

SAVANNAH ZONING BOARD OF APPEALS

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

JUNE 27, 2006

2:30 P.M.

REGULAR MEETING

MINUTES

MEMBERS PRESENT:

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

TECHNICAL STAFF PRESENT:

Tom Todaro, City Development Services

MPC STAFF PRESENT:

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

RE: Call to Order

Mr. Stephens called the June 27, 2006 meeting of the Savannah Zoning Board of Appeals to order at 2:40 p.m.

RE: Consent Agenda

**RE: Continued Petition of Neighborhood
Improvement Association
Edward Chisolm, Agent
B-060501-52330-2
511 Kline Street**

The petitioner is requesting approval of a two foot side yard setback variance from the five foot side yard setback requirement, and a 12 foot rear yard setback variance from the 30 foot rear yard setback requirement of Section 8-3029 of the Savannah Zoning Ordinance in order to construct a single family residence. The subject property, located at 511 Kline Street, is zoned R-M-25/P-N-C (Multi-family Residential/Planned Neighborhood Conservation Overlay).

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

**RE: Petition of Classic Restorations, LLC
Valerian Sottile, Agent
B-060526-60003-2
101 West 46th Street**

The petitioner is requesting approval of the following lot width and lot area variances from the required minimum lot width of 60 feet and the required lot area of 6,000 square feet pursuant to Section 8-3025 of the City of Savannah Zoning Ordinance in order to create separate lots for an existing row housing development:

- Lot 101 – 35 foot lot width variance - 3,906 square foot lot area variance;
- Lot 103 – 37½ foot lot width variance - a 4,121 square foot lot area variance;
- Lot 105 – 45 foot lot width variance - 4,745 square foot lot area variance;
- Lot 107 – 37¼ foot lot width variance - 4,100 square foot lot area variance;
- Lot 109 – 39¾ foot lot width variance - 4,309 square foot lot area variance;
- Lot 111 – 38½ foot lot width variance - 4,205 square foot lot area variance;
- Lot 113 – 40¾ foot lot width variance - 4,386 square foot lot area variance;
- Lot 115 – 41 foot lot width variance - 4,407 square foot lot area variance;
- Lot 117 – 39½ foot lot width variance - 4,213 square foot lot area variance;
- Lot 119 – 39½ foot lot width variance - 4,289 square foot lot area variance;
- Lot 121 – 39½ foot lot width variance - 4,275 square foot lot area variance.

The subject property, located at 101-121 West 46th Street, is zoned P-R-B-1 (Planned Residential Business).

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

**RE: Petition of Melinda Hartley
B-060530-38058-2
766 East Duffy Street**

The petitioner is requesting approval of a 2,982 square foot lot area variance from the 7,200 square foot lot area minimum required pursuant to Section 8-3025 of the City of Savannah Zoning Ordinance. The petitioner intends to construct a two-family dwelling on the subject site. The subject property, located at 766 East Duffy Street, is zoned R-4 (Four-Family Residential).

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

**RE: Petition of Torey Pendleton &
Isaac Ceaser
B-060530-87044-2
716 West 40th Street**

The petitioner is requesting approval of a 21 foot rear yard setback variance from the 30 foot rear yard setback requirement of Section 8-3029 of the City of Savannah Zoning Ordinance in order to construct a single family residence. The subject property, located at 716 West 40th Street, is zoned R-4-PNC (Four-Family Residential- Planned Neighborhood Conservation District).

Summary of Findings: All of the conditions necessary for granting the rear yard setback variance requested appear to be met.

**RE: Petition of Dorsey M. Pierce
B-060530-87210-2
1506 Chester Street**

The petitioner is requesting approval of a 15 foot lot width variance from the required 60 foot lot width minimum, and a 2,700 square foot lot area variance from the 7,200 square foot lot area minimum required pursuant to Section 8-3025 of the City of Savannah Zoning Ordinance. The petitioner intends to combine three substandard lots into two lots and construct two-family dwellings on each. The subject, located at 1506 Chester Street, is zoned R-4 (Four-Family Residential).

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

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

RE: Regular Agenda

**RE: Continued Petition of Edmond C. Burnsed
B-060131-40567-2
319 – 323 East 31st 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 69.48 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 31st 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 31st 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 31st 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 69.48 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. 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 hardships, 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. Burnsed stated if he went to a duplex he would not have to provide parking.

Mr. Todaro, City Development Services, stated he would have to have 1 off-street parking per dwelling.

Mr. Hansen stated the issue was that the petitioner was seeking to place more units on the property than he has lot area. He said the petitioner was requesting a variance from the lot area requirements in order to create four units on this particular property.

Mr. Byrne stated it mentioned in the report that the City Visual Compatibility Officer reviewed the proposed project. He asked if she had any concerns about the project?

Mr. Hansen stated she was concerned about the density. He said she felt that the four units were incompatible with the area and that two units would be more compatible.

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

**RE: Continued Petition of Andie Grikitis
B-060501-53077-2
3311 Bull Street**

Present for the petition was Nathan Belzer.

Mr. Hansen gave the following Staff report.

The petition was continued from the May 23, 2006 hearing to allow the applicant an opportunity to submit a site plan. The site plan submitted is attached to this report.

The petitioner is requesting approval of a 2,200 square foot lot area variance from the minimum 7,200 square foot lot area requirement of Section 8-3025 of the Savannah Zoning Ordinance in order to construct a two family dwelling. The subject property, located at 3311 Bull Street, is zoned R-4 (Four-family Residential).

Findings

1. Section 8-3025 requires a minimum lot area of 3,600 square feet per unit for two-family dwellings in the R-4 district. The petitioner is proposing to construct a duplex on the subject property and is required, therefore, to have a minimum lot area of 7,200 square feet.
2. The subject parcel, which measures 52.5 feet wide and approximately 95 feet deep, is considered a substandard lot in the R-4 district. The parcel contains approximately 5,000 square feet, a figure below the minimum requirements for a single or multiple-family residence. The request is for a 2,200 square foot lot area variance in order to accommodate development of a two family structure. It is noted that a variance would also be required to construct a single family residence.
3. The development pattern in the immediate area is predominantly residential with most of the properties located on the west side of Bull Street having been constructed as multiple family dwellings. The proposed use is consistent with this pattern.

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 considered a substandard lot within the R-4 zoning classification. The parcel is approximately 52.5 feet wide and 95 feet deep. There are no unusual topographic features on the lot.

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 create an unnecessary hardship. Although a legally existing lot of record, the parcel is substandard and is smaller than the minimum requirements of the district.

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 or impair the purposes and intent of the Ordinance. The proposed project is consistent with the existing development pattern in the neighborhood.

Summary Of Findings

All of the conditions necessary for granting the requested variance appear to be met.

Mr. Belzer stated the site plan they have presented was in keeping with all the setback requirements. He said they were proposing to put a duplex on the property which they felt was in keeping with the area.

Mr. Jones asked if they would use the lane to access the parking garage?

Mr. Belzer stated yes.

Mr. Joseph Bergen (3 East 49th Street) stated he was present at the meeting last month. He said he was concerned with the public safety and potential traffic hazard because there would be two multi family units on the site. He said he also felt there would be a density problem

which would add to the parking problems. He said he felt the variance was excessive. He said he also felt the density would commercialize the area which was residential.

Mr. Hunter Saussy stated he was also a resident of the area. He said he was also concerned about the traffic. He said the particular residence that exists there now had openings on the north side and they felt with the close spacing between that and a new unit would create a hardship. He said not necessarily the amount of area but the access to and from the unit. For instance, the photograph showed the north side of the residence in which there was the air conditioning equipment, electrical and power units, communication systems, sanitation was on that side. Also, there was an opening on the west end of it in which the steps went into the property line or the intended property line of the division between the units. He said with regards to maintenance, he felt that would be tight to function. He also stated the building for many years was a single family unit and only recently was transferred into a multi-family. He said the issue they were concerned with was not only the increase in the area, but the loss of pervious soil by the paving of driveways and so forth. He said he felt it was excessive in some cases. And felt with regards to this petition he felt the drainage was poor because it was flat. He said he also felt the variance was excessive to get two families on a single family lot. He said he would ask that the Board deny the petition as presented. He said they would like to see the property maintained in its original which was single family.

Mr. Mackey asked the petitioner if he could explain the parking?

Mr. Belzer stated there would be extra garage parking and they would be able to access from the lane. He said there would be two parking spaces in each garage.

Mr. Mackey asked Mr. Todaro what effect does it have on the zoning when there is a single family residence and the owner of a home arbitrarily decides that they would like to turn it into a duplex?

Mr. Todaro stated it has to be zoned to allow duplexes which this property is. He said the minimum lot area would also have to be met. The ordinance specifically says of substandard lots of area that were already platted, which in this case it was you could always build a single family home. But it did not give any expansion to build something other than that. He said parking would also be considered and again in this case it met the parking requirements.

SZBA Action: Mr. Robinson made a motion that the Savannah Zoning Board of Appeals approve the petition as submitted based upon a finding that all of the conditions necessary for granting the requested variance have been met. Mr. Mackey seconded the motion and it was passed 4 – 1. Opposed to the motion was Mr. Byrne.

**RE: Petition of The J. Hampton Company, LLC
John H. Sumner, Agent
B-060526-58685-2
504 – 521 East Anderson Street**

Present for the petition was John Sumner.

Ms. Burke gave the following Staff report.

The petitioner is requesting approval of a two (2) foot side yard setback variance (west side) and a three (3) foot side yard setback variance (east side) from the five (5) foot side yard

setback requirement of Section 8-3028 of the Savannah Zoning Ordinance in order to construct a single family residence. The subject property, located at 521 East Anderson Street, is zoned 1-R (Victorian District- 1-R).

Findings

1. The subject property is located in the Victorian planned neighborhood conservation district. District regulations require a minimum side yard setback of five feet.
2. The petitioner proposes to construct a single family residence on the subject parcel, consistent with the existing development pattern of the area. The lot in question is 30 feet wide and approximately 113 feet deep, resulting in a lot area of 3,390 square feet. The 1-R district requires a minimum lot width of 30 feet and a minimum lot area of 3,000 square feet. The subject property is a conforming lot of record.
3. In accordance with the provisions of Section 8-3028 (Victorian District) of the Savannah Zoning Ordinance, the proposed project must undergo review by the City Historic Preservation Officer and receive approval from the Metropolitan Planning Commission.
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 conforming lot of record that is rectangular in shape.
 - 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.
 - 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. However, many of the adjacent properties were developed prior to the existing regulations and do not meet the side yard setback requirement.
 - d. **Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Savannah Zoning Ordinance.**

Relief, if granted, would not cause substantial detriment to the public good. The proposed development of the subject parcel would be consistent with many of the existing structures in the immediate vicinity.

Summary Of Findings

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

Mr. Robinson asked if the vertical surface of the fireplace coincide with the setback or does it encroach more into the setback?

Mr. Tom Todaro (City Development Services) stated in this case he would say no because the ordinance referred to roofed area when it comes to setbacks or building coverage. He said the vast majority of the house was really where the setback was going to be. He said he could not have any openings on the fireplace.

Mr. Jones stated there was 2 feet on the west side and 3 feet on the east side. He said if something happened to the building, how would the petitioner be able to do any repairs on it because there was not enough space between the building.

Mr. Sumner stated between the two homes it would be approximately 7 feet on the east side and approximately 5 feet on the west side. He said it was his intent to build something that was consistent with the neighborhood. He said between the house on the east side and its setback there was enough room. He said there was a fence right there so he would guesstimate that there was 4 feet on each side of the fence.

Mr. Mackey stated initially he said there was 7 feet on the east side and 5 feet on the west side. He said he has also said that it could be 4 feet. He said he wanted him to make sure he understood what he was saying because the Board would take that into consideration upon ruling. He said he also felt like Mr. Jones that there was not that much space and that it may be 1 or 2 feet.

Mr. Sumner stated he was talking about actual construction. He said on the west side there was a 2 foot setback. He said for people to be able to get in there to build there would be at least 3 feet to the property line on the west side. On the east side there would be 3 feet to the property line except for the area around the chimney.

Mr. Byrne stated a letter was sent in from Louis Hill Pratt who expressed concern that this would establish precedent. He said the letter was from Tallahassee, FL and it appeared that Mr. Pratt resides there now.

Mr. Todaro pointed out that the footprint of the house was 24 feet within the 30 foot lot.

Mr. Mackey asked Staff how much space was between the structures because the Board has heard several numbers?

Mrs. Burke stated from the property line on one side there would be 3 feet and on the other side there would be 2 feet.

Mr. Jones stated he was still concerned that even with a 3 foot space that it will be very tight to work. He said maybe the petitioner needed a continuance to allow him to rework his plans so he would have a little more space in between.

Mr. Byrne asked the petitioner if the Board continued his petition for 30 days if he felt that he would be able to get some more accurate measurements measuring from the property line?

Mr. Todaro stated the design would also have to be approved by the City Preservation Officer.

Mr. Mackey asked if it would have to go to MPC for approval?

Mr. Sumner stated yes. He said he submitted everything to Mrs. Reiter and was scheduled for the July 18, MPC meeting.

Mr. Todaro stated he would like to recommend that the petition be continued since he was scheduled for the July 18, MPC meeting.

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

**RE: Petition of Richard Guerard
B-060526-59418-2
229 Price Street**

Present for the petition was Richard Guerard.

Mrs. Burke gave the following Staff report.

The petitioner is requesting approval of a 7.7 percent lot coverage variance from the 75 percent lot coverage allowed in Section 8-3025 of the Savannah Zoning Ordinance in order to construct a three story building with parking underneath. The subject property, located at 229 Price Street, is zoned R-I-P-A (Residential- Medium Density).

Findings

1. There is currently a structure located on the subject property. The petitioner proposes to construct a three story building over parking, replacing the existing metal structure.
2. The subject property is 60 feet wide at the front property line and approximately 33 feet wide at the rear property line. The lot is 93 feet deep along the southern property line and 121 feet along the northern property line. The parcel is approximately 6,526 square feet in size. The R-I-P-A district does not have minimum lot area or width requirements for nonresidential uses.
3. The R-I-P-A district allows a maximum lot coverage of 75 percent. The proposed project would result in a lot coverage of 82.7 percent, which is consistent with the existing structure on the lot.
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 conforming lot of record and there are not extraordinary conditions pertaining to 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 create an unnecessary hardship.

- 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. The proposed structure will not exceed the footprint of what is currently on site.

Summary Of Findings

All of the conditions necessary for granting the 7.7 percent lot coverage variance requested appear not to be met.

Mr. Stephens asked how many stories were proposed?

Mr. Guerard stated three story over parking.

Mr. Jones asked if he would have green space?

Mr. Guerard stated yes.

Ms. Melissa Jest (Historic Savannah Foundation) stated the petitioner was seeking a variance from the 75 percent lot coverage requirement. She said she knew that the MPC was studying that issue at present. She said she was wondering if this would be lacking an opportunity to complete the study that could inform this design and bring about a better project.

Mr. Tom Todaro (City Development Services) stated he was at that meeting as well, but it was a very early conceptual study about changes possibly and it would be many months before all discussion and detailed were worked out. He said he felt any appeal of this type needed to

be considered on its own merits. In this particular case there was a building there that occupied the entire footprint which was the same footprint the petitioner wanted to go back to. He said the Historic Review Board asked the petitioner to come before Board of Appeals first.

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. Byrne seconded the motion and it was unanimously passed.

**RE: Petition of Matthew Deacon
B-060526-59509-2
1114 East Broad Street**

Present for the petition was Matthew Deacon.

Mrs. Burke gave the following Staff report.

The petitioner is requesting approval of a 13 foot side yard setback variance to the 15 foot side yard setback requirement and a three (3) foot rear yard setback variance from the required five (5) foot rear yard setback required for an accessory building pursuant to the provisions of Section 8-3025 of the City of Savannah Zoning Ordinance in order to construct a single family residence and single car garage. The subject property is zoned P-R-4 (Planned Four-Family Residential).

Findings

1. The applicant received approval from the Zoning Board of Appeals for a ten (10) foot side yard setback variance in June of 2005 (MPC File No. B-050608-38923-2). The applicant is now requesting the additional side yard variance and the rear yard variance in order to protect a large Sycamore tree and to be more consistent with the “urban fabric” of the area.
2. Section 8-3025 of the Savannah Zoning Ordinance requires a 15 foot side yard setback for residential structures when the lot abuts a public right-of-way. Although termed an interior lot, the subject property does abut the right-of-way of a public lane thus necessitating the 15 foot side yard setback. In addition, Section 8-3011 requires a five (5) foot rear yard setback for an accessory building.
3. The subject property is a substandard lot that contains 3,600 square feet and measures 45 feet in width and 80 feet in depth. The petitioner proposes to construct a single family residence on the parcel, as well as a single car garage resulting in a lot coverage of 1,734 square feet. Though not included in, the subject parcel none-the-less lies adjacent to the National Historic Landmark District. Accordingly, development within the surrounding neighborhood generally consists of narrow homes, constructed on smaller lots. The proposed use is consistent with this pattern.
4. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize 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 measuring 45 feet in width and 80 feet in depth.

- 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. However, the applicant would have to redesign the proposed residential structure, which may result in a design that is inconsistent with the surrounding neighborhood. In addition, the relocation of the structure on the lot could have a negative impact on the large tree the applicant is attempting to preserve.

- 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. The petitioner proposes to construct a single family residence, the design of which is consistent with the architectural style and character of the surrounding area, on a vacant infill lot. The side yard setback in question is adjacent to a public lane, not a major street.

Summary Of Findings

All conditions required for granting a 13 foot side yard setback variance and a three (3) foot rear yard setback variance appear not to be met.

Mr. Deacon stated there was a large old Sycamore tree on the site. He said they talked to the arborist and he told them the general rule has been with old established trees with a root structure was to stay out of the drip line which basically the extent of the branches went from the trunk of the tree. He said this was a substandard lot and it was not possible. He said they were asking to be able to get as far away from the tree as possible.

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. Mr. Byrne seconded the motion and it was unanimously passed.

**RE: Petition of The Savannah Country Day School
Kirk A. Cressman, Agent
B-060526-59763-2
824 Stillwood Drive**

*Mr. Robinson left approximately 4:15 p.m.

Present for the petition was Tim Walmsley.

Mrs. Burke gave the following Staff report.

The petitioner is requesting approval of an application to establish a child care center pursuant to the requirements of Section 8-3025 of the City of Savannah Zoning Ordinance. The subject property, located at 824 Stillwood Drive, is zoned R-6 (One-Family Residential).

Findings

1. The petitioner, Savannah Country Day School, an educational institute established at this site in 1955, currently operates an after school care program for students. In order to support the needs of the faculty and the younger siblings of students, the school would like to provide an on-site day care program that would provide facilities for up to 45 children.
2. Savannah Country Day School is situated on an approximate 60 acre site located near the southeast corner of Stillwood Drive, a designated collector street, and Willow Road. The facility consists of a number of classroom buildings, athletic fields, parking areas and open space.
3. Section 8-3025 of the Savannah Zoning Ordinance requires Board of Appeals approval to establish a child care center in an R-6 zoning district. The requirements for establishing a child care center per Use 22b include: a) that not less than 100 square feet of outdoor play space be provided for each child; b) that the center be located on a collector or arterial street; c) that the architectural character be characteristic of the neighborhood; d) that the use provide off-street parking in conformance with the requirements of Section 8-3089; e) that no outdoor activities occur after 9:00 p.m.; f) that visual buffers be provided to shield parking areas, play areas and outdoor activity areas from abutting property; and, g) that a sign not to exceed three square feet may be permitted.

All of the above requirements appear to be met. Requirements of part (f) include buffering parking areas and play areas from abutting properties. The site chosen for the proposed child care center is located on the interior of the school campus. The play area will be fenced and secured as necessary. The existing campus will serve as a sufficient buffer from adjacent properties. The code requires one child care worker for every six children. Therefore, the petitioner would have to provide a minimum of four (4) off-street parking spaces. Ample space exists on existing lots to provide for the necessary parking required by the child care center.

4. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals shall hear and decide upon requests for permission to establish uses upon which the Board of Appeals is required to pass under the terms of this chapter. The

application to establish such use shall be approved on a finding by the Board of Appeals that:

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

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

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

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

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

The proposed child care center will have little, if any affect on 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 subject property is located in the middle of a residential neighborhood. The petitioner has requested approval of a child care center to provide services for 45 children. Although the intent is to provide service to existing faculty and student families, thus minimizing additional trips, 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 more than 60 acres. 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 to be met.

Summary Of Findings

All of the conditions necessary for granting a use permit to establish a child care center appear to be met.

Mr. Walmsley stated under section 8-3025 of the ordinance they were required to come to the Zoning Board of Appeals to have this particular use in this particular place. He said staff recommendation outlined what they were planning to do which was adding a daycare to an existing facility. He said it would be for 45 children. He said a lot of the seats in this particular unit of the school would be taken up by staff and also younger siblings of students that were already enrolled at the school.

Mr. Jones stated what they were proposing to use was almost surrounded by the other buildings of the school. He said as far as screening the daycare would be screened by the rest of the school.

Mr. Walmsley stated yes. He said for this particular use they should have some sort of buffering in this zoning district. He said this was being taken care of by the fact that it was being enclosed within the campus itself, therefore it was sufficiently buffered.

SZBA Action: Mr. Jones made motion that the Savannah Zoning Board of Appeals approve the petition as submitted based upon a finding that all conditions necessary for granting a use permit to establish a child care center are have been met. Mr. Mackey seconded the motion and it was unanimously passed.

**RE: Petition of Eric Reagan
B-060526-59900-2
320 East 40th Street**

Present for the petition was Eric Reagan.

Mrs. Burke gave the following Staff report.

The petitioner is requesting approval of an application to create two separate parcels from an existing lot of record. Pursuant to the requirements of Part 8, Chapter 3, Article K, and Section 5.6.5 of the City of Savannah Zoning Ordinance, the following variances are requested:

Lot J-1 – A 505 square foot lot area variance from the required 3,000 square foot area minimum, a three (3) foot side yard setback variance from the minimum five (5) foot side yard setback required, and a .16 foot lot width variance from the 30 foot lot width minimum;

Lot J-2 – A 1,986 square foot lot area variance from the required 4,400 square foot lot area minimum, a lot coverage variance to allow lot coverage of 62.7 percent as opposed to the 60 percent lot coverage allowed, a four (4) foot side yard setback variance from the five (5) foot minimum side yard setback required, and a 3.68 foot lot width variance from the 30 foot lot width minimum.

The subject property, located at 320 East 40th Street, is zoned TN-2 (Traditional Neighborhood). There are currently two structures; one building is a duplex while the other is a commercial structure, located on the subject property.

Findings

1. The TN-2 district calls for a minimum lot width of thirty (30) feet and a minimum lot area of 2,200 square feet per attached residential unit or 3,000 square feet for all other uses. Neither of the newly proposed lots will meet the minimum standards of the TN-2 district. In the current configuration, the parent parcel meets the minimum lot width requirements, however, is deficient 2,491 square feet in meeting the minimum lot area requirements based on the existing uses.
2. The proposed lot containing the duplex (Lot J-2) is designed to have a lot width of 26.32 feet and a lot area of 2,414 square feet. Per the applicant's site plan, the building encroaches into the adjacent property to the west and would be one foot from the eastern property line.
3. The proposed lot containing the commercial structure (Lot J-1) is designed to have a lot width of 29.84 feet and a lot area of 2,495 square feet. The building is currently setback two feet from the eastern property line.
4. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:
 - a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.**

If the existing lot were currently vacant, there would be no extraordinary issues pertaining to the size of the lot. However, the two structures in existence were constructed prior to the current zoning standards being in place.
 - 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. However, the applicant would not be able to subdivide the parcel into two lots so that each structure would be on a separate parcel.
 - 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 likely cause substantial detriment to the public good. The structures are currently in existence and the subdivision of the property would have little impact on the public good.

Summary Of Findings

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

Mr. Reagan stated he talked with the surveyor and he told him that he surveyed from east to west it showed their property encroached on the neighbor's property 1 foot, but if he surveyed from west to east it did not encroach on the neighbor's property. He said with that there was 3 or 4 feet unaccounted for. He said he asked what was the protocol and the surveyor told him there was not any. He said he could not find the landmark surveying going from west to east, therefore he felt someone made a mistake.

Mr. Stephens asked if he wanted to divide the lot and sell one-half?

Mr. Reagan stated yes.

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. **Mr. Mackey** seconded the motion and it was unanimously passed.

**RE: Petition of Gonzalez Architects
 Jose' Gonzalez
 B-060526-59643-2
 304 East Bryan Street**

No one present for the petition.

Mrs. Burke stated the applicant talked with Mr. Todaro about withdrawing his application, but they have not received anything in writing.

Mr. Tom Todaro (City Development Services) stated Mr. Gonzalez came to his office today and he thought he submitted a new application to MPC, but he did not see it. He said Mr. Gonzalez told him that he got the footprint down to 50 percent and he would not need the lot coverage variance. He said he was told that it was submitted to MPC for the Historic Review Board. He said he did not file for a withdrawal of the petition. He said he was going to but he did not.

Mr. Mackey stated there was nothing in writing from Mr. Gonzalez that the Board had in hand right now with respect to him withdrawing his petition.

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

RE: Other Business

Mr. Todaro stated the Board continued the petitions of Patrick Shay for July 2006. He said he felt the Board was going to be in the same position in July that they were in May. He said nothing has been changed. He said he was told that one had been purchased which left two.

RE: Adjournment

There being no further business to come before the Savannah Zoning Board of Appeals the meeting was adjourned at 4:30 p.m.

Respectfully submitted,

James Hansen,
Secretary

JH:ca