

**SAVANNAH ZONING BOARD OF APPEALS**

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

**MAY 24, 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 May 24, 2005 meeting of the Savannah Zoning Board of Appeals to order at 2:30 p.m.

**RE: Minutes**

1. Approval of SZBA Minutes – April 26, 2005

**SZBA Action: Mr. Byrne made a motion that the Savannah Zoning Board of Appeals approve the regular meeting minutes of April 26, 2005. Mr. Wallace seconded the motion and it was unanimously passed.**

**RE: Consent Agenda**

**RE: Petition of Joseph Benniefield, Jr.  
B-05-40237-2  
2002 – 2004 Bullock Street**

The petitioner is requesting approval of a five foot side yard setback variance, a 15 foot front yard setback variance, and a 20 foot rear yard setback variance pursuant to the requirements of Sections 8-3025, 8-3029 and 8-3057 of the Savannah Zoning Ordinance in order to build a new single-family dwelling within a RM-25 PNC (Multi-family Residential, 25 units per net acre, Cuyler-Brownsville Planned Neighborhood Conservation Overlay) zoning district.

**Summary of Findings: All conditions required for granting a five foot side yard setback variance, a 15 foot front yard setback variance, and a 20 foot rear yard setback variance appear to be met.**

**RE: Petition of Bryant Dunn  
B-05-40630-2  
301 – 307 West Henry Street & 1309 Jefferson  
Street**

The petitioner is requesting approval of the following pursuant to the requirements of Sections 8-3028 and 8-3009 of the Savannah Zoning Ordinance: Lot area variances of 358 square feet for Lot 78A and 386 square feet for Lot 74A; a lot wide variance of eight feet for Lot 78A; rear yard setback variances of 20 feet for Lot 72A, 9 feet for Lot 74A, and 22 feet for Lot 78A; side yard setback variances of four feet for Lots 74A and 76A; and a lot coverage variance of 16 percent for Lot 78A in order to recombine two parcels of land into four parcels to locate four existing residential structures on separate lots. The subject property is located at 301 – 307 West Henry Street & 1309 Jefferson Street within the 3-R (Victorian Planned Neighborhood Conservation) district).

**Summary of Findings:** All of the conditions necessary for granting variances of lot area, lot width, rear and side yard setbacks and lot coverage for four lots in accordance with the requirements of Section 8-3009 and Section 8-3028 of the City of Savannah Zoning Ordinance appear to be met.

**RE: Petition of A. Fox construction, Inc.  
B-05-40856-2  
132 Ferrill Street**

The petitioner is requesting approval of a seven foot side yard setback variance from the 15 foot side yard setback requirement of Section 8-3057 of the Savannah Zoning Ordinance in order to build a new residential dwelling. The subject property is located at 132 Ferrill Street. The property is zoned R-4 (Four-Family Residential).

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

**RE: Petition of Fred S. Stringer, Sr.  
B-05-41054-2  
528 – 544 Huntingdon Street & 539 – 547  
Hartridge Lane**

The petitioner is requesting approval of lot width variances ranging from 4.43 feet to 5.4 feet from the required minimum of 20 feet for 10 lots, and building coverage variances ranging from six percent to 20 percent from the maximum allowed lot coverage of 75 percent for eight lots in accordance with the requirements of Section 8-3009 and Section 8-3025 of the City of Savannah Zoning Ordinance. All of the lots are located within the recently platted Huntingdon Subdivision.

**Summary of Findings:** All of the conditions necessary for granting lot width variances ranging from 4.43 feet to 5.4 feet and building coverage variances ranging from six percent to 20 percent for eight lots in accordance with the requirements of Section 8-3009 and Section 8-3025 of the City of Savannah Zoning Ordinance for the recently platted Huntingdon Subdivision appear to be met.

**RE: Petition of Helen A. Miltiades**

**B-05-41657-2  
417 & 421 East 49<sup>th</sup> Street**

The petitioner is requesting approval of a 1,279 square foot lot area variance from the 6,000 square foot lot area requirement of Section 8-3025; a 3.3 percent lot coverage variance from the maximum permitted 30 percent allowed by Section 8-3025; a 15.03 foot lot width variance from the 60 foot lot width minimum requirement of Section 8-3025; and a two foot side yard setback variance from the five foot side yard setback requirement of Section 8-3025 for Lot 57-A-2 in the Miltiades Recombination Subdivision. The petitioner is also requesting approval of a 12.7 percent lot area coverage variance from the maximum permitted 30 percent allowed by Section 8-3025; and a four foot side yard setback variance from the five foot side yard setback requirement of Section 8-3025 of the City of Savannah Zoning Ordinance for Lot 55-A-1 in the Miltiades Recombination Subdivision. Whereas the subject properties are located within a historic district, the requested variances are also made pursuant to the requirements of Section 8-3009 of the City of Savannah Zoning Ordinance.

**Summary of Findings:** All of the conditions required for granting a 1,279 square foot lot area variance; a 3.3 percent lot coverage variance; a 15.03 foot lot width variance; and a two foot side yard setback variance for Lot 57-A-2, and a 12.7 percent lot area coverage variance; and a four foot side yard setback variance for Lot 55-A-1 in the Miltiades Recombination Subdivision appear to be met.

**Mr. Mackey** moved the Petition of Fred S. Stringer, Sr. B-05-41054-2 from the Consent Agenda to the Regular Agenda because of concerns raised by the public.

**Mr. Byrne** recused himself from the Petition of Helen A. Miltiades, B-05-41657-2.

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

**RE: Regular Agenda**

**RE: Petition of Fred S. Stringer, Sr.  
B-05-41054-2  
528 – 544 Huntingdon Street & 539 – 547  
Hartridge Lane**

Present for the petition was Fred S. Stringer, Sr.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of lot width variances ranging from 4.43 feet to 5.4 feet from the required minimum of 20 feet for 10 lots, and building coverage variances ranging from six percent to 20 percent from the maximum allowed lot coverage of 75 percent for eight lots in accordance with the requirements of Section 8-3009 and Section 8-3025 of the City of Savannah Zoning Ordinance. All of the lots are located within the recently platted Huntingdon Subdivision.

**Findings**

1. The subject properties, located along the north side of Huntingdon Street west of East Broad Street are zoned R-I-P-A (Residential-Institutional-Professional). Development standards for the R-I-P-A district require a minimum lot width of 20 feet and allow maximum lot coverage of 75 percent.
2. On September 21, 2004, the Metropolitan Planning Commission approved a Final Plat for the 14-lot Major Subdivision that includes the subject properties, subject to approval of variances by the Board of Appeals. Section 8-3009 of the Savannah Zoning Ordinance provides for the creation of lots that do not meet minimum standards provided that: 1) the subject lots are occupied by existing residential structures; 2) the subject lots are located within a Historic district; and, 3) the necessary variances are approved by the Zoning Board of Appeals. All of the lots within the proposed subdivision are presently occupied by residential structures and are located within the Savannah National Landmark Historic District.
3. In accordance with Section 8-3063 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 entire site encompasses approximately .47 acres. The proposed subdivision consists of 14 lots ranging in size from 764 square feet to 1,383 square feet. Eight of the lots are presently occupied by attached, one-story, wood-frame, single-family residential structures. Six lots are presently occupied by semi-attached, one-story, wood-frame, single-family residential structures. A common area used for parking is 5,981 square feet in size, and a common greenspace area of 808 square feet is also provided. Accordingly, due to the number of units existing and the need to incorporate the common space into the subdivision design, substandard lots which do not meet size or coverage requirements have been created. The creation of the lots is permitted under the conditions of Section 8-3009 of the Savannah Zoning Ordinance.

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

Strict application of the development regulations would create an unnecessary hardship. The structures in question presently exist. No new building is proposed.

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

The conditions described above are 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 or impair the purposes and intent of the Savannah Zoning Ordinance. The proposed subdivision meets the conditions or approval as outlined in Section 8-3009 of the Ordinance.

### **Summary Of Findings**

All of the conditions necessary for granting lot width variances ranging from 4.43 feet to 5.4 feet and building coverage variances ranging from six percent to 20 percent for eight lots in accordance with the requirements of Section 8-3009 and Section 8-3025 of the City of Savannah Zoning Ordinance for the recently platted Huntingdon Subdivision appear to be met.

**Ms. Melissa Jest** stated she was concerned about the existing covenant on this property that required that there remained to be affordable units. She said she wanted clarification from the petitioner of his awareness of these stipulations that these units having passed through the community housing services agency does hold affordability covenants on these properties.

**Mr. Stringer** stated the units will remain affordable and they currently have a contract with Union Mission.

**Ms. Jest** asked if they would be selling to other managers that would be renting the units or individuals?

**Mr. Stringer** stated they will not be sold. He said the reason they divided them up was for insurance purposes and financing would be simpler because they would not be zoned as commercial.

**Ms. Jest** stated she would like the record to reflect that Mr. Stringer has stated that these units would not be sold and thought the Staff report said that they would.

**Mr. Mackey** stated that the Board would take that under advisement. He said he would also remind the petitioner and those present today that any testimony given was under oath.

**SZBA Action: Mr. Stephens made a motion that the Savannah Zoning Board of Appeals approve the petition as submitted based upon a finding that all of the conditions necessary for granting the variances requested have been met. Mr. Byrne seconded the motion and it was unanimously passed.**

**RE: Continued 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 petition was continued from the April 26, 2005 meeting in order for the petitioner to provide tax records and date of purchase of the subject property.

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.

### **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. Miller** stated he was asked by the Board to bring in at the next meeting documentation stating that he did not subdivide this lot and that it had already been subdivided or platted before him. He said he had the property tax records for two years from Ethel Robinson who was the owner he bought the lot from. He said the 2005 tax record which was in name and showing it with its own pin and that it was a 60 X 105. He said he also had the warranty deed, security deed, and anything else the Board may need.

**Mr. Mackey** asked Staff if they had reviewed the documents?

**Mr. Howell** stated no.

**Ms. Ernestine Jones (President of Liberty City Richfield Southover Community Improvement Association)** stated she also had some information which was probably the same information that the petitioner had. She said the information states that this lot probably was subdivided at a time. However, she could not find any place where he has been paying individual taxes on 4505 and 4507 Meadow Street. She said this was what the petitioner was supposed to come back and show that he paid taxes on each individual lot.

**Mr. Howell** stated with the utmost respect what the Board asked the petitioner to do, which was to bring back records that they had purchased the lot of the size that he was trying to put a house on had nothing to do with whether he paid taxes. He showed the Board a copy of the property tax statement, which was the same pin number that was filed on the petition with the same address for 2005. He showed another property tax statement for 2004, which was under different ownership. He said he did not have a chance to look at the other documents. However, from the documentation, they knew it was subdivided but at what point-in-time they did not know as of yet.

**Mr. Todaro** stated he concurred with Staff's recommendation. He said it was a substandard lot of record and applying the R-20 standards would be a hardship since it was already a platted lot.

**Mr. Stephens** stated although he concurred with the staff report he was concerned about the substandard lots and people building houses on them. He said he has seen a lot of them popping up in the City and he was concerned about that.

**Mr. Howell** stated the warranty deed and the adjacent property under the legal description shows that it was two lots that the petitioner bought side by side, two separate pin numbers, two separate addresses (4505 and 4507 Meadow Street). The legal description with both lots combined was 120 feet along Meadow Street and depth of 105 feet, which was for two lots. He said they were already separate lots, but both of them together would be 120 feet, therefore one would be 60 feet which would be in accordance with the tax map.

**SZBA Action: Mr. Byrne made a motion that the Savannah Zoning Board of Appeals approve the petition as submitted as all of the conditions required for granting the**

variances are met. Mr. Wallace seconded the motion and it was passed 2 – 1. Opposed to the motion was Mr. Stephens.

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

Present for the petition was Cynthia M. Jones.

Mr. Hansen gave the following Staff report.

The petitioner is requesting to establish a child care center 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. The subject property is zoned R-6 (One-Family Residential). The petition was continued at the April 26, 2005 meeting to allow the applicant an opportunity to secure a legal agreement with the adjoining property for vehicular access.

### **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. The intent of the requirement that child care facilities be located on collector or arterial streets was to minimize the potential impact that additional traffic generated by the use would have on surrounding properties. Article (d) requires that sufficient off-street space for the safe and convenient loading and unloading of children be provided. The petitioner has secured and has provided the Board a notarized letter from the adjacent property owner stating their intent to allow vehicular access through their property so that the loading and unloading of children can be safely and efficiently conducted. In the event of an approval action, the proposed access easement should be formally recorded.

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, with the exception of the requirement that the use be located on a

collector or arterial street, as discussed in 2. (above) appear to be met. Gladstone Street is a cul-de-sac local street; there is one way in and one way out. All traffic generated by the existing residential uses or the proposed child care center is reliant on Gladstone for access.

### **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 Staff in regard to the waiver what would be the ramifications?

**Mr. Hansen** stated the intent originally of the requirement was that child care centers be located on either collector or arterial streets has to do with the amount of traffic that could be generated. The Board has the ability to grant waivers and has done so in the past. Typically, waivers tended to be on properties that were located more at the corners or the periphery of a neighborhood as opposed to the center. He said staff did not feel in this particular case that they could agree that all the conditions for the waiver had been met. However, Gladstone was a cul-de-sac and there were very limited number of properties and it was a relative short street.

**Mr. Mackey** asked the petitioner how many children was she contemplating beginning her daycare?

**Ms. Jones** stated 18.

**Mr. Mackey** asked what would be the hours of operation?

**Ms. Jones** stated Monday – Friday from 7 a.m. to 6 p.m.

**Mr. Mackey** asked Staff if the Board had the ability to set the amount of children that were at the daycare?

**Mr. Hansen** stated yes.

**Mr. Stephens** asked in regard to traffic flow if she had an idea of how many cars would be generated?

**Ms. Jones** stated unless a parent has more than one child, the maximum it would be was 18.

**Mr. Byrne** asked if the children would be dropped off across the street? If so, he was concerned that the children would have to cross the street while cars were coming in.

**Ms. Jones** stated she could establish a parking criteria for her customers, which she did not have as of yet.

**Mr. Stephens** asked if there was a cut in/out?

**Ms. Jones** stated yes.

**Mr. Wallace** asked if her daycare was limited to 18 families or 18 children?

Ms. Jones stated 18 children.

Mr. Wallace stated so if one family had 2 children that would decrease the traffic flow.

Ms. Jones stated yes.

Mr. Mackey asked Mr. Todaro on the issue of waiver if the Board was on firm ground with that?

Mr. Todaro stated yes, because it was consistent with approvals in the past. He said it was clear that road lead to Montgomery Crossroad which was a major arterial.

Mr. Mackey asked Mr. Hansen if the Board approved the petitioner for 12 children, what was the process for the petitioner to increase the number?

Mr. Hansen stated the petitioner would have to go through the same process that she was going through today. He said it would be a new petition. However, the petitioner would be precluded from the petition for a period of 12 months.

Mr. Mackey stated he felt the petitioner should start with 12 children because he was not certain what the impact would be with 18 children on that tight of a fit of a cul-de-sac in terms of traffic.

Mr. Byrne stated he agreed.

**SZBA Action:** Mr. Stephens made a motion that the Savannah Zoning Board of Appeals approve the petition as submitted based upon a finding that the use proposed meets the minimum requirements of the Zoning Ordinance for the establishment of a child care center subject to the following conditions, and further grants a waiver from the requirement that the use be located on a collector or arterial street. (1) That the number of children be limited to no more than 12, (2) That the hours of operation be limited to between 7:00 a.m. and 6:00 p.m., Monday through Friday only, and (3) That the access agreement between the petitioner and the adjacent church be memorialized and recorded. Mr. Byrne seconded the motion and it was unanimously passed.

RE: Continued Petition of Larry D. Clark  
B-05-41835-2  
2037 East 37<sup>th</sup> Street

Present for the petition was Larry Clark.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a variance of the requirements of Section 8-3025(d) Use 51 d. (3) that prohibit the establishment of an automobile body repair and paint shop along a block face that contains an existing dwelling unit. The subject property is zoned B-C (Community Business).

### **Findings**

1. The purpose of the B-C zoning district is to provide community level shopping consisting of a wide variety of sales and services accessible to a market area of approximately

70,000 people. An auto body repair and paint shop is a permitted use in the B-C district. A condition of such use, however, is that it not be established along a block face which contains an existing dwelling unit.

2. The subject property is located on the north side of a local roadway, East 37<sup>th</sup> Street, and is east of Skidaway Road. Although most of the Skidaway Road corridor in this area is zoned for community business uses, the corridor is relatively narrow and is adjoined primarily by residential properties which are zoned R-6 (Single-Family Residential). The subject property abuts a residentially zoned lot on the east. A single-family residence is presently located on said parcel.
3. An auto body repair and paint shop (Lockard's Import Collision Center) was previously located on the subject parcel. Verification of the same has been received from both the Chatham County Board of Assessors and the Savannah Fire Department. The last date of verifiable occupancy by the auto body repair and paint shop is 2001. Since that time, the structure has been occupied by a plumbing company and a handyman service.
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 provision 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 which contains approximately 4,950 square feet and measures 45 feet in width by 110 feet in depth. There are no peculiar or special topographic features on the parcel.

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

Strict application of the development regulations would not cause or create an unnecessary hardship. Although an auto body repair and paint shop would be prohibited, other uses permitted in the B-C district could be legally established on the subject property.

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

The conditions described above are not peculiar solely to the particular piece of property involved.

- 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 and the surrounding residential properties. An auto body repair and paint shop is an intensive use.

Typically, such uses generate noise and fumes from the paint operations. Moreover, an increased amount of traffic generated by the proposed use could be expected.

### **Summary Of Findings**

All of the conditions necessary for granting a variance of the requirements of Section 8-3025(d) Use 51 d. (3) that prohibit the establishment of an automobile body repair and paint shop along a block face that contains an existing dwelling unit appear not to be met.

**Mr. Clark** stated he purchased the property for a body shop because it was a body shop before. He said he currently worked at Akin & Bob's, which was two blocks away. He said he has been on that corner for 9 years. He said there were houses next to it and he did not see the difference in what he was requesting.

**Mr. Mackey** stated Staff mentioned in the staff report that this was an existing shop as some point. He asked how long ago?

**Mr. Hansen** stated Staff could verify that the property was used as an auto body repair and paint shop as recently as 2001. He said how long it was prior to that, he was not certain. The tax records went back to at least the early 1990's. He said that was as far back as he could find records for this particular use.

**Mr. Mackey** asked if there was a grandfathered clause in this case?

**Mr. Hansen** stated no. He said the grandfathered clause of the ordinance after a period of time on nonuse goes away. He said because they could not ascertain the legal use ie. automobile repair and body since 2001 it was clear that the grandfathered use had gone away.

**Mr. Stephens** stated the petitioner mentioned that Akin & Bob was two blocks up the street. He asked if they were grandfathered in that location because he knew there were houses on that street.

**Mr. Hansen** stated he was not certain of the legalities of the particular property that he was referring to. He said he would assume that they were, but without checking he could not answer definitively.

**Mr. Mackey** asked was there existing buffering or would there need to be buffering from the business to the residential properties?

**Mr. Hansen** stated aside from the separation setback which was vacant ground there was no existing buffering.

**Mr. Mackey** stated the pathway between the house and business was a part of a residential lot.

**Mr. Hansen** stated yes.

**Mr. Byrne** asked if he understood the reason that this property was not grandfathered in was because it was used as an auto body repair shop until 2001 and then it was used for a plumbing business after that. Therefore, the grandfathered provision would not apply because it was used for a different type of business after 2001.

**Mr. Hansen** stated yes. He said the use apparently was a legal nonconforming use at a point-in-time (2001) and before. However, after 2001 once the use ceased to operate at that location and the business was then occupied by the plumbing business and the handyman shop, which were legal within the BC district, the grandfathered right for the automobile and paint shop ceased to exist after a period of 12 months.

**Mr. Todaro** stated an auto body paint shop was a permitted use in the district that it was in, which was BC. So, it was a conforming use, but it was nonconforming as to a residence in that block face. Also, Akins & Bob's was zoned the same as this property. He further stated that a block face was defined as from one intersection to the next, which would be Ohio or to the next street over and would include both sides of the street, which was stringent.

**Mr. Mackey** stated he was concerned about what type of impact would it have on a residential property. He said he was concerned about the riveting, paint, spraying, and so on being adjacent to a residence.

**Mr. Byrne** asked where will the employees park?

**Mr. Clark** stated there was a lot across the street that he was purchasing along with this property.

**Mr. Byrne** asked how many employees would he have?

**Mr. Clark** stated three besides himself.

**Mr. Byrne** stated during the site visit he noticed a gate on the rear of the property. He asked if that was where he would bring in the automobiles to be worked on?

**Mr. Clark** stated yes.

**Mr. Byrne** asked how many bays would there be?

**Mr. Clark** stated it would hold approximately 8 cars inside and 4 cars in the back.

**Mr. Byrne** stated Mr. Mackey mentioned a good point about the paint fumes, riveting, noise and so forth. He asked what would be his hours of operation?

**Mr. Clark** stated Monday thru Friday from 8:30 a.m. to 5:30 p.m.

**Mr. Byrne** asked how would the fumes be ventilated?

**Mr. Clark** stated not towards where the house was, but on the opposite side there would be a paint booth and it would be ventilated behind the other business that was there on the corner.

**Mr. Byrne** asked if that was an existing vent from the old body shop?

**Mr. Clark** stated yes.

**Mr. Stephens** stated he was concerned about the space because he knew auto body shops tended to generate a lot of cars stacked up in their lots. He said in looking at his property on the

site visit he felt there was not enough room because he felt some of the cars would be stacked on the street. He asked where would the cars be if he had more than 8 or 10 cars to work on at one time?

**Mr. Clark** stated that was his reason for buying the lot across the street, so he could park cars there during the day time.

**Mr. Mackey** stated what they have attempted to do in the zoning rewrite with the Metropolitan Planning Commission is to help alleviate situations which the Board was faced with right now. The hodgepodge of businesses and how they abut upon residences, tow yards, garages, and so forth because it has a definite affect on the quality of life in a residential areas. He said he was also concerned as was Mr. Stephens about outside storage. He said he felt the lot that he mentioned across the street was not a part of this petition. He said if he had to stack vehicles or needed outside storage he felt that would be visual blight. He said he understood what has been there in the past, but that did not mean it had to continue in the future.

**Mr. Clark** stated he felt the turnover was what caused cars to hang around. He said if you look at the lot and building right now it needed to be taken care of. He said he was not trying to store any cars because he would not make it as a business by holding on to cars.

**Mr. Todaro** stated in regard to the vacant lot that the petitioner was purchasing, he could use that for his employee parking because it did not have to be paved. He said there was no way he could use that lot for storing vehicles even if it was in between jobs. He said under the current requirements with buffering, setback at 15 or 20 feet plus a privacy fence all the way around the lot there would be nothing left of that lot.

**Mr. Mackey** stated to the petitioner that the vacant lot that he referred to could only be for employee parking. He asked how did he intend to handle any overflow, stacking of vehicles, or outside storage?

**Mr. Clark** stated there was space in the rear of the property for storage. He said he could stack four cars in the back. He said he was after a fast turnover and not storage of vehicles. He said he would be more into spot jobs as opposed to big wrecks. He said he has been in this business for over 30 years and he knew what made the money.

**Mr. Byrne** stated for clarification he was not talking about placing temporarily vehicles in the back lane. He said he was talking about using the back fenced in area.

**Mr. Clark** stated yes.

**Mr. Stephens** asked Mr. Todaro if the petitioner would have to have a privacy fence all the way around for the parking pad that was behind the building?

**Mr. Todaro** stated yes.

**Mr. Clark** stated a privacy fence was already there.

**Mr. Mackey** stated the petitioner was requesting a waiver for the establishment of a collision center which currently prohibited an auto collision repair center within a residential area. He asked Mr. Todaro if that was correct?

**Mr. Todaro** stated the waiver required that you don't establish a paint and body shop on a piece of property that abuts a block face that has residential homes on it. He said the use was permitted in the BC district, but it has a residential restriction.

**Mr. Mackey** asked the petitioner if he has talked to any of the residents?

**Mr. Clark** stated yes, but he did not have anything in writing.

**Mr. Mackey** stated he was almost inclined to ask the Board to continue the petition because he would like to see something from the community in that area that they supported or opposed the petition. He said he was concerned about what the impact would be on a residential area.

**Mr. Hansen** stated on the screen the properties that were in yellow were properties that were sent legal notifications of the hearing and proposed petition. He said to date there was no written comment or telephone calls received from residents in that area.

**Mr. Byrne** stated he was inclined to grant the petition because the residents received legal notification about the meeting.

**Mr. Stephens** stated he felt it should be continued because his comfort level would be better if he had something in writing from the residents who were directly impacted around the body shop.

**Mr. Wallace** stated his inclination was to deny the petition, but the fact that no one has responded after being notified to the best of their knowledge made him wonder.

**Mr. Todaro** stated Mr. Clark actually applied for this petition to be heard at the April meeting, but inadvertently put an incorrect address on the paperwork, therefore, the petition was continued for 1 month.

**SZBA Action: Mr. Byrne made a motion that that the Savannah Zoning Board of Appeals approve the petition as submitted based upon a finding that the property was previously used as an auto body repair and paint shop and that the potential impacts associated therewith would be no greater than what previously existed. Mr. Wallace seconded the motion and it was unanimously passed.**

**RE: Petition of Dorsey M. Pierce, For  
Donejo Properties, Inc.  
B-05-35968-2  
623 West 36<sup>th</sup> Street**

Mr. Howell gave the following Staff report.

The petitioner is requesting a 2,993 square foot lot area variance pursuant to the requirement of Section 8-3029 of the Savannah Zoning Ordinance in order to convert a single-family dwelling into a two-family dwelling within a RM-25 PNC (Multi-family Residential, 25 units per net acre) Cuyler-Brownsville Planned Neighborhood Conservation District.

### **Findings**

1. Section 8-3029 requires a minimum lot area of 3,000 square feet per unit for two-family



dwellings and a minimum lot width of 60 feet within the RM-25 PNC district.

2. The subject property contains 3,007 square feet, measuring 31 feet wide and 97 feet deep. The parcel does not meet the existing development standards for the RM-25 PNC district that require a minimum lot width of 50 feet and a minimum lot size of 3,800 square feet for a detached single-family dwelling.
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 2,993 square foot lot area variance appear not to be met.

**Mr. Todaro** stated in regard to the letter that was a part of the Board's packet from the City of Savannah Department of Housing that recommended approval of the variance. He said they felt it was an appropriate form of housing for the block on which it was located, as well as it

provided affordable rental housing for two low income families. He said the letter was sent by the Director of the City of Savannah Department of Housing.

**Mr. Howell** stated although other properties did not set a precedent, the Board has approved a conversion of a structure into a duplex in the immediate vicinity.

**SZBA Action:** Mr. Byrne made a motion that that the Savannah Zoning Board of Appeals approve the petition as submitted as all conditions required for granting a 2,993 square foot lot area variance appear to be met. Mr. Stephens seconded the motion and it was unanimously passed.

**RE: Petition of Cynthia Pace  
B-05-36415-2  
1201 Elliott Avenue**

Present for the petition was Anthony and Cynthia Pace.

Mr. Hansen gave the following Staff report.

The petitioner is requesting to establish a child care center (Use 22b) 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 of the Savannah Zoning Ordinance. The subject property is zoned R-4 (Four-family Residential).

### **Findings**

1. The subject property, located at 1201 Elliott Avenue, is presently occupied by a one-story single family residential structure. According to Chatham County tax records, the lot measures 30 feet in width and 100 feet in depth. The resulting 3,000 square foot lot is substandard, being only half the 6,000 square foot minimum required in the R-4 district.
2. Section 8-3025 (Use 22b) requires Board of Appeals approval to establish a child care center in an R-4 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 c, d, e, and g (above) appear to be met. A waiver of the requirement of (b) is being sought. The intent of the requirement that child care facilities be located on collector or arterial streets is to minimize the potential impact that additional traffic generated by the use would have on surrounding properties. The subject property is situated on a local street in the middle of a residential neighborhood. Article (a) requires that not less than 100 square feet of outdoor play space be provided for each child. The petitioner is requesting approval of the use for 12 children, thus requiring 1,200 square feet of outdoor play space. As noted above, the entire lot encompasses only 3,000 square feet. It cannot be verified that the required play space

is available once deductions from the total lot area are made for space devoted to the residential structure; the required parking; and the loading and unloading area. Article (f) requires visual buffering in the form of an opaque fence or landscaping to shield parking areas, play areas, and outdoor activity areas from abutting properties. At present, no such visual buffers exist on the subject property. Information supplied by the petitioner does not indicate any plan to provide the required buffer.

3. In accordance with Section 8-3163 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 subject property is located on a local street in the middle of a residential neighborhood. The petitioner has stated that services will be provided for up to 12 children. The resulting traffic and potential congestion associated therewith 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. It cannot be verified that the required play space has been provided.

- 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 above appear not to be met. The amount of play space available is in question and no visual buffering is present.

**Summary Of Findings**

The conditions necessary to approve the 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. Anthony Pace** stated in regard to the buffer they will put up a privacy fence. He said the fence that was there now was there when they purchased the property. He said most of the traffic came down the side street (McKenzie and Gwinnett). He said there was not that much traffic on Elliott. He also stated that if their request was granted for 12 children they already transport 6 children, which was one vehicle.

**Mrs. Cynthia Pace** stated she currently cared for 6 children that they transported to and from the daycare. She said she felt there would not be more than 6 more cars because people that were on her waiting list may have two or three children, which would decrease the number of cars.

**Mr. Mackey** asked how many employees did she have?

**Mrs. Pace** stated 1 besides herself.

**Mr. Byrne** asked where does her employee park right now?

**Mrs. Pace** stated next to the house.

**Mr. Byrne** stated when the Board did their site visit he noticed in the play area in the backyard there were two side alleys where the air conditioning unit was located. He asked how much square footage did she have for their play area? He asked if they were also counting the side yard?

**Mrs. Pace** stated yes. She said she will put up a fence where they park. She said there was large back area where they could play and there was a little piece beside the back door where they could also be used as play area.

**Mr. Byrne** asked when did they plan to put the fence up?

**Mrs. Pace** stated as soon as possible.

**Mr. Stephens** asked the alley that was between the houses be fenced off?

**Mrs. Pace** stated he was talking about the area where the air conditioning was and they could put a gate right there because it was already fenced off on the other side.

**Mr. Mackey** asked Staff if the play area was state mandated?

**Mr. Hansen** stated yes, but it was also echoed in the City Zoning Ordinance. He said the ordinance required 100 square feet as does the state.

**Mr. Todaro** stated the lot was 30 X 100, which was 3,000 square feet. The house was approximately 940 square feet. He said it was about a 50 foot deep home on one side and 43 on the feet on the other side, so the petitioner had about 40 +/- feet from the rear of the home to the rear property line and a 30 foot width. He said the petitioner would have the 1,200 square feet of play area.

**Mr. Howell** stated the latest information he had from the state on child care centers was that the state required 100 square feet per child (total in the play area at any one time). He said it was not the total number of children registered at the day care. He said the local ordinance was more stricter than the state requirements.

**SZBA Action:** **Mr. Stephens made a motion that the Savannah Zoning Board of Appeals approve the petition as submitted based upon a finding that the use proposed meets the minimum requirements of the Zoning Ordinance for the establishment of a child care center and further grants a waiver from the requirement that the use be located on a collector or arterial street. Mr. Byrne seconded the motion and it was unanimously passed.**

**RE:     Petition of Harold Yellin, Agent for  
          James F. Zipperer, III and David &  
          Annette Dirlam  
          B-05-36642-2  
          12 Price Street**

Present for the petition was Harold Yellin.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a variance from Section 8-3082(r) of the Savannah Zoning Ordinance which requires remote off-street parking spaces to be no more than 150 feet distance from the use served. The subject property is presently zoned RIP-A (Residential-Medium Density).

### **Findings**

1. The petitioner is proposing to establish a specialty shop on the subject property located at 12 Price Street. As an allowed use within the RIP-A district, the shop is required to meet the parking standards as provided in Section 8-3089 of the Savannah Zoning Ordinance. Whereas the shop is proposed to be 1,200 square feet in size, four off-street parking spaces are required.
2. Section 8-3082 of the Savannah Zoning Ordinance states that "...required off-street parking spaces shall be provided on the same lot as the main building to be served or on

a lot not more than 150 feet distance from the use it is intended to serve, as measured along the nearest pedestrian walkway.” The petitioner is proposing to have one on-site parking space and three off-site parking spaces. The off-site parking spaces are proposed to be located in the Mulberry Inn garage which lies adjacent to the subject property. As measured along the nearest pedestrian walkway, the distance from the specialty shop entrance to the garage entrance is approximately 300 feet, thus necessitating the request for a variance.

3. The subject property is located within the Savannah National Historic Landmark District. The architectural scale and character of the Historic District was greatly influenced by the regularity of Oglethorpe’s Savannah plan. That is to say that the average downtown structure was built with no front setback, creating a wall of continuity along the street. Similarly, few structures were constructed with wide side yards. This construction style severely limited the placement of parking to facilitate the commercial uses that were developed or redeveloped. Limited on-street parking is available, but most is metered and not conducive to long term commercial use.
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 contains approximately 1,800 square feet, measuring 30 feet in width and 60 feet in depth. The parcel is developed to the property lines along the front and sides with only a small rear yard undeveloped. There are no unusual topographic features on the lot.

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

The petitioner is requesting a 100 percent variance to the requirement that remote off-street parking spaces be located within 150 feet distance of the use being served. It is unknown whether other, closer facilities might be available to provide the necessary parking without benefit of a variance.

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

The conditions described above are peculiar to the property involved.

- 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. Required parking spaces would be provided on abutting property.

### Summary Of Findings

All of the conditions necessary for granting a variance from the requirements of the Savannah Zoning Ordinance that requires remote off-street parking spaces to be no more than 150 feet distance from the use served appear not to be met.

**Mr. Yellin** stated this was a specialty shop that will sell harps, flutes, and rare books. He said in talking with Mr. Todaro before today's date that qualified as a specialty shop which would require 4 parking spaces. He said as mentioned by Mr. Hansen, the petitioner had 1 parking space and they only needed 3 more. However, he had the 4 parking spaces with 1 space here and 3 parking spaces across the lane. He said an argument could be made that they did not need a variance at all. He said they felt the ordinance was not clear as to how you went about measuring their door or property to what was clearly a very large parking lot. He said he knew they had 20 feet, 90 feet, and 40.35 feet, which gave them 150'-2". Therefore, he knew they were within 150 feet from their property to this garage. He said to be fair they decided to come back to the Board because they knew cars came in from Houston Street. He said it was also true that in the future if the petitioner decided they wanted to park in a different garage this at least gave him the flexibility and the predictability of knowing that his use was still around.

He further stated this was an existing store and currently the sale of harps, flutes, and rare books was on the corner of Whitaker and Taylor Streets. He said it was an area just like this one that was a mixed-use, residential, commercial, retail, and a little bit of everything. He said what they had today was not a petitioner trying this for the first time, but somebody who was already in the business of selling the unusual items of harps. He said he asked Dr. Dirlam if he ever had any traffic or parking problems on Whitaker and Taylor Streets. He said Dr. Dirlam told him no. He said this kind of store was designed for foot traffic and not car traffic. The reason that Price Street was so desirable was if you looked at what already was on Bay Street, under construction and proposed you were looking at about several major hotels. He said he would suspect that you would have the same clientele here that they had on Whitaker and Taylor Streets. He said the idea was to have this same type of ambience and atmosphere.

**Mr. Byrne** asked the petitioner if he anticipated having internet sales?

**Dr. Dirlam** stated they had a little bit of internet sales, but the vast majority was direct because there was no other harp store within 500 miles.

**Mr. Byrne** asked where would their merchandise delivery and pickup be?

**Dr. Dirlam** stated he received a UPS shipment approximately 1 week. He said they would probably in the alley and drop it off.

**Mr. Wallace** asked if this was an addition to their existing store or were they moving?

**Mr. Yellin** stated the petitioner currently leased at Whitaker and Taylor Streets. He said the intention was to buy this site and make it their home base of operation.

**Ms. Jean Brooks** stated she was a resident of this quadrant. She said her house was about 60 feet from the proposed property. She said she felt it was a different area than the corner of Whitaker and Taylor Streets in that was a part of the designated design district with multiple shops. She said she felt this was a pristine and very old section of Savannah, which was

primarily residential. She said due to the increase in tourist traffic in the City there was no parking. She said she also felt the City has become at least a strong nine months tourist City, which meant that the Mulberry that was successful was full capacity all the time and their spill over parking parked on their streets which prevented them from parking. She also said when you turned off of Bay Street onto Price Street it was extremely busy and fast. Therefore, if you had people attempting to park and not knowing where they were going to park it would increase the traffic problems. She said their area was not known and you never had people walking by looking for shops. She said their area did not read like a shopping area between the two squares (Warren and Washington Squares). She also said that if the Board granted the variance it could change their designation as residential, which would open the door for other retail. She said their area was also designated as a hot spot by local tour businesses, which meant they were primarily residential. Therefore, the tour buses and walking tours were asked not to rotate through their area except on almost a lottery. She said she felt if their residential status goes away the protection they have now also goes away.

**Mr. Mackey** asked how would the petitioner's potential proposed business have an affect on her residence?

**Ms. Brooks** stated in that right now they were 100 percent residential it would change the use. Also, there was no parking and it was a very dangerous street.

**Mr. Bill Durrence (516 East St. Julian Street)** stated this essentially was a residential neighborhood regardless of the fact that it was zoned for something like specialty shops. He said he also agreed that the character was not anything like the design district on Whitaker Street. He said there were no other shops similar to this and everything here was residential. One of the problems they have was parking issues. He said him and his neighbors lived in a single structure with three homes in it. He said there was some off-street parking which was always full. He said the other areas where you could possibly park would continue to be stressed. He said he felt if the Board granted the variance, even if the petitioner have their parking spaces many people that might be going there would not even know about it. He said if they did know, there would still be a human tendency to try and park closer for the same reason people circle in a parking lot at a department store. He said it will be a long walk from the entrance to the Mulberry garage to get around to this home. He said because the garage was very close, and there was no access from the back of the garage people would still have to come out of the front of the garage on Houston Street. He said he felt human nature would have people to try and park closer which would stress the parking in the neighborhood more.

He stated he also felt another issue was the lane because people use the lane inappropriately. One of the issues they had with tourism was tour buses because they often used the lane as a shortcut to the Mulberry. He said he felt the biggest issue was they will have continued growth and stress on parking problems in the area. He said he was concerned in particular for his space because they had four off-street parking places which people tended to help themselves to. He said he felt they would be a natural target for someone cruising trying to get closer to the store for that reason. He said in regard to the Mulberry, his neighbor (Alice) who lives in 6B talked with Mark Dana, VP of Mulberry, and he said that the Mulberry had made no arrangements with anyone for parking for this shop. But at the same time she talked to him, he said they were in negotiation to lease six parking spaces to Neil Dawson. He said he felt the combination of the two (specialty shop and Neil Dawson) will create more of a parking problem there. He said also whatever the miscommunication was with the Mulberry, several years ago the Mulberry added rooms to the hotel on the backside and when they did the addition they no longer qualified with the minimum number of parking spaces that they were required to have by



ordinance for the number of guest rooms they had. He said they received a variance at that time to add those rooms even though they did not have the number of parking spaces. He questions how the Mulberry could lease spaces out of their garage to other businesses if they did not meet the spaces they were required to have to satisfy their requirements for the number of rooms. He said he has not been able to follow up on the details of that, but he remembered the Mulberry was granted a variance.

**Mr. Byrne** asked Mr. Todaro if the variance is granted, could it possibly change the residential designation of that area?

**Mr. Todaro** stated no. He said there was no zoning district in the Historic District that was exclusively residential. The RIP-A allowed offices, specialty shops, art galleries, residential, multi-family, etc. However, he would say that this was a more residential portion of the Historic District. The Warren Square area was traditionally residential.

**Mr. Byrne** stated he felt the residents were concerned that it would open up the flood gates if this happen.

**Mr. Todaro** stated he felt the problem was providing off-street parking. He said if they could not provide it, it would have to come before a Board or have another alternative solution.

**Mr. Byrne** asked would it have to come back before the Zoning Board of Appeals?

**Mr. Todaro** stated any other use that could not meet the off-street parking.

**Mr. Durrence** asked if for some reason the specialty shop moves on, could another use come in with the variance already in place?

**Mr. Todaro** stated yes, if the arrangement was the same with the Mulberry assuming that the parking requirement for the other use was not more restrictive.

**Mr. Byrne** asked in regard to the Mulberry Inn letter and concerned raised that they were leasing three parking spaces, were those designated just for this business? In other words, could the hotel use it or park guests there?

**Mr. Yellin** stated hotel guests typically arrived after 5:00 p.m. and people come in/out all day. He said his law firm operated the Lincoln garage which was two blocks away and everyone knew that there may be 299 spots, but you could lease out more than 299. However, Mr. Todaro would not recognize that as part of the City's calculation, but he knew from their firm having owned the garage since 1986, you could always lease out more than you had. It was their understanding when they talked to Mark Smith who was the owner of the property said that they had adequate parking. He said he felt what they had was not a new problem, but a recurring problem in downtown Savannah. He said you have a mixed use (RIP) which stands for residential and it also has institutional professional features to it. He said they felt they have come before the Board with an adequate solution. He said the parking arguably did not need a variance because they were within a 150 feet. He said he has never heard of the design district until today and he has lived in Savannah all his life. He said he felt calling the other area design district was sort of a new name that was kind of given to different areas. He said if they were looking at residential character then they may be drawing an invisible line and not including the garage. He said to call this area residential was accurate, but that meant a line has been drawn

and folks chose not to include what was north of their neighborhood, which clearly was not all residential.

**Mr. Wallace** stated he was more concern about setting precedent for future zoning for future businesses. He did not see parking as the issue.

**Mr. Yellin** stated he felt the burden would be on any petitioner who came before the Board to demonstrate that they had adequate parking.

**Mr. Mackey** stated he would like to add that according to the Board's rules there were no precedents set with the Board of Appeals.

**Mr. Yellin** stated that was correct. He said the Board's decision making was on what was before them today.

**Ms. Kim Malphrus (16 Price Street)** stated she felt the main problem was that the parking lot that was behind number 10 that whoever worked the shop would be in the one space, so technically there would be no customer parking. She said they constantly have a problem with tourist parking in their parking spaces and it would like the spaces that adjoin Dr. Dirlam's was his parking and they are not.

**Mr. Mackey** stated he understood one of the challenges of living downtown was that of parking. He said without any dedicated parking you almost move downtown with a risk which kind of goes along with the territory.

**Ms. Malphrus** stated unfortunately Price Street was a one-way street with no parking. The alley on the other side also had no parking. She said she felt to go to the Mulberry and park and walk over was ludicrous.

**Ms. Brooks** stated the area between Jones and Taylor Streets on Whitaker was designated by the shopkeepers and marketed as the downtown design district. She said it started with one shop and that was the residents concern with this particular property. She said typically, guests arrived at 2:00 p.m. and want to check-in early. In a city like Savannah they park their car and when they leave (after check-out) they get back in their car. She said if Mark Smith can build an extra building and not meet his variance to add parking, and could rent to other people, where does it end. She said as a homeowner they got one space and in some cases two. She said the next shop could come in and also call Mark Smith to rent parking spaces.

**Mr. Byrne** stated he understood the residents concern, but he also took Mr. Yellin and Dr. Dirlam at their word that they have secured three parking spaces in the garage and that was what they would be used for. He said he also agreed that it was challenging living downtown with the tour buses and parking. But he felt that they should also remember that this was a harp shop and a rare books shop and not an Applebee's which would be different. He said he also understood from Mr. Todaro that this would not change the residential designation.

**SZBA Action:** Mr. Byrne made a motion that the Savannah Zoning Board of Appeals approve the petition with the provision that he secures the three parking spaces in the Mulberry Inn for customer use and that pickup and delivery is done with minimal interference with the neighborhood. Mr. Stephens seconded the motion and it was unanimously passed.

**Mr. Todaro** stated he will verify in regard to Mulberry Inn what variance was granted. He said he believed it was in 1998. He said as Mr. Yellin knows the Mulberry could only lease spaces provided there excess spaces, which meant they were not required for the Mulberry.

**Mr. Yellin** stated they were here because they did not think that they needed a variance. He said if for whatever reason the Mulberry was assessable legally, contractually, or otherwise they were delighted to have folks at their garage like Dr. Dirlam. He asked if the Board would like for them to come back? He said the motion was specifically geared toward parking at the Mulberry.

**SZBA Action:** Mr. Byrne amended the motion to three parking spaces. Mr. Stephens seconded the motion and it was unanimously passed.

**RE: Petition of Bernita Murray  
B-05-37140-2  
1032 Allen Avenue**

Present for the petition was Bernita Murray.

Mr. Howell gave the following Staff report.

The petitioner is requesting approval to establish a use (child care center) and a waiver of the requirement that the proposed use shall abut a collector or greater classification of street, which must be approved by the Board of Appeals pursuant to the requirements of Section 8-3025(22b) of the Savannah Zoning Ordinance in order to expand a child care center from 12 to 18 children. This property is within an R-4 (Four-Family Residential) zoning district.

### **Findings**

1. In 2004, the petitioner requested a child care center for 18 children. At the February 24, 2004 ZBA public hearing, the Board denied the petitioner's request. The petitioner requested a rehearing and amended the petition to a child care center for 12 children. At the March 23, 2004 ZBA public hearing, the Board approved the petitioner's request to establish a child care center for 12 children.
2. A child care center is allowed within the R-4 district subject to ZBA approval and the following conditions:
  - a. Provided that 100 square feet of outdoor play space is provided for each child in districts requiring Board of Appeals use approval. In other districts, 100 square feet of outdoor play space is required per child in any group using the play area at one time.
  - b. Such use shall only be permitted on a lot or plot of ground which abuts a collector street, or a major arterial. The Board of Appeals shall be authorized to waive this requirement if on the basis of evidence presented, it finds that the traffic to be generated by a particular use can be accomplished on other streets without creating traffic congestion and traffic hazards on such streets which would be detrimental to the neighborhood served by such other streets. Provided that approval for any center established requiring access along a residential or lesser classified street shall be limited to a maximum of 75 children during the daytime hours and not greater than 50 children between the hours of 9:00 p.m. and 6:00 a.m.

- c. The architectural character, including the orientation and exterior appearance of any structure, shall be characteristic of the neighborhood within which such structure is located.
  - d. Such use shall provide the number of off-street parking spaces required for educational and institutional uses as set forth in Sec.8-3064-”Minimum Space Requirements for Off-street Parking Areas.”
  - e. There shall be no on-site outdoor recreation activities after 9:00 p.m. or later than one hour after dusk, whichever occurs first.
  - f. Where an abutting use is residential, visual buffers shall be provided so as to shield all parking areas, and play areas, and outdoor activity areas from the abutting property. Such buffer shall consist of trees or other vegetation of such height and depth as determined by the Board or of an appropriately designed fence or wall or a combination thereof.
3. The outdoor play area requirement for 18 children is 1,800 square feet. The back yard is a 60 X 37 (2,220 square feet) outdoor play area. A six foot high wooden fence surrounds the back yard of the property.
  4. The petitioner’s property is located in the middle of a block, two blocks west of Stiles Avenue and two blocks south of West Gwinnett Street, both of which are classified as major arterials. Allen Avenue is classified as a residential street. In reference to Item 2.b above, the traffic that would be generated would be within a residential neighborhood. The traffic to and from the site cannot be regulated to specific streets. A child care center for 18 children within a residential neighborhood has the potential to create traffic hazards and congestion. A waiver of the street classification requirement appears to not be justified.
  5. Section 8-3089 provides that one off-street parking space be provided for each two employees. Off-street parking spaces are located on the site. Visual buffers must be provided so as to shield all parking areas.
  6. 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.
    - (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.

7. Several of the conditions required for approval of the expansion of the use appear to not be met. The petitioner proposes to establish a “business” use in a residential neighborhood. A child care center for 18 children has the potential to adversely affect the stability of the residential neighborhood, will constitute a noise nuisance, and will increase the number of vehicles coming and going to the site. A child care center of this size will be detrimental to the use or development of adjacent residential properties and the general neighborhood.
8. A condition of the 2004 approval by the Board of a child care center for 12 children was that a driveway and parking plan were to be submitted and approved by the City Traffic Engineer. A circular driveway and parking area is located on the site.

### **Summary Of Findings**

All of the conditions necessary to expand a child care center from 12 to 18 children appear to not be met and a waiver of the street classification requirement appears to not be justified.

**Ms. Murray** stated she currently was operating her daycare with 12 children and she would like to increase to 18. She said she wanted to increase her enrollment because she has had a lot of people in the neighborhood to come to her about caring for their children. She said she had enough indoor/outdoor space. She said she employee parking, off-street parking, and a circular driveway. She said she also have not had any complaints from the neighbors.

**Ms. Eartha Williams (1219 Elliott Avenue)** stated she lived directly behind the daycare. She said so far she has not had any problems with the children that she was caring for. She said she was concern about her increasing her daycare from 12 to 18, as well as the age of the children. She said she was a retired senior from Head Start who had worked with children for 26 years. She said she did not have anything against children, but she wanted to rest and did not want to listen to them all day long.

**Mr. Mackey** asked if her concern was the age of the children?

**Ms. Williams** stated the age and noise.

**Ms. Murray** stated she understood that. She said she did not use the backyard often for the children. She said she mainly took the children to the park for their play time because it was directly across the street from her daycare. She also stated the neighbor next door worked nights so she always took those issues into consideration. She said she also did not keep

teenagers. However, she may have some school age children because some parents have asked if she could care for them during the summer.

**Mr. Byrne** asked what was the age of the school age children?

**Ms. Murray** stated 6 and 7. She said they were in elementary school.

**Mr. Mackey** asked Ms. Williams if she had any problems with the daycare so far?

**Ms. Williams** stated no.

**SZBA Action: Mr. Stephens made a motion that the Savannah Zoning Board of Appeals approve the petition as submitted as all of the conditions necessary to expand a child care center from 12 to 18 children appear to be met and a waiver of the street classification requirement appears to be justified. Mr. Byrne seconded the motion and it was unanimously passed.**

**RE: Petition of LaTisha R. Blake  
B-05-40436-2  
1337 Seiler Avenue**

Present for the petition was LaTisha Blake.

Mr. Hansen gave the following Staff report.

The petitioner is requesting to establish a child care center (Use 22b) 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 of the Savannah Zoning Ordinance. The subject property is zoned R-6 (One-family Residential).

### **Findings**

1. The subject property, located at 1357 Seiler Avenue, is presently occupied by a one-story single-family residential structure containing approximately 1,350 square feet. A garage is located in the rear yard, adjacent to 38<sup>th</sup> Street. The property is rectangular in shape, but is substandard in size, containing approximately 4,040 square feet, measuring 40 by 101 feet. A corner lot, the subject property has frontage on Seiler Avenue, 38<sup>th</sup> Street, and Ash Street. The existing residence is located virtually on the west side property line and approximately 15 feet from the east side property line. The rear yard is fenced from the residence to the garage.
2. Section 8-3025 of the Savannah Zoning Ordinance 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 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 c, e, f, and g (above) appear to be met. A waiver of the requirement of (b) is being sought. The intent of the requirement that child care facilities be located on collector or arterial streets is to minimize the potential impact that additional traffic generated by the use would have on surrounding properties. The subject property is situated on a local street in the middle of an established residential neighborhood. Article (a) requires that a minimum of 100 square feet of outdoor play space be provided for each child. The petitioner is requesting approval of the use for 12 children, thus requiring 1,200 square feet of outdoor play space. As noted above, the entire lot encompasses only 4,040 square feet. It cannot be verified that the required play space is available once deductions are made for space devoted to the residential structure, the garage, and the side yard setback. Article (d) requires that an off-street loading and unloading area be provided for the safety of the children. The petitioner provided a plan to utilize a drive (parallel to Ash Street) located within the side yard setback. However, the City Traffic Engineering Department has denied a request for a curb cut at that location and thus the proposed drop-off and pick-up point is not useable. Other arrangements must be made to satisfy the requirements of Article (d).

3. In accordance with Section 8-3163 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 subject property is located on a local street in the middle of a residential neighborhood. The petitioner has stated that services will be provided for up to 12 children. The resulting traffic and potential congestion associated therewith 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. It cannot be verified that the required play space has been provided. Similarly, off-street loading and unloading must be made available for the proposed use. The petitioner has failed to demonstrate how or where such activity will be provided.

- 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 above appear not to be met. The amount of play space available is in question and provisions for required off-street loading and unloading have not been provided.

### **Summary Of Findings**

The conditions necessary to approve the 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.

**Ms. Blake** stated she talked with Steve Henry, City Traffic Engineering, on several occasions and she just realized that she was denied last week. She said Mr. Henry came out and surveyed the property. She said he recommended since she was denied the circular driveway and because of the intersection at Ash and Seiler that she do a loading/unloading zone signs. She said she gave a written request to Mike Weiner, Director of City Traffic Engineering. She also stated that Randolph Scott, City Inspections Department came out and did the measurement and he said that she had the space for the 100 square feet per child for 12 children.

**Mr. Byrne** asked if she talked to the neighbor Ms. Carter?

**Ms. Blake** stated no.

**Ms. Kimberly Reynolds** stated Ms. Carter is rarely home. She said when she was at the daycare a couple of days ago she was not there, but another family member was.

**Mr. Mackey** asked if this was a daycare or a home and daycare?

**Ms. Blake** stated a home and daycare.

**Mr. Mackey** asked if she resided there?



**Ms. Blake** stated no. She said her mom lives there

**Mr. Byrne** asked how many square feet did she have for the play area?

**Ms. Blake** stated she believed Mr. Scott told her approximately 1,400 square feet.

**Mr. Todaro** stated from the letter it appeared that Traffic Engineering was recommending that a loading zone be put on street, therefore he did not see a problem with it. He said they have approved some in the past under the exact same circumstance. He said he would also note that would be granting a variance. The ordinance says you are required to have the safe and convenient off-street loading/unloading area. He said he felt primarily why it was off-street was because if you do it on the street and the children get out of the correct side of the car they were fine, but if they get out on the wrong side then they would be in the street.

**Ms. Blake** stated that the property also has a privacy fence that would serve as a buffer for the noise.

**SZBA Action:** Mr. Stephens made a motion that the Savannah Zoning Board of Appeals approve the petition as submitted based upon a finding that the use proposed meets the minimum requirements of the Zoning Ordinance for the establishment of a child care center and further grants a waiver from the requirement that the use be located on a collector or arterial street. Mr. Wallace seconded the motion and it was passed 2 -1. Opposed to the motion was Mr. Byrne.

**RE: Petition of Harold Yellin, Agent for  
Kathryn Hoover, Susan Cavin, Marie Rouleau  
B-05-41458-2  
1111 – 1123 DeLesseps Avenue**

Present for the petition was Harold Yellin.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of an off-site parking facility for a commercial use in accordance with the requirements of Section 8-3093 of the Savannah Zoning Ordinance.

### **Findings**

1. The petitioner has, in accordance with the provisions of the Savannah Zoning Ordinance, filed a site plan for review in order to construct a commercial use (Savannah Tire) on property generally located at the southeast corner of Waters and DeLesseps Avenues. The property in question is split between two zoning classifications, B-N (Neighborhood Commercial) and R-6 (One-Family Residential). The petitioner proposes to construct the commercial venture on the land zoned for commercial use and to provide parking for the same on the land zoned for residential use.
2. The entire site proposed for the tire store and associated parking consists of six parcels. The parcels are presently occupied with four single-family structures, a shuttered restaurant (Mr. B's), and a parking lot for the restaurant. The petitioner intends to remove the existing structures as part of the redevelopment process. To the extent

practicable, mature vegetation will be preserved on site.

No changes are anticipated to the uses that adjoin the proposed parking area. A drug store (Eckerds) and a single-family residence are located to the north of DeLesseps Avenue; a single-family residence is located to the east of Guatemala Street; and four single-family residences and a commercial building are located to the south across the existing lane. The petitioner is proposing to close a portion of the existing lane as it connects to Waters Avenue. A 24-foot wide public access easement is proposed to connect the lane north to DeLesseps Avenue.

3. Section 8-3093 of the Savannah Zoning Ordinance allows that off-street parking and service facilities for commercial establishments may be provided in “R” districts under the following conditions:

- a. **The commercial establishment to be served by such parking and service space shall be conforming uses.**

The proposed establishment (tire store) is an allowed conforming use within the B-N zoning district.

- b. **The remote off-street parking spaces shall be in an “R” district that either adjoins the commercial district on the same side of the street or shall be directly across the street from a commercial district.**

The proposed parking is located on property zoned R-6 which abuts the commercially zoned property on the same side of the street.

- c. **The proposed design and proposed location of such remote off-street parking facilities shall be approved by the Board of Zoning Appeals.**

The application for approval was timely filed and is presented to the Board of Appeals as an action item.

4. The design of the proposed remote parking and service facilities is in conformance with the development standards of appropriate sections of the Savannah Zoning Ordinance. No variances have been sought or are required.

### **Summary Of Findings**

The requirements necessary to grant approval of an off-site parking facility for commercial use in accordance with Section 8-3093 appear to be met.

**Mr. Yellin** stated originally they were going to rezone the property to BN. He said he was proud of Savannah Tire because they did not change their plans just one time, but six times. He showed the Board a copy of the first plan and the last plan. He said the Board could see that the property did not include Mr. B’s property. He said the Board could also see that there were two access points on DeLesseps and double stacked parking. It was all concrete, one long building, and the trash dumpster was properly situated on the property.

He further stated that right about where the driveway was the dividing line and everything to this side was already zoned BN. He said rather than having a building that straddled the line they

moved everything over so that office, warehouse, bays fronts in the BN. The only thing that was in the R-6 was this parking area, which was the pervious material. He said they did this intentionally because there was a 60 inch live oak in here and that was a way to protect the tree. He said they eliminated access to Guatemala and they only had one access on DeLesseps rather than two. He said they also have eliminated a lot of the doors. He said there will only be one door. However, there would still be bays on the DeLesseps side. He said the plans were done with the neighborhood mind. He said it was unusual to ask the Board for permission to park where they do, but the beauty was by not rezoning this they were protecting the neighborhood. He said if anyone in the future wanted to come in and try to put something else back there they would have to go before MPC and City Council and rezone it. He said it stays R-6. He said that was what the neighborhood has said that they wanted and his client said they would do it.

**Mr. Hansen** stated the reason this petition was not on the Consent Agenda was because there were letters of opposition. However, Staff felt the conditions to grant the use were met.

**Mr. Yellin** stated if the Board granted the petition today they would still have to go back before MPC with their recommendation for site plan approval and back to City of Savannah.

**Mr. Byrne** stated one of the neighbors were concerned that they objected to having Savannah Tire directly towards their back. He said it appeared they were concerned about noise. He said he understood that they were keeping the trees to help serve as a buffer. He asked if they could address this?

**Mr. Yellin** stated the last meeting there were 25 people who attended of which 23 people raised their hands saying they supported the petition. He said it was hard to get unanimity. He said there were still people who did not want anything on this corner and he did not know how to address that. He said it was zoned BN, which allowed a wide range of uses including restaurants, bars, taverns, package stores, etc. He said it was an intensive use and something was going to go there.

**Mr. Byrne** asked if there will be some sort of sound proofing along the back wall?

**Mr. Trey Cook (Savannah Tire)** stated the City Manager and a couple of other people recommended the indoor bays to address some of those concerns. He said they never had any experience building a building like that. He said the best building they went to see was NeSmith Chevrolet because they have a new enclosed service department in Hinesville. He said Mr. NeSmith used an architect in Atlanta that designed his building and has done over 300 buildings for General Motors. He said they had a lot of new things that helped with sound proofing. The reason it helped with sound proofing was to help control the climate inside the building as well. He said not only did it have to be a building of climate control and not fully air conditioned, but the materials used helped to buffer the sound as well control the climate.

**Ms. Diana Tibodeau** stated she was representative of two of the neighborhood associations that abutted this property. She said they have had numerous meetings with Savannah Tire and were very pleased that the building was enclosed where it was closest to the residential bedrooms across from Waters Avenue. She said they were satisfied with the buffering. The landscaping was going to be attractive to their neighborhood. She said they would much rather have a long standing, locally owned business that was concerned about the reputation in the community and with them as neighbors and having a good relationship than to take the chance that this prime commercial property on the corner was used for some other use or some out-of-

town entity. She said they would like to see this be the model store that they use for this type of intense use in our City. She said they were pleased and she was confident that if they have any noise issues they will address them with the petitioner and felt he would respond.

**SZBA Action: Mr. Byrne made a motion that the Savannah Zoning Board of Appeals approve the petition as submitted based upon a finding that all conditions necessary for granting the requested use have been met. Mr. Stephens seconded the motion and it was unanimously passed.**

**RE: Other Business**

1. Rules and Procedures

Mr. Howell stated Staff needed official action to change Article 3 in the Board's Rules and Procedures under Docket and Calendar. At present, cases docketed more than twenty-two (22) days preceding a regular meeting day or prior to the scheduled cut-off shall be set for hearing on the succeeding regular meeting day. He said due to changes in the City's legal notification process, the cut-off dated needed to be changed to thirty (30) days.

**SZBA Action: Mr. Byrne made a motion that the Savannah Zoning Board of Appeals adopt the change to the Board's Rules and Procedures as recommended by Staff. Mr. Wallace seconded the motion and it was unanimously passed.**

2. John Howell - Retiring

**Mr. Mackey** stated this is Mr. Howell's last meeting. He said Mr. Howell has been with MPC for quite some time. He said on behalf of Board of Appeals and MPC it has been a pleasure knowing and working with him and he will be missed. He said they will like to wish him the best and Godspeed.

**Mr. Stephens** stated he hoped that he enjoys his retirement

**RE: Adjournment**

There being no further business to come before the Savannah Zoning Board of Appeals the meeting was adjourned approximately 5:05 p.m.

Respectfully submitted,

Jim Hansen,  
Secretary

JLH/ca