

SAVANNAH ZONING BOARD OF APPEALS

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

JULY 26, 2005

2:30 P.M.

REGULAR MEETING

MINUTES

MEMBERS PRESENT:

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

TECHNICAL STAFF ABSENT:

Tom Todaro, City Inspections Department

MPC STAFF PRESENT:

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

RE: Call to Order

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

RE: Minutes

1. Approval of SZBA Minutes – June 28, 2005

SZBA Action: Mr. Stephens made a motion that the Savannah Zoning Board of Appeals approve the regular meeting minutes of June 28, 2005. Mr. Byrne seconded the motion and it was unanimously passed.

RE: Consent Agenda

**RE: Petition of Ingrid De La Fuente
B-05-40908-2
1605 Grove Street**

The petitioner is requesting approval of a four foot variance to the requirement that there not be less than a five foot side yard between dwellings as required by Section 8-3055(b) of the City of Savannah Zoning Ordinance. The subject property, located at 1605 Grove street, is zoned R-4 (Four-Family Residential).

Summary Of Findings

All of the conditions necessary for granting the side yard setback variance request appear to be met.

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

Mr. Mackey stated the Petition of Harold Yellin, Agent for South Coast Medical Group has asked if the Board could move their petition to the beginning of the Regular Agenda because he has another meeting that he also needed to be in attendance.

The Board agreed to here the petition.

RE: Regular Agenda

**RE: Petition of Harold Yellin, Agent for
South Coast Medical Group
B-03-55754-2
7215 Seawright Drive**

Present for the petition was Harold Yellin.

The petitioner is requesting that the Board of Appeals renew a previous decision that was set to expire on June 25, 2005.

Findings

1. At the meeting on June 24, 2003 the Board of Appeals approved the petitioner's request for a use (automobile parking lot) at 7215 Seawright Drive, within an R-I-P (Residential-Institutional-Professional) zoning district.
2. At a meeting on April 27, 2004 the Board of Appeals approved a time extension of the variance granted on June 23, 2003.
3. Section 8-3165 states that the decision of the Board of Appeals is invalid after 12 months provided that the Board may extend the time for good cause. All Board of Appeals decisions routinely include the provision that the decision for a use of land is invalid after 12 months.
4. The petitioner submitted a letter stating that they are obligated to lease the property from the previous owner until January 18, 2005. This is the reason that the petitioner did not apply for a building permit prior to the expiration date.
5. The proposed development has not changed.
6. Renewal of a previous decision is a policy decision of the Board.
7. Relief, if granted, would not cause detriment to the public good, or impair the purposes and intent of the Savannah Zoning Regulations.

Mr. Yellin stated there was an existing tenant (Kicklighter Foundation) also called the Chatham County Citizens Advocacy Group for mental retardation and they were not ready to leave yet. He said the only reason they have not begun construction was because they needed more time before they could leave the site.

SZBA Action: Mr. Byrne made a motion that the Savannah Zoning Board of Appeals approve the request for a one year extension to July 26, 2006. Mr. Wallace seconded the motion and it was unanimously passed.

RE: Continued Petition of Enrique J. Lacanilao
B-05-39052-2
1101 East 48th Street

Present for the petition was Enrique Lacanilao.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a four foot rear yard setback variance from the five foot rear yard setback required, and a 16.03 percent lot coverage variance from the 30 percent lot coverage allowed by Section 8-3025; and approval of a request for an extension of a non-conforming use pursuant to Section 8-3163 of the City of Savannah Zoning Ordinance in order to expand an existing garage apartment.

Findings

1. The petition was continued from the June 28, 2005 hearing in order that the proper legal notification requirements could be met.
2. The petitioner is proposing to construct a second story addition onto an existing garage apartment. The Zoning Administrator has determined that the existing accessory structure is a legal non-conforming use. Expansion of a non-conforming use requires approval by the Board of Appeals. The proposed 500square foot addition will be built over an existing parking area that serves the garage apartment. It is unclear where or if additional parking will be provided.
3. The subject property is a standard lot; 60 feet wide and 105 feet deep. No irregular topographic features exist on the parcel.
4. Section 8-3025(d) requires a minimum five foot rear yard setback for accessory structures within the R-6 zone. Lot coverage within the district is limited to 30 percent.
5. In accordance with Section 8-3163(c) of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:
 - a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.**

There are no extraordinary or exceptional conditions that relate to this property because of its size, shape, or topography.

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

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

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

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

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

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

6. In accordance with Section 8-3163(d) of the Savannah Zoning Ordinance, the Board of Appeals may authorize, upon appeal in specific cases, an extension of an existing non-conforming use involving an increase in either or both the land area or the floor area in a building or buildings occupied by a non-conforming use. Such extension may be granted in an individual case upon a finding by the Board of Appeals that:

- e. The use is non-conforming according to these regulations.**

The Zoning Administrator has determined that the existing accessory structure is a legal non-conforming use.

- f. The use conforms to the requirements of Section 8-3163(b), Request for Permission to Establish Uses.**

The proposed expansion does not conform to all of the requirements of Section 8-3163(b). Specifically, the proposed expansion could result in increased traffic congestion and could be detrimental to the use or development of adjacent properties or the general neighborhood.

- g. A non-conforming use of land where no building or structure is involved may be extended only within the legal boundaries of the lot of record which existed at the time when the lot became non-conforming.**

This provision is not applicable to this petition.

- h. A non-conforming use which utilizes a building or structure may be expanded only within the area of the building or structure existing at the time when the use became non-conforming and only when such building or structure or portion thereof is clearly designed to house the same kind of use.**

At present the entire non-conforming structure is used for residential purposes. Whereas expansion would require the construction of an addition to the structure, such expansion should not be allowed.

Summary Of Findings

All of the conditions required for granting a four foot rear yard setback variance and, a 16.03 percent lot coverage variance as well as an extension of a non-conforming use appear not to be met.

Mr. Lacanilao stated he would like to convert the two houses into single family. He said he would occupy the first one and the other would be occupied by his daughter. He said there would not be a problem with parking because he has a space already there for parking and after he demolishes the shop, it would give him approximately five or six additional parking spaces.

Mr. Mackey stated he would like to read into the record a letter that was signed by George B. Shaw who resides at 1108 East 49th Street. The letter is addressed to the Board. He said Mr. Shaw was stating his objection to the variance application. He said Mr. Shaw states that his objections are that – “it allows in request for expansion of an existing nonconforming use. The additional density is not appropriate for our neighborhood. The property already causes a parking problem on a public lot. This lot is maintained as a park by our neighborhood association and the side nearest the subject property has been turned into a parking area. The proposed addition will create a solid wall across almost the entire width of the property looking north, visually incongruent with the surrounding buildings and a nearly identical variance request came before the Board a couple of months ago and was denied by the Board.” Again, this was a communication sent by Mr. George Shaw addressed to the Board opposed to the petition.

Mr. Lacanilao stated the parking is prohibited. He said he told his two tenants who used that parking, not to park there because they will get a ticket to which they agreed that they would not park there. He said they now park on 48th Street. He said after he was done with the extension, he will get rid of his tenants and this will be a single building. Again, he will stay in one and his daughter will stay in the other one.

Mr. Byrne stated that he would also like to note the Board was sent another letter from David Counsel. For purposes of the record it says – “Zoning Board of Appeals I am writing to let you know that I object any further construction on the compound located at 1101 East 48th Street. As it stands, the compound does not fit in with the character of Park Side. I do not understand how this compound came to be. I hope that you will not allow any further destruction of Park Side.”

Mr. Lacanilao stated he felt his construction would beautify the place. He said he would also put a cover on the open space of the parking lot. He also said there will not be a parking problem because his tenants will be out.

Mr. Wallace asked if the Board was to understand that there would be no further renting or tenants and that this will be one unit and just him and his daughter will live there?

Mr. Lacanilao stated yes. He said except probably for one tenant who has lived there for more than 30 years.

Mr. Mackey asked Mr. Hansen if he could restate what the situation was for the Board?

Mr. Hansen stated the property was a legally non conforming use. The two structures have been in existence for many years and predate the current ordinance. He said there was or has been at various times judging from the number of electric meters 3 to 4 tenants in the building. He said they would have to verify with Mr. Lacanilao as to how many tenants were currently there. He said his request was to extend the rear structure along the lane within 4 feet of the side yard setback to create a second story in addition to having the two story here with parking underneath. He said in so doing, the petitioner will exceed the lot coverage allowance that was normally associated with the R-6 and will also need variances because of the requested side yard setback in this location. He said he could not attest to, but could only go by what Mr. Lacanilao was now saying, which was it was his intent to provide for him and his immediate family and the northern most unit and to allow his daughter and presumably her family to reside in the rear property.

Mr. Mackey stated his concern was in the event the property change and the new owner decided to rent out the portion in the rear that they would be able to do that.

Mr. Hansen stated yes.

Mr. Byrne stated Staff recommended that relief if granted could cause detriment to the public good. He said he was more inclined to agree with the staff recommendation.

SZBA Action: Mr. Byrne made a motion that the Savannah Zoning Board of Appeals deny the petition as submitted. Mr. Stephens seconded the motion.

Mr. Harry DeLorme, Jr. (1109 East 49th Street) stated he was opposed to the petition. He said on behalf of John DeLorme who is the President of Park Side Neighborhood Association and could not be in attendance today, he would like to echo Mr. Shaw and Mr. Counsel's comments that they felt the addition was also inappropriate for the Park Side historic neighborhood. He said they felt it added too much mass to the lot. He said they have also had continued problems with cars parking in that lot. He said right up until today they have heard that the cars were going to be gone, but they are always out there everyday and they also park on the sidewalk of Waters Avenue. He said they were still leery of this proposal.

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

**RE: Continued Petition of Karen M. Rivers
B-05-39441-2
2302 East DeRenne Avenue**

Present for the petition was Karen Rivers.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of an application to establish a child care center for 12 children pursuant to the requirements of Section 8-3025 of the City of Savannah Zoning Ordinance. The subject property is zoned R-6 (One-Family Residential).

Findings

1. The petition was continued from the June 28, 2005 hearing in order that the proper legal notification requirements could be met.

2. The subject property, located on the northeast corner of DeRenne Avenue and Athena Drive, is presently occupied by a one-story residential structure. The parcel contains 6,000 square feet, measuring 60 feet in width and 100 feet in depth.
3. 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 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, b, c, e, and, g (above) appear to be met. Article (d) requires that an off-street loading and unloading area be provided for the safety of the children. The petitioner has provided a plan to develop a circular drive drop-off with access points on Athena Drive. The proposed drop-off has not been reviewed by nor have approvals been received from the City Traffic Engineering Department. Requirements of part (f) include buffering parking areas and play areas from abutting properties utilizing opaque materials. The petitioner has not installed an opaque fence at the perimeter of the designated play area. The code requires one child care worker for every six children. Therefore, the petitioner would have to provide a minimum of two off-street parking spaces. The plan submitted by the petitioner reveals a potential conflict with proposed parking and the proposed circular drive. The required parking should also be examined by the Traffic Engineer at a part of the circular drive review. No buffering or shielding has been provided or indicated for the proposed parking area.

4. 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 have little if any affect on the health and safety of residents and workers in the City. However, the increased traffic and subsequent congestion associated with the use could have an adverse impact on area residents. Loading and unloading is proposed from a local, residential street.

- 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 at the intersection of a local street (Athena Drive) and a secondary arterial (DeRenne Avenue). Loading and unloading is proposed from Athena Drive. 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. A child care center for 12 children would thus require 1,200 square feet of outdoor play space. The plan submitted by the petitioner has identified 1,242 square feet of outdoor play space.

- 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 proposed loading and unloading plan has not been submitted for approval to the Traffic Engineering Department, and, required screening has not been installed. The number of children proposed to be cared for at this location and the amount of traffic that can be expected as a result pose concerns about safety, congestion and the possible detrimental impacts that might be experienced by surrounding property owners.

Summary Of Findings

All of the conditions necessary to approve the establishment of the proposed use (child care center for 12 children) appear not to be met.

Ms. Rivers stated she had the privacy fence installed. She also had the parking space outlined. She said in regard to the circular driveway, when she talked with Mr. Noel Good, he said that would create a problem of backup drainage in the area, but that she could put down sand or gravel. She said she currently had six children in her daycare and her daughter was pregnant with twins. In addition, she also had two more grandchildren that would come to her daycare, which would be 10 children. She said her daughter who was pregnant with twins lives with her and her other grandchildren come over to the house.

Mr. Mackey stated by a matter of right she was allowed six children in her daycare. He asked if her grandchildren were residents of the home?

Ms. Rivers stated her daughter who was pregnant with twins lives with her, but her other two grandchildren did not.

Mr. Mackey asked Mr. Hansen if her daughter who lived in the home and pregnant with twins was to be intended or included as occupants as a resident?

Mr. Hansen stated the daughter and her children who reside at the residence would not be counted against the six children. However, the two grandchildren who did not reside in the home would be counted against the six children.

Mr. Mackey asked if she could address the issue of drop off and pick up. He said he felt the flow of the traffic needed to be where it was not inhibiting any other traffic and it needed to be in a safe environment.

Ms. Rivers showed pictures of the site.

Mr. Mackey asked what did the cones delineate?

Ms. Rivers stated what she was trying to show was that you could not use her front entrance because there was a ditch. She said everyone uses her back drive. She said the property was such that they would not have to back out onto the street.

Mr. Mackey stated she mentioned that it was her idea to fill the drive with sand or gravel.

Ms. Rivers stated yes, because that was what Mr. Good (City Traffic Engineering) suggested. She said she was told that if she put concrete it would cause backup.

Mr. Mackey stated he felt the concern was safety. He said the pickup and drop off had to be done in a manner that was extremely safe.

Mr. Byrne asked how many employees would there be?

Ms. Rivers stated it will just be family.

Mr. Byrne asked how many family members will work with her?

Ms. Rivers stated no one. She said it will be her.

Mr. Byrne asked if her daughter lived there?

Ms. Rivers stated yes, but she was in high school.

Mr. Byrne asked how many cars were usually parked there?

Ms. Rivers stated they were using the driveway now. She said there was only one vehicle, which was her truck.

Mr. Byrne asked if she was planning on hiring anymore employees to help her with the 12 children?

Ms. Rivers stated yes.

Mr. Byrne asked if she would need more parking for that employee?

Ms. Rivers stated she would have a parking space for herself as well as one additional parking space for an employee.

Mr. Byrne asked where was that in relationship to the circle?

Ms. Rivers stated on the other side of her property.

Mr. Stephens asked if she was saying that she would have loading/unloading on one side and the parking on the other side?

Ms. Rivers stated yes.

Mr. Wallace asked if this was designed so that they could come in and not have to back up.

Ms. Rivers stated yes.

Mr. Hansen stated he felt what Ms. Rivers was saying was that you could see her driveway in this location. He said she would have a parking space here and here as noted on her picture. The circular drive would be more in this location and the parking spaces would be to the north of the circular drive.

Mr. Mackey stated he felt what she was doing was noble. However, when you make application it was better when plans are clear and understandable. He said when an application was done in that manner, what the petitioner says was backed up visually. He said he had trepidation about the ability on the site to navigate safely with the traffic. He said when the ZBA ruled for a childcare center or daycare the zoning remains with that property. So, in the event the petitioner moved what the Board does today would be in place basically for as long as that residence was there.

Mr. Wallace stated he liked the idea of not backing up because he felt that was safer to be able to come around to one direction. He said he would be more comfortable if he saw it laid out on one sheet to get a better visual perspective.

Mr. Stephens asked the petitioner if she would be willing to continue her petition until next month? He said this would allow her to provide for the Board a complete lay out of where her house was situated on the lot, parking, fence, loading/unloading, etc. He said he felt these were things the Board needed in order to render a judgment in this petition.

Ms. Rivers stated yes.

Mr. Mackey reiterated to the petitioner that she would need a lay out of her lot. He said the Board wanted to see how she would configure her parking, play area, loading/unloading, and fence. He said the next meeting will be August 23, 2005.

Mr. Hansen stated Ms. Rivers can contact him and he will work with her to make sure that she has a plat that shows what she was proposing to do.

Mr. Mackey stated that would not guarantee approval, but it would help the Board understand and visually be able identify with what she was asking and proposing.

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

**RE: Petition of Jerry Gibbons, For
Agape Church of Jesus Christ
B-05-39821-2
1101 Love Street**

Present for the petition was Shawn Cleveland.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a 15.33 foot rear yard setback variance from the 25 foot rear yard setback required, and a 7.7 percent lot coverage variance from the 35 percent lot coverage allowed by Section 8-3025; and a permit to allow an extension of a non-conforming structure in accordance with Section 8-3132 of the City of Savannah Zoning Ordinance in order to construct an addition onto an existing building. The subject property is zoned R-4 (Four-Family Residential).

Findings

1. The petition was continued from the June 28, 2005 to allow the petitioner an opportunity to meet with nearby neighbors.
2. Section 8-3025 of the Savannah Zoning Ordinance requires a minimum 25 foot rear yard setback for primary structures, and permits total lot coverage of 35 percent for a non-residential use in the R-4 district. Section 8-3132 requires Zoning Board of Appeals approval in order to extend a non-conforming use.
3. Located at the southwest corner of Love Street and Scarborough Street, the subject property is a substandard lot containing approximately 2,880 square feet. The parcel measures 32 in width and 90 feet in depth. A church fellowship hall currently occupies the site.
4. The petitioner desires to construct a 20 foot by 24 foot addition onto the existing structure. As planned, rear yard setback and lot coverage variances would be needed. Additionally, the Zoning Administrator has determined that the existing structure is a legal non-conforming use. Expansion of the use is allowed only with the approval of the

Board of Appeals.

5. 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 size. At 2,880 square feet, it is well below the minimum 6,000 square foot standard required for non-residential uses in the R-4 zoning district.

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

Strict application of the regulations of the Savannah Zoning Ordinance would not create an unnecessary hardship. The existing use would be allowed to continue functioning in its present configuration.

- 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. The subject property fronts Love Street and sides Scarborough Street. The parcel is bounded at the rear by a 15 foot right-of-way for a lane. Homes to the rear of the parcel front Scarborough Street. The adjacent property to the south, therefore sides onto the lane, and the lane right-of-way acts as additional buffering from the proposed use.

Summary Of Findings

All of the conditions required to grant a 15.33 foot rear yard setback variance and a 7.7 percent lot coverage variance appear not to be met. Permission to extend the non-conforming use as required by Section 8-3132 is left to the discretion of the Board of Appeals.

Mr. Cleveland stated he met with Mr. Hansen and he went over everything with him in regard to the requirements, which they did not meet because of the lot size. He said they wanted to extend the building 5 feet from the property line, which would leave approximately 16 feet – 20 feet counting the lane. He said several elderly Deacons contacted the neighbors because they have been with the church longer and knew the neighbors. He said he just recently returned

from a ten day vacation, so he hoped the neighbors present who still may be in opposition was not in opposition because they did not meet with them.

Mr. Mackey stated at the last meeting which was thirty days ago, the Board instructed him to personally meet with the neighbors. He said the Board asked him to talk to the neighbors to find out what were their concerns to either ease their minds or to address their concerns.

Mr. Cleveland stated correct. He said he went back to the church and expressed those same things and the elderly Deacons said that they would handle it because they knew the neighbors. He said the Deacons were not here today because of work schedule or other problems.

Mr. Mackey asked what was his position with the church?

Mr. Cleveland stated he was a Deacon and business agent.

Mr. Stephens stated the Board said for him to go and speak with the neighbors to ease their fears. He said he felt it would have had more of an effect if he done it himself.

Mr. Cleveland stated he tried to express that sentiment to the elderly Deacons, but they felt that they knew the neighbors and it would have been better if they did it. Now, he did not say that the Board personally wanted him to go or express it in that way. He said he did express to them that they needed to meet with the neighbors to find out their concerns.

Mr. Mackey stated he understood that he sent an emissary to do something that he should have done himself, which he was not comfortable with. He said in any community the residents were there first. When you have a situation like this where you have a church across the street in a majority residential area and you are trying to come in and do something that changes the fabric a little, he felt it was up to the principal to go to those folks to put them at ease. He said the instructions were quite clear when he was here a month ago. He said he heard him say that he went on a ten day vacation which is fine, but there are 30 days in a month.

Mr. Cleveland stated he personally did not go. However, one of the complaints from a neighbor was in regard to parking. He said the lot here was the Church's lot which would be used for additional parking as well as another lot that could also be used. He said parking was also available along side the church, as well as along side the fellowship hall.

Mr. Mackey stated when you say that the church has parking on other ends of the corner, the fact was that whoever could park in front of those buildings and houses were going to do so.

Ms. Ruth Cooper (1103 Love Street) stated she lives next door to the church. She said no one has ever met with them in the neighborhood about adding on to the church. She said they did not know what was going on and what it was going to be used for. She said she had a signed petition from the neighbors in opposition to the petition. She said she parks her car in the back of her property. She said if the church add to their building it would block her view of the rear.

Ms. Jimmy Maynor Warren stated her mother lives next door to Ms. Cooper. She said the neighbors were also wondering what the church was going to use the addition for. She also stated that no one has met with the neighbors from the church as requested from the last meeting.

Ms. Alberta Cooper Jordan stated she lived next door to the church. She said she did not know what the church was going to use the building for because no one has contacted the neighbors. She said she was also concerned about the parking. She said she understood that the church had additional parking lots, but the people did not park there. She said they park along the lawns and the street. She said she was opposed to the church extending the building.

Mr. Mackey asked what were they intending to use the addition for?

Mr. Cleveland stated it would be used for additional office space and storage.

Ms. Jimmy Maynor Warren stated she has been out there on several occasions and she thought it was a fellowship hall.

Mr. Cleveland stated the church was adding to the fellowship hall.

SZBA Action: Mr. Mackey made a motion that the Savannah Zoning Board of Appeals deny the petition as submitted. Mr. Wallace seconded the motion and it was unanimously passed.

**RE: Continued Petition of Beth Williams, For
Ernest Homes, LLC
B-05-40102-2
9 Iron Horse Spur**

Continued per Staff's request.

Mr. Hansen stated this was continued from a previous meeting. He said Staff still continues to have a problem with the recording of the plat with Chatham County. He said they have not been able to properly advertise and would request that the Board continue the petition.

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

**RE: Petition of Estella Edwards
B-05-40829-2
1518 – 20 Habersham Street**

Present for the petitions were Estella Edwards and Benjamin Eichholz.

Mr. Hansen gave the following Staff reports.

The petitioner is requesting approval of a two foot side yard setback variance for each side yard to the five foot side yard setback requirement and a 6.75 percent lot coverage variance from the 60 percent lot coverage allowed by Chapter 3, Article K, and Section 5.6.5 of the Savannah Code of Ordinances in order to construct a single family residence.

Findings

1. The subject property, located within the Thomas Square Streetcar Historic District, lies east of Habersham Street, and north of 32nd Street. The petitioner proposes to construct

a single family residence on the presently vacant property. In January 2002, the Mayor and Aldermen authorized the development of a citywide zoning and comprehensive plan update. The program for updating both the Zoning Ordinance and the Savannah Comprehensive Plan is now known as the Tricentennial Plan. The first phase of the program focused on an area spanning large portions of the Metropolitan and Thomas Square neighborhoods as well as a four-block portion of the Baldwin Park neighborhood. The study built upon and amplified work previously completed as a part of the Thomas Square Streetcar Historic District Land Use and Zoning Study and the Baldwin Park Neighborhood Redevelopment Plan. The Land Use Plan and subsequent Mid-City Rezoning were adopted by Council in February 2005. The subject property has been planned for residential use and was rezoned to the TN-2 (Traditional Neighborhood) classification.

2. The minimum side yard setback within the TN-2 district as required by Chapter 3, Article K, and Section 5.6.5 is five feet. The petitioner is requesting a side yard setback variance of two feet on each side. The maximum allowable lot coverage in the TN-2 district is 60 percent. The petitioner is requesting to exceed this amount by 6.75 percent
3. The subject property contains 2,250 square feet, measuring 30 feet in width and 75 feet in depth. The TN-2 district requires a minimum lot width of 30 feet and a minimum lot area of 3,000 square feet for detached residential structures.
4. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:
 - a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.**

The subject property is a substandard lot containing only 2,250 square feet in lieu of the 3,000 square foot minimum required within the TN-2 district.
 - b. **The application of these regulations to this particular piece of property would create an unnecessary hardship.**

Strict application of the regulations of the Zoning Ordinance would not create an unnecessary hardship. A building footprint of 1,200 square feet plus the planned 102 square foot porch/landing could be constructed without the necessity of any building variances.
 - c. **Such conditions are peculiar to the particular piece of property involved.**

The conditions described above are peculiar 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, would not cause substantial detriment to the public good. Reduced side yards are characteristic of the historic district and a reduction of two feet would still allow the property to meet the minimum five foot spacing requirement between dwellings as required by Section 8-3055. Similarly, because the lot is substandard in size, a 6.75 percent increase in lot coverage would not cause substantial detriment to the public good.

Summary Of Findings

All of the conditions necessary for granting a two foot side yard setback variance for each side and a 6.75 percent lot coverage variance appear not to be met.

**RE: Petition of Benjamin Eichholz
B-05-40974-2
1514 – 16 Habersham Street**

The petitioner is requesting approval of a two foot side yard setback variance for each side yard to the five foot side yard setback requirement and a 6.75 percent lot coverage variance from the 60 percent lot coverage allowed in Chapter 3, Article K, and Section 5.6.5 of the Savannah Code of Ordinances in order to construct a single family residence.

Findings

1. The subject property, located within the Thomas Square Streetcar Historic District, lies east of Habersham Street, and north of 32nd Street. The petitioner proposes to construct a single family residence on the presently vacant property. In January 2002, the Mayor and Aldermen authorized the development of a citywide zoning and comprehensive plan update. The program for updating both the Zoning Ordinance and the Savannah Comprehensive Plan is now known as the Tricentennial Plan. The first phase of the program focused on an area spanning large portions of the Metropolitan and Thomas Square neighborhoods as well as a four-block portion of the Baldwin Park neighborhood. The study built upon and amplified work previously completed as a part of the Thomas Square Streetcar Historic District Land Use and Zoning Study and the Baldwin Park Neighborhood Redevelopment Plan. The Land Use Plan and subsequent Mid-City Rezoning were adopted by Council in February 2005. The subject property has been planned for residential use and was rezoned to the TN-2 (Traditional Neighborhood) classification.
2. The minimum side yard setback within the TN-2 district as required by Chapter 3, Article K, and Section 5.6.5 is five feet. The petitioner is requesting a side yard setback variance of two feet on each side. The maximum allowable lot coverage in the TN-2 district is 60 percent. The petitioner is requesting to exceed this amount by 6.75 percent
3. The subject property contains 2,250 square feet, measuring 30 feet in width and 75 feet in depth. The TN-2 district requires a minimum lot width of 30 feet and a minimum lot area of 3,000 square feet for detached residential structures.
4. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of

the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.**

The subject property is a substandard lot containing only 2,250 square feet in lieu of the 3,000 square foot minimum required within the TN-2 district.

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

Strict application of the regulations of the Zoning Ordinance would not create an unnecessary hardship. A building footprint of 1,200 square feet plus the planned 102 square foot porch/landing could be constructed without the necessity of any building variances.

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

The conditions described above are peculiar 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, would not cause substantial detriment to the public good. Reduced side yards are characteristic of the historic district and a reduction of two feet would still allow the property to meet the minimum five foot spacing requirement between dwellings as required by Section 8-3055. Similarly, because the lot is substandard in size, a 6.75 percent increase in lot coverage would not cause substantial detriment to the public good.

Summary Of Findings

All of the conditions necessary for granting a two foot side yard setback variance for each side and a 6.75 percent lot coverage variance appear not to be met.

Mr. Mackey stated this would be considered infill housing. He asked Ms. Edwards what were they intending to do?

Ms. Edwards stated her intention was in keeping with the standards of the neighborhood association with the new plan development that was taking place in the neighborhood. She said not for low income residency, but for the upgrading of the neighborhood.

Mr. Mackey asked if it would be single-family housing?

Ms. Edwards stated yes.

Mr. Eichholz stated it was also because they planned to build similar to what was already there by 1,440 square feet as opposed to the 1,200. He said he felt they were upgrading it and that becomes a technical violation. He said the condition of meeting with the Historic Review Board was acceptable.

Mr. Mackey asked Staff if he understood in earlier testimony that the Preservation Officer did not have any problems with the petitions?

Mr. Hansen stated yes. He said he talked to the Preservation Officer (Beth Reiter) about these two petitions and she reviewed them extensively and did not have a concern with what was being requested. However, as he indicated, she noted that assuming that the variances were requested and not approved, the applicants would have to work with the Historic Review Board for any construction on the properties.

Mr. Mackey asked if that would call for Ms. Edwards and Mr. Eichholz to get approval from the Historic Review Board or was it something that they would do with Staff?

Mr. Hansen stated they would have to go before the Historic Review Board.

Mr. Stephens asked what was the square footage on the houses that they were proposing to build?

Mr. Eichholz stated 1,440 square feet.

SZBA Action: Mr. Byrne made a motion that the Savannah Zoning Board of Appeals approve the petition of Estella Edwards (B-05-40829-2) as submitted based upon a finding that the relief granted would not cause substantial detriment to the public good. Mr. Wallace seconded the motion and it was unanimously passed.

SZBA Action: Mr. Byrne made a motion that the Savannah Zoning Board of Appeals approve the petition of Benjamin Eichholz (B-05-40974-2) as submitted based upon a finding that the relief granted would not cause substantial detriment to the public good. Mr. Stephens seconded the motion and it was unanimously passed.

**RE: Petition of Greg Chafin
B-05-41024-2
7640 Abercorn Street**

Present for the petition was Greg Chafin.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of an eight foot side yard setback variance to the 15 foot side yard setback requirement of Section 8-3057 of the City of Savannah Zoning Ordinance in order to construct an addition onto an existing building.

Findings

1. The subject property, located at 7640 Abercorn Street, lies within a B-C (Community Business) zoning district at the northeast corner of Abercorn and Garland Streets.

Typically, unless the property abuts a residential district, no side yard setback is required. However, when located on a corner lot, the provisions of Section 8-3057 apply which require a minimum 15 foot side yard setback from the street-side property line.

2. The subject parcel is approximately .67 acres in size, containing slightly more than 29,000 square feet. Two buildings currently exist on the site; both situated 27 feet from the Garland Street right-of-way. The petitioner proposes to construct a 20 foot by 60 foot addition onto the “front” building in order to provide additional commercial retail space. An eight foot side yard setback variance will be required to develop the addition as proposed.
3. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.**

The subject property is a standard lot measuring nearly 29,000 square feet in size. The parcel contains no irregular topographic features.

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

Strict application of the provisions of the Savannah Zoning Ordinance would not create an unnecessary hardship.

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

The conditions described above are not peculiar 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, would not cause substantial detriment to the public good. Garland Street is not a through street, dead-ending approximately 250 feet east of the subject property. The roadway provides service access to other commercial uses in the area.

Summary Of Findings

All of the conditions necessary for granting an eight foot side yard setback variance appear not to be met.

Mr. Chafin (General Manager) stated that One Stop Wireless owned the property and the property behind it. He said they had a 15 foot loading bay that they have not used since Color Tile was in the building. He said they wished to close that in and move over an additional 7 feet to add 1,200 square feet commercial rental space out front for a new type of business.

Mr. Byrne asked if there was any parking on that side?

Mr. Chafin stated no. He said he met with City Traffic Engineering in regard to the parking and they said with the front and rear parking they had that would be sufficient parking.

Mr. Wallace stated he noticed in the back they had a garage area that was probably for installing car phones or something like that.

Mr. Chafin stated there was a stereo shop (Extreme Audio) that shared the other half of the building.

Mr. Mackey stated Portman's Music was on the other side. He asked would this affect any delivery to Portman's?

Mr. Chafin stated no. He said if they build the building they would still be 27 feet from the road. He said tractor trailers do go in there, but it was either pull in and back out or back in and pull out because there was no turn around space.

Mr. Mackey stated on the picture they show parking on the side of the building.

Mr. Chafin stated the cars in the picture belonged to his employees and they will be parking in the rear where they were going to stripe the lines.

Mr. Hansen stated there was ample and sufficient parking on site to accommodate the proposed addition if it's approved by the Board. He said as depicted in the pictures and observed through site visitation there were people currently parking here, but it was not required parking. He said as it has been alluded to by the petitioner the employee parking will be moved to the rear.

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 relief granted would not cause substantial detriment to the public good. Mr. Byrne seconded the motion and it was unanimously passed.

**RE: Petition of Barbara Hamilton
B-05-47490-2
1111 East Park Avenue**

Present for the petition was Barbara Hamilton.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of an application to establish a child care center for 18 children, and is seeking 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 City of Savannah Zoning

Ordinance. The subject property, located at 1111 East Park Avenue, is zoned R-4 (Four-Family Residential).

Findings

1. It has not been verified that the petitioner has the legal right to seek the requested use permit. According to Chatham County records, the property is owned by Ronald Brabham. The petitioner's primary residence is listed as 1107 East Park Avenue. No documentation was received with the application to indicate a change in ownership nor was written permission submitted by Mr. Brabham giving permission to the petitioner to act on his behalf.
2. Based upon visual inspection, the residential structure presently located on the property appears unoccupied (pictures attached). Coupled with the petitioner's address for her primary residence (which is adjacent to the subject property) and the petitioner's statement that "the entire house will be used for a daycare", it is believed that the petitioner intends to utilize the existing structure and property in the operation of a commercial daycare, with no one permanently residing at the 1111 East Park Avenue address as required by the Savannah Zoning Ordinance (statement attached). The Zoning Ordinance allows a child care center as a home occupation for up to 18 children.
3. The subject property, located east of Waters Avenue at 1111 East Park Avenue, is presently occupied by a one-story residential structure containing approximately 1,250 square feet. The parcel contains 6,960 square feet, measuring 60 feet in width and 116 feet in depth.
4. Section 8-3025 of the Savannah Zoning Ordinance 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 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 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, and, g (above) appear to be met. A waiver of the requirements 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 located mid-block in the midst of a residential neighborhood. Although the petitioner has stated intent to provide transportation service, the potential exists for there to be an increase in neighborhood traffic as a result of the proposed use. Article (d) requires that an off-street loading and unloading area be provided for the safety of the children. Moreover, the code requires one child care worker for every six children. Thus, three off-street parking spaces will also be required for a facility designed to serve 18 children. The petitioner has not submitted a design plan for the required loading and unloading area nor identified worker parking spaces. Requirements of part (f) include buffering parking areas and play areas from abutting

properties. An opaque fence has been installed at the perimeter of the proposed play area, however, no buffering or shielding as been proposed for the required parking area.

5. 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 child care center will have little, if any affect on the health and safety of residents and workers in the City. However, the increased traffic and subsequent congestion associated with the use could have an adverse impact on area 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 along a local street in the midst of a residential neighborhood. The petitioner has requested approval of a child care center to provide services for 18 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 neighborhood.

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

The subject property is a standard sized lot with the R-4 zoning classification. The lot is of sufficient size to accommodate the required outdoor play space. It is unknown how or where the petitioner will meet the requirements for off-street parking and safe loading and unloading.

- 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. A waiver of the collector/arterial street location requirement is being sought. The number of children proposed to be cared for at this location and the amount of traffic that can be expected a result pose concerns about safety, congestion, and, the possible detrimental impacts that might be experienced by surrounding property owners.

Summary Of Findings

All of the conditions necessary to approve the establishment of the proposed use (child care center for 18 children) and the waiver of the requirement that the use be located on a collector or arterial street appear not to be met.

Mr. Mackey asked if he could restate what he said in regard to ownership of the property.

Mr. Hansen stated in order to rezone property, request a variance on property or seek a use permit on property you must have a legal interest in a property. In other words you must be the owner or you must have the permission from the owner. He said they must have a written statement from the owner saying that you are authorize to act on their behalf to act as their agent. He said he has received neither from the petitioner. He said he was not certain that the petitioner owns or does not own the property, therefore he would give them the benefit of the doubt because property records some times were not immediately updated. However, the latest records he has showed the property not to be owned by the petitioner and at the same time he did not receive anything in writing from Mr. Brabham who was shown as the owner of property authorizing the petitioner to seek this particular use.

Mr. Mackey asked Ms. Hamilton if she could address the issue of ownership.

Ms. Hamilton stated she did not own the property. She said it would be rental property and she will be renting it from Mr. Brabham. She said it will be for the sole purpose of the daycare for 18 children. She said she lives at 1107 East Park Avenue, which was for her family use. She said she would not be able to accommodate 18 children at her home. She said she talked with Mr. Brabham about renting the property that was two doors down from her house to be used as a daycare.

Mr. Hansen stated what the petitioner has submitted was a copy of the lease executed by Mr. Brabham and the petitioner. He said although it was not in the usual form which you typically saw from an agent, his interpretation would be that by virtue of the fact that they have entered into this lease that Mr. Brabham understood of their intent. He said this would suffice and give them the permission to seek this particular use permit.

Mr. Mackey stated he would rather be safe than sorry. He said the petition being for 1111 East Park Avenue, Ms. Hamilton has testified that she was not owner and would be renting the property. He said he would be comfortable with there being some sort of notarized document to the Board indicating that Mr. Brabham was the owner of 1111 East Park Avenue and that he was agreeing to allow Ms. Hamilton and any other party associated with Ms. Hamilton to rent the property for the use applying to obtain a child care center for 18 children. He said he would like to see that first because he did not want to make a misstep.

Mr. Wallace asked if the Board grants the petition for the property which is rental property if the use stays with the property?

Mr. Mackey stated yes. He also said if the Board approved the petition for 18 children it would remain at eighteen.

Mr. Hansen state yes, unless the Board stipulated otherwise. He said he would suggest that the Board may want to consider as they have done on previous cases a continuance with direction to the petitioner that they come back with the necessary information (notarized signatures). He said with no inference that that would imply approval or denial, but would rather make the Board more comfortable in their deliberations. He said he felt it would make Staff more comfortable as well. As indicated the documented that was being looked over by Mr. Byrne was not the typical way that they saw these. However, it appeared to him that the owner of the property was at least cognizant of what the petitioner was trying to do. He said may be the Board needed to request that the petitioner get something notarized that said “yes” I give the petitioner the ability to do this.

SZBA Action: Mr. Stephens made a motion that the Savannah Zoning Board of Appeals continue the petition until next month (August 23, 2005) with the understanding that the petitioner provide a notarized document from Mr. Brabham, Owner, that he authorized the petitioner to act as an agent on his behalf and that he understood the petitioner’s request for use approval at 1111 East Park Avenue for a childcare center. Mr. Byrne seconded the motion.

Mr. Byrne stated the lease says under occupancy that the tenant agrees that the premises would be occupied for group daycare for 18 children and that no part of said premises would be subject and that the lease would not be assigned or transferred in any way without the written consent of the landlord being first obtained. He said it implies that the landlord also agrees, but it does not necessarily explicitly state that. He said he felt that was what the Board was concerned with. He said he would ask that the Board get an opinion from the City Attorney about whether or not this was okay.

Mr. Hansen stated he felt the question before the Board was whether or not the petitioner has the consent to act as the agent for the current landowner. The questions raised by the Board about whether or not a rental property should or should not be used as a daycare was certainly something that should be discussed as they consider the use permit. He said he did not know if the Board wanted to get into arguing that at this particular meeting given the direction he felt the Board was going. Clearly, daycares as represented in the ordinance under the provisions with which they were looking was intended to be a home occupation and not what he would term as a commercial venture.

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

RE: Other Business

RE: Adjournment

There being no further business to come before the Savannah Zoning Board of Appeals the meeting was adjourned approximately 3:50 p.m.

Respectfully submitted,

Jim Hansen,
Secretary

JLH/ca