

**SAVANNAH ZONING BOARD OF APPEALS**

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

**FEBRUARY 28, 2006**

**2:30 P.M.**

**REGULAR MEETING**

**MINUTES**

**MEMBERS PRESENT:**

**Mickey Stephens, Chairman  
James Byrne, Vice-Chairman  
John P. Jones  
Timothy Mackey**

**MEMBERS ABSENT:**

**Paul Robinson**

**TECHNICAL STAFF PRESENT:**

**Tom Todaro, City Development Services  
James Blackburn, City Attorney**

**MPC STAFF PRESENT:**

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

**RE: Call to Order**

Mr. Stephens called the February 28, 2006 meeting of the Savannah Zoning Board of Appeals to order at 2:30 p.m.

**RE: Minutes**

1. Approval of SZBA Minutes – January 24, 2006

**SZBA Action: Mr. Mackey made a motion that the Savannah Zoning Board of Appeals approve the regular meeting minutes of January 24, 2006. Mr. Byrne seconded the motion and it was unanimously passed.**

**Mr. Hansen** stated there were requests for a withdrawal and a continuance. He said if it would please the Board they may want to act upon those items first. He said the items were item numbers 1 and 2 on the Regular Agenda.

**Mr. Blackburn, City Attorney,** stated this was an appeal from the decision of the Planning Commission. He said there have been legal grounds raised in reference to the membership and voting. He said they did not oppose and in fact they join in the petitioner's request for a continuance and maybe those could be worked out prior to the March 28 meeting.

**Mr. Stephens** stated he would entertain a motion.

**RE: Continued Petition of Timothy Walmsley, For  
Larry Nicola  
B-051101-33982-2  
1600 Wheaton Street**

Petition withdrawn per Petitioner's request.

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

**Mr. Blackburn** stated he would like to point out that this was a public hearing. A called and advertised public hearing. He said those who may be here or want to testify in response to the notices should be noted and asked that maybe or call on them to rise and maybe have someone to get their presence.

**Mr. Stephens** stated so noted.

**RE: Petition of Wiley A. Wasden, III, For  
National Wireless Construction, LLC (NWC)  
B-060127-49684-2  
12915 White Bluff Road**

**Mr. Byrne** asked Staff who was asking for the continuance and why?

**Mr. Hansen** stated the petitioner, Wiley Wasden, requested the continuance. He said their reasoning was as stated by Mr. Blackburn which was there are some legal questions that have been raised. He said it was both the petitioner and their position that the continuance would allow them to adjudicate those particular issues prior to the next meeting. He said if the Board chose to continue the petition, that all people here who were either in opposition or support this particular case if they would please give their name and address on the paper provided outside of the hearing room they would make sure they were notified of the meeting prior to the March 28 hearing.

**SZBA Action: Mr. Byrne made a motion that the Savannah Zoning Board of Appeals continue the petition to March 28, 2006. Mr. Jones seconded the motion and it was unanimously passed.**

**Mr. Stephens** stated all those speaking for or against the petition of Wiley Wasden, National Wireless Construction to step outside with Mr. Thomson and please give your name and address so they could be notified.

**RE: Consent Agenda**

**RE: Continued Petition of Oddie Luckett  
B-051222-62131-2  
618 East Duffy Lane**

The petitioner is requesting approval of a 39 foot front yard setback variance to the 40 foot front yard setback requirement; a 15 foot rear yard setback variance to the 25 foot rear yard setback requirement; a four (4) foot side yard setback variance to the five (5) foot side yard setback

requirement; and a two (2) percent lot coverage variance to the 50 percent lot coverage allowed in Section 8-3025 of the City of Savannah Zoning Ordinance in order to construct a single family residence. The subject property is located at 618 East Duffy Lane. The property is zoned P-R-4 (Planned Four-Family Residential).

**Summary of Findings:** It appears that all conditions necessary for granting a 35 foot front yard setback variance to the 40 foot front yard setback requirement, and a 15 foot rear yard setback variance to the 25 foot rear yard setback requirement have been met.

**RE: Petition of Vincent Helmlly  
B-060131-39010-2  
203 & 205 West Duffy Street**

The petitioner is requesting approval of a 1.7 foot lot width variance from the 20 foot lot width requirement, and a 251 square foot lot area variance from the 2,100 square foot lot area requirement or Section 8-3028 of the Savannah Zoning Ordinance in order to subdivide an existing lot into two separate parcels. The subject property, located at 203 & 205 West Duffy Street, is zoned 3-R and 2-B (Victorian Planned Neighborhood Conservation District – 3-R and 2-B).

**Summary of Findings:** All of the conditions necessary for granting a 1.70 foot lot width variance and a 251 square foot lot area variance appear to be met.

**RE: Petition of George Fuller  
B-060131-39770-2  
312 East Anderson Street**

The petitioner is requesting approval of an application to establish a residential use within a commercially designated area pursuant to the requirements of Section 8-3028 of the City of Savannah Zoning Ordinance. The subject property, located at 312 East Anderson Street, is zoned 1-B (Victorian Planned Neighborhood Conservation District – 1-B).

**Summary of Findings:** All of the conditions necessary for granting use approval of a residence in the 1-B zoning District appear to have been met.

**RE: Petition of Lisa Gernigian  
B-060131-39888-2  
510 East 63<sup>rd</sup> Street**

The petitioner is requesting approval of a request to reestablish a non-conforming use pursuant to the requirements of Sections 8-3093(c), 8-3095 and 8-3123(d) of the City of Savannah Zoning Ordinance in order to reoccupy and expand a building used as a garage to an accessory dwelling structure. The subject property, located at 510 East 63<sup>rd</sup> Street, is zoned R-6 (One-Family Residential).

**Summary of Findings:** All of the conditions necessary to grant the requested reestablishment of a non-conforming use and the expansion thereof appear to be met.

**RE: Petition of Luke Dickson  
B-060131-41393-2  
110 Brady Street**

The petitioner is requesting approval of a two (2) foot side yard setback variance and a three (3) foot side yard setback variance to the five (5) foot side yard setbacks required by Part 8, Chapter 3, and Article K of the City of Savannah Zoning Ordinance in order to construct a two-family dwelling. The subject property, located at 110 Brady Street, is zoned TN-2 (Traditional Neighborhood).

**Summary of Findings:** All of the findings necessary for granting the requested side yard setback variances appear to be met.

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

**RE: Regular Agenda**

**RE: Petition of James Holt  
B-060131-39131-2  
316 East 55<sup>th</sup> Street**

Present for the petition was James Holt.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of an application to expand a non-conforming use pursuant to the requirements of Section 8-3163(d) of the Savannah Zoning Ordinance in order to construct an addition onto an existing garage apartment. The subject property, located at 316 East 55<sup>th</sup> Street, is zoned R-6 (One-Family Residential).

### **Findings**

1. Secondary residential structures are allowed within the R-6 zoning district if legally established as a non-conforming use. A second dwelling structure has existed at 316 East 55<sup>th</sup> Street since prior to the issuance of the 1954 Sanborn Maps.
2. In accordance with the requirements of Section 8-3163(d) of the Savannah Zoning Ordinance, the petitioner is seeking approval of a request to expand the existing non-conforming residential structure and to create two rental units. The stated intent of the petitioner is to move elderly relatives into one of the units and to convert the entire structure to only one unit when the second unit is no longer needed.
3. The subject property contains more than 11,000 square feet, measuring 105 feet square. No variances are requested or needed.
4. The Board of Appeals may authorize, upon appeal in specific cases, an extension of an existing non-conforming use involving an increase in either or both the land area or the floor area in a building or buildings occupied by a non-conforming use. Such extension may be granted in an individual case upon a finding by the Board of Appeals that:

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

As described in Finding 1 (above), the existing structure is legal non-conforming use.

**b. The use conforms to the requirements of Section 8-3163(b), request for permission to establish uses.**

The use conforms to the requirements of Section 8-3163(b). (See Finding 5)

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

Not applicable.

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

The proposed expansion is for a previously existing residential use.

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

**a. The proposed use does not affect adversely the general plans for the physical development of the City, as embodied in this chapter, and in any master plan or portion thereof adopted by the Mayor and Aldermen.**

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

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

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

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

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

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

A non-conforming residential use has been legally established at the subject address.

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

The proposed use, subject to approval, can be compatible with the 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 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.**

The petitioner proposes to construct an addition onto an existing use. The impacts thereof should be no more than those experienced presently.

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

As described in Finding 3 (above), the anticipated use is in conformance with the development standards of the R-6 zoning district.

### **Summary Of Findings**

All of the conditions necessary for granting the requested expansion of a non-conforming use appear to be met.

It is suggested that, if approval of the request is granted, that a condition of approval be attached as follows:

Upon cessation of the expanded unit by the elderly relatives of the petitioner, the non-conforming use shall be combined into one and only one secondary residential unit.

**Mr. Jones** asked the petitioner if he agreed with the Staff recommendations?

**Mr. Holt** stated yes.

**SZBA Action:** **Mr. Mackey** 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. The approval is conditioned upon the following: Upon cessation of use of the expanded unit by the elderly relatives of the petitioner, the non-conforming use shall be combined into one and only one secondary residential unit. **Mr. Jones** seconded the motion and it was unanimously passed.

**RE: Petition of Robert J. Egan, Agent for  
Park Place Outreach, Inc.  
B060131-39237-2  
11 West Park Avenue**

Present for the petition was Tom Mahoney, Attorney.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of an application to establish a use (group home) pursuant to the requirements of Sections 8-3028 and 8-3163(b) of the Savannah Zoning Ordinance. The subject property, located at 11 West Park Avenue, is zoned 2-R (Victorian Neighborhood Conservation District – 2-R).

### **Findings**

1. Group homes are not presently an allowed use within the Victorian District. The petitioner has proposed an amendment to the Zoning Ordinance to allow group homes within the Victorian District. The Metropolitan Planning Commission considered the request at their January 17, 2006 meeting and recommended to the City Council that the amendment be approved subject to conditions. One of those conditions requires use approval by the Board of Appeals. The proposed text amendment has been scheduled for a hearing before the City Council on March 2, 2006. The Zoning Administrator has determined that the Board can consider the use approval request provided that if approved, the action is made subject to the text amendment adoption by the City Council.
2. Since 1980, the petitioner has operated a shelter (Park Place Outreach, formerly known as the Savannah Runaway Home) at a facility located at 11 West Park Avenue. The facility has and continues to operate as a legal non-conforming use. The petitioner proposes to construct a new facility on site, to close the existing shelter, and to sell the existing structure for redevelopment as a single family home.
3. The proposed text amendment includes conditions that must be met before approval of a group home can be considered. These considerations include:
  - a. **Provided that such use shall not be permitted within 1,000 feet, as measured in any direction from property line to property line of another such care home or other type of care home.**

No group home currently exists within 1,000 feet of the subject property.
  - b. **Provided that such use is located on a collector street or greater.**

Park Avenue is classified as a collector street on the Street Classification Map of Chatham County.
  - c. **Provided that such use shall be limited to no more than twenty (20) beds.**

The proposed facility will have no more than 20 beds.

- d. **One off-street parking space per employee shall be provided.**

Although specific site and building plans have not yet been submitted, the petitioner is aware of and is in agreement with the parking requirement.

- e. **There shall be at least 150 square feet of space in the building for each occupant.**

Although specific site and building plans have not yet been submitted, the petitioner is aware of and is in agreement with the space requirements.

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

- a. **The proposed use does not affect adversely the general plans for the physical development of the City, as embodied in this chapter, and in any master plan or portion thereof adopted by the Mayor and Aldermen.**

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

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

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

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

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

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

The petitioner has operated a group home (shelter) on the subject property since 1980. Development of a new facility will not be detrimental to the use or development of adjacent properties or the general neighborhood.

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

The proposed use, subject to approval, can be compatible with the mixed use 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 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.**

The petitioner proposes to construct a new facility to house an existing use. The impacts thereof should be no more or no less than those experienced presently.

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

As described in Finding 3 (above), the anticipated use is in conformance with the development standards of the zoning district as proposed in the text amendment currently under consideration by the City Council.

### **Summary Of Findings**

All of the findings necessary to grant use approval for a group home within the Victorian District appear to be met.

**NOTE:** If the Board determines that approval of the request is warranted and makes a motion for the same, the motion must include wording that makes the approval subject to approval of the required text amendment currently before the Savannah City Council for consideration.

**Mr. Tom Mahoney, Attorney,** stated he was on the Board at Park Place, but he was also appearing as Counsel for the petitioner and Mr. Egan who was the agent and President of Park Place. The operation that was at 11 West Park Avenue was a Savannah runaway home which has been in operation since 1980. The petitioner filed a petition to the Metropolitan Planning Commission because what they hoped to do was build a new building that was compatible with the district and increase the capacity from 12 children to 20 children. He said they had sufficient space and they met all the parking requirements. He said the only way they could do it was to have a text amendment because if they went forward trying to build this use was not allowed in the Victorian district. He said they met repeatedly with Staff and the neighborhood association and there have not been any objections to this proposal until today. He said there were four people that signed a letter saying they objected because there would be two uses next door to each other, which was incorrect. He said what they intended to do was to sell the existing structure as a single family residence, but they could not do it because they had to continue to offer the service. He said they had a contract with the City of Savannah where the Metropolitan Police Department bring children to them on a daily basis. He said they have to continue to operate until they get the new structure built at which time they intend to sell the existing structure. He said the letter that he was handed today also said there were concerns that they were increasing their social services from six to twenty beds. He said as mentioned earlier they have cared for 12 children at all times. He said there was also objection raised concerning a parking lot that was presently being leased. He said that parking lot would not be leased and would be taken back and used in connection with this project. He said it may create a problem for the lessee, attorney, and neighborhood but that would be their problem to work out as far as their required parking.

He further stated they met with Staff and it was recommended to MPC a number of conditions to which they were in agreement and had no objections. He said as Mr. Hansen said this matter was on the City Council's agenda for Thursday of this week. He said he tried to address the concerns raised in the letter which was given to him today by the objectors. He said they had no problems with any of the conditions and would urge the Board to approve their petition.

**Mr. Mackey** asked how long has he been associated with the Board?

**Mr. Mahoney** stated he was on the Board in the early 1980's. He said he went off the Board and came back on last year.

**Mr. Mackey** asked if he ever knew of any problems to be associated with the facility?

**Mr. Mahoney** stated no. He said he was not aware of any incident that has ever occurred. He said they have a fulltime staff and 24-hour care for the children who come there on a temporary basis.

**Mrs. Lawrence Carson (16 West Duffy Street)** stated with regards to trouble there has not been any trouble. She said when it first started they were building and renovating a condemned building in 1979 and 1980, which was vacant. She said when the bridge came along the growing pains started and they did not have a problem with that because every now and then there would be children on the back porch throwing trash. She said Ms. Bing as well the other staff worked hard with keeping the children manageable inside the building. She said they have not had much trouble with the ongoing program in the building. She said they dealt directly with the bridge. She said what they were concerned with in the letter was the parking because there was no guarantee that once you change this if they sell the white house, the bridge, that the next people don't do the same thing for a larger amount of people. She said their intentions were good, but she wished that the Board would reconsider not approving the petition.

**Mr. Jones** stated once they construct the new building, the present facility would be used as a single family dwelling. He said for it to be changed from a single family residence to something else they would have to go back to City Council.

**Dr. Lucas Luan (10 West Duffy Street)** stated he moved to Savannah 2 years ago because of the historicity, beauty, and community. He said he lived across the parking lot where the proposed group home would be. He said he felt this was a civic institutional service that the petitioner wanted to provide to the children in trouble, which was needed. He said he was concerned as to why they would want to use a historical residential area. He said he bought his house 1 year ago and no one told him that there would be an institution there. He said his question was if that was the right place for a group home. He said he also disagreed about the crime in the area because the police has had to come out multiple times because of the crime. He said since he works for the Sheriff's Department he was well aware because he has suffered the consequences. He said he has had three break-ins in one year, which he felt was significant.

**Mr. Byrne** asked if he had any information that anyone from this facility broke into his home?

**Dr. Luan** stated he felt they were young because whomever broke into his house could not drive a shift but he could not point fingers. He said he was concerned that 20 children was too much.

**SZBA Action:** Mr. Jones 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. Approval is conditioned upon passage by the Savannah City Council of the necessary text amendment to allow the use within the current zoning classification. Mr. Mackey seconded the motion and it was passed 2 - 1. Opposed to the motion was Mr. Byrne.**

**RE: Petition of Brian L. Oman  
B-060131-40083-2  
918 Abercorn Street**

Present for the petition was Brian Oman.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a two (2) space off-street parking variance to the four (4) space off-street parking requirement of Section 8-3028(p) of the Savannah Zoning Ordinance in order to develop a four unit residential complex. The subject property, located at 918 Abercorn Street, is zoned 2-R (Victorian Neighborhood Conservation District – 2-R).

### **Findings**

1. Section 8-3028(p) of the Savannah Zoning Ordinance requires that one off-street parking space be provided for each unit developed within the Victorian District – 2-R. The subject property is currently developed with a large single family residence. Two off-street parking spaces currently exist. The petitioner's intent is to divide the existing residence to create three condominium units and to construct a fourth unit above the existing garage. Thus, four off-street parking spaces would be required.
2. The petitioner claims that ample on-street parking exists to accommodate the spaces needed and has submitted photographic documentation in support of that contention.
3. The subject parcel contains slightly more than 4,700 square feet and measures approximately 47 feet wide and 100 feet deep. The parcel is considered a standard lot within the Victorian District zoning classification.
4. The petition has been reviewed by the City's Visual Compatibility Officer. No comments were received.
5. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:
  - a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.**

The subject property is a standard lot within the Victorian – 2-R District. There are no exceptional or extraordinary conditions pertaining to the parcel because of its size, shape, or topography.

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

Strict application of the regulations of the Zoning Ordinance would not create an unnecessary hardship. The hardship, and thus the necessity for the two parking space variance, is a self imposed condition.

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

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

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

Relief, if granted, could impair the purposes and intent of the Savannah Zoning Ordinance. The Ordinance has set specific parking guidelines for the Victorian District which require off-street parking. The petitioner's request could cause increased congestion on a local street.

### **Summary Of Findings**

All of the conditions necessary for granting the requested two off-street parking variance appear not to be met.

**Mr. Tom Todaro, City Development Services**, stated the lot size and density for this neighborhood allowed four units. He said the petitioner was deficient with regards to two parking spaces. However, the petitioner had two off-street spaces that could be used. He said he recommended approval of the petition.

**Mr. Oman** stated there was a lot of parking available in the area and felt that the two spaces would not be an issue.

**SZBA Action:** Mr. Bryne 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. Mackey seconded the motion and it was unanimously passed.

RE: Petition of Eli P. Karatassos  
B-060131-40392-2  
102 & 110 West 36<sup>th</sup> Street

Present for the petition was Eli Karatassos.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a 1,528 square foot lot area variance from the 6,000 square foot minimum lot area required by Part 8, Chapter 3, and Article K of the Savannah Zoning Ordinance for each of two separate parcels in order to construct two (2) residential units on each lot. The subject properties, located at 102 & 110 West 36<sup>th</sup> Street, are zoned TN-2 (Traditional Neighborhood).

### **Findings**

1. The subject properties, located within the Thomas Square Streetcar Historic District, lie west of Whitaker Street, and north of 36<sup>th</sup> Street. The petitioner proposes to construct two, two- story residential units on each parcel. The lots are currently vacant. In January 2002, the Mayor and Aldermen authorized the development of a citywide zoning and comprehensive plan update. The program for updating both the Zoning Ordinance and the Savannah Comprehensive Plan is now known as the Tricentennial Plan. The first phase of the program focused on an area spanning large portions of the Metropolitan and Thomas Square neighborhoods as well as a four-block portion of the Baldwin Park neighborhood. The study built upon and amplified work previously completed as a part of the Thomas Square Streetcar Historic District Land Use and Zoning Study and the Baldwin Park Neighborhood Redevelopment Plan. The Land Use Plan and subsequent Mid-City Rezoning were adopted by Council in February 2005. The subject property has been planned for residential use and was rezoned to the TN-2 (Traditional Neighborhood) classification.
2. The TN-2 district development standards require a minimum lot area of 3,000 square feet per unit for detached residential construction. The petition proposes to construct two stand alone residential structures on each lot; thus requiring a minimum lot size of 6,000 square feet.
3. The subject properties each contain approximately 4,472 square feet, measuring 42.85 feet in width and 104.40 feet in depth. The TN-2 district requires a minimum lot width of 30 feet.
4. The City's Visual Compatibility Officer (VCO) has reviewed the proposal and raised several concerns, noting that historically, the subject lots each contained an attached duplex that fronted onto 36<sup>th</sup> Street. It is the opinion of the VCO that the historic pattern should be maintained to stay consistent with the development pattern of the neighborhood. Additionally, the proposed curb cuts and driveways are not typical of the neighborhood and do not appear to be compatible with the development pattern. The VCO is not supportive of the request.
5. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:
  - a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.**

There are no extraordinary or exceptional conditions pertaining to the subject properties. The subject parcels are standard lots, each containing more than 4,400 square feet. The minimum square footage required for a single family dwelling in the TN-2 district is 3,000 square feet, and the minimum square footage required for an attached two-family dwelling is 4,400 square feet.

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

Strict application of the regulations of the Zoning Ordinance would not create an unnecessary hardship. Single family dwelling or a two-family attached dwelling could be built on each parcel without need for a variance.

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

The conditions described above are not peculiar to the particular properties involved.

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

Relief, if granted, would impair the purposes and intent of the Savannah Zoning Ordinance. The code has set development standards applicable to the historic character of the area. The petitioner could achieve his desired result, a duplex on each lot, by altering the proposal and constructing attached units consistent with the historic and current development pattern of the neighborhood.

### **Summary Of Findings**

All of the conditions necessary for granting the requested lot area variances appear not to be met.

**Mr. Tom Todaro, City Development Services**, stated he felt it would be good if the petitioner could meet with the City Preservation Officer and see if there was a compromise that was workable with both sides because you could build two duplexes with the two properties.

**Mr. Karatassos** stated these were two vacant lots that were on 36<sup>th</sup> Street. He said they were proposing to do two separate structures. He said they have known that they could put one larger structure next to each house. However, they felt along Whitaker Street as well as on Howard Street there were structures that have historically opened onto Whitaker. In the lot behind this property, historically there were two small structures that opened onto Howard Street. The idea that properties open on Howard and Whitaker Streets was not a foreign idea. He said 36<sup>th</sup> Street was not what he would consider a through street because the public library was on Bull Street and then you travel west. He said Staff mentioned that this plan called for a driveway coming off of 36<sup>th</sup> Street. However, with all do respect, to the east on the same side of street there was a driveway and to the west, two blocks down there was a driveway. He said he felt the driveways in these areas were not uncommon. He said as far as lot width, they met the minimum lot width. He said they also met building coverage and was below the maximum. He said regarding density it would be the same. Also, regarding the parking the met the requirements. He said regarding porches they exceeded the minimums. With regards to the

building height, rather than building three floors they were only building two floors. He said he felt they have tried hard to do something that would not deter from the neighborhood. He said his company has been trying to fill in vacant lots particularly in Thomas Square and felt they have done a sensitive job. He said he felt they needed to have rules, but also flexibility in how the rules were applied.

**Mr. Mackey** asked with regards to aesthetics, if the proposed structure would look something similar to what he has done around 31<sup>st</sup> or 32<sup>nd</sup> Streets.

**Mr. Karatassos** stated they would be the same texture, but the main difference would be that these structures would be higher because the foundation of the houses in the neighborhood were a block higher. He said they would have front porches that go along the front of the building, whereas the porches on 31<sup>st</sup> Street were basically for the front door. He said what they have laid out which has not requested of them was very compatible.

**Mr. Mackey** asked if he would be willing to meet with the City Preservation Officer to see if they could find a compromise?

**Mr. Karatassos** stated at some point-in-time she has to agree to the visual compatibility or nothing will be built. He said that discussion will take place. However, it would delay them another month whereas they were hoping to be able to begin construction. He said he felt if the two buildings were sitting next to each other there would not be a problem. He said he would not disagree with a text amendment, but he felt that was a laborious process. He said they were not putting more people on the lot or changing the coverage. He said they were having two buildings that could be attached, simply detached. He said it would be the same mass and square footage of building on the land. It seemed to him if they could take the two buildings and put them together with a common wall, then what was the problem with having some space in between with some planting and shrubbery. He said he felt the way he proposed was a nicer addition to the neighborhood.

**Mr. Mackey** asked Staff what type of effect would this have on the Thomas Square plan? He asked if it would be detrimental or counterproductive to the plan.

**Mr. Hansen** stated that the petitioner was correct in as much as that they would not be increasing the density, traffic, or building square footage. However, Staff felt that what the petitioner was proposing to do was out of character with the rest of the neighborhood. He said from that particular standpoint, the preservation of the neighborhood's historic character would be detrimental and out of sync with the rest of the area. He said as mentioned by the petitioner, he could combined the two lots and do it without needing any variances. He said that would be more reminiscent and more characteristic of what the existing neighborhood looked like rather than trying to put two stand alone units on a single lot.

**Mr. Jones** stated in the staff report, the summary of findings said all of the conditions necessary for granting the request, lot area variances appear not to be met. He said it was suggested that may be the petitioner could get with the City Preservation Officer and work out the differences.

**Mr. Hansen** stated when Staff looked at any case whether it was this case or another case before the Board, they must look at the four conditions that are cited in the Zoning Ordinance. He said they try to the best of their ability to make a determination of findings as to whether or not all of those conditions have been met. He said in their opinion, in this particular case, as was the previous case all of those conditions are not met. However, the decision was up to the

Board to make the ultimate finding as to whether or not to approve a use permit or a variance request or whatever the issue that was before the Board. He said their position in stating that they did not feel that all of the conditions were met, was simply noting that the lot was considered to be a standard lot within the TN-2 zoning district and that the petitioner could build the type of structure that he wished to build on these lots without need for any kind of a variance all be it they would have to be attached units as opposed to the preferred by the petitioner, detached units. He said there was nothing in their recommendation to suggest otherwise.

**Mr. Karatassos** stated when he graduated from the University of Georgia he was the public information officer for the Metropolitan Planning Commission. One of his jobs was to go to the Zoning Board of Appeals meetings. He said zoning was in place in order to protect and ensure good logical growth or development and public safety. He said what he was proposing was the same thing as if you had space in between the two buildings. He said they were not putting more people or cars there. He said he felt zoning was not aesthetics.

**Mr. Byrne** stated he kind of agreed with the petitioner's logic. He said the Board has not heard how the petition was out of character other than the property was split. He said he felt aesthetically, if that was one of the things the Board was considering and the character of the neighborhood he still needed to have that approved at some point by the City Preservation Officer. He said it was his understanding if he did not meet that requirement that it would not be approved.

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

**Mr. Mackey** stated the question that has been raised was whether this was a petition based on aesthetics or zoning.

**Mr. Hansen** stated it was based upon zoning. The Zoning Ordinance required that it be a minimum of 3000 square feet per unit for detached structures.

**Mr. Mackey** asked if he understood that if the Board grants the petition, that the City Preservation Officer would still have to also approve it?

**Mr. Hansen** stated yes.

**Mr. Mackey** asked what would happen if the City Preservation Officer did not approve it?

**Mr. Hansen** stated it could be appealed to MPC or the Board of Appeals.

**Mr. Mackey** asked if the City Preservation Officer had already looked at this?

**Mr. Todaro** stated she had only looked at this from a bulk and mass standpoint. He said he did not know if she had seen any elevations. He said the City Preservation Officer also said that the buildings traditionally faced 36<sup>th</sup> Street.

SZBA Action: The motion failed for lack of a second.

**SZBA Action:** Mr. Mackey made a motion that the Savannah Zoning Board of Appeals continue the petition to March 28, 2006 with the understanding that the petitioner meet



with the Preservation Officer to find a compromise. Mr. Byrne seconded the motion and it was unanimously passed.

**RE: Petition of Edmond C. Burnsed  
B-060131-40567-2  
319 – 323 East 31<sup>st</sup> Street**

Present for the petition was Edmond Burnsed.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a lot area variance of 4,413 square feet from the 8,800 square feet minimum lot area required, and a variance to allow lot coverage of 65.64 percent as opposed to the 60 percent lot coverage allowed by Part 8, Chapter 3, and Article K of the Savannah Zoning Ordinance in order to construct a mixed use commercial/residential development. The subject property, located at 319 – 323 East 31<sup>st</sup> Street, is zoned TN-2 (Traditional Neighborhood).

### **Findings**

1. The petitioner is proposing a recombination of two existing lots and the subsequent construction of a mixed use development (retail on the ground level and a total of four residential units on floors two and three) on the parcel located at the southwest corner of Habersham and 31<sup>st</sup> Streets. The property is zoned TN-2 which allows for mixed use development on corner lots.
2. The subject parcel, proposed for recombination, contains 4,387 square feet. The parcel is roughly rectangular in shape having 60 feet of frontage along 31<sup>st</sup> Street and 71.52 feet of frontage along Habersham Street. A three (3) foot by 32 foot “tail” extends along the western most property line to connect with the adjoining lane.
3. The TN-2 districts allow residential density of up to 20 units per acre (24 units per acre if designated affordable housing). The district also requires a minimum of 2,200 square feet per attached dwelling unit, and allows maximum lot coverage of 60 percent. Accordingly, the proposed development would require a minimum lot size of 8,800 square feet to meet current development standards. The petitioner is seeking a lot area variance of 4,413 square feet, and a variance to allow lot coverage of 65.64 percent.
4. The City’s Visual Compatibility Officer has reviewed the proposal and raised several concerns such as that it appears that the petitioner is proposing to “over develop” the lot. The lot is more appropriately sized for two units as opposed to four. Further, the petitioner proposes to provide the required parking in a stacked configuration. Stacking raises concerns of functionality and accessibility. Additionally, new curb cuts would be required which are not typical of the area. The Visual Compatibility Officer does not support the application as presented.
5. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety

and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:

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

The recombined subject property is a standard lot within the TN-2 District. The development desired by the petitioner would be more appropriate if the unit count was reduced by two.

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

Strict application of the regulations of the Zoning Ordinance would not create an unnecessary hardship. The hardship, and thus the necessity for the lot area and lot coverage variances, are self imposed conditions.

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

The conditions described above are not peculiar to the particular piece of property involved. Similar sized parcels exists throughout the neighborhood.

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

Relief, if granted, would impair the purposes and intent of the Savannah Zoning Ordinance. The Ordinance has set specific density guidelines for the TN-2 District which the petitioner is seeking to exceed by a factor of two.

### **Summary Of Findings**

It appears that all of the conditions necessary for granting the lot area and lot coverage variances requested have not been met.

**Mr. Jones** asked for this facility, how much parking would they need?

**Mr. Hansen** stated the parking was not addressed. He said the petitioner had not submitted to Staff any site plan. He said for each of the units, he would have to have 1 off-street parking space. He said for the retail commercial it would be dependent upon what the type of usage was. He said at a minimum he would have to have at least 4 spaces. He said if this petition was approved, his parking requirement was something that would be looked at, at the time for a building permit application. He said it was conceivable that the petitioner could be back before the Board requesting a parking variance, but at this point Staff did not know.

**Mr. Jones** asked with his present plans, was he overbuilding for the size of the lot?

**Mr. Hansen** stated he felt the petitioner was overbuilding in terms of the total density and number of units that he wanted with no regard to parking.

**Mr. Tom Todaro (City Development Services)** stated he felt the petitioner needed to meet with City Preservation Officer to see if a common ground could be met.

**Mr. Burnsed** stated at one time it was a duplex. He said he wanted to bring it back to Habersham Street so he could have parking. He said if he left it on 31<sup>st</sup> Street then he would not have parking. He said he planned to also put in two retail shops on Habersham Street. He said there were four units across the street from this building on the northwest corner. Also, two doors down there were four units in that building on 31<sup>st</sup> Street.

**Mr. Stephens** asked the petitioner if he would be willing to a continuance so he could meet with the Preservation Officer to see if they could reach a compromise?

**Mr. Burnsed** stated yes.

**SZBA Action:** Mr. Mackey made a motion that the Savannah Zoning Board of Appeals continue the petition to March 28, 2006 with the understanding that the petitioner meet with the Preservation Officer to find a compromise. Mr. Jones seconded the motion and it was unanimously passed.

**RE: Petition of E.C. Burnsed & Ted W. Lupica, For  
Teresa Galloway  
B-060131-40673-2  
221 East 32<sup>nd</sup> Street**

Present for the petition was Edmond Burnsed.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of lot area variances of 1,540.50 square feet and 1,075 square feet from the required 4,400 square feet minimum required by Part 8, Chapter 3 and Article K of the Savannah Zoning Ordinance in order to split an existing lot into two parcels and construct a new two-family dwelling on one of the newly created lots. The subject property, located at 221 East 32<sup>nd</sup> Street, is zoned TN -2 (Traditional Neighborhood).

### **Findings**

1. The petitioner is proposing to split an existing parcel into two separate lots in order to construct a two-family residential structure on the western most lot. A two-family dwelling currently exists on the site and will occupy the eastern most lot as proposed.
2. The subject parcel is rectangular in shape having 93 feet of frontage along 32<sup>nd</sup> Street and 66.50 feet of frontage along Lincoln Street. The proposed split will create one lot measuring 50 feet wide and 66.50 feet deep, and a second lot measuring 43 feet wide and 66.50 feet deep. Both proposed lots meet or exceed the minimum standards of the TN-2 district.
3. The TN-2 districts allow residential density of up to 20 units per acre (24 units per acre if designated affordable housing). The district also requires a minimum of 2,200 square feet per attached dwelling unit. Accordingly, the proposed development would require minimum lot sizes of 4,400 square feet to meet current development standards.

4. The City's Visual Compatibility Officer has reviewed the proposal and generally supports the application while noting that the lots created will be substandard for the proposal being considered.
5. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:
  - a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.**

The subject property is a standard lot within the TN-2 District. Single family dwellings would be allowed on the proposed new lots without requiring any variances.
  - b. **The application of these regulations to this particular piece of property would create an unnecessary hardship.**

Strict application of the regulations of the Zoning Ordinance would not create an unnecessary hardship. The hardship, and thus the necessity for the lot area variance, are self imposed conditions.
  - c. **Such conditions are peculiar to the particular piece of property involved.**

The conditions described above are not peculiar to the particular piece of property involved. Similar sized parcels exist throughout the neighborhood.
  - d. **Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Savannah Zoning Ordinance.**

Relief, if granted, would impair the purposes and intent of the Savannah Zoning Ordinance. The Ordinance has set specific density guidelines for the TN-2 District which the petitioner is seeking to exceed by 33 percent.

### **Summary Of Findings**

All of the findings necessary for granting the requested lot area variances appear not to be met.

**Mr. Tom Todaro, City Development Services**, recommended approval.

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

RE: **Petition of Harold B. Yellin, Agent for  
R.L. Hill, Jr. & Carole Hill  
B-060131-40820-2  
11 Coffee Woods**

Present for the petition was Harold Yellin.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a four (4) foot side yard setback variance to the 10 foot side yard setback requirement of Section 8-3025(d) of the City of Savannah Zoning Ordinance in order to construct a carport onto an existing single family residence. The subject property, located at 11 Coffee Woods Drive, is zoned R-10 (One-Family Residential).

### **Findings**

1. The R-10 zoning district requires a 10 foot side yard setback. The petitioner is requesting a four (4) foot side yard setback variance in order to construct a carport onto an existing residential structure.
2. The subject parcel contains in excess of 15,000 square feet and measures approximately 100 feet wide and 152 feet deep. The existing lot and structure thereon currently meet or exceed the entire setback, lot coverage, and lot area requirements of the zoning district.
3. The subject parcel sides onto Levee Street. Levee Street is unopened and unused by the public. Accordingly, the separation between the subject lot and the adjoining property to the southwest is visually greater because of the unopened right-of-way.
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.**

As noted above in Finding 2, the subject parcel is considered a standard lot. There are no extraordinary or exceptional conditions pertaining to the property in question.
  - b. **The application of these regulations to this particular piece of property would create an unnecessary hardship.**

Strict application of the 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 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, is not likely to cause substantial detriment to the public good. The property sides onto Levee Street, an unopened right-of-way.

The applicant has submitted petitions from area residents in support of the proposal.

### **Summary Of Findings**

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

**SZBA Action: Mr. Mackey 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. Jones seconded the motion and it was unanimously passed.**

**RE: Petition of Harold B. Yellin, Agent for  
HLC Gastonian Properties, LLC  
B-060131-40937-2  
218 – 220 East Gaston Street**

Present for the petition was Harold Yellin.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a request to expand a non-conforming use pursuant to the requirements of Section 8-3163(d) and is seeking a variance to the requirement that off-street parking spaces be located no more than 150 feet distance from the use served pursuant to the requirements of Section 8-3028(r) of the Savannah Zoning Ordinance. The subject property, located at 218 – 220 East Gaston Street, is zoned R-I-P-A (Residential-Medium Density).

**Mr. Hansen** also stated there was an error in the section citation. He said the correct citation should have been **Section 8-3082 (r)** as opposed to Section 8-3028 (r). He said he addressed this particular matter with the City Attorney and he felt that if the resident who made Staff aware that there indeed was an error in the citation, and that they were in attendance today, they were well aware of what the correct citation was. He said the resident's presence today did not nullify the incorrect citation that Staff made.

### **Findings**

1. Subject to approval by the Zoning Board of Appeals, inns are an allowed use within the R-I-P-A zoning district. The Gastonian Inn has operated at 218-220 East Gaston Street for many years. Currently the Inn has 17 rooms and is considered a legal non-

conforming use because it exceeds the 15 room maximum permitted by the Ordinance. The petitioner is requesting approval of a request to expand the Inn by two rooms, bringing the total number of rooms to 19. Additionally, the petitioner has secured the required two parking spaces necessary for the expansion, but since the spaces are located in excess of the allowed 150 foot distance maximum, a variance of the 150 foot parking distance standard is also sought.

2. The subject property contains approximately 11,160 square feet. The lot measures 93 feet wide and 120 feet deep.
3. The Board of Appeals may authorize, upon appeal in specific cases, an extension of an existing non-conforming use involving an increase in either or both the land area or the floor area in a building or buildings occupied by a non-conforming use. Such extension may be granted in an individual case upon a finding by the Board of Appeals that:

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

As described in Finding 1 (above), the existing structure is legal non-conforming use.

**b. The use conforms to the requirements of Section 8-3163(b), request for permission to establish uses.**

The requirements of Section 8-3163(b) are discussed below in Finding 4.

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

Not applicable.

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

The proposed expansion is totally contained within an existing building which has been identified as being legally non-conforming.

4. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals shall hear and decide upon requests for permission to establish uses upon which the Board of Appeals is required to pass under the terms of this chapter. The application to establish such use shall be approved upon 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 likely affect adversely general plans for the physical

development of the City.

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

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

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

The proposed use will not likely affect adversely the health and safety of residents and workers in the City. A small incremental increase in traffic might be expected with the addition of two rooms, and an already difficult on-street parking situation might also be exacerbated.

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

A non-conforming use has been legally established at the subject address.

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

The proposed use, subject to approval, can be compatible with the character of the neighborhood. Inns are an allowed use, subject to approval, and the existing inn has been in existence for many years.

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

The existing use (inn) and the property it is located thereon, have been determined to be legally non-conforming. No bulk standard variances have been requested. The petitioner has secured additional parking spaces and seeks a variance to the maximum distance requirement provided for in the Ordinance.

- 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.**

The petitioner proposes a two room expansion within an existing use. As noted in c. (above), a slight increase in traffic might be expected with the addition of two new rooms and on-street parking problems may become more severe. It is noted, however, that the petitioner has secured additional parking spaces and seeks a variance from the 150 foot maximum distance requirement of the Ordinance.

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

As described in Finding 1 (above), the existing use is legally non-conforming. No bulk regulation variances have been sought.



5. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:
- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.**  
  
As noted above in Finding 2, the subject parcel is considered a standard lot. There are no extraordinary or exceptional conditions pertaining to the property in question.
  - b. **The application of these regulations to this particular piece of property would create an unnecessary hardship.**  
  
Strict application of the 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 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, is not likely to cause substantial detriment to the public good. The petitioner has secured a long-term lease for two parking spaces to satisfy the parking requirements of two additional rooms.
6. The petition was reviewed by the City's Visual Compatibility Officer (VCO) for the Historic District. The VCO expressed a concern for the number of rooms requested, noting that the existing structure already exceeded the statutory limit applied to inns in an R-I-P-A district.

### **Summary Of Findings**

It appears that all of the conditions necessary for granting an expansion of a non-conforming use and the variance to allow remote parking in excess of 150 feet of the use to be served have not been met.

**Mr. Mackey** asked if the petition was two separate issues?

**Mr. Hansen** stated it was one application but there were two separate issues on the table. He said one was the expansion of the nonconformity. The second was the remote parking which was in excess of 150 feet from the property. He said if the Board did not approve the expansion, the parking would be moot. However, the Board approved the expansion, the

petitioner needed to have two additional off-street parking spaces which they have secured off-site which was more than 150 feet from the Gastonian.

**Mr. Mackey** asked if the decision the Board was making because it was a nonconforming use and they wanted to split one room?

**Mr. Hansen** stated yes that was one decision. He said it was a legally established nonconforming use currently having 17 rooms. He said there proposal was to split one large room into three rooms, so their net would be 19 rooms total which was two more than what they had at present.

**Mr. Jones** stated he felt this was beyond the limit of the law now. He said if the petitioner kept adding he felt they would have a motel with no parking. He said the proposed parking was at least two blocks away. He said how many people would walk that distance. He said he felt if it was raining the person would take the first available parking space.

**Mr. Hansen** stated this was not a request from the parking requirement. He said the petitioner has secured the parking. He said the request was a variance from the distance requirement.

**Mr. Yellin** stated the property consists of two buildings located on the northwest corner of Lincoln and Gaston Streets. He said the Inn has been there since 1986. Currently, there were 17 rooms and there was one very large room which served as a meeting room and on occasion it served as a living and dining room. He said the one room would become two rooms. The intention was to take the one large room which also served as a meeting room and make it into two rooms. He said no one has considered the impact of a meeting room on traffic and parking to the Inn. Since, right now it was allowed to be a meeting room, how many parking spaces did that take up. He said they were going to eliminate the meeting room and put two guest rooms in its place. Each room would have two French doors and a fireplace. Each room also had its own access. He said what was before the Board was a petition to expand the Gastonian Inn, but this was not the traditional expansion that ordinarily come before the Board. He said the only thing they were doing was converting existing space into two rooms. He said because they were expanding within their four walls, they required Zoning Board of Appeals approval. He said with two more rooms, they needed two more parking spaces. He said they have leased the two parking spaces from Johnnie Ganem's on the southeast corner of Habersham and Gaston Streets. Even though the spaces were close to the Inn, when spaces were more than 150 feet they require Board of Appeals approval. He said they were not asking for a parking space variance. He said they had the two spaces they needed. The only thing they were asking for was a variance for the distance because the two spaces they had were more than 150 feet away. For the Board's consideration, he had the parking agreement that had been signed by HLC Gastonian and Johnnie Ganem, Inc. for the two parking spaces. Currently, there were eight spaces at the Gastonian. He said there was also additional covered parking. He said if it was the will of the Board and they wanted them to provide two spaces on site, they could. He said that would require them removing the dumpster and adding four or five trashcans in the lane which they felt was not a good thing to do. He said there was also room to add one more parking space to their garden which they did not want to do. He said right now they had 17 rooms with 8 parking spaces. Although they were nonconforming they were legal with the ratio of 17:8. He said they would like to have 19 rooms and 10 parking spaces. He said they would not be a motel and it would continue to be an Inn. He said they would ask that the Board approve two additional guest rooms and allow them to park two parking spaces at the corner of Habersham and Gaston Streets.

**Mr. Byrne** asked how often was the room used as a conference room?

**Mr. Yellin** stated he did not know. He said it has served as both a living room and dining room for this room. It has also served as meeting space.

**Mr. James Murray (216 – 214 East Gaston Street)** stated he was representative for fourteen of the residents in the area. He said the Board had a letter of opposition from Barbara Tredwell who was out-of-town. He said he also had two other letters from Dr. Boo and Iris Hornstein and Earl and Barbara Middleton who were also out-of-town today. He said they were all opposed to the increase in the number of rooms. He said there was never a legal process that anybody used to increase from the 15 rooms that were limited by law. He said he had lived there since 1989 and there were other residents who lived there many years before that and there was never a petition for variance to increase the number of rooms. He said they would like the Board to make them adhere to the 15 limit and scale back to the 15. Therefore, they were also opposed to any parking variance. He said as mentioned, there were only 8 legal spaces that were used for the existing now operating 17 spaces.

**Mr. Daniel Snyder** stated he owned the house next door to the Gastonian. He said they bought the house 20 years ago and have lived in it the past 17½ years. He said item 1 of the Findings in the staff report it says – currently the inn has 17 rooms and was considered a legal nonconforming use because it exceeded the 15 room maximum permitted by the ordinance. He said the findings did not state that any lodging facility with more than 15 rooms was no longer identified as an inn. He said the ordinance says that if it was over 15 rooms it was either a motel or hotel. He said they felt this building was currently a hotel as defined in the ordinance. He said as neighbor he took exception to the phrase legal nonconforming use. When the original developers of the Gastonian began their project they applied for and received a legal variance for the inadequate parking on the site. Shortly, after the Lineberger's got their Certificate of Occupancy they converted one of the parking spaces into a laundry. He said no variances were applied or approved for that. When the Lineberger's sold the Inn to Ms. Landers the ground floor of the Habersham Street building was converted from one unit to three units. He said this work was also done without a building permit. He said James Murray called the Inspections Department and alerted them about this but nothing was done to stop the work. He said that work created two additional rooms which would have required two additional parking spaces. Also, the additional rooms at that time pushed the designation of the Gastonian Inn from Inn to hotel and hotels were not allowed in RIP-A zone. He said he felt that all this was done illegally.

He further stated in the staff report, 4 – d it says that a nonconforming use has been legally established at the subject address. He said it has not. Item 4 – e in the staff report says that the propose use subject to approval could be compatible with the character of the neighborhood. Inns were allowed use subject to approval and the existing Inn has been in existence for many years. He said this was clearly wrong. As stated according to the Zoning Ordinance, the Gastonian was not an Inn. It was a hotel and hotels were not permitted in this zone. He said when you get that large it was a change of scale, activity, number of staff required, types and frequency of events that took place in a hotel were different from that which took place in an Inn. From their perspective a hotel was not compatible with the character of this neighborhood. With regard to the trash, there would be two more rooms and they were talking about taking the dumpster out and making a parking space which meant more trash that would be generated by the hotel. Item 4 – g says that the petition called for a two room expansion and would only incur a slight increase in traffic. He said no where in item (g) or any where in the findings of the staff report was it indicated that the hotel was already the

aggravating source of increased traffic. He said it did not mention the current inadequate parking on the street. Yes, there were eight parking spaces, but that was eight parking spaces for 19 rooms. He said it did not mention that the Inn across the street which was already aggravating also had remote parking at the Inn across the street. He said it did not mention that another Inn was planned across the street. And it did not mention that the current level of activity because of the number of rooms. He said this was not a slight increase in traffic or activity. He said it was an intolerable situation that was made impossible if approved. He said he agreed with staff's findings that the petitioner has failed to prove exceptional conditions or hardship. But, he disagreed with the staff findings that the petition was not likely to cause substantial detriment to the public good. He said if the Board interpreted this petition as just two additional parking spaces and the expansion of a benign nonconforming use then they have failed to understand the subtlety of this petition. The continued erosion to the quality of life on Gaston Street was becoming intolerable. He said they could lose a wonderful residential neighborhood to Inns and hotels. He said they ask that the Board deny the petition.

**Mr. Byrne** asked Mr. Yellin if there was a legal process that the Gastonian followed to get a variance from the 15 to 17 rooms? He also asked what was their position on if it was 17 to 19 rooms did that in fact change the designation as an Inn as contemplated by the City Ordinance?

**Mr. Yellin** stated he represented Ann Landers when she purchased the Inn from the Lineberger's and at that time there were 17 rooms. When Ann Landers sold the Inn to HLC there were 17 rooms. He said what happened prior to that time he could not tell the Board. However, he would take issue with the statement that anything over 15 rooms was no longer an Inn. He said that meant the President's Quarters, Bellastone, Eliza Thompson, Planter's Inn, Marshall House were all not Inns all of a sudden. He said if you are an Inn because you are already more than 15 and you add or expand that nonconformity there was a specific code section in our ordinance that says if you wish to expand your existing nonconforming use come before the Zoning Board of Appeals. Whether they have 17 rooms or 19 rooms, he suspected that people may still go next door and ask how to turn on the hot tub which was not going to change. The incremental difference between 19 and 17 given the fact that they were also increasing their parking by two he felt was diminimus. He said he felt Mr. Todaro could answer whether or not they were still nonconforming.

**Mr. Todaro** stated he has not been asked for a determination as to whether this was a legal nonconforming use. Mr. Snyder's comments with regards to the expansion over the years and Inspections Department not doing anything about it, he felt the question was when did it convert. Although there were several places in the same zoning district that exceeded 15 now as well made you wonder how these things happen over the years. For example, the Eliza Thompson's had 26 rooms and it was in the exact same zoning district. He was not certain that there may be a typo in the ordinance that allowed hotel and motels in the RIP district. But the ordinance referred to conditions if it was in an RIP-A for a hotel which did not make sense if it was not allowed. Clearly, some Inns exceed 15 rooms in the RIP-A district.

**Mr. Yellin** stated the Eliza Thompson which had 26 rooms had zero off-street parking. He said he found a September 1996 letter written by Mr. Todaro and at least as of September 26, the Inn complied with all zoning conditions and requirements including parking. He said what happened subsequent before he did not know other than September 1996 they met zoning conditions and requirements including parking.

**Mr. Snyder** stated the Eliza Thompson house was called an Inn and Quality Inn was certainly not what they would call an Inn. He said he felt for the definition you had to rely on the zoning

ordinance. Section 8-3002 of the ordinance defined Hotel. He said it said hotels, motels, or motor lodges was any facility that had 15 or more rooms. He said they could call themselves and Inn, but it was a hotel. He said if you look on the chart as to what was allowed in RIP-A zone, hotels were not permitted. He said he understand that Mr. Todaro was talking about a typo, but there was some reference to a hotel being on an arterial street in an RIP-A zone, but this was not an arterial street, so that even the typo did not permit this use on this site.

**Mr. Murray** state maybe the reason the Eliza Thompson house, Bellastone, and the others exceed their legal number of rooms was because maybe residents did not object. But there were fourteen residents present today who object to this petition.

**Mr. Todaro** stated the residents notified him that this conversion was taking place. He said Inspections issued a building permit, but if you look at the description of the work it said installing a couple of interior walls.

**Mr. Allan Gainor (Lincoln Street)** stated he was present 20 years ago when the Lineberger's had their hearing before the Board. He said the reason there were only eight parking spaces was because the Lineberger's cheated on three, possibly six. He said it was his recollection that they said they had fourteen parking spaces where they now have six the Lineberger's claimed they could get nine. The small building at the northwest corner of Lincoln and Gordon Lane had been a one room garage and they closed it down. He said they took out the wall on Gordon Lane and put an overhead garage door and claimed that it would have been large enough for two cars. They sealed up the garage and made a laundry room out of it. He said he remembered a question raised by Michael J. Ganem about the dumpster. He said Mr. Lineberger assured them that they would never serve anything more than orange juice, coffee, and muffins for breakfast so they would have no use for a dumpster. In any event, you have eight now because they cheated on three. He said he agreed with the Board in that the guests would not park one block. Also, Gaston and Lincoln Streets have parking on only one side. He said on Saturday night two sides of the street Lincoln and Gordon where parking was permitted was closed down for sweep. He said it was not only the clientele of the Inn that parked in front of his house, but it was the staff as well. He said a staff person comes as early as 7:00 a.m. and the car is parked for at least 12 hours. He said he oppose the addition of a room or two rooms and certainly object to more off-street parking.

**Mr. Mackey** asked how was the dumpster serviced?

**Ms. Melanie Bliss (Manager at Gastonian)** she said they come on Mondays, Wednesdays, and Fridays. She said the City Sanitation pull it out in the lane and push it back in.

**Mr. Yellin** stated if the Board would like for them to create that space in addition to the other two they did not mind providing three spaces when only two were required. If the Board felt they should remove them, he felt what would happen was they would no longer come at 5:30 a.m. but when all the neighbors get their trash picked up their trash would be picked up at the same time as theirs.

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

SZBA Action: The motion failed for lack of a second.

**Mr. Byrne** stated the Board has two issues. He said they had the issue of whether or not to allow them to expand and the other issue was parking. He asked if their objection based on the parking or more on the increase in the actual activity? If so, what about Mr. Yellin's point with regards to that this was used as a conference room and if it was used a guest room that it may decrease the level of activity.

**Mr. Murray** stated when the Lineberger's opened the Inn they were all property owners and they lived their. He said that was the Lineberger's apartment. He said Ms. Lineberger's parents lived on Lincoln Street side, therefore there was lower density. He said if you add two more rooms you would have at least four more people who are here to have fun. He said he was concerned about the density. He said they would like for it to be limited to the 15. He said they have 17 and to give them two more, he felt the neighbors were getting a bad deal if the Board approved it.

**Mr. Mackey** stated Mr. Gainor's testimony was that it was not so much the guests it was the workers.

**Mr. Murray** stated it was everything.

**Mr. Snyder** stated something else that has not been addressed was the parking at the Johnnie Ganem's lot was nonconforming and would also have to be made to conform. He said the Zoning Ordinance called for lighting, buffer from residential area, and he did not know how that is protected but it was currently not conforming parking.

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

**RE: Petition of Lukejohn Dickson  
B-060131-41045-2  
1506 Habersham Street**

Present for the petition was Lukejohn Dickson.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a two (2) foot side yard setback variance and a three (3) foot side yard setback variance to the five (5) foot side yard setbacks required, and a variance to allow lot coverage of 68.7 percent as opposed to the 60 percent lot coverage allowed by Part 8, Chapter 3, and Article K of the City of Savannah Zoning Ordinance in order to construct a two-family dwelling. The subject property, located at 1506 Habersham Street, is zoned TN-2 (Traditional Neighborhood).

### **Findings**

1. The subject property, located within the Thomas Square Streetcar Historic District, lies east of Habersham Street, and north of 32<sup>nd</sup> Street. The petitioner proposes to construct a two- family residence on the presently vacant property. In January 2002, the Mayor and Aldermen authorized the development of a citywide zoning and comprehensive plan update. The program for updating both the Zoning Ordinance and the Savannah Comprehensive Plan is now known as the Tricentennial Plan. The first phase of the

program focused on an area spanning large portions of the Metropolitan and Thomas Square neighborhoods as well as a four-block portion of the Baldwin Park neighborhood. The study built upon and amplified work previously completed as a part of the Thomas Square Streetcar Historic District Land Use and Zoning Study and the Baldwin Park Neighborhood Redevelopment Plan. The Land Use Plan and subsequent Mid-City Rezoning were adopted by Council in February 2005. The subject property has been planned for residential use and was rezoned to the TN-2 (Traditional Neighborhood) classification.

2. The minimum side yard setback within the TN-2 district as required by Chapter 3, Article K, and Section 5.6.5 is five feet. The petitioner is requesting a side yard setback variance of two feet on the north side, and three feet on the south side. The maximum allowable lot coverage in the TN-2 district is 60 percent. The petitioner is requesting to exceed this amount by 8.70 percent
3. The subject property contains 2,250 square feet, measuring 30 feet in width and 75 feet in depth. The TN-2 district requires a minimum lot width of 30 feet and a minimum lot area of 2,200 square feet per unit for attached residential structures.
4. The Visual Compatibility Officer for the Mid-City District has reviewed the subject application and supports the application.
5. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:

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

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

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

Strict application of the regulations of the Zoning Ordinance would not create an unnecessary hardship. A building footprint of approximately 1,300 square feet plus could be constructed without the necessity of any building variances.

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

The conditions described above are peculiar to the particular piece of property involved.

- d. **Relief, if granted, would not cause substantial detriment to the public good,**

**or impair the purposes and intent of the Savannah Zoning Ordinance.**

Relief, if granted, would not cause substantial detriment to the public good. Reduced side yards are characteristic of the historic district and a reduction would still allow the property to meet the minimum five foot spacing requirement between dwellings as required by Section 8-3055. Similarly, because the lot is substandard in size, an 8.70 percent increase in lot coverage would not cause substantial detriment to the public good.

### **Summary Of Findings**

All of the conditions necessary for granting the requested variances appear not to be met.

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

**RE: Other Business**

**Mr. Hansen** stated he was preparing for the Board's information for their consideration information regarding childcare centers in response to concern raised Mr. Mackey and how they might proceed with an amendment to that. He said he will bring forward to the Board some ideas and talking points so they could move forward. He said there clearly were things in the childcare provisions which he felt they all found troublesome.

**RE: Adjournment**

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

Respectfully submitted,

Jim Hansen,  
Secretary

**JH:ca**