

SAVANNAH ZONING BOARD OF APPEALS

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

APRIL 26, 2005

2:30 P.M.

REGULAR MEETING

MINUTES

MEMBERS PRESENT:

**Timothy Mackey, Chairman
Mickey Stephens, Vice-Chairman
James Byrne
Richard Wallace**

TECHNICAL STAFF PRESENT:

Tom Todaro, City Inspections Department

MPC STAFF PRESENT:

**John Howell, Secretary
Jim Hansen, Secretary
Christy Adams, Assistant Secretary**

RE: Call to Order

Mr. Mackey called the April 26, 2005 meeting of the Savannah Zoning Board of Appeals to order at 2:30 p.m.

RE: Welcome

Mr. Mackey welcomed Attorney James Byrne the newest member of the Savannah Zoning Board of Appeals.

RE: Minutes

1. Approval of SZBA Minutes – March 22, 2005

SZBA Action: Mr. Stephens made a motion that the Savannah Zoning Board of Appeals approve the regular meeting minutes of March 22, 2005. Mr. Wallace seconded the motion and it was unanimously passed.

RE: Consent Agenda

**RE: Petition of Erica S. Jackson-Jones, Agent for
Faith on the Move Ministries, Inc.
B-05-40432-2
810 East Broad Street**

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 child care center (Use 22b). The subject property is zoned P-R-4 (Planned Four-Family Residential).

Summary of Findings: The conditions necessary to approve establishment of the proposed use (child care center) appear to be met.

**RE: Petition of William J. Grotto, For
MG National Construction, Inc.
B-05-41673-2
924 West 52nd Street**

The petitioner is requesting approval of a one foot side yard setback variance from the requirement of five feet, a 12 foot side yard setback variance from the requirement of 15 feet, and a 10.8 percent lot coverage variance from the requirements of 30 percent of Section 8-3025 of the Savannah Zoning Ordinance in order to construct a residential dwelling at 924 West 52nd Street within an R-6 zoning district.

Summary of Findings: All of the conditions required for granting a 1 foot side yard setback variance, a 12 foot side yard setback variance, and a 10.8 percent lot coverage variance appear to be met.

**RE: Petition of Jason Miller
B-05-42370-2
4507 Meadow Street**

The petitioner is requesting a 25 foot rear yard setback variance from the 50 foot rear yard setback requirement and a four foot front yard setback variance from the 25 foot front yard setback requirement of Section 8-3025 of the Savannah Zoning Ordinance in order to construct a residential dwelling at 4507 Meadow Street within an R-20 (One-Family Residential) zoning district.

Summary of Findings: All of the conditions required for granting a 25 foot rear yard setback variance and a four foot front yard setback variance appear to be met.

**RE: Petition of Arthur L. Grant / Betty J. Grant
B-05-42499-2
921 Lynah Street**

The petitioner is requesting a 13 foot four inch side yard setback variance from the 15 foot side yard setback requirement and a six percent building coverage variance from the 30 percent requirement of Section 8-3025 of the Savannah Zoning Ordinance in order to build a residential dwelling at 921 Lynah Street within an R-6 (One-Family Residential) zoning district.

Summary of Findings: All of the conditions required for granting a 13 foot four inch side yard setback variance and a six percent building coverage variance appear to be met.

**RE: Petition of Harold Yellin & Neil Dawson
B-05-42825-2
501 East Bay Street**

The petitioner is requesting a 100 percent lot coverage variance to the 50 percent lot coverage allowed by Section 8-3025(d) of the Savannah Zoning Ordinance in order to construct an office building within a R-B-C (Residential-Business-Conversion) district.

Summary of Findings: All of the conditions required for granting a 100 percent lot coverage variance appear to be met.

**RE: Petition of Glynis M. Rivers, Pitts
B-05-86723-2
903 Crosby Street**

The petitioner is requesting a five foot rear yard setback variance from the 25 foot rear yard setback requirement of Section 8-3025 of the Savannah Zoning Ordinance in order to build an addition onto a house at 903 Crosby Street within an R-6 (One-Family Residential) zoning district.

Summary of Findings: All of the conditions required for granting a five foot rear yard setback variance appear to be met.

Mr. Mackey moved the Petition of William J. Grotto, For MG National Construction, Inc., B-05-41673-2 and the Petition of Jason Miller, B-05-42370-2 from the Consent Agenda to the Regular Agenda because of concerns raised by the public.

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

RE: Regular Agenda

**RE: Petition of William J. Grotto, For
MG National Construction, Inc.
B-05-41673-2
924 West 52nd Street**

Present for the petition was William Grotto.

Mr. Howell gave the following Staff report.

The petitioner is requesting a one foot side yard setback variance from the requirement of five feet, a 12 foot side yard setback variance from the requirement of 15 feet, and a 10.8 percent lot coverage variance from the requirement of 30 percent of Section 8-3025 of the Savannah Zoning Ordinance in order to construct a residential dwelling at 924 West 52nd Street within an R-6 zoning district.

Findings

1. Within the R-6 zone, the requirements are a 60 foot lot width and a minimum 6,000 square feet of lot area. The subject property is a substandard lot that is 32 feet wide, 105 feet deep and contains 3,360 square feet of lot area. No irregular topographic features exist on the parcel.
2. Section 8-3025(d) requires a minimum 15 foot side yard building setback for a corner lot, a minimum five foot side yard building setback and a maximum 30 percent lot coverage within the R-6 zone.

3. The petitioner is proposing to construct a 1,072 square foot (heated area) residence on a 3,360 square foot lot. This is a 40.8 percent lot coverage. The location of the structure is proposed to be four feet from the side yard property line shared with the adjoining house on West 52nd Street. The adjoining house is set back two feet from the common property line.
4. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will 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.**

There is an extraordinary condition that the lot is substandard in size (lot area), and shape (lot width).
 - b. **The application of these regulations to this particular piece of property would create an unnecessary hardship.**

The proposed structure is 1,072 square feet in area. The required minimum lot size of 6,000 square feet allows an 1,800 square foot residence. Other nearby structures on corner lots are similarly situated. The proposed location is within the character of the neighborhood. Application of the regulations of the Zoning Ordinance would cause an unnecessary hardship.
 - c. **Such conditions are peculiar to the particular piece of property involved.**

The conditions described in 1 and 4a. (above) are peculiar to this particular piece of property.
 - d. **Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Savannah Zoning Ordinance.**

Relief, if granted, would not cause substantial detriment to the public good. The proposed residence would be allowed on a standard size lot. The sight distance for traffic at the street intersection would not be impaired.

Summary Of Findings

All of the conditions required for granting a one foot side yard setback variance, a 12 foot side yard setback variance, and a 10.8 percent lot coverage variance appear to be met.

Ms. Maria Williams stated she has been the owner of a property that was on the side of the proposed property. She said she lived across the street and faced the property. She said it has been a dilapidated property for over 10 years. However, the owner has sold the property. She said she considered the area to be mixed-use because it has commercial businesses, rental

property, and homeowners. She said her concern was that it was such a small piece of property that the petitioner wanted to decrease the lot. She said it was about 2 feet away from the house next to it. She said she was concerned for the future of the neighborhood.

Mr. Grotto (Petitioner) stated if you looked on the street all the houses were basically the same in that they took up the same amount space that he would be using on his lot. He said there was a house about three doors down on the opposite side, which was similar to what he was going to build and resale.

Mr. Mackey asked if this was new construction?

Mr. Grotto stated yes.

Mr. Mackey stated it was a little more than a 1,000 square feet.

Mr. Grotto stated 1,072 square feet.

Mr. Mackey asked Staff what was the side yard setbacks in this area?

Mr. Howell stated within an R-6 district the side yard on interior lots was 5 feet and corner lots were 15 feet. He said the proposed petition was a corner lot. He reiterated that in the staff report what was identified the adjoining house was 2 feet from the property line. The petitioner was proposing to construct a house that would be 4 feet from the property line, so it would be 6 feet total separation between structures.

Ms. Williams asked if the property was intended to be resold for ownership or rental?

Mr. Grotto stated ownership.

Ms. Williams stated she was concerned about the neighborhood. She said she was concerned about individuals coming in with only monetary interest as opposed to personal interest and the future of the neighborhood. The homeowners in the area she felt were trying to keep some integrity to the neighborhood. She said there was a lot of section-A houses in which a lot of the land has been sold. However, a lot of the homes were very old and have been there a long time. She the intention to put another home there under the same set of circumstances they have been traditionally older homes with very small yard space and most of the owners were elderly. She said she did not know who the new owners were going to be, but the transition has been that everybody was renting out section-A. She said they were renovating the properties and putting the largest building on the acreage so that they could get the highest possible rent.

Mr. Mackey asked if there was an active neighborhood association in the area?

Ms. Williams stated she did not know.

Mr. Stephens asked Mr. Grotto if he has talked to any of the neighbors about his plans?

Mr. Grotto stated a couple of the neighbors have come up to him. He said the neighbor next to him was glad because it would improve the property.

Mr. Mackey stated this was considered infill housing which was taking a dilapidated or demolished footprint and bringing it back to use. He said he felt this would benefit the neighborhood.

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

**RE: Petition of Jason Miller
 B-05-42370-2
 4507 Meadow Street**

Present for the petition was Jason Miller.

Mr. Howell gave the following Staff report.

The petitioner is requesting a 25 foot rear yard setback variance from the 50 foot rear yard setback requirement and a four foot front yard setback variance from the 25 foot front yard setback requirement of Section 8-3025 of the Savannah Zoning Ordinance in order to construct a residential dwelling at 4507 Meadow Street within an R-20 (One-Family Residential) zoning district.

Findings

1. Within the R-20 zone, the requirements are a 100 foot lot width and a minimum 20,000 square feet of lot area. The subject property is a substandard lot; 60 feet wide, 105 feet deep and 6,300 square feet in lot area. No irregular topographic features exist on the parcel.
2. Section 8-3025(d) requires a minimum 25 foot front yard building setback and a 50 foot rear yard setback within the R-20 zone.
3. The petitioner is proposing to construct a new residence 25 feet from the rear property line and 21 feet from the front yard property line.
4. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will 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.**

There is an extraordinary condition that the lot is substandard in size (lot area), and shape (lot width).
 - b. **The application of these regulations to this particular piece of property**

would create an unnecessary hardship.

The proposed structure is 1,770 square feet in area. Imposing the required minimum setbacks would result in a 900 square foot residence. Application of the regulations of the Zoning Ordinance would cause an unnecessary hardship in the development of the property.

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

The conditions described in 1 and 4a. (above) are peculiar to his particular piece of property.

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

Relief, if granted, would not cause substantial detriment to the public good. The proposed residence would be allowed on a standard size lot.

Mr. Howell stated in addition he has talked with Mrs. Scott who lives on Arcadian Street and she expressed that she did not understand what the petitioner was doing. He stated there was also a new house that was being built in the area. The petitioner indicated that what he was proposing would be similar to the new house that was currently being built. He said the petitioner's rear yard will be up against Mrs. Scott's rear yard at 25 feet. He said if this was all one lot the side yard setback requirement would be 10 feet from the property line with a 10 foot requirement also here. However, because this was a rear yard it was a 25 foot requirement, therefore the structure would be further away if it was one lot.

Summary Of Findings

All of the conditions required for granting a 25 foot rear yard setback variance and a four foot front yard setback variance appear to be met.

Mr. Mackey asked if this was the R-20 that MPC recently proposed/passed for Liberty City Richfield area or was it always an R-20?

Mr. Howell stated the petitioner indicated that it was rezoned. He said he believed that the site was a part of the property that MPC rezoned, but he was not sure.

Mr. Mackey stated some months ago the Metropolitan Planning Commission heard a request from the neighborhood association of Liberty City to rezone R-6 property to R-20. He said if he remembered correctly, those were estate lots that were 105 X 210. He said going to an R-20 zoning prevented those lots of 105 X 210 from being subdivided into smaller lots. He said he thought at that time MPC had a petition for a developer who wanted to put three houses on one 105 X 210, which prompted the action he just mentioned. He said there was a study done by Staff in which Staff brought the proposal to MPC which they read and passed. He said that was the history on the R-20.

Ms. Ernestine Jones (President of Liberty City Richfield Southover Community Improvement Association) stated this particular lot on Meadow's Street was in the new zoning district. Presently, one newly developed house exists on that lot. She said they were present today in objection to placing another home on that property. She said they came down to MPC

year before last and fought for subdividing those particular lots. She said they felt this would be subdividing a lot in the R-20 zoning district.

Mr. Miller stated the new house that was there was house that had been there since 1999, which was a burnt-out house at 4505 Meadow Street. He said they bought the property eight months ago. He said they redid the house and brought it up to code. The house was grandfathered in the original code. He said he also bought the lot next door which was already zoned out by the City as 4507 Meadow Street. It also already has a sewer provided to the lot per the City. He said this has not been rezoned out and he was not trying to resubdivide. He said he was asking for a rear yard variance. The house that was going in there was going to be 1,700 square feet, which would be similar to the house that was next door but smaller. He said this was rezoned January 1, 2005 and plans were in prior to January 1, 2005. However, they were held up due to the zoning by Mr. Scott and that was why he was here today. But the plans were in before the R-20 came into effect.

Mr. Mackey asked if he started construction?

Mr. Miller stated no. He said it was not a rezoned lot and he was not going in cutting up lots. As the Board saw on the projector the lot has already been dedicated by 60 X 105 per Liberty City and the City. He said Ms. Robinson has owned this property for over 40 years. He said Ms. Robinson told him that it was her intent to build on that lot but it was not feasible for her to finish the house there. He said he was requesting a rear yard variance. He reiterated the house would be similar to the house next door but smaller. He said there was a shed there now that was going to be removed. He said he also talked to Mrs. Scott the neighbor in the rear and her concern was in regard to the shed.

Mr. Todaro stated as already mentioned this is R-20 and was formerly R-6. He said this was a previously platted parcel by 60 X 105. He said this was not a subdivision it was an existing lot. When this area was rezoned to R-20 most of the lots met the minimum lot requirements, but many of them did not. The lots that were out there that were 60 X 100 could not be developed under the R-20 because they were substandard. He said he felt if the variance was not granted it would mean the house would be even smaller, which would be contrary to the whole subdivision of big houses.

Mr. Byrne stated to Ms. Jones that he was trying to understand what the opposition was to Mr. Miller's plans. He said the Zoning Administrator has said that if the variance is not granted then it would be a smaller property. He asked her if she could explain their opposition?

Ms. Jones stated their concern was that they were trying to maintain a certain pattern in their neighborhood. She said Ms. Green was also present because she own property in the area. She said when they started this Ms. Green wanted to subdivide some lots on Meadow Street. As a result of it not going through they completed asking for the rezoning and it was granted. She said the Neighborhood Association wanted to maintain the pattern that was out there. She said they did not want tiny houses on small lots. She said this has happened in the past. She said they were trying to stop developers from coming into the area building small houses. She said the petitioner mentioned that it was a separate piece of property, but the entire piece of property was fenced. She said she felt if it was a separate piece of property then she did not know why the entire piece of property was fenced. She reiterated their main concern was to maintain the pattern of the neighborhood and not have the small shot-gun homes in their neighborhood.

Mr. Mackey asked Mr. Todaro if it was correct that this was on record as a substandard lot of 60 X 105?

Mr. Todaro stated yes. He said as mentioned there were some other lots in Richfield that were going to be similar. He said if could not be developed the way the neighborhood wanted then the only thing it could be used for was a yard to another house. He said it was already a separate parcel piece of land.

Mr. Mackey asked approximately how many other lots were within the R-20 area that would be substandard lots (60 X 105)?

Mr. Todaro stated on his map he could identify at least 7.

Mr. Howell stated if the Board imposed the larger setbacks in R-20 the petitioner would be able to build a 900 square foot residence and he would not have to come before the Board for any variances. He said if there were height restrictions in R-20 (maybe or maybe not) and say it was 35 feet they could build a three-story house, 900 square feet per floor and get 2,700 square foot residence, which would be out-of-character. He said the question may be if a 1,700 square foot house fit in with the character of the neighborhood.

Ms. Jones stated it was mentioned that there were 7 other substandard lots on Meadow Street. She said they were not substandard lots. They were lots that were divided, which was the reason they came down to MPC. She said those lots were divided before she became President of the association.

Mr. Miller stated the neighbors main concern was that they felt he was going to put a small little house there. He said if the Board does not grant the petition then he would be forced to put a 900 square foot two bedroom house, which would be a rental house. He said the house that he was propose would be a single family home, 1,700 square feet. He said with two houses out of the seven on this block being new construction by him his work speaks for itself. He said he was asking to build on a lot that has already been surveyed at 60 X 105. He said he does owner finance and the house will be on the market for approximately \$150,000 - \$170,000.

Mr. Byrne stated he felt the petitioner seemed to be earnest. However, he also understood Ms. Jones' position.

Ms. Green stated she was down before the Board last year when she was building her daycare. She said she had three lots that were 70 X 105. She said when the zoning changed to R-20 she could not put the two houses on her piece of property. She said if the Board allowed the petitioner to put a house that would be smaller with no parking space then she could put two more houses on her property. She said she felt what was good for her should also be good for the petitioner. She said the Board told her she could not put but one house on the lot. She said she has a 140 feet left of property that has not been used.

Mr. Todaro stated if he remembered correctly, Ms. Green's request was to subdivide the piece of land, which was denied. The difference he felt was this was a piece of land that had already been subdivided. He said the petitioner purchased it as a 60 X 105 fee simple separate piece of land.

Mr. Mackey stated that was what he had concern about. He said it was recorded as 60 X 105, which was how the petitioner purchased it. He also asked Mr. Todaro if the Board was at liberty to offer a continuance?

Mr. Todaro stated that was not a problem, but the Board would need to identify why and what they expect the petitioner or Staff to provide for the continuance.

Mr. Mackey explained to the petitioner that a continuance was to bring his petition at the next regularly scheduled meeting with a request. He said he felt the request may be that if the petitioner could provide tax records showing that he purchased the property at 60 X 105. He further stated that on Thursday the issue of Liberty City will be addressed at a briefing that he will attend by City Council. He said he felt this was a tough decision because the intent of the R-20 was to protect the 105 X 210. However, the petitioner's was deeded.

SZBA Action: Mr. Stephens made a motion that the Savannah Zoning Board of Appeals continue the petition with the understanding that the petitioner will provide tax records to show the subject property was purchased, deeded, and recorded as 60 X 105. Mr. Byrne seconded the motion.

Mr. Todaro asked the Board if they could request that Mr. Miller and the Liberty City Richfield Neighborhood Association meet to see if there is a compromise or not.

Mr. Mackey asked Ms. Jones when was the next neighborhood association meeting?

Ms. Jones stated May 2, 2005, 7:00 p.m. at the Liberty City Community Center.

Mr. Mackey stated to Mr. Miller that he was not compelled to attend. However, he would like to ask that if he could find time, to do so. He further stated that Mr. Miller had the charge as to what he needed to provide to the Board for the next regularly scheduled meeting, which is May 24, 2005.

SZBA Action: Mr. Mackey called the question. The motion was unanimously passed.

RE: Regular Agenda

**RE: Petition of Larry Wilson
B-05-40894-2
115 Bellingrath Court**

Present for the petition was Larry Wilson.

Mr. Howell gave the following Staff report.

The petitioner is requesting an eleven foot rear yard setback variance from the 25 foot rear yard setback requirement of Sections 8-3025, 8-3034, and 8-3035 of the Savannah Zoning Ordinance in order to build an addition onto a residential dwelling at 115 Bellingrath Court within a PUD-R (Planned Unit Development Residential) zoning district.

Findings

1. The PUD-R development standards for a single-family detached dwelling are the same

as for the R-6 zone. The requirements are a 60 foot lot width with a minimum 6,000 square feet of lot area. The subject property is a standard size lot that is 70 feet wide and 130 feet deep. The lot is irregular in shape. No irregular topographic features exist on the parcel.

2. Section 8-3025(d) requires a minimum 25 foot rear yard building setback within the R-6 zone.
3. The petitioner is proposing to construct a 16 X 14 addition onto the rear of an existing residence that will encroach eleven feet into the 25 foot setback.
4. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will 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.**

There are no extraordinary and exceptional conditions pertaining to the property in terms of size (lot area), and shape (lot width). The lot is irregular in shape.

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

The rear of the property abuts a detention area that can not be developed. This is a peculiar condition of the property. The location of the proposed addition is in the rear yard. Strict application of the Zoning Ordinance would cause an unnecessary hardship.

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

The condition described in 4c. (above) is peculiar to his particular piece of property.

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

Relief, if granted, would not cause substantial detriment to the public good. There is no residence behind the petitioner's lot. The addition would not be a detriment to the area.

Summary Of Findings

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

Mr. Wilson stated on lot 83, which was next door, when the development was put together there was a variance granted. He said with the house being setback and the addition added on the back of his house it would make it even with the back of his neighbor's house.

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

RE: Petition of Cynthia M. Jones
B-05-41086-2
2009 Gladstone Street

Present for the petition was Cynthia Jones.

Mr. Hansen gave the following Staff report.

The petitioner is requesting to establish a use and requesting a waiver of the requirement that said use be located on a collector or arterial street pursuant to the requirements of Section 8-3025(a) of the Savannah Zoning Ordinance in order to construct a child care center (Use 22b). The subject property is zoned R-6 (One-Family Residential).

Findings

1. The subject property, located at 2009 Gladstone Street, is currently occupied by a one-story single family residential structure. The property is irregularly shaped with approximately 74 feet of frontage on Gladstone, a rear lot line property dimension of approximately 70 feet, and side yard property line dimensions of approximately 67 and 123 feet.
2. Section 8-3025(a) [Use22b] requires Board of Appeals approval to establish a child care center in an R-6 zoning district. The requirements for establishing a child care center per Use 22b also include: a) that not less than 100 square feet of outdoor play space be provided for each child; b) that the center be located on a collector or arterial street; c) that the architectural character shall be characteristic of the neighborhood; d) that the use provide off-street parking in conformance with the requirements of Section 8-3089; e) that no outdoor activities occur after 9:00 p.m.; f) that visual buffers be provided to shield parking areas, play areas and outdoor activity areas from abutting property; and g) that a sign not to exceed three square feet may be permitted.

The requirements of a, c, e, f, and g (above) appear to be met. A waiver of the requirement of (b) is being sought. Article (d) requires that sufficient off-street space for the safe and convenient loading and unloading of children be provided. It appears that the required off-street space has not been provided.

3. In accordance with Section 8-3163(b) of the Savannah Zoning Ordinance, the Board of Appeals shall hear and decide upon requests for permission to establish uses upon which the Board of Appeals is required to pass under the terms of this chapter. The application to establish such use shall be approved on a finding by the Board of Appeals that:
 - a. **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.

The proposed use will not affect adversely general plans for the physical development of the City.

- b. **The proposed use will not be contrary to the purposes stated for this chapter.**

The proposed use is not contrary to the stated purposes of this chapter.

- c. **The proposed use will not affect adversely the health and safety of residents and workers in the City.**

The proposed use will not affect adversely the health and safety of residents.

- d. **The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.**

The petitioner has stated that services will be provided for up to 18 children. The subject property is located at the terminus of a cul-de-sac street. Therefore, all vehicular traffic associated with the drop-off and pick-up of the children will be limited to Gladstone Street. The resulting traffic and potential congestion could be detrimental to the use or development of adjacent properties.

- e. **The proposed use will not be affected adversely by the existing uses.**

The proposed use, subject to approval, can be compatible with the residential character of the area.

- f. **The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of such use.**

A minimum of 100 square feet of outdoor play space is required for each child. The petitioner has provided 2,364 square feet of play space, more than the minimum of 1,800 square feet required.

- g. **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.**

Increased vehicular movement and noise generation could be a nuisance to the surrounding area.

- h. **The standards set forth for each particular use for which a permit may be granted have been met.**

Standards as discussed in 2. (above) appear not to be met. The petitioner has failed to demonstrate that a safe and convenient off-street loading and unloading area has been or can be provided.

Summary Of Findings

The conditions necessary to approve establishment of the proposed use (child care) and the waiver of the requirement to be located on a collector or arterial street appear not to be met.

Mr. Mackey asked how many children was the petitioner requesting?

Mr. Hansen stated 18.

Mr. Byrne asked in Staff's opinion the turn around that was indicated in the picture if a vehicle could safely turn around without reversing and going back down or a 3 point turn?

Mr. Hansen stated that in his opinion a 3 point turn if not more would be required to reverse your direction. He further stated that the ordinance required that there be a safe and convenient loading/unloading area. He said what the petitioner has proposed was to use the side where there was a grass dirt path that extended from the petitioner's property south to Montgomery Crossroad. However, that particular access way was not a legal access in that it was not recorded, dedicated, or public right-of-way. He said his assumption was that the petitioner intended for the primary access to the property to be along Gladstone and exit at Montgomery Crossroad.

Mr. Mackey asked how many employees would there be?

Mr. Hansen stated the ordinance required 1 employee for every 6 children.

Mr. Mackey asked how would the petitioner fair if she got an engineer to draw it out where she could delineate the parking, as well as loading/unloading?

Mr. Hansen stated he felt that would be the Board's purview. He said the petitioner has proposed employee parking to be located at approximately this location where there was a dual carport. He said he would assume that the petitioner was planning not only using the two ports within the carport but then also double loading, which there was room for the three vehicles to serve staff. However, the clientele drop off was proposed to be here. Would it serve a purpose? Perhaps. He said it would show the Board better, how the petitioner intended to achieve this. The concern was also without this particular access being some sort of public right-of-way or dedicated in some way, they may all agree that today it was fine, but tomorrow it might not be fine.

Mr. Wallace asked what were the proposed hours of operation?

Mr. Hansen stated the ordinance was clear to what the hours was limited to, but the petitioner would have to address hours of operation.

Ms. Jones stated the area that they were talking about along side the house was all family property. She said she had a petition signed by her family saying she could do what she wanted to do with the property. She also stated that she had a four car garage and there would be three employees. The daycare will be open Monday – Friday and between 6:00 p.m. or 6:30 p.m. everyone should be picked up.

Mr. Mackey stated you mentioned that on the bottom right hand corner that property belonged to Malcolm Thomas. He asked if they resided there?

Ms. Jones stated yes. She said this was also heir's property that was left to him by his mother and great-grandparents.

Mr. Todaro stated he felt may be the Board needed to get an opinion from the City Traffic Engineer as to the impact of the daycare. He said the road looked like it served about ten properties. He said having those properties plus 18 children for the daycare with possibly eighteen cars coming down there and not being able to turn around may be an issue.

Mr. Mackey asked Mr. Hansen if he received anything from Mr. Weiner?

Mr. Hansen stated he did talk with Mr. Weiner yesterday in regard to this issue. He said although he had nothing in writing from him Mr. Weiner did express concern, which was the same concern he expressed to the Board in regard to the ally was not public right-of-way or dedicated.

Mr. Stephens asked the petitioner if she was planning to put in a turn around driveway coming back out to Gladstone?

Ms. Jones stated she could do that.

Mr. Todaro stated he thought the property belonged to someone else.

Ms. Jones stated it was her Aunt Margery's property.

Mr. Byrne stated he wondered if it would help Ms. Jones if she got some kind of express easement either from her aunt or across the property the way it was sort of set up now. He asked would that change things in terms of the use?

Mr. Hansen stated he felt what he was saying could not hurt anything. However, the primary concern that they have had all the long was the safety issue concerning the requirement that there be a safe and convenient loading/unloading place for the children. He said if there could be a legally established through dedication or through a recorded easement then he felt that would go along way toward removing some of the concerns that Staff has raised. Obviously, the opinion to grant or not to grant was in the Board's hands and it could be weighed accordingly. He said although the issue of accessibility was being labored, he would like the Board to also keep in mind that if an action was taken today that the petitioner has also requested a waiver of the requirement that a child care center be located on a collector or arterial street. He said Gladstone was neither. He further stated he would remind the Board that in the past they have granted those waivers and have not granted those waivers, but it was also something the Board must take into consideration.

Mr. Mackey asked Mr. Hansen if the Board had the authority to determine the number of children the petitioner would be allowed to have?

Mr. Hansen stated yes.

Mr. Mackey stated he was concerned about the petitioner having legal right to use that address.

Ms. Jones stated she had a signed paper by her aunt and Malcolm Thomas saying that she could do what she wanted to with the property.

Mr. Mackey stated that documents like this he felt needed to be notarized because it becomes a legal document.

Mr. Byrne stated he felt one of the problems was even if you have permission it was like what is called an easement which gives her the right to use the driveway or turn around, but one of the things typically that needed to happen with an easement was that it runs with the land. He said that might be an easement that she may have to get a legal professional to draft so it would run with their properties. So, in the future if something were to happen, she would still have that right-of-way.

SZBA Action: Mr. Byrne made a motion that the Savannah Zoning Board of Appeals continue to allow the petitioner time to investigate her options of exploring an easement as well as for the Board to get an opinion from City Traffic Engineering in regard to the turn around. Mr. Stephens seconded the motion.

Mr. Todaro suggested that the Board also give the petitioner the option to use the property next door because recording an easement across the properties could take a considerable amount of time. He also stated in regard to the waiver of the arterial he felt this petition deserved the waiver on the requirement because you did not want customers traveling through the heart of a neighborhood on residential streets. He said he felt you want it connected closely to an arterial, which this was.

Mr. Howell concurred with Mr. Todaro. He also stated something else that may pose a problem was the easement that joined out to Montgomery Crossroad for a curb cut with the Traffic Engineering Department. He said if a curb cut was granted then there would also be design consideration for paving and other things. But the first issue would be whether or not she could get a curb cut.

Mr. Mackey stated to the petitioner what Staff was saying was the long narrow expanse down to Montgomery Crossroad, Traffic Engineering may require her to have a curb cut which could be a substantial cost. He restated to the petitioner that she try to get an agreement for the access on her aunt's property that was adjacent to her home, show the drive coming around the property and exiting onto Gladstone, and to also get with Mr. Hansen to resolve any additional questions or concerns. In addition, to bring a notarized statement from interested parties saying they were agreement with her petition.

SZBA Action: Mr. Mackey called the question. The motion was unanimously passed.

**RE: Petition of Charlotte Cribbs, Agent for
Trustees Garden Development, LLC.
B-05-41323-2
60 East Broad Street**

Mr. Hansen gave the following Staff report.

The petitioner is requesting a two foot lot width variance to the 20 foot lot width requirement and a 25 percent lot coverage variance to the 75 percent lot coverage allowed for Lot 5; a two percent lot coverage variance to the 75 percent lot coverage allowed for Lot 10; and a 10 percent lot coverage variance to the 75 percent lot coverage allowed for Lot 11 pursuant to

Section 8-3025(d) of the Savannah Zoning Ordinance in order to construct single family residences within a R-I-P-B (Residential-Medium Density) zoning district.

Findings

1. The subject property, located at 60 East Broad Street, is more commonly referred to as Trustees Garden. The property and the 11 buildings thereon are within the National Landmark Historic District. A subdivision has been filed in order to create 11 separate parcels for each building. A 12th parcel will be retained in common ownership under the control of a landowners association.
2. The petitioner is seeking variances that would allow the property to be subdivided, yet retain the maximum amount of land in common ownership. The subdivision will not alter the existing character or use of the property.
3. Section 8-3025(d) requires a minimum 20 foot lot width and allows lot coverage of 75 percent for residential uses within the R-I-P-B district.
4. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will 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.**

There are no extraordinary or exceptional conditions pertaining to the property in question due to its size, shape, or topography.
 - b. **The application of these regulations to this particular piece of property would create an unnecessary hardship.**

Strict application of the regulations of the Zoning Ordinance would not cause an unnecessary hardship to the property in question.
 - c. **Such conditions are peculiar to the particular piece of property involved.**

The conditions described 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 property in question is a historic settlement and the proposed partitioning is similar to other historic developments.

Summary Of Findings

All of the conditions required for granting a two foot lot width variance and a 25 percent lot coverage variance for Lot 5; a two percent lot coverage variance for Lot 10; and a 10 percent lot coverage variance for Lot 11 appear not to be met.

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

**RE: Petition of Larry D. Clark
B-05-41835-2
2037 East 37th Street**

Continued Per Zoning Administrator's Request.

Mr. Hansen stated there was an error made in the advertising for this petition. He said Mr. Clark was aware of the continuance and that the petition will be heard at the next meeting.

SZBA Action: Mr. Stephens made a motion that the Savannah Zoning Board of Appeals continue the petition until the next regularly scheduled meeting (May 24, 2005). Mr. Byrne seconded the motion and it was unanimously passed.

**RE: Petition of Mr. & Mrs. William Wright, Jr.
B-05-42175-2
22 Dianne MacKenzie Way**

Present for the petition was Mr. William Wright, Jr.

Mr. Hansen gave the following Staff report.

The petitioner is requesting a rear yard setback variance of 14 feet pursuant to the requirements of Section 8-3025(d) of the Savannah Zoning Ordinance in order to construct a room addition within a PUD-M-5 (Planned Unit Development-Multi-Family, five units per acre) zoning district.

Findings

1. Section 8-3025(d) requires a minimum 25 foot rear yard setback for residential uses within the PUD-M-5 district.
2. The subject property is a standard lot; 85 feet wide and 100 feet deep. The lot is double fronted. The front faces a residential street (Dianne MacKenzie Way) and the rear backs onto Bradley Boulevard, the main entrance into the subdivision.
3. The petitioner is seeking a variance that would allow construction of a sunroom to encroach 14 feet into the required rear yard setback.
4. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in

unnecessary hardship, so that the spirit of the regulations will 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 property is a standard lot measuring 8,500 square feet in size and contains no irregular topographic features.

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

Application of the regulations of 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 2. and 4.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 rear property line abuts a public right-of-way (Bradley Boulevard). The proposed room addition will increase total lot coverage to approximately 22 percent, below the allowed 30 percent coverage for the district.

Summary Of Findings

All conditions required for granting a 14 foot rear yard setback variance appear not to be met.

Mr. Mackey asked if there were other houses in the area?

Mr. Hansen stated yes.

Mr. Mackey asked if what the petitioner was proposing out of character with the neighborhood?

Mr. Hansen stated he did not believe it was. He said Staff has heard nothing from any of the neighbors.

SZBA Action: Mr. Byrne made a motion that the Savannah Zoning Board of Appeals approve the petition as submitted base upon a finding that the relief granted will not cause substantial detriment to the public good. Mr. Wallace seconded the motion and it was unanimously passed.

RE: **Petition of Enrique J. Lacanilao**
B-05-42662-2
1101 East 48th Street

Present for the petition was Enrique Lacanilao.

Mr. Hansen gave the following Staff report.

The petitioner is requesting a four foot rear yard setback variance, a four foot side yard setback variance, and a 24 percent building coverage variance pursuant to the requirements of Section 8-3025(d); and an extension of a non-conforming use pursuant to Section 8-3163(d) of the Savannah Zoning Ordinance in order to expand an existing garage apartment within a R-6 (One-Family Residential) zoning district.

Findings

1. The petitioner is proposing to construct an addition onto an existing four unit garage apartment. The Zoning Administrator has determined that the existing accessory structure is a legal non-conforming use. Expansion of a non-conforming use requires approval by the Board of Appeals. The proposed 774 square foot addition will be built over an existing parking area that serves the garage apartment. It is unclear where or if additional parking will be provided.
2. The subject property is a standard lot; 60 feet wide and 105 feet deep. No irregular topographic features exist on the parcel.
3. Section 8-3025(d) requires a minimum five foot rear yard setback and a minimum five foot side yard setback for accessory structures within the R-6 zone. Lot coverage within the district is limited to 30 percent.
4. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will 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.**

There are no extraordinary or exceptional conditions that relate to this property because of its size, shape, or topography.
 - b. **The application of these regulations to this particular piece of property would create an unnecessary hardship.**

Application of the regulations of the Zoning Ordinance would not cause an unnecessary hardship.

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

The conditions described in 2. (above) are not peculiar to his particular piece of property.

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

Relief, if granted, could cause detriment to the public good. The area is planned and zoned for single family residential use. Although garage apartments exist within the immediate neighborhood, expansion as sought by the petitioner could negatively impact surrounding properties and would impair the purposes and intent of the Zoning Ordinance.

Summary Of Findings

All of the conditions required for granting a four foot rear yard setback variance, a four foot side yard setback variance, and a 24 percent lot coverage variance as well as an extension of a non-conforming use appear not to be met.

Mr. Lacanilao stated he wanted to extend the second floor to include the garage. He said he has a four car garage underneath that was open and he wanted to put an apartment there which would be an extension of the second floor. He said he wanted to enlarge it. He stated in regard to parking this would be a four car garage and his tenant would be able to park under. He said the lot that was in the back was a vacant lot he believed was owned by the City, which was sometimes used for temporary parking.

Mr. Mackey asked who occupied the four car existing garage?

Mr. Lacanilao stated his family and one of the tenants.

Mr. Mackey asked where will the parking be for the proposed structure?

Mr. Lacanilao stated it would be this.

Mr. Mackey asked if it would be one apartment?

Mr. Lacanilao stated yes.

Mr. Byrne asked if he was saying that the parking across the street was not being used by his residence?

Mr. Lacanilao stated yes. He said it was a vacant lot. The other side was Waters Avenue and no one parks there. He said on the front was 48th Street where he could park.

Mr. Byrne asked if he had ample parking for his residence?

Mr. Lacanilao stated yes.

Mr. Byrne stated there was no reason for any one to park in that lot. He asked if he understood that was City property?

Mr. Lacanilao stated yes.

Mr. Mackey stated that was not dedicated parking for his residence and it was City property. He said assume that parking area does not exist. He asked if he had sufficient parking if he were allowed to build this structure?

Mr. Lacanilao stated yes.

Mr. Todaro stated for clarification the application was for expanding the existing apartment. He said it was not to create another apartment, but to expand the one that was already there. He said the parking requirement was for two per dwelling, which he met with the four car carport assuming he keeps it. He further stated that he also already had the lot coverage. He said it was mentioned in the staff report as a being a parking area, but it was already a carport. He said as far as he understood the petitioner was going to build over top of the footprint.

Mr. Hansen stated that was correct. He said if the covered carport was not there the petitioner would still exceed the lot coverage. But it was a legally nonconforming use as determined by the Zoning Administrator. He said they were attempting through this application should it be granted to make certain the lot coverage variance as well all the setback variances were met.

Mr. George Shaw stated he had several objections to this petition. He said the worst was over a year ago, which was the addition of this parking area. He said the empty lot was a neighborhood park, which was maintained by the neighborhood association. He said it was also the collector of a lot of flood water. The additional coverage of the lot which unfortunately has already taken place just reduced pervious surface in the neighborhood. He said despite what the petitioner says, the vacant lot is almost always used on a constant basis for parking. Sometimes his tenants use it as well as the people next door. He said he also felt the proposed structure would create a visual wall if the second story were granted.

Mr. Hansen stated Staff received several phone calls expressing concern about the project. He said one of the calls was from John DeLorem, President of the Parkside Neighborhood Association. He said they were also opposed to this particular petition.

Mr. Andrew VanDore stated his mother lived at 1105 East 48th Street which was next door to the property. He said she felt the parking may be a problem. He said on behalf of his mother she was also opposed to the petition.

Mr. Wallace asked how many other rental units were in the area?

Mr. Hansen stated he did not know, nor did he know how many of the primary structures may be rented. He said it was true that within the neighborhood many of the lots were built at that time with garage or garden apartments as secondary units. He said as you continue up the lane there were several more and some on the other side of Waters Avenue.

Mr. Byrne asked Mr. Shaw if he saw a way to compromise with the petitioner, given the fact there were other rental units in the neighborhood. He said what the petitioner was asking did not seem to be entirely inconsistent. He said maybe if the petitioner agreed to green over the parking area and return it to the way it was or something like that.

Mr. Shaw stated that would be nicer if they were allowed to put up some sort of bollards or hedge to make the park a nicer area. He said like he mentioned earlier, the damage was done

with the paved carport as far as the pervious surface. He said he would still rather not see another additional apartment. He said as was also mentioned there were a number of garage apartments and duplexes in the neighborhood, but most have been there a long time.

Mr. Todaro stated he felt it was important to note what Mr. Shaw said that the building on the lane (carriage house) the Board was being asked to approve expanding that which was a nonconforming use. The carriage house was built prior to zoning so it was grandfathered in. However, the Board was being asked to further expand something that was not legally allowed there today. He said if Mr. Shaw was accurate that the carport was built in the last year or two Inspections Department would not have issued a building permit for it.

Mr. Mackey asked the petitioner if that was his carport?

Mr. Lacanilao stated yes.

Mr. Mackey asked when did he construct the carport?

Mr. Lacanilao stated about 2 or 3 years ago.

Mr. Mackey asked when he constructed the carport if he got a building permit?

Mr. Lacanilao stated he just put up a wall.

SZBA Action: Mr. Stephens made a motion that that the Savannah Zoning Board of Appeals deny the petition as submitted based upon a finding that the conditions necessary for granting the variances requested have not been met. Mr. Byrne seconded the motion and it was unanimously passed.

**RE: Petition of Bernard Steplight
B-05-42984-2
409 West 36th Street**

Present for the petition was Bernard Steplight.

Mr. Hansen gave the following Staff report.

The petitioner is requesting a 1,935 square foot lot area variance and a 15 foot lot width variance pursuant to the requirements of Section 8-3025(d) of the Savannah Zoning Ordinance in order to construct a two-family dwelling within a R-B (Residential-Business) zoning district.

Findings

1. Section 8-3025(d) requires a minimum lot area of 3,600 square feet per unit for two-family dwellings and a minimum lot width of 60 feet within the R-B district.
2. The subject property contains 5,265 square feet, measuring 45 feet wide and 117 feet deep. The parcel does not meet the existing development standards for the R-B district that require a minimum lot width of 60 feet and a minimum lot size of 6,000 square feet.
3. The petitioner proposes to develop a two-family dwelling by restoring and converting an existing two-story single family residence. The predominant development pattern in the

neighborhood is a mixture of one- and two-family residences.

4. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will 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 property is substandard in terms of minimum lot width and minimum lot size. There are no irregular topographic features associated with the parcel.

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

Application of the regulations of the Zoning Ordinance would not create an unnecessary hardship. The property can continue to be used for a single family dwelling.

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

The conditions described in 2. and 4.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 intended development is similar to the existing land use pattern in the area.

Summary Of Findings

All conditions required for granting a 1,935 square foot lot area variance and a 15 foot lot width variance appear not to be met.

Mr. Steplight stated he has looked throughout the neighborhood and there were duplexes two streets over to the south and north, as well as to the east and west. He said he felt what he was proposing to do should be within the character of the neighborhood. Currently, it was a dilapidated structure. He said it was intent to remodel, making it a viable piece of property.

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

**RE: Petition of Bishop James McKenzie, For
Tree of Life Holiness Church
B-05-43135-2
1711 Coventry Street**

Present for the petition was Bishop McKenzie.

Mr. Howell gave the following Staff report.

The petitioner is requesting a use approval in order to expand a church and a 24.7 foot rear yard setback variance from the 25 foot rear yard setback requirement of Sections 8-3163 and 8-3025 of the Savannah Zoning Ordinance at 1711 Coventry Street within an R-4 (Four-Family Residential) zoning district.

Findings

1. The petitioner is requesting to construct a 20 X 41 foot addition onto the side of the church building. The addition is not to expand the sanctuary. The area proposed for the addition presently is an undeveloped area with mechanical equipment, which will be relocated.
2. Section 8-3025 (Use 15) requires Board of Appeals approval to establish a church within an R-4 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 church 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. All of the conditions appear to be met. The building addition would not increase the seating capacity of the church and would not increase vehicular traffic. The addition will not create a nuisance or hazard within the residential neighborhood.
5. Section 8-3025(d) requires a minimum 25 foot rear yard setback for nonresidential uses within the R-4 district.
6. The subject property is a standard lot; 150 feet wide and 100 feet deep. The rear of the lot backs onto a 20 foot wide lane.
7. The petitioner is seeking a variance that would allow construction of an addition to encroach 24.7 feet into the required rear yard setback.
8. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will 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 property is a standard lot measuring 15,000 square feet in size and contains no irregular topographic features.
 - b. **The application of these regulations to this particular piece of property would create an unnecessary hardship.**

Application of the regulations of the Zoning Ordinance would create an unnecessary hardship. To comply with the 25 foot rear yard setback would not allow the building expansion design to use the existing side wall to move within the building and would eliminate an area presently used for parking.
 - c. **Such conditions are peculiar to the particular piece of property involved.**

The conditions described in 6. and 8.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 rear of the property abuts a public right-of-way (a 20 foot wide lane) that serves as a buffer for the properties to the rear of the church.

Summary Of Findings

The conditions necessary to intensify a use appear to be met. All conditions required for granting a 25 foot rear yard setback variance appear not to be met.

Mr. Todaro stated he wanted to note that the Zoning Board of Appeals approved a similar addition for this church in December 1998. He said there were a couple of additions and they did one of them, but did not do this one. He said it was slightly different but it was in fact approved at that time. He said since it was not acted upon the decision expired the following year.

SZBA Action: Mr. Stephens made a motion that the Savannah Zoning Board of Appeals approve the petition based on the conditions to intensify the use are met and the rear yard setback variance would not cause substantial detriment to the public good. Mr. Byrne seconded the motion and it was unanimously passed.

**RE: Petition of Ivorn Givens
B-05-86474-2
1611 Pendleton Street**

Present for the petition was Ivorn Givens.

Mr. Howell gave the following Staff report.

The petitioner is requesting a ten foot and a five foot side yard setback variance from the 15 foot side yard setback requirement of Section 8-3025 of the Savannah Zoning Ordinance in order to construct a residential dwelling at 1611 Pendleton Street within an R-20 (One-Family Residential) zoning district.

Findings

1. Section 8-3025(d) requires a minimum 15 foot side yard building setback, a 100 foot lot width, and a minimum 20,000 square foot lot area within the R-20 zone.
2. The subject property is a standard lot; 105 feet wide, 223 feet deep and 23,415 square feet in lot area. No irregular topographic features exist on the parcel.
3. The petitioner is proposing to construct a new residence five feet from one side yard property line and ten feet five inches from the other side yard property line.
4. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will 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.**

There are no extraordinary and exceptional conditions pertaining to the property. The lot is standard in size (lot area), and shape (lot width).

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

Application of the regulations of the Zoning Ordinance would not cause an unnecessary hardship in the development of the property. The petitioner may build a residence without having to ask for variances.

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

The property is not different from other property in the neighborhood. There are no peculiar conditions of the property.

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

Relief, if granted, would impair the purposes and intent of the Savannah Zoning Ordinance. The purpose of the R-20 zone is to protect property from the depreciating effects of more densely developed residential use.

Summary Of Findings

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

Mr. Todaro stated he concurred with Staff. He said the R-20 was recently adopted and this was not a substandard lot. He said he felt it should be redesign to meet the setbacks. He recommended denial of the variances.

Mr. Givens stated he was building what the residents wanted, which were big houses.

Ms. Ernestine Jones (President of Liberty City Richfield Southover Community Improvement Association) stated they want large homes out there, but they also wanted them to stay within the character of the neighborhood. She said she felt the plan needed to be redesign.

Mr. Givens stated that would be 30 feet that he would not be able to use if he redesigned.

Mr. Todaro stated he felt the Board has been consistent with the R-20. He said it was also clear that the neighborhood preferred that it be followed by the letter of the code. He said these were very large lots.

Mr. Givens stated as mentioned another house could not be developed next door to him because there was already a house there. He said there was approximately 100 feet between him and the next house.

Mr. Byrne stated he felt the house needed to be redesigned and felt the Board needed to be consistent. He said he felt if the petitioner moved it back a little then he would be in compliance.

SZBA Action: Mr. Byrne made a motion that the Savannah Zoning Board of Appeals deny the petition as submitted because all of the conditions for granting variances are not met. Mr. Wallace seconded the motion and it was unanimously passed.

RE: Other Business

Mr. Todaro stated the Zoning Board of Appeals Secretary staff has requested that they start providing the surrounding property owners list for the applicants. He said people provide it but it is often incomplete or incorrect and Staff has to do it anyway. In the Rules and Procedures it says that “all information called for an application form shall be furnished by the appellant.” He said he wanted to know if the Board was okay with the ZBA Secretary providing that list for the customer rather than the customer providing the list of surrounding property owners.

Mr. Mackey asked what would be the pros and cons?

Mr. Todaro stated the pros were it would be more accurate. The cons were if there is an error in some way it would have been created by Staff or be blamed on Staff instead of the petitioner.

Mr. Mackey asked if the error is on Staff is there any liability?

Mr. Todaro stated if someone is inadvertently not notified, decisions have been reversed by the Board.

Mr. Hansen stated the information Staff receives is taken from the tax records, therefore it is only as accurate as what the tax records are. He said it is probably the same directory the petitioner used. However, Staff found it easier to generate the list themselves.

Mr. Todaro stated Mr. Blackburn, City Attorney, said he had no problem with this.

SZBA Action: Mr. Stephens made a motion that the Savannah Zoning Board of Appeals approve the request for the Zoning Board of Appeals Secretary to generate the list of surrounding property owners for petitions. Mr. Byrne 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 4:40 p.m.

Respectfully submitted,

John Howell,
Secretary

JH/ca