

SAVANNAH ZONING BOARD OF APPEALS

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

NOVEMBER 22, 2005

2:30 P.M.

REGULAR MEETING

MINUTES

MEMBERS PRESENT:

**Timothy Mackey, Chairman
Mickey Stephens, Vice-Chairman
James Byrne
Paul Robinson**

MEMBERS ABSENT:

Richard Wallace

TECHNICAL STAFF PRESENT:

**Tom Todaro, City Inspections Department
James Blackburn, City Attorney**

MPC STAFF PRESENT:

**Jim Hansen, Secretary
Deborah Burke, Assistant Secretary
Christy Adams, Administrative Assistant**

RE: Call to Order

Mr. Mackey called the November 22, 2005 meeting of the Savannah Zoning Board of Appeals to order at 2:30 p.m.

RE: Minutes

1. Approval of SZBA Minutes – October 25, 2005

SZBA Action: Mr. Stephens made a motion that the Savannah Zoning Board of Appeals approve the regular meeting minutes of October 25, 2005. Mr. Byrne seconded the motion and it was unanimously passed.

RE: Consent Agenda

**RE: Petition of David M. Sneed, For
Tammy Jo Long
B-051101-34121-2
209 West Bolton Street**

The petitioner is requesting approval of an application to establish an inn (Use 6) pursuant to the requirements of Section 8-3028(d) of the Savannah Zoning Ordinance. The subject property, located at 209 West Bolton Street, is zoned 3-R (Victorian Planned Neighborhood Conservation District-3-R).

Summary of Findings: The conditions necessary for granting use approval for an inn appear to be met.

Mr. Hansen stated there were at least two people present to speak on the Petition of David M. Sneed, For, Tammy Jo Long, B-051102-34121-2. He requested that the petition be removed from the Consent Agenda to the Regular Agenda.

SZBA Action: Mr. Byrne made a motion that the Savannah Zoning Board of Appeals move the Petition of David M. Sneed, B-05-34121-2 from the Consent Agenda to the Regular Agenda. Mr. Robinson seconded the motion and it was unanimously passed.

**RE: Petition of John Flucas
B-051101-35923-2
1515 Stratford Street**

The petitioner is requesting approval of a four foot side yard setback variance (each side) to the five foot side yard setback requirement and a five percent lot coverage variance to the 50 percent lot coverage allowed pursuant to the requirements of Section 8-3025 of the Savannah Zoning Ordinance in order to construct a single family residence. The subject property, located at 1515 Stratford Street, is zoned R-4 (Four-Family Residential).

Summary of Findings: All of the conditions necessary for granting the requested variances appear to be met.

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

**RE: Petition of Mike Mobley, For
St. Joseph's/Candler
B-051101-34446-2
907 Dutchtown Road**

The petitioner is requesting approval of an application to establish a remote parking facility for a hospital pursuant to the requirements of Section 8-3093 of the Savannah Zoning Ordinance. The subject property, located at 907 Dutchtown Road, is zoned P-I-P (Planned Institutional Professional) and R-M-25 (Multi-Family Residential [25 Units per Acre]).

Summary of Findings: It appears that all conditions necessary to grant approval for a remote parking facility on the subject properties have been met.

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

**RE: Petition of Mary Beth Whitfield, For
Benjamin Gowens
B-051101-35666-2
714 East 34th Street**

The petitioner is requesting approval of a 4½ foot side yard setback variance (each side) to the five foot side yard setback requirement of Section 8-3025 of the Savannah Zoning Ordinance in order to construct a single family residence. The subject property, located at 714 East 34th Street, is zoned R-4 (Four-Family Residential).

Summary of Findings: All of the conditions necessary for granting the requested variances appear to be met.

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

RE: Regular Agenda

RE: Continued Petition of Geoff Albert, For
RGP, LLC
B-050928-42699-2
1002 Drayton Street

Petition withdrawn per petitioner's request.

SZBA Action: Mr. Byrne made a motion that the Savannah Zoning Board of Appeals grant the request for withdrawal. Mr. Stephens seconded the motion and it was unanimously passed.

RE: Petition of Timothy Walmsley, For
Larry Nicola
B-051101-33928-2
1600 Wheaton Street

Petition continued per Petitioner's request.

SZBA Action: Mr. Byrne made a motion that the Savannah Zoning Board of Appeals continue the petition to December 20, 2005. Mr. Robinson seconded the motion and it was unanimously passed.

RE: Petition of Kenneth Wilson, For
St. Luke's AME Church
B-051101-34228-2
1007 Joe Street

Petition continued per Staff's request.

SZBA Action: Mr. Byrne made a motion that the Savannah Zoning Board of Appeals continue the petition to December 20, 2005. Mr. Robinson seconded the motion and it was unanimously passed.

RE: Continued Petition of Wiley A. Wasden, III, For
National Wireless Construction, LLC (NWC)
B-050928-41679-2
705 East Anderson Street

Present for the petition was Wiley Wasden, III, Attorney.

(Transcription of the meeting tape for this petition)

Mr. James Blackburn, City Attorney: Mr. Chairman, let me set some parameters as Counsel for the entire governmental bodies. First, not in partisan way but just try to set what the procedure is and should be. The petitioner as required by the telecommunication section of the zoning ordinance requested approval of a general development plan from the Planning Commission. They – some of you know, maybe all of you do not any action in the adopting a general development plan by the Planning Commission, if the applicant disagrees he has the right of appeal to the Zoning Board of Appeals in the same nature as an appeal from a ruling of the Zoning Administrator. And so you are hearing an appeal from the action taken in written order by the Planning Commission as in administering the telecommunications citing ordinance. So that's what you are here to hear. Now, it is relatively new I do not recall specifically Mr. Chairman may be having been around for a good while yourself there may have been other instances of an appeal from the interpretation of the site plan ordinance. I am not aware of it that one has been to you before. Now, the, it is my opinion and I have given it to the Staff that under the zoning procedures law of the state any hearing before the Zoning Board of Appeals in which a final decision can be taken and this would be a final decision either sustaining or overruling the Planning Commission's decision would be a zoning decision. Thus, it requires notice by advertisement of public hearing, by posting and by advertising. Now, the reason for this continuance and I think I can state in my place was that the posting as required by the ordinance and by the zoning procedures law was not timely so it had to be posted and was postponed for the purpose of having all that complied with. So, that's why it was on the last agenda and on this agenda. Now, the appeal by the applicant here is in rather lengthy the entire record before the Planning Commission is before you. You have a duty to review that entire record. You have a duty to hear from the public. And you have a duty to hear from the applicant who disagrees with the Planning Commission finding. The appeals states that it's an error, that it was done arbitrarily, and not allowed by federal law. We're of the opinion that the procedure complies with all federal law, but that's not something for you to decide. The Planning Commission as you know does not really have separate council. The City of course does and I have tried to many times do both of them. But the Planning Commission does have council present in and Charla Hall of Oliver Maner Gray who is along with Pat O'Connor will be representing the Planning Commission. Now, they will not be here as advocates in this appeal either for or against it. The advocacy here will have to be the presentation procedurally will be by the Planning Commission Staff to you presenting what the Planning Commission found, the reason for their findings, and then the applicant will present to you and seek to persuade you that the Planning Commission was wrong. Then you have to make a decision after you hear the entire record. And I'm going to personally, I will be here – shortly I will be retiring from the room and let everybody present whatever they want to present and you make a judicious decision when you reach that point.

Mr. Mackey: Okay.

Mr. Blackburn: Mr. Wasden represents the other side. I hope what I have said has been procedurally meet with his approval.

Mr. Mackey: Mr. Wasden we need to have you sign in...

Mr. Blackburn: I want to point out, I think that the first presentation should be by the Planning Commission to present their findings and where they stand and then the applicant who is appeal that, then go.

Mr. Mackey: Okay, thank you.

Mr. Blackburn: Mr. Chairman you will have to rule, but I believe that will be the correct proceeding.

Mr. Wasden: I will answer however you want. Just tell me what you want.

Mr. Mackey: I will agree with that. That's the standard procedure for Staff, then the petitioner will come and offer a presentation behind Staff. Mr. Hansen.

Mr. Hansen: Thank you Chairman Mackey members of the Board this is indeed a petition brought forward by National Wireless, Wiley A. Wasden representing. The petition is a request for approval of a general development plan which was submitted to the MPC actually over a year ago in its first presentation. The applicant is alleging that the MPC has made an error in its findings. That is the question before you today. Section 8 – 3195 of the zoning ordinance requires that the MPC approve all general development plans for new telecommunications facilities in accordance with ordinances standards. The petitioner in this case is requesting to place a 123 foot telecommunication facilities on property located at the St. Pius the Tenth at 705 East Anderson. This is the structure. This is Anderson. This is Atlantic. The facility will be located to the rear of the property in approximately this location. It is important to note that the MPC considered this particular request numerous times in fact without actually counting them all on my fingers we probably – okay (ha, ha) – As the Chairman has indicated I believe this was heard 6 or 7 times before the MPC. And I note this for your information primarily to indicate that Staff feels that the MPC requests for continuances, requests for additional information was made in an attempt to secure all of the necessary information that the MPC needed and that MPC required to make an informed decision upon whether or not to approve this particular general development plan.

On July 19, 2005 the MPC voted to deny this particular request. That record of decision was forwarded to the applicant and the applicant did make in a timely manner an appeal to this body to consider. I will not, Mr. Chairman unless you so direct as was indicated by Mr. Blackburn you have all been provided copies of the record. You have all been provided of the information submitted by the applicant. I will not further go through that unless you so direct me to do so. But it is the Staff's position as is noted in your staff report that there was no factual error made by the MPC. We do not feel that the variance request and the general development plan should be approved.

Mr. Mackey: Yes sir.

Mr. Robinson: This memo was just – this is new, is it not.

Mr. Hansen: Mr. Robinson, it was actually a part of the original record. The applicant delivered that to us this morning requested that we provide it to the members of the Board. I will not speak for the applicant, but it's my belief that they wanted to make sure that you were aware that there were indeed studies done in terms of alternative site locations and what those ramifications are. Let me point out that the decision rendered by the MPC was based upon the fact they did not feel that the applicant had exhausted all of their due diligence in terms of

alternate site selection. And that there may be or in fact was additional sites that could be considered for this location. I believe the applicant has submitted this information to you to become a part of the record so that you could use it in making your determination.

Mr. Mackey: Okay, any further questions for Staff.

Mr. Robinson: Just one more question. I am new on the Board and I was not privy to the history of this. Did – were any alternate sites discussed or suggested by MPC.

Mr. Hansen: Chairman Mackey, Mr. Robinson there were actually four sites that were put forward by the applicant during the many discussions with the MPC that were explored. For various reasons which I'm sure that the petitioner will go into those sites were rejected. However, I believe it is safe to say that the MPC felt that the site area look could be expanded or that perhaps there were other sites within the study area that could possibly be used and that all of those possible sites were not exhausted in the search.

Mr. Byrne: Mr. Hansen, specifically with referencing the decision dated July 19, 2005 they gave - I counted four reasons for denying National Wireless' application. And one was that it was National Wireless's position that the property dimensions are not adequate size for placement of the multi-tenant communications facility. That was one of the reasons. And the reason that – one of the reasons that the MPC denied this was that they had failed to present an alternative approach as to why the leased area could not utilize stack equipment. Were they ever given an opportunity to do that before the MPC?

Mr. Hansen: Yes sir.

Mr. Byrne: How many times? Off the top of your head.

Mr. Hansen: Certainly, more than once. I do not have the exact number sir.

Mr. Byrne: That's fine. It relates to number two. The property does not provide the necessary area to meet all fall zone requirements underlining zoning setbacks. The MPC stated that National Wireless could have requested a zoning variance for the yard setbacks and that there is no requirement for a fall zone for a stealth tower. Again, did they have opportunity to present that information to you at the MPC before this decision came down?

Mr. Hansen: Again sir, they were certainly made aware of that but they did not request on any of those particular sites a variance to that. What is pointed out in the decision is that they could had they selected a separate or different location they could have come before this body to request or in fact before the MPC to request that variance. And it is also true as you noted that there is no fall zone requirement for stealth towers.

Mr. Byrne: Which is troubling in and of itself, but I won't go into that (ha, ha).

Mr. Hansen: Well, be that as it may there is no requirement.

Mr. Byrne: There is no requirement. Well, the third reason available vacant space not adequate size for placement of a multi-tenant communication facilities. And the MPC said that the National Wireless didn't provide any information for the MPC staff for review whether or not the vacant spaces that they referred to were of adequate size or not. Again, did they have an opportunity to do that before the MPC?

Mr. Hansen: Certainly.

Mr. Byrne: Okay. And did they give any reason why they didn't do that to you?

Mr. Hansen: Not to my knowledge. No.

Mr. Byrne: And again, just the final one was property owner not interested in making a deal. Tower facility would need to be placed in the front parking lot of the development. There the MPC stated that the National Wireless didn't provide any documentation that the property owner of a potential site did not want to lease his or her land to the facility. Did they ever provide you with the names of those property owners at all?

Mr. Hansen: The names of those property owners, yes. Documentation as to whether or not the individuals did or did not choose to participate or to lease property, no.

Mr. Byrne: What would - generally, what would that documentation consist of? I mean if they could get that at all.

Mr. Hansen: Some sort of written documentation. The form of which could be provided by the applicant.

Mr. Byrne: And notarized I imagine.

Mr. Hansen: That would be best, certainly.

Mr. Byrne: Okay. Thank you sir that is all the questions I have.

Mr. Mackey: Okay, any further questions for Staff. Alright. Mr. Yates or Mr. Wasden. Who is speaking?

Mr. Wasden: I am.

Mr. Mackey: You will be doing all the presentation, Mr. Wasden?

Mr. Wasden: That is our initial plan, yes sir. Whether Mr. Yates has to come up and either resuscitate or restrain me during the process I'm not sure. But at this point I am in charge of trying to make our position clear.

Mr. Mackey: Okay, could you raise your right hand please.

Mr. Wasden: I sure could.

Mr. Mackey: Do you swear to tell the truth, the whole truth and nothing but the truth?

Mr. Wasden: I do.

Mr. Mackey: Thank you. Just give us your name for the record please.

Mr. Wasden: Thank you. May it please the Board my name is Wiley Wasden. I am a lawyer here in Savannah with the law firm of Brennan and Wasden and I represent the petitioner in this

case. We are here today really for two reasons. As Mr. Blackburn has explained to you following the multitude of trips that we made to the – that were made to the MPC and finally obtaining a written ruling. We filed a lawsuit in the United States District Court here and the Seventh District of Georgia seeking a judicial relief under the telecommunications act which allows us to do that. At the same time, however we went ahead and filed an appeal for two reasons really. One was out of fundamental fairness to allow this Board to go through the process that the rules provide so that you could examine what was done by the MPC and perhaps come up with a non-judicial remedy. But the second reason we are here is because in the federal court case, Mr. Blackburn, I guess his representatives filed in front of Judge Edenfield and we take that seriously as I know he does a pleading that stated that we were required to do this before we could obtain judicial review. And as a result before we could obtain a ruling from the federal judge we had to come here and get a written ruling from you. Now, in all candor we don't particularly agree with that, but so that we could keep the process moving forward we did file this appeal so that you could today enter a final ruling as Mr. Blackburn stated and thus federal court if necessary could then go forward and make a ruling on this matter.

I am going to limit our presentation to the one ground upon which the application was denied by the MPC. If you would look in your papers, I am sure you have it the actual ruling by the MPC there is but one ground given for the denial. And that ruling is this – and I quote directly from the opinion so there won't be any confusion.

“the applicant has not provided sufficient evidence to demonstrate that there are alternative sites within the midtown neighborhood and adjacent area that would be a more appropriate location for a stealth tower, ideally a commercial site that offers for the opportunity from proof concealment and the possibility of a reduced tower height.”

Mr. Wasden: That is the sole ruling upon which the MPC overruled the MPC Staff which the record will reflect had recommended this proposal for approval. So, this is the sole ground upon which you are to review the acts of the MPC below. Was this a correct decision? It is our opinion and we have alleged in our appeal that it is an incorrect decision for two reasons. One it is an error of law and number two it is an error of fact. Now, this – let me start with the error of law. As the MPC opinion states the applicant has not provided sufficient evidence to demonstrate that there are alternative sites. I would suggest to you that that's a good philosophy and perhaps it is good public policy to require people to demonstrate that there are no alternative sites. But that is not the law. It is not the law of this County. It is not the law of the MPC. It is not the law of the state nor is it the law of the federal government. And as a result to render an opinion upon a legal basis that we failed to demonstrate and had a duty to demonstrate that there are alternative sites is in error. And that is the first ground of our appeal.

The second ground of our appeal, however really is even if that were correct the decision was still made based on an error of fact. And that error of fact is the allegation that we did not provide sufficient evidence of alternative sites. I want to make clear especially Mr. Byrne for you that you understand that the alternative sites that are discussed here today are ones that we brought forward. We went out performed a study where it costs who knows how much and found what we thought were alternative sites. We then went out and investigated those. We presented them to the MPC on a map with explanations as to why none of those properties worked. Now, the MPC and this is what your package Mr. Robinson that was delivered today is all about because we found out in getting ready for this hearing that these documents had not been included in the original package. But the MPC not just wanting for lack of a better phrase to take our word for it. The MPC themselves decided that they would hire a consultant who was

going to go out and perform their own independent study to determine whether or not there were alternative sites that could be used in this particular case. And if I can put my hand on it a copy of what – here it is. I would like to go through those with you because I want to make clear again for those of you who were not part of this life long process in the MPC as to exactly what was done. This consultant hired by the MPC to perform an independent evaluation, initially presented a report dated December 16, 2004 to the MPC itself. And the initial question that this independent consultant was asked to consider was, can you put a 90 foot pole instead of the 123 foot pole that we are talking about and achieve the same result. And this consultant stated clearly, no you can not do that. If you wanted to do a 90 foot site, you would have to have at least two poles. And it recommended that we go do some drive by study where we actually tested the site to make sure that was correct. The next question that the consultant was asked was can you place larger towers, larger than 123 feet in light industrial districts located east of Wheaton and west of Martin Luther King? And again the MPC's own consultant came back with the opinion that "these locations are not viable alternatives to the St. Pius site." So the MPC's own consultant on December 16, 2004 rendered an opinion that there were no other viable sites. However, the MPC and again I think this is entirely appropriate went back to their consultant and said well let's try something different. Let's make them do that drive by study and see what happens, so that is what my client's did. They incurred the expense and did this study and I am not as technically geeky as Mr. Yates is so I don't know all the particular terminology but essentially they put a pole out there monitored the traffic to see at different heights what the load was.

On January 13, 2005 Mr. Hamilton again the MPC's own independent consultant rendered an opinion that if you put 90 foot poles you would have to have at least two. Well, the MPC once again and again I think this is entirely appropriate went back to their own independent consultant and said look what if instead of this situation we put tall towers along the periphery of the residential areas. Come back in some from the commercial areas that you looked at when we first asked you to do this and look at some of the more semi residential areas and see if we could do that. And on February 25, 2005 the independent consultant hired by the Metropolitan Planning Commission rendered his third opinion. And that opinion was "this is not a viable option for the St. Pius site for several reasons: first, as the towers get taller the cable that runs to feed the antenna gets longer as these running length more RF signal is lost and the total power output and blah, blah, blah." And you got the thing so you can read it. But it's the MPC consultant's opinion. So, to say that we have not attempted to provide alternative sites and really to say that the MPC Staff who recommended approval of this after they went through all these studies that the MPC Staff itself has not taken sufficient steps to find alternative sites we believe is an incorrect statement of fact and we believe it is an error for the MPC to have rendered an opinion based on that. And I think it's important to note two things really when it comes right down to it. Because to me these were the most overriding items as to proof that there are no alternative sites. The first one is while everyone is at has the freedom to criticize the alternative sites we proposed, the MPC Staff nor the MPC nor the MPC Staff's independent consultant ever submitted an alternative site. And I suggest to you that if there had been an alternative site that the MPC Staff through there due diligence or their consultant or the MPC members themselves who brought us back and back again would have found an alternative site. And the fact that those people could not find alternative site screams I believe to you that there was not an alternative site. And secondly, I would suggest to you that the fact that there is this tower and Mr. Yates has been doing this a lot longer than I have because he is much older than I am, but he says and I believe him that in the many, many, many years he has been doing this that there has never been occasion that he can remember where at the time that a tower site was proposed four cell carriers were on board in advance. And what I mean by that is that we already have cell carriers ready to go on this pole before it has been approved. That tells

me and I believe it tells you that there are no alternative sites. Because if there were they would be bringing them up and coming in here and telling you to deny this application because they have the alternative site, but they don't. They have looked for it as we have, they have been unable to find it as the MPC Staff was and as a result they are on board with us because this is the only viable site for this tower. So, based on that law that I explained and the evidence that we have talked about we would ask that you reverse the MPC, grant the tower as recommended initially by the MPC Staff and allow us to go forward. Thank you.

Mr. Mackey: Okay. Thank you Mr. Wasden. Having sat through that entire discussion for years and years and minutes and minutes and hours and hours, I think the first petition that Mr. Yates brought forward to the MPC involved two collocations with the possibility of four, if my memory serves me correct. And then I think he came back and brought four. But he did make that as a matter-of-fact that this was the first time I think in his professional tenure that he could remember that four collocations were available to go on a tower at once. Okay, is there anyone in the audience or from the community that wishes to speak. Let me see the hands who - who wish to now because I am going to try to put some time limits out. Any one in the audience from the community. Okay. I would ask that, how many two.

Man: We're representing quite a few.

Mr. Mackey: I understand, but I just need to know who wishes to speak. Three. Okay, could we just sign in. And then as from the community, if you would just come up sign in then I would have whatever comments. If we – and while she is doing that the others that wish to speak can sign in so then we can have this knocked out in one whip. Okay Ma'am ,do you - raise your right hand, do you swear to tell the truth, the whole truth, and nothing but the truth.

Lady: I do.

Mr. Mackey: Thank you. Just give us your name for the record please Ma'am.

Ms. Kennedy: Okay, I am Cynthia D. Kennedy and I am the Vice President for East Side Concern Citizens and Neighborhood Association, as well as a member of the East Side Neighborhood Alliance and I am here today not to give any right or wrong about this issue, but merely to say that we the residents of this community do not feel that we have neither been informed nor educated as to the benefits or harm or impact that this could cause on our community. We've not been notified by the petitioner in any way even though we have been here previously to suggest that he come before our residents if nothing more than to give us education and information on how this tower would affect the residents in our community. That has not been done. He informed us at the last meeting that he in fact did speak to the residents or had may be someone in his stead under his employ go and speak to the residents in the neighborhood to inform them that the tower was going to be placed there. I in fact went out and did a door to door, knocking on doors to ask residents had they in fact either received a notice or had been spoken to personally by a representative from the cellular tower organization and they had not. We have 54 signatures here that validate in opposition to placing a tower there and we're just you know concern that one we're not informed about what this tower is going to either – how it's going to benefit our residents or if it's in fact going to be harm to our residents. So we don't know whether it would be good or bad for our neighborhood.

Mr. Mackey: Okay, Ms. Kennedy for the sake of Staff and course we have three Staff members that are directly in the fort, five, that are right in this office actually, but let me refer to Mr. Hansen either ed our Executive Director, Mr. Thomson or perhaps our head of planning Ms.

Moore. Under City ordinance we are duty bound to notify as Staff residents in what perimeter of this particular project or on a zoning petition?

Mr. Hansen: As you are aware Mr. Mackey there are in fact differences for variance requests as there are for general plan. But for the Zoning Board of Appeal we notify all property owners within 200 feet of the subject property. The application is also publicly noticed in the newspaper. The application is also publicly noticed via a sign placed upon the property. That is what is required by ordinance.

Mr. Mackey: Okay, and although this is a different forum at the MPC I'm 100 percent certain that that particular perimeter Ms. Moore was covered. Am I correct?

Mr. Hansen: It was.

Mr. Mackey: Okay, alright. Any – Ms. Kennedy that concludes your statement.

Ms. Kennedy: No sir. We do have a sign that was placed at the back gate to the ground that was unreadable. Myself the senator and several residents had we not just been passing by the gate and see the sign lowered to the ground we would not have known what it was. That is in fact what actually called us to action to find out what was the ordinance about and you know I spoke to residents and I don't think they would just lie about it even though it may have been publicized in the newspaper residents do not know that a cellular tower is being placed in the back of the family resource center.

Mr. Mackey: Okay. Thank you Ms. Kennedy. Next. Raise your right hand please sir. Do you swear to tell the truth, the whole truth, and nothing but the truth.

Man: I do.

Mr. Mackey: Thank you. Just give us your name for the record, please.

Mr. Mitchell: Good afternoon gentlemen, my name is W. John Mitchell. I am a resident of 632 East Anderson Street. As a matter-of-fact they had a in terms of this map here my residence is roughly – see where are we here – roughly here.

Mr. Mackey: Okay.

Mr. Mitchell: I – I am very civically involved as you all know. Received absolutely no notice about this cellular tower going up. In fact, when I did see the sign posting and I would submit to you that that does not constitute constructive notice it was placed around on the Atlantic Street side which doesn't get a lot of traffic and it was down ground level sort of leaning up against the fence. When I first saw it and this was months ago that I saw it down there the first thing that came to my mind was that it gave the impression to me that someone was trying to slip something in on the neighborhood because the majority of the traffic that goes along Anderson Street there was no notice out there. Certainly, no notice came to me at my residence. And all the people that I've talked to who know me around the neighborhood and I get around and talk to just about everybody there is no notice that anyone received regarding this. And something else that concerned me and I just found out today what it's called, it's called a fall zone. When I thought about the height of a tower either direction that thing may fall it's going to hit something. And there are properties particularly, right off to this direction and this direction so – I mean you're not going to be able to control where it falls. The gentleman stated that it was

fundamental fairness that they gave to the Board, I'm more concern with the fundamental fairness to the residents of the community because absolutely no notice has been given to us regarding this. And I am adamantly opposed to the installation of this cell tower in my neighborhood.

Mr. Mackey: Okay, Mr. Mitchell what we are operating under is the Telecommunications Act and – and the facts that are being presented are being presented of such. The facts that were presented to the MPC were based on of such. Recommendation from Staff are coming from this Telecommunications Act which is quite thorough, quite precise. In terms again, of the notification Staff goes through the regimen of making sure that within the ordinance, within the ordinance as it relates to the ordinance with the – with the perimeter in terms of I think it's a number of feet be it 200 or be it with the exact number as Ms. Moore can you give that to me please.

Ms. Moore: Yea, let me clarify that. The actual –

Mr. Mackey: Give us your name for the record.

Ms. Moore: Charlotte Moore, Director of Development Services for MPC. The actual notification requirement is to all adjacent property owners. This is the names of all the residents who I sent notice to. It included the Neighborhood Association President, Verlynda Swatter as well as the Alder woman for the district, Mary Osborne. And I did contact Ms. Thomas as well. I did attend a midtown neighborhood association meeting at St. Pius right on the site and there were some residents there at that time who I noticed through the meeting that there would be a petition coming up that they might be interested in. I do also want to add that this particular piece of property contains more than two lots of record and St. Pius is here directly on Anderson Street. There is a lane here I believe that has been quick claimed and then there is another lot of record here and that's why the sign was posted on this property on Atlantic Avenue and not out on Anderson Street because the leased area being proposed is actually on this lot of record on Atlantic and not this lot of record on Anderson and Atlantic.

Mr. Mackey: Okay, that is for the record. Okay, any other comments, Mr. Mitchell.

Mr. Mitchell: Yes. With respect to what Ms. Moore was just saying she's talking about having it placed right back in here. That is back in a corner which is all surrounded by wooded area here. The backyards of these various residences located here. There is no way – the only sign posting was placed out here. I think it should have been placed out here on Anderson Street where people could really see it or the residents out here could see it. But that's why most residents didn't know it was going on.

Mr. Mackey: Well – well, the - the due diligence that was done by Staff, Ms. Moore showed a list of the adjacent property owners that were notified and I will say this that the petition of course we all know that this petition has not just began to generate. This has been generating for well over I think a year, Mr. Yates will be able to tell me longer, but quite some time. I think as far as the notification for this particular meeting and as a matter-of-fact Mr. Blackburn alluded to it that the reason for the continuance was because there wasn't the proper time frame given in the first notification so that's how we got to some extra time being tacked on and that's how we got here today. Mr. Hansen.

Mr. Mitchell: Thank you Mr. Chairman.

Mr. Mackey: Thank you. Hold on a second we got to go through –

Mr. Hansen: Mr. Chairman, members of the Board I just wanted to call your attention to the map on the screen and to state that as Ms. Moore has indicated the requirement is simply to notify adjacent. However, as you will note on the screen before you this circular line represents a distance of approximately 200 feet from the subject property. All property owners for the action today were notified. Everyone within the yellow, property owners received a notice of the action that is before us today. And as to the posting again in fairness to the applicant when we went to the field to check the posting signs there was indeed a posting sign on Anderson Street. It was adjacent to or in fact almost against the St. Pius building facing Anderson Street. I cannot attest to it being there all of the time. However, on the day we checked to make sure that the postings were indeed in place as they were not the previous month it was there.

Mr. Mackey: Okay, thank you Mr. Hansen. Yes sir. Raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but truth.

Man: Yes.

Mr. Mackey: Yes sir, just give us your name for the record.

Mr. Bing: My name is Nick Bing. Nick Bing. Alright, my mother is Emily Pollard. Okay. The house right there on the corner Emily Pollard on your list right there –

Mr. Mackey: What's the address, we wouldn't know.

Mr. Bing: It's – I want to say it's 705 - well my house is right there. The house on the corner, the big house with the siding coming off where the empty lot. Pius right here right across the street. You got it right here on your list.

Ms. Moore: Actually that's the mailing address.

Mr. Bing: Right.

Mr. Mackey: Okay, Mr. Bing.

Mr. Bing: But that's not the mailing address. What I was saying is I'm down here for something else and I never received any type of notice, but on her paper right there she have the wrong mailing address.

Ms. Moore: The addresses that we receive are from the Tax Assessor's database and whatever information is on that database is what we – the address that we send our notices to.

Mr. Mackey: That's where we get it from the Tax Assessor's office.

Mr. Bing: Okay, I'm just smiling because the simple reason – I'm really down here for something else and just so God being so good by me owning a piece of property right there where y'all speaking at.

Mr. Mackey: Okay.

Mr. Bing: So that's the only reason I took upon to this right here. But I was just stating I received no type of information and I was smiling for the simple reason by me being here for another situation to actually here something coming up where another piece of my property is at.

Mr. Mackey: Okay.

Mr. Bing: Okay, and my property is right there on the corner. They tore down another house so my house is the only house on the corner there. So the address she do have is wrong. I will give her the correct address before I leave here and then that way you know I do apologize for the Tax Assessor's office you know for the error, but that's not common because I've had that happen before.

Mr. Mackey: Yes sir.

Mr. Bing: Okay.

Mr. Mackey: Thank you sir.

Mr. Bing: Thank you sir.

Mr. Mackey: Thank you. Was there anyone else who wishes to speak. Mr. Daniels and then Ms. Senator. And after that we'll - we'll - we'll - if there are any rebuttals we'll go and then we'll deliberate as a Board. Do you swear to tell the truth, the whole truth, and nothing but the truth. Sir.

Mr. Daniels: Thank you. My name is George Daniels I have a couple of properties on 31st Street right off from Pius. 630 East 31st Street. And - and I - I would like to have some understanding about this because I don't want to get up here and I don't have the understanding about this because I - I read what you say on this paper of zoning this area. And I - I would like for it to stay a resident area here because it's really - whatever you're planning to put up there my - my - to my decision I would like for it to be a resident area because I live right off from Pius. I have some property couple of homes right all from Pius. And the way you discussing this thing, I would like to have more understanding of what this program is about and what the understanding about. And I'd appreciate it if you'd let me know more about this program because I just don't understand it - stand it - and I think it should stay a resident area.

Mr. Mackey: Yes sir. I - I don't know Mr. Daniels if I would consider it a program but - but what it is a request from the petitioner the gentlemen to your right and the young lady are representing National Wireless from the wireless companies who wish to construct a cell tower on the particular site. And - and basically that's all.

Mr. Daniels: Excuse me. What - what - what good is that to the area. Would - do that help the area. The residential area.

Mr. Mackey: That's not my answer. You would - the - the petitioner is here - that's - that's not my request, it's the petitioner's.

Mr. Daniels: That's why I asked for a better understanding because I would like to know a better understanding. What - you know what is going on because in this neighborhood it's a pretty good neighborhood as far as I'm concerned. I've been there since - since the 60's. And I

have quite a few properties there and it's right off of Pius on 31st Street. The second house on Pius and – and I would like to know much more about these things that are going on in these area.

Mr. Mackey: Okay, Mr. Daniels I am almost certain if we just sit down and we all just listen we'll get all the information we want and it will all come out. It's going to come out.

Mr. Daniels: Young man I do know you and I certainly appreciate it because I really wants to know what it's all about. You know me and I know you.

Mr. Mackey: Mighty lefty. Yes sir. Okay, Senator Thomas.

Senator Thomas: Thank you Mr. Chairman.

Mr. Mackey: Raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth.

Senator Thomas: I do.

Mr. Mackey: Yes Ma'am. Good to have you here.

Senator Thomas: It's always good to be here, not for this occasion I'm sure. Before I forget let me just wish everyone Happy Thanksgiving.

Mr. Mackey: Same to you.

Senator Thomas: I found out about this as you know in one of the meetings of Eastside Concern Citizens when the citizens – the residents of the area approached me about this tower and wanted me to come to I guess to represent them because I do represent them in the Second District as there State Senator. I – I – I am proud and please to do so. I have not yet found a benefit to this community on why this tower should be placed there. The community at large does not understand, they have a lot of trepidations about this tower and at one point we even suggested that maybe we all should sit down with the community and talk about it so the community can ask questions to get a better understanding outside the MPC meetings and that has not happened. I spoke with the owners of the property and I've been amazed at that each time I've come here to the meetings the owners had not been to any of these meetings to – to say that they are still in favor of having this tower on their property. I understand that Staff has done all they are supposed to do according to law to inform the community either in the newspaper or I was told they sent some may be a letter or something out to the community but as a good neighbor Mr. Chairman and committee members I think that they would have been a good thing that we all should have been able to sit down and discuss this openly outside of this MPC meeting and that did not happen. So, therefore Mr. Chairman I – I do oppose this because I represent the – the district. They don't want it and in past hearings National Wireless said that the community wanted it and needed it and no one that I spoke to in the community said they wanted it nor needed it or do they understand it and they are just afraid Mr. Chairman.

Mr. Mackey: Okay.

Senator Thomas: Thank you.

Mr. Mackey: Yes Ma'am, thank you. Okay, Mr. Wasden rebuttal and then we'll deliberate.

Mr. Wasden: And I'll try and be brief. Let me just take a moment to explain what we think the benefit is to this area. Times they are changing I guess is the phrase to use and there are many many people now who have cell phones, many more than use to be. And it is now becoming more and more prevalent that people are owning cell phones and no longer owning land lines. They are giving up there Bell South or whatever and just using their cell phone. This tower is constructed to provide coverage to the neighborhood area that was shown on the map. It is not trying to provide coverage to Pooler. It is not providing coverage to the Landings. It is not providing coverage to some other foreign neighborhood. It is providing coverage to the neighborhood where it is located. It is allowing four different cell phone carriers to provide coverage to that neighborhood. So for those people who don't have a regular phone but have a cell phone and need to call 911 this tower provides them with that right. For those people who have a cell phone and are away from their home in this neighborhood and have an accident or have a need to make an emergency cellular phone call this tower provides them with that opportunity. So believe this tower does bring a benefit to the neighborhood. Now, let me ask you this to and I – I – the last thing I am going to say is this, you said you were going to adjourn and deliberate and render a ruling. And I would ask you to render a –

Mr. Mackey: Not adjourn.

Mr. Wasden: Whatever you said, I'm sorry. But you are going to render a ruling and I would ask that you do that and I say this with some humor but with some seriousness. It reminds me of a story where two hunters are out hunting raccoons and one them chases a raccoon up the tree and they get into a huge fight at the top of the tree and that hunter calls down to the hunter on the ground and says shoot – shoot him – shoot him and the hunter on the ground says I – I can't pick y'all a part, I don't know what to do and the hunter in the tree says look just shoot one of us – one of us needs relief. And so I would ask you please do render a decision. It may be for me, it may be against me, but render a decision. Thank you.

Mr. Mackey: Okay. Alright, I've got questions from - Mr. Wasden – questions from the Board.

Mr. Wasden: Yes

Mr. Mackey: Hold on, no from this way. I'll get to Mr. Mitchell.

Mr. Wasden: Yes sir, I'm sorry.

Mr. Robinson: If I had a cingular cell phone right now and I was in that area what happens. Is that a totally dead area?

Mr. Wasden: No sir. It depends on the volume. If a lot of people are using your cellular one phone in that area you won't be able to have coverage. If it's 4:30 in the morning and you are the only one who rings it up then you are going to have coverage. It's a volume issue.

Mr. Mackey: Coverage over capacity.

Mr. Wasden: Coverage – it's a – it's – that's – I'm going to let the geek take over.

Mr. Mackey: Alright, hold up – hold up before you come Mr. Yates let me swear you in to.

Attorney: Sure.

Mr. Mackey: Do you swear to tell the truth, the whole truth, and nothing but the truth

Mr. Yates: I do. Thank you Chairman Mackey and thank you Commissioner Robinson. Jonathan Yates on behalf of National Wireless. I unfortunately have too much history. I've been involved in this project for first Bell South Mobility and then Cingular Wireless for over 11 years. I'm in charge of the tower development in the two Carolinas and also working in Coastal Georgia. What we have in this situation is we have a very densely populated area. We have existing sites and we've laid out for this part of Savannah but as more folks which is happening sign on for the cell phones we have what is a capacity issue. More folks are trying to use each tower then the tower has capacity. To fix a capacity problem we come back in do lower sites they're lower in height. Our standard height throughout the Carolinas, Coastal Georgia is 300 feet on the highways, 180 to 200 feet in the urban areas. We come into a 120 feet in order to lower it down so we would not interfere with any existing towers and this off-loads that. I'm – I'm just going to say one word and sit down. This one has been very vexing to us and vexing to us for a long time because first and foremost as Mr. Wasden said the ordinance which I've read 1 million and 1 times, I couldn't sleep at night and I have a boring life evidently – it never said in the ordinance about alternative sites or you have to pick a site that wins a neighborhood poll. The ordinance said you could into any district in the City of Savannah if you use a stealth approach, which we did. And I know that Chairman Mackey whose listened to me for too long is sick of seeing me and sick of hearing me, but why we've come back sir is sometimes a knowledge of the rules is an impediment and that we know that if you read the ordinance, throw out everything that's been said, the ordinance has no reference to these alternative sites. That's simply a red hearing. And just to end on a final note to reiterate what Mr. Wasden said that Chairman Mackey in all the years of doing this never ever have I had four cell companies committed prior to permitting. Why? The rule in the industry is everyone seeks there own site and their own permit and whoever gets a permit you go on with them. But you never stop your effort until somebody has a permit. This one broke all the rules. The reason everyone signed up prepermit, which never happens is none of the other carriers and these are well organized carriers with very big real estate departments: Altel Communications, Sprint Communications, Triton PCS, which locally is known as Sun Com, they could not find an alternative site. And the goal of all four was not to prey upon the residence, not to change their lifestyle but to bring in wireless coverage. That was the whole goal. And that was the goal. But never have I had four and what the four tells us, there was no other way to bring into that part of midtown the coverage that was needed. Thank y'all for your time.

Mr. Mackey: Okay, I've got a question my colleague right here.

Mr. Stephens: Mr. Chairman, I - I would like to hear from somebody from the MPC Staff.

Mr. Mackey: Okay. Is there a particular question?

Mr. Stephens: I want to ask about their findings as opposed to the Board's decision.

Mr. Mackey: Okay. Let's get – Mr. Mitchell let's get your question and we'll come back to Mr. Stephens question for Staff.

Mr. Mitchell: In terms of the benefits he stated that it provides coverage to the neighborhood and would allow four different cell carriers to cover it and it would give us a capacity for 911. We already have everything he's talking about. I don't see where that's any additional benefit to what – that's going to make anything any better. The – the last thing and I don't know if anyone

has mentioned it, but I'm – I'm not even sure they're going to have a contract with the people who own that property. They don't even want it themselves. They don't even want the contract.

Mr. Mackey: Well we're not here to debate that. That's outside and I'm putting that on record that is outside of the parameters of what our decision is.

Mr. Mitchell: Yes sir.

Mr. Mackey: Our decision is to be based solely on what the request is from the petitioner. Okay, Staff, got a question from Mr. Stephens for Staff, Mr. Hansen or Ms. Moore.

Mr. Stephens: Mr. Hansen what was the Staff recommendation prior to the MPC vote on – on that tower.

Mr. Hansen: Recommendation for approval.

Ms. Moore: With conditions.

Mr. Hansen: Yes, with conditions.

Mr. Stephens: With conditions. What conditions.

Ms. Moore: There were five conditions that Staff recommended if MPC was to approve this petition including showing that the easement or that – that the area East 31st Street had actually been quick claimed from the City. There is a question of whether or not that has actually happened or not. I do recall from the meeting back in July that I was contacted by a City staffer who indicated that it had not been quick claimed so that would have to be one of the conditions if this – if this was to be approved with these conditions the applicant would have to meet that requirement.

Mr. Mackey: Okay.

Mr. Robinson: Could you recite the rest. I can't read that far. (ha, ha).

Ms. Moore: The a – this was approval for a general development plan for 123 foot stealth tower and actually stealth facility that was an issue that staff was concerned with. Not only does the tower portion have to be stealth which you see here, this is a flagpole without a flag all of the equipment at the base of the tower of the pole would also have to be concealed which the petitioner shows here. On the initial application which was denied this is actually the second – second application the petitioner did not show the base being screened in this manner. There were five conditions that Staff recommended for the approval. First one was, provided recorded copy of an amendment plat or deed showing an access and utility easement from the leased area to Atlantic Street prior to specific plan approval. Second condition, the City Engineer shall determine if approved access would be necessary because the access easement transects a swell. If improvements are required the specific plan shall reflect this. Three, provide a revised landscape plan that shows the tree landscape quality points to be provided. Four, provide an updated determination from the FAA as to possible air and navigation hazards due to the change of tower height. And five, the tower shall be painted grey instead of white. And finally, there was an approval of one collocation for an antenna. We've only actually formally received one request to collocate on that tower. At that last meeting we did get a letter or the applicant

received a letter from another company that indicated their commitment to be on that tower as well.

Mr. Mackey: Okay, any further questions for Staff.

Mr. Stephens: I guess I'll have to ask Mr. Hansen or Mr. Todaro. I – I understand – I thought I heard somebody mention something about the fall zone of the tower.

Mr. Wasden: Yes sir, I can address that.

Mr. Stephens: How far is the nearest ...(inaudible)

Mr. Wasden: Let me explain this fall zone issue because as was stated earlier there is no law dealing with the fall zone. But – but these towers are constructed in a way that if winds get above 150 miles an hour, the top portion of the structure actually break – bends down. It does not break. It bends down and swings. I am not doing a very good job of swinging, but that's what it does so that it remains connected to the pole and doesn't fly around the neighborhood or some – do some other damage. There is no requirement for space, but we as the owner of the tower recognized you know either because of civil responsibility or just because we're good citizens that you know that's an issue and so some of the smaller lots – one of the alternative sites that we suggested had to be turned down because it didn't give us the room just for the thing to swing. So all of our sites we set up so that there is sufficient room for the pole to bend down and swing and that's what they mean by fall zone. It doesn't literally fall. It just bends in half and swings. Does that answer your question?

Mr. Stephens: Yes.

Mr. Wasden: Okay, thank you.

Mr. Mackey: Okay, anything else. Alright. Members of the Board, is there any questions from the Board. The floor is open for a motion.

Mr. Byrne: Mr. Chairman after you know listening to Mr. Wasden and he's gone through this rather methodically and he seems uncontradicted that there's no – there's no provision of law that requires him to demonstrate any kind of alternative site which is what the MPC at least the way I read that decision of July 19, 2005 they based their entire decision on that fact. I would find that erroneous as a matter of law and I would move to reverse the MPC and grant the general development plan for National Wireless Construction to construct a stealth telecommunications tower.

SZBA Action: Mr. Byrne made a motion to reverse the MPC decision and grant the general development plan for National Wireless Construction to construct a stealth telecommunications tower.

Mr. Mackey: Okay, there is a motion. Is there a second?

SZBA Action: Mr. Robinson seconded the motion.

Mr. Mackey: Okay, there is a motion and a second – there is a motion and a second to grant the approval of – to Wiley Wasden for the National Wireless Construction, LLC that would 705 East Anderson Street. We have a not readiness from Mr. Stephens.

Mr. Stephens: Before I cast my vote I want to say to Wasden and the community when this petition first came up I was very perplexed about it because I was concerned that it was being located in an area and I was concerned about the health hazards associated with it. And I did – I've done some exhausted reading on the internet on cell phone towers and their affect. And - but I haven't found anything that was definitive as far as the health affects concern. I know it's something I also read that cell phone towers are really dividing communities because a lot of communities don't want them there, but based on the fact and the law ...(inaudible) especially Section – what is it 704 it's really – it's a real tough thing and it put us in a bad position especially as far as our community is concern. Legally, I know that – that even we denied it that the process would probably be – our denial would probably be overturned. So I'm just – I'm just very torn between this and I know that I am going to try to follow the law.

Mr. Byrne: I concur with Mr. Stephens.

Mr. Mackey: Okay, and also just for the record the issue of health and health concerns according to federal law has no bearing on the decision for a cell tower. And I think I'm correct in quoting that. I may not have it word for word but basically that is the intent of the law and that's what the mandate is.

SZBA Action: Mr. Mackey, okay there is a motion on the floor and it's been properly second that we approve the petition for 705 East Anderson Street. Ms. Moore.

Ms. Moore: The motion that's been made does not include any conditions and I am asking whether or not conditions should be included.

Mr. Mackey: Okay. Maker of the motion, are there any conditions or stipulations that you wish to attach to your motion. And if Ms. Moore may I please for the sake of sight and we may have to if we can't view it help us read the conditions. Those were the conditions that were placed on the MPC's approval, is that correct Ms. Moore. Not approval, but recommendation.

Ms. Moore: This was staff recommendation.

Mr. Mackey: Right.

Mr. Byrne: Mr. Chairman, I would move to include that in my motion as conditions for this tower as agreed to by the petitioner.

Mr. Mackey: Okay, does the seconder – all five of those?

Mr. Byrne: Yes sir.

Mr. Mackey: Okay, does the seconder of the motion agree to that?

Mr. Robinson: I second.

SZBA Action: Mr. Mackey, okay it has been properly motioned and second that the cell tower petition request for 705 East Anderson Street for National Wireless Construction, LLC be approved with the five conditions that you see that's placed on the monitor and in the record: (1) Provide a recorded copy of an amended plat or a deed showing an access and utility easement from the leased area to Atlantic Street prior to Specific Plan

approval, (2) The City Engineer shall determine if improved access will be necessary because the access easement transects a swale. If improvements are required, the Specific Plan shall reflect this, (3) Provide a revised Landscape Plan that shows the Tree and Landscape Quality Points to be provided, (4) Provide an updated determination from the FAA as to possible air navigation hazards due to the change of tower height, and (5) The tower shall be painted grey instead of white. All in favor of that motion say Aye. Any opposes. Alright that motion is carried. Thank you.

RE: Petition of David M. Sneed, For
Tammy Jo Long
B-051101-34121-2
209 West Bolton Street

Mrs. Burke gave the following Staff report.

The petitioner is requesting approval of an application to establish an inn (Use 6) pursuant to the requirements of Section 8-3028(d) of the Savannah Zoning Ordinance. The subject property, located at 209 West Bolton Street, is zoned 3-R (Victorian Planned Neighborhood Conservation District-3-R).

Summary of Findings: The conditions necessary for granting use approval for an inn appear to be met.

Reverend Joe Jackson stated he was concerned about the property that was adjacent to the proposed site. He said he owned properties at 202, 206, 208, 212, 214, 220, and 222. He said his concern was the parking which was currently a problem for the area. He said when a concert is held in Forsyth Park the street is blocked from the park almost to Jefferson Street. He said down in the next block between Jefferson Street and Howard Street there was a church. He said the church has services on Sundays, Tuesdays, and Wednesday. Also, Speedi Sign is on the corner of Bolton and Barnard Streets and they have five cars that park in the same block from 8:00 a.m. to 5:00 p.m. In 1970 he owned the whole block on both sides from Jefferson Street and Barnard Street. He said in 1973 when he decided to sell the property, he only sold to people he felt was going to maintain the area as residential. He said the proposed house has been sold at least four times since he owned it. The last person, Ms. Tammy Jo Long, when she started to renovate the house, he looked at her plans. He said it was his understanding that she was going to rebuild it for residential. He said Ms. Long lives in Chicago. He said the neighbors consented to her renovating the house. Now, they have a letter saying that she wanted to make it into an Inn. The house has a ground floor apartment that she renovated in a luxurious style, a second floor, and third floor. He said he felt the Board's idea was that she only wanted to rent or lease the two upper floors. He said there was a basement apartment that the petitioner has beautifully flourished and it was not there for a store room. He said he also felt that the Board did not know that behind the property on the lane side that there was a townhouse that she was going to rent or lease for tenants. He said that would add 4 or 5 more cars to the area. On Sunday morning when he leaves to go to church there are 42 cars in that one block with the people who live in the area. He said he knew this because everyone was usually home on Sunday morning.

He further stated that he did not have a problem with her house. He said what he was saying was they needed to be considerate about the neighborhood. He said he did not want his wife to come home and have to park 4 or 5 blocks away. He said he also did not want his neighbors to have to worry about parking spaces. He said the petitioner claims to have five parking spaces

behind the building in the lane. What would happen if she rented to someone who has more than five cars. Where will they park? He said he knew from being in the real estate business that you could not depend on your tenants to hold that agreement of parking in their designated area. He said he felt the first place they see to park was where they park.

Mr. Mackey asked if there was lane access that was used for parking?

Mr. Jackson stated Bolton Lane. He said he was not in objection to the house, but concerned about the parking.

Mr. Gene Smith (820 Barnard Street) stated he concurred with Mr. Jackson. He said on Howard and Bolton Streets was a church. He said they had a funeral this past Thursday and parked all of the cars in Bolton Street. He said you could not turn onto that section of Bolton and you could not come from Whitaker Street. On the corner, Ramsay Khalidi and his partner are planning on building eight units. He said four units will face Forsyth Park and Four will face Howard Street and they also will provide off-street parking. He said there was a vacant lot in the area that possibly could be leased or bought. He said Speedi Sign was granted a five or six car variance about 7 years or 8 years ago. The condition of them being allowed to getting an occupancy permit was that they were going to lease this lot from the vacant building which could be a convenient store of 900 square feet according to the zoning regulations. Speedi Sign rented the lot for 4 years for their employees. The owner of this building raised the rent and Speedi Sign as a condition of them being allowed to go into this building said they could not afford that rent so they stopped leasing it. He said Anthony at Speedi Sign parks his car on this corner and the other gentleman who just joined the business parks his car here. He said there was a bus stop here and here, and as a result you lost approximately six parking spaces because of the two bus stops which few people used. He said when they had the open house for the proposed property you could not get by. He said he had to go to Waldburg Street and turn. He said his concern was he felt that Speedi Sign has violated their agreement. He said whatever the proposed owner does he felt they would gradually change their operation. The garden apartment and the carriage house will most likely be rented which would reduce her to three available spaces. He said he disagreed that one could get five parking spaces in the lane.

Mr. David Sneed, Attorney, stated he was requesting approval for his client's (Tammy Jo Long) application for the property to be used as an Inn. He said he understood from the neighbors present that they supported the application but they had concern about the parking. He said he felt the Board has reviewed the Staff report. He said per the Staff and everything that he has seen they met the requirements to provide at least one parking space for each room. Not only would they offer four spaces for the four rooms, but they had five spaces as referenced in their application. He said he also felt that they room for either six or seven cars to fit behind the building.

Mr. Robinson asked you opened the garage door if it could be used as a parking space?

Mr. Sneed stated it could be, but at the moment it was used as storage.

Mr. Robinson stated he looked at the lane and the space between the lane, fence, and gate if you really maneuvered cars you could get three cars in there. He said he felt it was a two car arrangement. He said you could also get two cars in front of the carriage house along the side of the lane would be four cars. He asked in addition to the four unit Inn that they were requesting, if there were other residential spaces in the building?

Mr. Sneed stated not available for use at this moment. He said anyone could say that she was going to do something else with the property, but that was not the plan at the moment. He said if there was such a change in the plan they would do whatever was required to get approval.

Mr. Robinson asked where were the five spaces that the petitioner was providing?

Mr. Sneed stated the two spaces that he (Mr. Robinson) referred to earlier, however he felt that three cars could fit back there. He said he also felt that two additional cars in front of the lane and if necessary a car could go in the garage for the carriage house. He also stated that their application asks for permission to use the property as an Inn which suggests that there would be separate and unrelated parties using the separate rooms in the house. He said Ms. Long's intention was not to have a traditional Inn in that sense. He said she was making the house available to one corporate group or family at a time. Therefore, it would not be a need to have separate cars for each room. He said she was also providing shuttle service to and from the airport for her property which per the Staff report would entitle her to some type of reduction in the number of spaces that would be required per the ordinance.

Mr. Mackey stated in the staff report it says that the petitioner did not provide a site plan for demonstrating where the dedicated parking spaces will be provided. He asked Mr. Todaro if that was a requirement?

Mr. Todaro stated it was on the application, but it was not in the ordinance.

Mr. Byrne stated he felt it was not really an Inn, but more of a rental. He said if Mr. Jackson have to park a distance, who would he go to talk to because the person there is renting. He asked who are the neighbors supposed to go to because Ms. Long lives in Chicago?

Mr. Sneed stated he felt that issue was the same as any other owner of a house on this block would have. He said you don't necessarily have a physical presence at the house. He said you likely have more control over folks who were renting for shorter periods of time to say this is where you have to park.

Mr. Byrne stated if someone was going to lease the property for a year at least the neighbors would have someone to go to and deal with. He said if it is more this weekend or that weekend or a holiday it would be more difficult.

Mr. Sneed stated Ms. Long was making every effort to be a good citizen to this community to say if this was a use that required any type of approval let's get the approval. If this was a use that required for her to pay taxes then she wanted to contribute to the tax base of Savannah. He said she wants to do the right thing with respect to making this property available for anyone. He said the only objection and concern they have heard was with respect to the parking. Again, he felt there were more than the four spaces that were required per the ordinance to operate this facility as an Inn.

Mr. Byrne asked if there will be a manager of the property in Savannah?

Mr. Sneed stated he did not know that person's name.

Mr. Todaro stated on the surface it seemed odd that you would have to go through to rent your house, particularly with renting the entire house. He said the distinction was it would be on the transient bases. He said the folks would be required to pay hotel/motel taxes which were the

determining factor of calling it an Inn. He said an Inn was defined as 2 – 15 rooms in the zoning ordinance. He said the petitioner was upfront completely about renting the entire house, but it would also be subject to hotel/motel tax based on his interpretation as well as the Revenue Director's interpretation.

Mr. Robinson asked if the owner would be agreeable to provide a site plan and designate on the site plan the four spaces that were going to be provided in perpetuity as long as this was a four unit Inn?

Mr. Sneed stated he felt that she would be happy to provide whatever is required. However, he would also say that his thought about addressing that particular concern was to show the Board that these five spaces potentially six with the garage were for the use of the folks who would use this facility, etc.

Mrs. Burke stated her understanding from working with Mr. Hansen on this project was that typically the site plans were not submitted for these types of applications. The reason she mentioned it in the Staff report was because while the petitioner said that there were five spaces, she did not have anything that she could verify on that so she wanted to make note in the Staff report.

Mr. Sneed stated they do not make light about the parking concerns which was the only concern he heard. However, per the ordinance they met all the requirements. He said if there was any other information the Board wanted they could provide it.

Mr. Mackey stated he felt the concerns of the neighbors were legitimate although the Board was working within the guidelines of the ordinance.

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

**RE: Petition of Tyrone Albright
B-051101-34355-2
808 East 41st Street**

No one was present for the petition.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a five foot rear yard setback variance to the 25 foot rear yard setback requirement of Section 8-3025 of the City of Savannah Zoning Ordinance in order to construct an addition onto an existing residential structure. The subject property, located at 808 East 41st Street, is zoned R-6 (One-Family Residential).

Findings

1. As provided in Section 8-3025 of the Savannah Zoning Ordinance, a minimum 25 foot rear yard setback is required in the R-6 district. The petitioner is seeking a five foot variance from the requirement in order to construct a 16 foot by 32 foot addition at the rear of the existing house.

2. The subject parcel is a rectangular lot containing in excess of 8,000 square feet, measuring 89 feet in width and 90 feet in depth.
3. In December, 1997, the petitioner applied for a five foot rear yard setback variance in order to construct an addition onto the existing residence. The Board of Appeals granted the request with a condition that the approval would expire on December 16, 1998, unless a building permit or certificate of occupancy was obtained prior to said date. The addition was never constructed.
4. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:

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

The subject property is a standard lot containing in excess of 8,000 square feet in size and contains no irregular topographic features.

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

Application of the regulations of the Zoning Ordinance would 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 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 remaining 20 foot rear yard and the substantial eastern side yard area provide reasonable open space to allow adequate separation between land uses. Furthermore, the resulting rear yard setback would be consistent with the setbacks of adjacent and surrounding properties.

Summary Of Findings

All of the conditions necessary for granting a five foot rear yard setback variance appear not to be met.

SZBA Action: Mr. Stephens made a motion that the Savannah Zoning Board of Appeals continue the petition until the next meeting.

Mr. Byrne asked if a notice was sent to the petitioner?

Mr. Hansen stated yes, but he could not attest to the fact as to whether he received it or not. He said he also did not talk personally to the petitioner. He said as a matter of procedure petitioners are notified as well as sent a copy of the staff report.

Mr. Joseph Steffen (Neighbor) stated he support the petition.

Mr. Todaro (Zoning Administrator) stated he felt unless the Board was going to deny the petition he did not see the point of continuing it.

Mr. Stephens withdrew his motion for a continuance.

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

RE: Petition of Eugene M. Maria
Hansen Architects
B-051101-34547-2
711 East Broad Street

Present for the petition was Patrick Phelps.

Mrs. Burke gave the following Staff report.

The petitioner is requesting approval of a 26 percent variance to the 50 percent maximum lot coverage allowed per Section 8-3025 of the Savannah Zoning Ordinance. The subject property, located at 711 East Broad Street, is zoned R-B-1 (Residential Business).

Findings

1. Per Section 8-3025(d) of the Zoning Ordinance, the maximum building coverage of a lot in the R-B-1 district is 50 percent.
2. The proposed structure would result in 76 percent coverage of the subject property.
3. The petitioner is seeking a lot coverage variance in order to construct a 682 square foot addition to an existing structure on the subject property.
4. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:

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

There are no extraordinary or exceptional conditions regarding size, shape, or topography.

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

The application of these regulations to this particular piece of property 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 subject property. However, the subject property is an island of R-B-1 zoning bordered on two sides by property zoned R-I-P-A (Residential, Medium Density) zoning and one side by B-G (General-Business) zoning. The R-I-P-A zoning district allows for 75 percent building coverage, while the B-G zoning designation does not have a maximum building coverage established.

- 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. Furthermore, it appears as though the existing structure already exceeds the maximum building coverage of 50 percent by approximately 18 percent.

Summary Of Findings

All conditions necessary for granting a lot coverage variance for the subject property do not appear to be met.

Mr. Phelps (Architect) stated they were proposing a small approximately 700 square foot addition on the back of the existing structure. He said they were asking for 26 percent increase on the 50 percent lot coverage due to the fact that it was an island. He said the properties were in line with 75 percent and 100 percent lot coverage. However, this one was the only one in the area with the 50 percent requirement. The property still allowed for services to reach the rear of the lane which was a concern.

Mr. Todaro (Zoning Administrator) stated the Historic Board of Review approved this design.

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 will not cause substantial detriment to the public good. Mr. Robinson seconded the motion and it was unanimously passed.

RE: **Petition of Nick Bing, For
New Hope Apostolic Holiness Church**

**B-051101-34656-2
602 West 58th Street**

Present for the petition was Nick Bing.

Mrs. Burke gave the following Staff report.

The petitioner is requesting approval of an application to establish a church (expansion) and is seeking a 15 foot rear yard setback variance to the 25 foot rear yard setback requirement, and a 24.4 percent lot coverage variance to the 30 percent lot coverage allowed per Section 8-3025 of the City of Savannah Zoning Ordinance. The subject property, located at 602 West 58th Street, is zoned R-6 (One-Family Residential).

Findings

1. Per Section 8-3025(a), Permitted Uses, of the Zoning Ordinance, Churches and other places of worship are a permitted use in the R-6 district with approval of the Board of Appeals. The Ordinance further states that such uses shall abut a collector or greater arterial and shall be at least 100 feet from any conforming residential dwelling.
2. The subject property does not abut a collector or greater arterial street. In addition, the existing church and the proposed expansion are within 100 feet of several residential dwellings that are zoned R-6 or R-4 (Four-Family Residential).
3. Per Section 8-3025(d) of the Zoning Ordinance, the minimum rear yard setback for nonresidential property in the R-6 district is 25 feet.
4. The proposed structure would be located 10 feet from the rear property line if approved.
5. Per Section 8-3025(d) of the Zoning Ordinance, the maximum building coverage of a nonresidential lot in the R-6 district is 30 percent.
6. The proposed structure would result in 54.4 percent coverage of the subject property.
7. 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 rectangular in shape and approximately 6,720 square feet in size. The lot exceeds the minimum lot requirements in the R-6 district of 6,000 square feet, with a minimum lot width of 60 feet.

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

The application of these regulations to this particular piece of property 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 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.

Summary Of Findings

All conditions necessary for establishing a use and granting setback and lot coverage variances for the subject property do not appear to be met.

Mr. Bing stated everything the City asked him to do to meet the requirements for the addition he has done. He said there was concern about parking and he went around to the neighborhood and talked with the neighbors about what they were doing and had them to sign a petition. He said they also got a letter from Mr. Rose saying that he would allow the Church to do parking on his property.

Mr. Todaro (Zoning Administrator) stated this was an existing church. He said only if the church was a sanctuary and was being enlarged there would be a higher requirement for parking.

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

RE: Other Business

1. Request for Reconsideration
Petition of Annette Cuyler
B-05-40511-2
10 Barton Street

Present for the petition was Annette Cuyler.

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 10 Barton Street, is zoned R-4 (Four-Family Residential).

He said the Board initially denied the petitioner's request. He said the petitioner filed in a timely manner for a reconsideration of that determination. At the last meeting the Board continued the petition until today so that the petitioner might provide additional information that the Board requested particularly in regards to parking in the play area. He said he had not as of to date seen that information although he was sure the petitioner had it and would present it to the Board.

Findings

1. The subject property, situated on an interior lot fronting Barton Street, is a standard lot containing 8,000 square feet. The 80 by 100 foot parcel is presently occupied by a single story single-family residence. The rear yard is fenced with chain link.
2. 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 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 (d) requires that an off-street loading and unloading area be provided for the safety of the children. The petitioner has submitted a proposed site plan that illustrates the creation of a circular drive to accommodate the loading and unloading area. It is not known if the petitioner has submitted the request to or received approval from the City Traffic Engineering Department. Traffic Engineering Department approval would be required to implement the proposal. The code also requires one child care worker for every six children. Therefore, the petitioner would have to provide three off-street parking spaces. Only two such spaces are identified on the plan. Requirements of part (f) include buffering parking areas and play areas from abutting properties. Although the petitioner's rear yard is fenced, the code requires that such fencing be opaque; the existing fence is not opaque. No buffering or shielding has been provided for the proposed parking area.

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 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 on a local street in the middle of an established 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 contains 8,000 square feet. The property is of ample size to accommodate the proposed use and the space requirements thereof.

- g. **The proposed use will not constitute a nuisance or hazard because of the number or 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 his 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 18 children) and the waiver of the requirement that the use be located on a collector or arterial street appear not to be met.

Ms. Cuyler stated she had a copy of the new plan with her. She said regarding the parking, the drop-off and pickup she showed it on the plans with the square feet as requested by the Board.

Mr. Robinson stated if he remembered correctly, the request from the Board was a scaled drawing which would show the dimensions. He asked if there were any dimensions on her drawings?

Ms. Cuyler stated she thought the Board was concerned about the drop-off and pickup.

Mr. Robinson stated yes, that also was a concern in regards to if there was enough room to do that but without showing the dimensions it was nebulous.

Ms. Cuyler stated on the drawings she showed the play area and the staff parking.

Mr. Stephens stated what the Board needed to see was not just the square footage but the linear footage as well. He said where she has the fence with shrubbery against the back, how many feet was it from the end of the fence to the other side.

Ms. Cuyler stated her brother-in-law did the drawings for her. She said he told her that she had 2,000 square feet.

Mr. Robinson stated he recalled the right hand driveway being much narrower.

Ms. Cuyler stated when she came before that was in the front.

Mr. Todaro stated the previous drawing showed 18 feet from the back of the house to the property line.

Mr. Mackey asked if she would reside in the home or if it was just for business?

Ms. Cuyler stated no.

Mr. Mackey stated he has looked at the site several times and from his most recent visit he noticed that she was in the process of pouring a driveway. He said he felt it was really tight. He said he still could not see how the cars would navigate getting into the back yard. Also, if the cars were in the back yard he could not understand what that was going to do to the play area.

Ms. Cuyler stated on the drawing where she showed the staff parking back there would also be the play area.

Mr. Mackey stated he had an aerial view of her property. He said he could not see the space. He said even the picture she was showing it ran on the side of the house.

Ms. Cuyler stated the building was blocking off the space. She said you could drive up to the staff parking, turn around in the back yard and come back out.

Mr. Mackey stated on the first drawing it showed 18 feet from the property line to the area that she has delineated. In the event that you have to turn around and you have children in the back yard, if she felt that was safe to do.

Ms. Cuyler stated the children will be blocked off from the loading and unloading area.

Mr. Mackey asked how many children was her request for?

Ms. Cuyler stated 16 children.

Mr. Robinson stated he could not vote for this application without seeing a detailed site plan.

Ms. Cuyler asked what could she do?

Mr. Mackey stated one of the Board members is requesting that a detailed site plan with dimensions. He said it would have to delineate the number of feet from point to point.

Mr. Robinson stated he would like for it to also show from the property line to the house. From the back of the house to where the play area begins. He said he felt that she was kidding herself as to the maneuverability of the automobile.

Ms. Cuyler stated she had someone to come out and measure.

SZBA Action: Mr. Stephens made a motion that the Savannah Zoning Board of Appeals continue the petition until next month pending receipt of a site plan. Mr. Robinson seconded the motion and it was unanimously passed.

Mr. Hansen stated he felt he knew what the Board was asking and wanted. He said he would sit down with Ms. Cuyler and go through it with her.

2. Zoning Board of Appeals Meeting

Mr. Mackey stated the next City Zoning Board of Appeals meeting will be held Tuesday, December 20, 2005 at 11:00 a.m. because of the holidays.

3. Site Plan

Mr. Robinson stated the issue of a site plan seems to come up quite often and evidently the ordinance did not require it which he felt was important. He asked how could site plans be added as a requirement?

Mr. Todaro stated the majority of the petitions heard today had a site plan. He said he felt if the previous petition had a site plan it would have been better understood. He said if the Board wants that as part of the submittal process they could do it.

Mr. Mackey stated he felt that needed to be a requirement. He asked if it would need to be done by a text amendment?

Mr. Todaro stated he did not think so. He said he could be directed by the Board to do that.

Mr. Hansen stated a text amendment would assure it, but Mr. Todaro's office was the recipient of all applications.

SZBA Action: Mr. Robinson made a motion that the Savannah Zoning Board of Appeals request that as a part of the submittal process that all applications shall have a site plan to scale with dimensions. Mr. Stephens seconded the motion and it was unanimously passed.

RE: Adjournment

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

Respectfully submitted,

James Hansen,
Secretary

JH:ca