell** stated the Board needed to vote on Jim Hansen being a Secretary to the City Zoning Board of Appeals.

**SZBA Action:** Mr. Stephens made a motion that the Savannah Zoning Board of Appeals approve James Hansen, Secretary to the Savannah Zoning Board of Appeals. Ms. Lovett 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 3:10 p.m.

Respectfully submitted,

John Howell,  
Secretary

JH/ca