

SAVANNAH ZONING BOARD OF APPEALS

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

AUGUST 22, 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:

**Randolph Scott, City Development Services
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 August 22, 2006 meeting of the Savannah Zoning Board of Appeals to order at 2:30 p.m.

RE: Minutes

1. Approval of SZBA Minutes – July 25, 2006

SZBA Action: Mr. Byrne made a motion that the Savannah Zoning Board of Appeals approve the regular meeting minutes of July 25, 2006. Mr. Jones seconded the motion and it was unanimously passed.

RE: Consent Agenda

**RE: Petition of Harold B. Yellin & Neil Dawson
B-060406-42825-2
501 East Bay Street**

On April 26, 2005, the Zoning Board of Appeals granted a 100 percent lot coverage variance to the 50 percent lot coverage allowed by Section 8-3025(d) of the Savannah Zoning Ordinance to enable the petitioner to construct an office building within an R-B-C (Residential-Business-Conversion) district. Section 8-3165(e) of the Zoning Ordinance states that decisions of the Board, if not acted upon, are invalid after a 12 month period. Thus, the petitioner is requesting an extension of the previously approved variance.

Summary of Findings

Based upon the approval previously given, staff recommends that the extension be granted.

SZBA Action: Mr. Byrne made a motion that the Savannah Zoning Board of Appeals approve the petition as submitted. Mr. Mackey seconded the motion and it was passed 2 – 1. Opposed to the motion was Mr. Jones.

RE: Petition of Elizabeth Sasser
B-060731-51727-2
5509 Magnolia Avenue

Mr. Hansen asked that the above-mentioned petition be moved from the Consent Agenda to the Regular Agenda. He said there was a letter of opposition attached to the Board's staff report.

SZBA Action: Mr. Byrne made a motion that the Savannah Zoning Board of Appeals move the Petition of Elizabeth Sasser, B-060731-51727-2 from the Consent Agenda to the Regular Agenda. Mr. Jones seconded the motion and it was unanimously passed.

RE: Regular Agenda

RE: Petition of Elizabeth Sasser
B-060731-51727-2
5509 Magnolia Avenue

Present for the petition was Elizabeth Sasser.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a 20 foot rear yard setback variance from the 25 foot rear yard setback requirement of Section 8-3025 of the Savannah Zoning Ordinance in order to reconstruct a porch onto an existing residential structure. The subject property, located at 5509 Magnolia Avenue, is zoned R-6 (One-Family Residential).

Findings

1. Development standards in the R-6 district include a requirement for a 25 foot rear yard setback. The petitioner seeks a variance from said requirement in order to construct a replacement porch on the rear of an existing dwelling.
2. The subject property is an oddly shaped parcel. The lot has in excess of 146 feet of frontage on Magnolia Drive, yet the side yard along Colonial Drive measures only 41 feet. The northern side yard boundary measures approximately 100 feet and the rear property line measures approximately 159 feet in length. The property lies adjacent to the old trolley right-of-way which, south of the subject property has become Lovett Drive. The existing structure, minus the porch, does not meet the development requirements of the district.
3. 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 conforming lot of record. There are, however, extraordinary site conditions associated with the parcel which make a variance warranted. The parcel is oddly shaped, being only 41 feet wide at its south property line. The resultant diagonal rear property line makes it exceedingly difficult to site a structure that conforms to all of the setback requirements.

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

Strict application of these regulations 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 likely cause substantial detriment to the public good. The petitioner proposes merely to replace a porch that was in a deteriorating condition. The new structure will be placed on the same footprint as the original.

Summary Of Findings

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

Ms. Sasser stated the porch rotted and it was torn down. She said they were rebuilding the porch as it was before on the existing slab.

Mr. Byrne stated there was a letter sent to the Board by Beth Kinsler, President of the Magnolia Park Association who was not present. He said he did not understand from her letter what the opposition was.

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 will not be substantially detrimental to the public good. Mr. Jones seconded the motion and it was unanimously passed.

**RE: Continued Petition of Patrick Shay, For
Gunn Meyerhoff Shay
B-060501-52575-2
Liberty & Tattnall Streets**

Present for the petition was Patrick Shay.

Mr. Hansen gave the following Staff report.

The petition was continued from the May 23, 2006 hearing in order to allow staff an opportunity to assess the development pattern with regard to lot coverage in the Liberty Street corridor and to make possible recommendations thereto.

The petition was continued from the July 25, 2006 hearing at the request of the petitioner. The petitioner requested the continuance in order to allow appropriate time to respond to staff recommendations regarding lot coverage issues in the Historic District.

The petitioner is requesting approval of a variance to increase lot coverage to 90 percent as opposed to the 75 percent allowed; and is seeking a lot area variance of 4,800 square feet from the 16,800 square feet of lot area required pursuant to Section 8-3025 of the Savannah Zoning Ordinance in order to construct a multi-family residential structure. The subject property, located at the southeast corner of Liberty & Tattnall Streets, is zoned R-I-P-A (Residential-Medium Density).

Mr. Hansen stated the petitioner has revised his plans in that they were no longer requesting the lot coverage variance. He said they will stay within the 75 percent for those portions of land that were currently vacant or for those portions of land that would be removed from the property. He said they will build on those portions of the land that were currently at 100 percent which was permissible and allowed under the current code.

Findings

1. Section 8-3025 of the Savannah Zoning Ordinance allows lot coverage of 75 percent within the R-I-P-A zoning district. The petitioner intends to construct a multi-family residential development on the subject property and is requesting a variance to allow lot coverage of 90 percent. Section 8-3025 also requires a minimum lot area of 600 square feet per unit for multi-family residential uses in the R-I-P-A district. The petitioner is proposing to construct 28 units, which would require 16,800 square feet of lot area. Whereas the subject parcel is 12,000 square feet in area, a variance of 4,800 square feet is sought.
2. The subject parcel is approximately 120 feet wide and 100 feet deep. The parcel has frontage on both Tattnall and Liberty Streets. The parcel is considered a standard development lot within the R-I-P-A district.
3. The parcel in question is with currently developed with commercial uses (auto parts store and storage). According to tax records, the structures occupy 10,042 square feet. This figure represents an existing lot coverage of approximately 83.7 percent. The petitioner intends to demolish the existing structure and erect a new building.
4. The petitioner has submitted documentation in support of his application that is attached

hereto. The documentation provides an analysis of the existing Liberty Street corridor developments and gives particular note to the lot coverage of other structures in the vicinity of the proposed development.

5. The petitioner has yet to appear before the City's Historic Review Board for approval of the design of the proposed structure. Such approval will be necessary prior to the issuance of building permits.
6. 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 parcel is considered a standard lot within the R-I-P-A zoning classification. There are no unusual topographic features associated with the parcel.

- 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.

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

Based upon development patterns in the immediate area and the lot coverage currently existing, relief, if granted, would not likely cause substantial detriment to the public good, although granting the variance request is counter to the purposes and intent of the Ordinance.

Summary Of Findings

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

Mr. Mackey asked if staff's opinion that the conditions have not been met based on what they have presented or the new information that Mr. Shay was proposing?

Mr. Hansen stated both. He said as the Board was aware the four conditions in most every case that was presented by Staff was there summary of findings was the conditions necessary have not been met. In this particular case what they were saying was that the property was still usable should they build something less than 28 units that he wanted to build. He said Staff found no particular hardship for this particular request. He said Staff felt that it would not be detrimental to the public good if you should grant this particular variance.

Mr. Shay stated they were withdrawing the part of their request that had to do with lot coverage. He said they were only asking relief on the part of the petition with regards from the requirement of a minimum of 600 square feet of lot area per dwelling unit. He said this particular area was allowed to have up to a 5 story height. He said that meant that every unit would have to be 3,000 square feet in order to use a developable area which would be an enormous size for an apartment. He said this was the same provision of the ordinance that the Board granted relief for Dr. Evans last time and others in the past. He also stated they would like to do apartment units in this building that were modest in size and affordable. He said the parking would also be provided on-site.

Ms. Dolly Chisholm (Trustee & Legal Counsel for Beehive Foundation) stated the Beehive Foundation owned several properties in the vicinity of the petitioner's property. She said one of the fundamental principles of zoning law was that an individual, property owners, and public benefit when restrictions were placed on several parcels of land that were logically related to each other. Also, the zoning benefited the community as a whole by promoting the health, welfare, and safety of the community. Occasionally, there may be a parcel within the zoning district that it was inappropriate to insist on a literal adherence to the zoning law because of its peculiar nature. Therefore, you could seek relief under Savannah's zoning variance statute or ordinance which was 8-3163 (c) which required that the petitioner met four of the requirements under that statute. She said the first requirement was that the petitioner must show that there were extraordinary and exceptional conditions pertaining to the subject property in question because of its size, shape, or topography. She said they felt that there was not anything exceptional pertaining to this property which would warrant a change. Second the petitioner must show unnecessary hardship. Hardship exists from special circumstances. In this case the property was purchased by the owner March 2006. She said they were aware of what the restrictions were and you could not create your own hardship by your own design. Third, the requirement that the conditions were peculiar to the piece of property involved which they felt there were no peculiar conditions pertaining to this lot. She said the fourth requirement that the applicant demonstrate that the variance would not cause a substantial detriment to the public good or impair the purposes or intent of the zoning code. She said this proposal would result in additional traffic in that area. In conclusion, they found that none of the four requirements have been met. She said they ask the Board to uphold the ordinance and the variance requirements.

Mr. Steve Lewis stated he agreed with Ms. Chisholm that none of the requirements of the ordinance have been met which would also apply to the next item on the agenda. He said he felt the reason the petitioner was seeking to create a variance was to increase the profits of the developer. He said he would also respectfully request that the Board not grant the petition.

Mr. Shay stated the variance would not change the amount of developable property that was here. He said they were saying that they would like to have the opportunity to do more units which would have the same number of bedrooms, bathrooms, and people in the building, but be able to have the individual apartments be smaller in size so that they could be more affordable.

Mr. Mackey stated he was curious about the self-imposed hardship and if they were creating their own dilemma.

Mr. Shay stated he felt that it would drive the project to have only very large area apartments. He said it did not say that you could limit the size of the apartment. It was the amount of dwelling units per lot area on the lot. He said they could develop the same building envelope. He said it was just that instead of dividing it 28 ways they will divide it 20 ways. He said the hardship was not self-imposed. He said they were talking about whether it was in the public's best interest. He said he would argue that having more affordable and somewhat smaller and more reasonably sized apartments in the downtown area was something that was good. He said the zoning would allow for this to be developed commercially and there would be no density restrictions.

Mr. Mackey asked Mr. Hansen what effect would the request have on the policy overall? He said he felt that it was like they were removing one obstacle but creating another.

Mr. Hansen stated with a lot that was currently 12,000 square feet, the petitioner would be able to build 20 units on this piece of property and not seek any variance from the Board. He said what they were seeking was to build 28 units on this property. He said 28 X 600 versus 12,000 square foot that he had was 16,800 square feet. Therefore, they were requesting a variance from that particular standard. He said the net effect was that they were increasing the allowable density on this particular piece of property. He said this has been done in past cases. The Board does not look at precedent because each case stands on its own merit. He said however, it was something that the Board has done in the past and was something that was allowable that they request it. He said the Board had the ability to grant or not grant the variance.

Mr. Mackey stated with regards to the issue of profitability it had no bearing on zoning. He said when that got into the equation as to whether or not it becomes a profitable venture or not, it was not under the purview of the Board. He asked once this issue left this forum if it had to go before the Historic Review Board?

Mr. Hansen stated once it left ZBA, unless there was an appeal by either party of the Board's decision, that would end the variance request. However, as the Board noted, it would have to go to the Historic Review Board, but they looked at different criteria than what ZBA looked at. He said ZBA was being asked to judge the lot area and HBR would be asked to look at height, mass, design and all the things that fell under their purview.

Mr. Byrne asked Mr. Shay assuming that they did not have to meet all the requirements. He said what he has argued was that they were asking for an 8 unit variance because they felt the 8 units would benefit the public good by bringing more people to the downtown area. He asked if that was what he was saying?

Mr. Shay stated yes, but they would also be developing the property as a residential use as opposed to a commercial use.

Mr. Byrne asked Ms. Chisholm assuming that one of the elements needed to be met, what was their argument about the detriment to the public good?

Ms. Chisholm stated the petitioner said that it would be to the public good to promote residential. She said he could promote residential with 20 units and 600 square feet was not

that large. She said they felt it was a detriment because it would increase the congestion in the area as well as the traffic. She also stated that in the ordinance it did not say “or” after any of these.

Mr. Byrne stated the ordinance also did not say “and”. He said it was not conjunctive or disjunctive.

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

**RE: Continued Petition of Gunn Meyerhoff Shay
Patrick Shay
B-060501-52767-2
Tattnall & Jefferson Streets**

Present for the petition was Patrick Shay.

Mr. Hansen gave the following Staff report.

The petition was continued from the May 23, 2006 hearing in order to allow staff an opportunity to assess the development pattern with regard to lot coverage in the Liberty Street corridor and to make possible recommendations thereto.

The petition was continued from the July 25, 2006 hearing at the request of the petitioner. The petitioner requested the continuance in order to allow appropriate time to respond to staff recommendations regarding lot coverage issues in the Historic District.

The petitioner is requesting approval of a variance to increase lot coverage to 90 percent as opposed to the 75 percent allowed pursuant to Section 8-3025 of the Savannah Zoning Ordinance in order to construct a commercial use development. The subject property, located south of Liberty Street, between Tattnall & Jefferson Streets, is zoned R-I-P-B (Residential-Medium Density).

Mr. Hansen further stated Mr. Shay informed him that they were not going to seek that particular variance to increase lot coverage to 90 percent. He said the petitioner was going to build on the existing footprint which was allowed under the current ordinance. He said he felt the petitioner was going to withdraw their request.

Findings

1. Section 8-3025 of the Savannah Zoning Ordinance allows lot coverage of 75 percent within the R-I-P-B zoning district. The petitioner intends to construct a commercial use development on the subject property and is requesting a variance to allow lot coverage of 90 percent.
2. The subject parcel is approximately 102 feet wide and 71 feet deep. The parcel has frontage on both Tattnall and Jefferson Streets. The parcel is considered a standard development lot within the R-I-P-B district.

3. The subject parcel is currently occupied by a commercial use. According to tax records, the structure(s) currently existing on the property contains 6,015 square feet. The current lot coverage is, therefore, approximately 83.1 percent. The petitioner intends to demolish the existing structure and erect a new building.
4. The petitioner has submitted documentation in support of his application that is attached hereto. The documentation provides an analysis of the existing Liberty Street corridor developments and gives particular note to the lot coverage of other structures in the vicinity of the proposed development.
5. The petitioner has yet to appear before the City's Historic Review Board for approval of the design of the proposed structure. Such approval will be necessary prior to the issuance of building permits.
6. 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 parcel is considered a standard lot within the R-I-P-B zoning classification. There are no unusual topographic features associated with the parcel.

- 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.

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

Based upon development patterns in the immediate area and the lot coverage currently existing, relief, if granted, would not likely cause substantial detriment to the public good, although granting the variance request is counter to the purposes and intent of the Ordinance.

Summary Of Findings

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

Mr. Shay stated they would like to withdraw this petition.

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

**RE: Continued Petition of Park Place Outreach, Inc.
Robert J. Egan, Agent
B-060628-54552-2
512 & 514 East Henry Street**

Present for the petition was Tom Mahoney, Attorney.

Mr. Hansen gave the following Staff report.

The petition was continued from the July 25, 2006 meeting in order to allow the applicant to schedule a neighborhood meeting with concerned residents. That meeting was held on August 2, 2006. Approximately 25 people were in attendance.

The petitioner is requesting approval of an application to establish a use (group home) which must be approved in accordance with Section 8-3028 Of the Savannah Zoning Ordinance. The subject property, located at 512 & 514 East Henry Street, is zoned Victorian P-N-C (Victorian Planned-Neighborhood-Conservation).

Findings

1. The subject parcel, which measures 33 feet wide and 116 feet deep, is currently occupied with a two story residential structure. The petitioner intends to convert the structure into a youth group home.
2. Shelters for the abused and mistreated (youth group home) are an allowed use within the Victorian District subject to approval by the Board of Appeals 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. Furthermore, the following provisions shall also apply:
 - a. **Provided that such use is located on a collector street or greater.**

The proposed use fronts Henry Street, a designated secondary arterial on the Street Classification Map of Chatham County.
 - b. **Provided that such use shall be limited to no more than 20 beds.**

The proposed facility will have no more than 12 beds.
 - c. **There shall be at least 150 square feet of space in the building for each occupant.**

The existing structure contains in excess of 1,900 square feet. A 12 bed facility would require 1,800 square feet of space.

3. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals shall hear and decide upon requests for permission to establish uses based upon a finding by the Board that:

- a. **The proposed use does not affect adversely the general plans for the physical development of the city, as embodied in these regulations and in any Master Plan or portion thereof adopted by the mayor and aldermen.**

The proposed use does not affect adversely the general plan for the physical development of the city. The subject property has been designated for residential use, however, a group home can be allowed.

- b. **The proposed use will not be contrary to the purpose stated for these regulations.**

The proposed use is not contrary to the regulations.

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

No adverse affects are expected or anticipated.

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

The proposed use will not likely be detrimental to the use or development of adjacent properties. A youth group home in a controlled environment can be compatible with the surrounding residential uses.

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

The proposed use will not be affected adversely by the existing use. The site is currently occupied by a single family residence which will be renovated for the use requested.

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

No site plan information has been submitted with the request for the use permit. If permission to establish the group home is granted, the petitioner will be required to submit a site plan for consideration by the appropriate review bodies in order to receive the necessary certificate of occupancy. Adherence to the appropriate development standards will be required at that time.

- g. **The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement, noise or fume generation, or type of physical activity.**

It is not anticipated that the proposed use will create either a hazard or a nuisance.

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

At this point in time, no variances from the development standards of the district have been requested. No site plan has been submitted. If the proposed development is found to be in non-compliance with district regulations upon submittal, the petitioner may request relief from the Board of Appeals at a subsequent hearing.

Summary Of Findings

All of the conditions necessary for granting use approval for a group home in conformance to the regulations of Section 8-3028 of the Savannah Zoning Ordinance appear to be met.

Mr. Tom Mahoney, Attorney, stated at the last meeting there was some question by some of the residents in the neighborhood concerning safety. He said he would like to emphasize that this was a fulltime 24-hour per day adult staffing and supervision of the children that were there on a temporary basis. He said there was a procedure in place in case there was a problem. In the 20+ years that they have been at the present location they have had no one injured on the outside of the facility by any of the children who have been there on a temporary basis. He said the petition met all the standards to be established as a use in the Victorian District and was currently operating in the district.

Mr. Jones asked how long have they operated at the present location on Park Avenue?

Mr. Mahoney stated since about 1982 or 1983.

Mr. Stephens stated he had concerns about the petition. He said when the petition came before the Board in February 2006 there was opposition from the next door neighbor. He said the Board granted the variance. He said when the Board looked at variances they like to look at the integrity of the community and neighborhoods. He said the petitioner was going to preserve the integrity in one area and move to another area and upset the integrity of that area with the neighbors.

Mr. Mahoney stated they had no intent of moving from Park Avenue. When they did not get the grant they had no choice but to find another location. He said the reason they came before the Board in February was that they had been a nonconforming use for many years on Park Avenue. In the application for the grant they had to justify that they were operating in conformance with zoning requirements and regulations. He said they looked in the ordinance and found that in the Victorian District at that time there was no allowance for this type use anywhere in the Victorian District. He said that was why they came before in order to establish the fact that they could continue to operate at Park Avenue.

Mr. Mackey stated with regards to the notion and issue of money, profitability, and security he felt did not fall under the purview of the Board. He said he was careful about that because what happened here if appealed goes to Superior Court. He asked with regards to parking if there was lane access?

Mr. Mahoney stated yes, and parking was adequate.

Mr. Mackey asked with regards to the adjacent property owner if they were in the process of obtaining that parcel?

Mr. Mahoney stated it was under contract contingent upon the action of the Board.

Sergeant Tamargo (SCMPD) stated in reference to Park Place he could not express what an asset they have been to the Police Department. He said when you get statistics from the Police Department especially about calls for service they were broken down into signals which was sometimes misleading unless you were there on a daily basis to interpret them. He said he knew a lot of concerns were the number of disorderly calls to this facility and what impact it has on the community. The majority of the disorderly calls received when they transport a juvenile to this facility they were not allowed to bring them if they were intoxicated, under the influence of drugs, violent, or conducted any type of criminal activity. He said the children were not under arrest when they bring them to this facility. He said if the child leaves they are considered an unruly child and the facility will call the police. When the call goes out to the patrol officer, it went out as a disorderly child or unruly child. He said there may be no threat of violence or no threat to the community but the call is put out as a disorderly person. He said what he was saying was the majority of the calls received was more of a child who was unruly and wanted to leave the facility. The facility was obligated to contact them based on the agreement they have. He further stated that the other majority of calls they receive was about runaways. He said they some times receive other calls for the area which in some cases it could be Park Place calling and they list their address but it may be something that was happening at or nearby the area like Forsyth Park. But since the call came from Park Place it would reflect upon them in which it may not have had anything to do with their facility.

Ms. Vernell Jenkins Small (511 East Henry Street) stated she lived across the street from the proposed facility. She said her concern was safety as well as the effect the facility would have on property values decreasing. She said they met with the petitioner August 2, 2006 but they did not leave on one accord. At the meeting the neighborhood brought up about the police reports and incidents that had taken place and they were not addressed. She said Dixon Park was a residential neighborhood and anything incorporated generally was a business. She said she moved into the neighborhood 12 years ago and the City was looking for people to move into that area as a residential neighborhood and it was going to be improved. Realtors were now coming to the neighborhood, buying the property and rehabbing it and then reselling it as residential and not commercial. She said their concern was the property being utilized as commercial in a residential neighborhood. She said the person who owned the adjacent lot was waiting for title clearance. She said the adjacent owner did not indicate to the residents that she was now in support of this residence.

Mr. Jones asked if the Dixon Park Neighborhood Association is incorporated?

Mr. W. John Mitchell stated yes, but it was not a physical business.

Mr. Jones stated a community organization was a nonprofit incorporated entity.

Mr. Mackey stated a statement was made that it was residential but it was not zoned residential. He said it was zoned Victorian Planned Neighborhood Conservation and the request was for use. He asked how were the other uses in the neighborhood, for example park, SCAD, library, car wash, etc contrary to what this use was?

Mr. Mitchell stated he felt that no one read the police reports. When he presented the police reports he provided an analysis and what types of calls they were.

Mr. Mackey stated he felt for him to make that argument he would have to be able to tell the Board what the calls were now without the building there.

Mr. Mitch Brannen stated he just purchased 515 East Henry. He said he renovates and restores properties. He said his experience with other organizations that help wayward children that you do have problems. He said he agreed with the neighbors that there will be problems with values in the neighborhood. He said he understood the type of people who would want to buy houses in the neighborhood and he felt it would affect their decision making.

Mr. Byrne stated he knew that he (Mr. Brannen) did not come to the last meeting but Dickie Mopper, Mopper Stapen Realtor said that it would not have any affect on the property values. He asked the petitioner if there would be any signage on the property?

Mr. Mahoney stated no, which was how they have always operated.

Ms. Patricia Rutledge (506 East Henry Street) stated she was concerned about their property. She said the house next to Ms. Small was for sale but it was now for rent.

Mr. Jeffrey Screen stated they owned five dwellings in that area. He said every neighbor he has talked to has said they felt it was not good for the neighborhood. He said he was late to the petition, but he would like to know how many children would be at the facility?

Mr. Mahoney stated the ordinance required that the use be limited to no more than 20 beds and 150 square feet of space in the building for each occupant. He said they would not have over 12 children in the facility, but they were licensed by the State to go up to 16 or 18. He said with regards to their stay some of the children would be there for close to two weeks until they could properly place them and some were only there for a short period of time. He said it would be fulltime staff supervision 24-hours a day.

SZBA Action: **Mr. Jones made a motion that the Savannah Zoning Board of Appeals approve the petition as submitted based upon a finding that all conditions necessary for granting the use permit requested have been met. Mr. Byrne seconded the motion and it was passed 3- 1. Opposed to the motion was Mr. Stephens.**

**RE: Continued Petition of Dave Hilgendorf
B-060628-56312-2
1005 East Waldburg Street**

Present for the petition was Dave Hilgendorf.

Mrs. Burke gave the following Staff report.

The petition was continued from the July 25, 2006 meeting.

The petitioner is requesting approval of a 26 foot lot width variance from the 60 foot lot width required; a two foot side yard setback variance from the five foot side yard setback requirement; and a 3,290 square foot lot area variance from the 7,200 square foot lot area requirement of Section 8-3025 of the City of Savannah Zoning Ordinance in order to create a two-family

dwelling from an existing single family structure. The subject property, located at 1005 East Waldburg, is zoned R-4 (Four-Family Residential).

Findings

1. Section 8-3025 of the Savannah Zoning Ordinance requires a minimum lot width of 60 feet and a minimum lot area of 7,200 square feet for two-family (on one lot) residential in the R-4 district. In addition, the Ordinance requires a minimum side yard setback of five feet from the property line.
2. The structure is an existing single family residential structure that currently does not meet the minimum width or side yard setback requirements of the Ordinance. The lot is currently nonconforming in regards to lot area for a single family structure as well, as the Ordinance requires a minimum lot area of 6,000 square feet for a single family residence.
3. The subject property is a substandard lot that contains 3,910 square feet and measures 34 feet in width and 115 feet in depth. The petitioner proposes to convert an existing single family residence on the parcel into a two-family residence.
4. The Visual Compatibility Officer has reviewed the application and does not oppose the request.
5. 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 34 feet in width and 115 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.
 - c. **Such conditions are peculiar to the particular piece of property involved.**

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

Relief, if granted, would not cause substantial detriment to the public good. The petitioner proposes to utilize an existing structure in a manner that is consistent with several other uses in close proximity to the subject property.

Summary Of Findings

All conditions required for granting a 26 foot lot width variance, two foot side yard setback variance, and a 3,290 square foot lot area variance appear not to be met.

Mr. Hilgendorf stated he purchased the property with the intent of renovating it and felt its best use was a duplex because of the design of the home as well as there were a lot of other duplexes in the area.

Mr. Mackey asked why he could not renovate the property as single-family?

Mr. Hilgendorf stated that could be done, but he felt its best use from an investment standpoint was as a duplex.

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 will not cause substantial detriment to the public good. Mr. Jones seconded the motion and it was passed 2 – 1. Opposed to the motion was Mr. Mackey.

**RE: Continued Petition of Dave Hilgendorf
B-060628-56439-2
1107 East Anderson Street**

Petition withdrawn per petitioner's request.

**RE: Petition of Douglas Kaufman
B-060727-53661-2
311 East 32nd Street**

Present for the petition was Douglas Kaufman.

Mrs. Burke gave the following Staff report.

The petitioner is requesting approval of a two (2) foot side yard setback variance for each side from the five (5) foot side yard setback requirement, and a two (2) space parking variance from the two (2) space parking requirement of Part 8, Section 3, Article K, and Section 5.6.5 and 8.2.5 of the Savannah Zoning Ordinance in order to construct a single family residence. The subject property, located at 311 East 32nd Street, is zoned TN-2 (Traditional Neighborhood).

Findings

1. Section 5.6.5 Savannah Zoning Ordinance requires a minimum side yard setback of five (5) feet in the TN-2 district. In addition, Section 8.2.5 requires a minimum of one parking space per 1,000 square feet of floor area for residential uses.
2. The applicant is proposing to construct a single family residence three (3) feet from each side property line with no on-site parking.

3. The TN-2 district requires a minimum lot area of 3,000 square feet for a single family dwelling with a minimum width of 30 feet. The subject property is a nonconforming lot of record in regards to minimum lot area, as the parcel is approximately 2,057 square feet in size. Per the petitioner's application, the proposed structure is approximately 1,600 square feet.
4. The Visual Compatibility Officer has reviewed the application and indicates that they have approved a Certificate of Appropriateness for this project.
5. 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, although ordinary in shape, does not meet the minimum lot area requirement for the TN-2 district.
 - b. **The application of these regulations to this particular piece of property would create an unnecessary hardship.**

Strict application of these regulations would not create an unnecessary hardship. However, strict application of the regulations would limit the size of any structure to be located on the parcel to 21 feet in width.
 - c. **Such conditions are peculiar to the particular piece of property involved.**

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

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

Summary Of Findings

All conditions required for granting a two (2) foot side yard setback variance on each side and a two (2) space parking variance appear not to be met.

Mr. Jones stated he was concerned about the parking and how it would be handled.

Mr. Kaufman stated the City was trying to make it in the inner City that the buildings be brought to the front and in line with the preexisting buildings. He said his petition addressed that directly

so that on either side of the building there were buildings that would be in line with the new proposed building. He said between 32nd and 33rd there was no lane it did not lend itself to have parking in the rear of a building. The building aligned itself with the existing buildings.

Ms. Virginia Mobley stated when the Mid City plan was developed they took into a lot of consideration of different things such as parking, streetscape, etc. One of the things that stayed in their minds was the life safety issues. In doing so they looked for what it would take for the fire department to be able to put a ladder up to the second floor. She said if the Board started allowing variances on the side setbacks that would impair the fire departments access to these buildings. She said it was mentioned that there was no access from the back of the building. If the sides were eliminated that meant there was only one entrance into the building in the case of fire. She said on the adjacent street (33rd Street) about 2 years ago there were three structures that burned and lives lost because there was no accessibility to the interior of the house on the second floor. She said they were concerned about the safety position that they were putting the people that live in this area in. She asks that the Board think hard before granting side yard setback variances to these areas.

Mr. Kaufman stated he agreed, but there was access on either side for a ladder to get through because they were going to have to build the property and would have to structure something on the side of the building to build it two story. He said there was access to the rear which was on either side of the building that was 3 feet instead of 5 feet.

Mr. Richard Watford stated he lives in the neighborhood and has watched the area develop over time. He said he was concerned about safety and there not being enough space between buildings. He said there was no lane between 32nd and 33rd Streets.

Mr. Byrne stated he felt those were legitimate concerns with regards to the variances and closeness of the buildings and the access that firefighters may have. He asked Mr. Todaro if it was factored in to the zoning regulations.

Mr. Todaro stated most of the properties that came to the Board for a side yard variance were on narrow lots like this. The building code required a minimum of 3 feet in order to have openings meaning windows or doors. He said the ordinance required 5 feet, but the building code allowed you to have windows and doors if you were at least 3 feet. If you were less than 3 feet then you could not have any windows or doors on the side and you had to fire rate the building.

Mr. Mackey asked Mr. Kaufman in the event of an emergency if safety personnel such as fire would be able to access the property?

Mr. Kaufman stated because of building codes today they had to put in hardwiring with fire detection, but he could not speak for the fire department. He said he felt that if you could construct a building and get through it within reason then he felt the fire department should also be able to get in within reason.

Mr. Luke Dickson stated he petitioned the Board a couple of months ago for the exact same thing which was only a couple of blocks away from this petition. He said he felt on this property the petitioner has had to go with the new Mid City plan. From seeing the drawings, he felt there was not any real contention. He said in his case it was a replication of the original structure on the block with the original footings.

Mr. Mackey stated the Board did not set precedents because each case is heard on its own merits.

Mr. Dickson stated he felt the petitioner could build the structure with the existing setbacks and have a 21 foot wide house, but he would like to try and maximize the square footage of the house for single-family which he agreed was a fine line.

Mr. Todaro, City Development Services, stated this was a substandard lot for the Mid City zoning district. He said the standards were based on it being a standard sized lot. He said to build a single family home in the TN - 2 today if you were subdividing it had to have 30 feet width which this petition does, but it has to be 3,000 square feet in area which this was not. He said the standards in the ordinance was there for the ideal 30 X 100 lot. He said this was not that size lot.

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 will not cause substantial detriment to the public good. Mr. Mackey seconded the motion and it was passed 2 - 1. Opposed to the motion was Mr. Jones.

**RE: Petition of Greg Jacobs
B-060727-53818-2
0 West 42nd Street**

Present for the petition was Greg Jacobs.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a 228 square foot lot area variance from the 5,808 square foot lot area required by Part 8, Section 3, Article K, and Section 5.8.6 of the Savannah Code of Ordinances in order to construct a four unit residential structure. The subject property, located at the northwest corner of 42nd and Whitaker Streets, is zoned TC-1 (Traditional Commercial).

Findings

1. Multiple family dwellings are an allowed use within the TC-1 zoning classification subject to adherence to prescribed development standards. Included is a minimum lot area of 1,452 square feet per unit.
2. The subject property, located at the northwest corner of Liberty and 42nd Streets measures approximately 62 feet wide and 90 feet deep, resulting in a lot area of 5,580 square feet. The parcel is considered a standard lot in the TC-1 district.
3. The petitioner proposes to construct a four family residence. As proposed, the development would require a minimum lot area of 5,808 square feet (4 x 1,452). Accordingly, a lot area variance of 228 square feet is requested.
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 parcel is considered a standard lot within the TC-1 zoning classification. There are no unusual topographic features associated with the parcel.

- 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. Three units could be built on the property without necessity of a variance.

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

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

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

Relief, if granted, would not likely cause substantial detriment to the public good, The proposed project is similar in nature to other developments in the area, and no other variances from the district's development standards are requested.

Summary Of Findings

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

Mr. Jacobs stated he felt this was a case where the existing zoning regulations did not take into account all of the characteristics of this area and neighborhood.

Mr. Tom Todaro, City Development Services, stated when you figured the density on this property it allowed 3.84 dwellings and the petitioner wanted four dwellings. He said they don't round up or down.

Mr. Jones asked the petitioner how would they ingress and egress? He said he was also concerned about the parking.

Mr. Jacobs stated they did not have plans fully developed, but they have done some schematics and it appeared to have plenty of room for them to meet the parking requirements on-site in the rear with access from 42nd Street.

Mr. Christian Sottile (Urban Design) stated there was a curb cut on Whitaker Street which they felt was not safe when the site was being used. He said their intention was to keep the tree and create a single point of access to the site from 42nd Street and a drive lane on the side yard of the property. The parking could take access below the building.

Mr. Stephens asked how many cars would fit into that space?

Mr. Sottile stated in studying it for four units they figured that eight cars would fit in accordance with the zoning.

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 variance requested will not cause substantial detriment to the public good.** Mr. Jones seconded the motion and it was passed 2 - 1. Opposed to the motion was Mr. Mackey.

RE: Petition of Wesley Community Centers of
Savannah, Inc.
B-060727-54007-2
15 East 32nd Street

Present for the petition was Tammy Mixon.

Mrs. Burke gave the following Staff report.

The petitioner is requesting approval of an application to establish an adult day care home pursuant to the requirements of Part 8, Section 3, Article K, and Section 5.6.2 of the Savannah Zoning Ordinance in order to expand the existing services offered by the Wesley Center. The subject property, located at 15 East 32nd Street, is zoned TN-2 (Traditional Neighborhood).

Findings

1. The subject parcel, which measures approximately 43 feet wide and 63 feet deep, is currently occupied with a two story two-family residential structure. Per the Tax Assessor's Office, the structure is 3,224 square feet in size.
2. The petitioner is seeking use approval to establish an adult day care as an extension of the Wesley Community Center. The existing center provides childcare services, cultural programming, and women's shelter services from its current site located on the southwest corner of Drayton and 32nd Street.
3. Day care home, adult group (7 to 18 people), is an allowed use within the TN-2 district subject to approval by the Board of Appeals.
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 based upon a finding by the Board that:
 - a. **The proposed use does not affect adversely the general plans for the physical development of the city, as embodied in these regulations and in any Master Plan or portion thereof adopted by the mayor and aldermen.**

The proposed use does not affect adversely the general plan for the physical development of the city. The subject property has been designated for residential use, however, a group home is allowed with Board approval.

- b. **The proposed use will not be contrary to the purpose stated for these regulations.**

The proposed use is not contrary to the regulations.

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

No adverse affects are expected or anticipated.

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

The proposed use will not likely be detrimental to the use or development of adjacent properties. The organization is currently operating the proposed use in an adjacent structure and is simply requesting relocation of some of the existing activities to this site.

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

The proposed use will not be affected adversely by the existing use. The site is currently occupied by a two-family residence which will be renovated for the use requested.

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

No site plan information has been submitted with the request for the use permit. If permission to establish the group home is granted, the petitioner will be required to submit a site plan for consideration by the appropriate review bodies in order to receive the necessary certificate of occupancy. Adherence to the appropriate development standards will be required at that time.

- g. **The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement, noise or fume generation, or type of physical activity.**

It is not anticipated that the proposed use will create either a hazard or a nuisance.

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

At this point in time, no variances from the development standards of the district have been requested. No site plan has been submitted. If the proposed development is found to be in non-compliance with district regulations upon

submittal, the petitioner may request relief from the Board of Appeals at a subsequent hearing.

Summary Of Findings

All of the conditions necessary for granting use approval for an adult day care home in conformance to the regulations of Part 8, Section 3, Article K, and Section 5.6.2 of the Savannah Zoning Ordinance appear to be met.

Mr. Stephens stated one of the prerequisites for coming to the Zoning Board of Appeals was that the petitioner provide a site plan for the Board to review. He asked if they had a site plan?

Ms. Tammy Mixon stated no. She said they have been at 1601 Drayton Street the property next to 15 East 32nd Street since 1972. The program and services was growing and expanding. She said they have existing programs that have been operating for over a year. She said they were asking to move current programs into the proposed location such as the woman's center which would be about five or six women. She said they also had some ladies who came to the center to do quilting classes and would like to move them in that building as well. She said they would also move some of the staff in that building.

Mr. Jones stated he felt the Board needed something they could look at. He said he felt the petition may need to be continued until the next meeting so they could provide something for the Board to see.

Ms. Mixon stated they were not trying to change the structure of the building. She said they were trying to move some of the women services programs next door.

Mr. Byrne stated Staff indicated there were some neighbors that contacted them and said they would like to meet to discuss their programs. He said he felt it was important when you were coming in to a neighborhood to meet with the neighborhood. He asked if they could do that?

Ms. Mixon stated they did not have any real objection. She said they were more than happy to answer questions and they have invited their neighbors around the facility for years to come to Wesley and see what they do. She said they have a specific day in December that they call Wesley's Friends and Neighbors Day and they have not had the turn out from the neighbors.

Mr. Stephens stated what his colleague was saying was since the neighbors wanted to meet with them concerning the petition that they may need to continue it for one month so they could meet with them, but this would also give them time to get their site plan before the next meeting to the Board.

Ms. Mixon stated okay.

Ms. Alicia Novak (Park Properties) stated she was trying to help the petitioner purchase the building. She said the other agent wanted them to close on the building within a certain time frame as does the seller. She said they had a deadline of September 15, 2006. She said she felt the neighbors had every opportunity to be present. She said the petitioner was not changing anything that they were doing now.

Mr. Stephens stated a continuance was suggested not only for the neighbors but also because the petitioner did not have everything in their packet at the time they submitted.

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

RE: Petition of James O. Dixon
B-060727-54104-2
8 Hibiscus Avenue

Present for the petition was Arlie Broadnax.

Mr. Hansen 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 Savannah Zoning Ordinance. The subject property, located at 8 Hibiscus Avenue, is zoned R-6 (One-Family Residential).

Findings

1. The subject property, located at 8 Hibiscus Avenue, is presently occupied by a one-story single-family residential structure containing approximately 1,755 square feet. The property is trapezoidal in shape, measuring approximately 62 feet wide at the front, 120 feet wide at the rear, and having side yards that measure approximately 100, and 105 feet deep. The parcel contains approximately 7,200 square feet. The lot is considered a standard parcel within the R-6 zoning classification.
2. The petitioner is requesting approval of a child care center that would accommodate up to 12 children, and a waiver of the requirement that said use be located on a collector or arterial street. A child care center with more than six children in a residential district requires Board of Appeals approval.
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 shall be characteristic of the neighborhood; d) that the use provide off-street parking in conformance with the requirements of Section 8-3089; e) that no outdoor activities occur after 9:00 p.m.; f) that visual buffers be provided to shield parking areas, play areas and outdoor activity areas from abutting property; and, g) that a sign not to exceed three square feet may be permitted.

The requirements of a, c, d, e, and g (above) appear to be met. Article (a) requires that a minimum of 100 square feet of outdoor play space be provided for each child. The petitioner is requesting approval of the use for up to 12 children, thus requiring 1,200 square feet of outdoor play space. Based upon the site plan submitted by the petitioner, it appears that adequate outdoor play space is available to accommodate the desired number of children.

Article (b) requires that a child care center be located on a collector or arterial street. The petitioner seeks a waiver of this requirement as permitted by Section 8-3025 of the Ordinance. Article (d) requires that an off-street loading and unloading area be provided for the safety of the children. The petitioner has proposed the installation of a circular

drive to accommodate the same. A driveway permit request was submitted to and approved by the City of Savannah Traffic Engineering Department. Article (f) requires that a visual buffer be provided to shield play areas, parking areas, and outdoor activity areas from abutting properties. Although the property contains significant vegetation, it is noted that the rear yard is enclosed with an approximate four foot wire fence that is not opaque in design. Moreover, it is unknown how the petitioner intends to screen the proposed parking area from view.

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

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

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

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

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

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

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

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

The subject property is located on a local street in a residential neighborhood. 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 character of the existing area.

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

A minimum of 100 square feet of outdoor play space is required for each child. The petitioner's site plan illustrates ample space for the number of children requested. Sufficient space is available to accommodate the required parking.

- f. **The proposed use will not constitute a nuisance or hazard because of the**

number of persons who will attend or use such facility, vehicular movement, noise or fume generation, or type of physical activity.

Increased vehicular movement and noise generation could be a nuisance to the surrounding area.

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

The application, as presented, does not meet all of the development standards prescribed by the Zoning Ordinance.

Summary Of Findings

Standards as discussed above appear not to be met. The required screening appears insufficient to adequately buffer the use from adjacent properties and the site is not located on a collector street or higher.

Mr. Jones asked if Hibiscus would be able to accommodate the traffic through that area because of the narrowness of the street.

Mr. Hansen stated yes. He said the petitioner also submitted plans to the City Traffic Engineering department and received approval from them to create a circular drive for the necessary drop-off and pick-up.

Mr. Byrne asked where would the staff park?

Mr. Hansen stated there was adequate parking on the side for staff.

Ms. Arlie Broadnax stated they could cut the dead tree down

Mr. Mackey asked about the screening for the play area?

Mr. Hansen stated typically the Board has required that there be an opaque fencing in the rear yard to surround the play area. The Board has left it to the discretion of the petitioner as to whether or not that might be blocked, wooden or what exactly that material was. Typically, it was 6 feet in height and was opaque to shield the activity from the neighbors. He said it was not unusual for the Board to grant a childcare center approval with a condition that that the fencing be included.

Mr. Mackey asked the petitioner how many children would be at the daycare?

Ms. Broadnax stated 12.

Mr. Mackey asked if someone would reside at the daycare or would it be one that opens and closes at certain time?

Ms. Broadnax stated no one would live at the residence.

Mr. Byrne asked what were the hours of operation?

Ms. Broadnax stated 6:30 a.m. to 6:00 p.m.

SZBA Action: Mr. Byrne made a motion that the Savannah Zoning Board of Appeals approve the petition as submitted subject to conditions that the outdoor play area be enclosed with a six foot high opaque fence, and that the dead tree located in the rear yard be removed. Mr. Jones seconded the motion and it was passed.

RE: Petition of Roman Arnold
B-060727-54208-2
107 East Waldburg Street

Petition withdrawn per Staff's request.

RE: Petition of Joshua Akins
B-060727-54506-2
1917 East 59th Street

Present for the petition was Travis Randall.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a four foot side yard setback variance from the five foot side yard setback requirement of Section 8-3025 of the Savannah Zoning Ordinance in order to create two separate parcels. The subject property, located at 1917 East 59th Street, is zoned R-6 (One-Family Residential).

Findings

1. Development standards in the R-6 zoning district require a minimum lot frontage of 60 feet and a minimum lot area of 6,000 square feet. Additionally, minimum side yard setbacks are established at five feet. The subject parcel has frontage of 126+ feet and is 110 feet deep.
2. A single family residence is currently located on the parcel. The petitioner's intent is to divide the parcel into two separate lots and to build a second residence. The existing house is located such that a variance from the side yard setback requirement is necessary to legally split the parcel. If approved, each of the resulting lots would meet the minimum requirements for lot area and lot frontage.
3. The petitioner has submitted a site plan with the application that documents a four foot permanent maintenance easement on the newly proposed lot in order to maintain at least a five foot setback from the existing structure. Not only will this provision assure proper building separation, it will also facilitate maintenance accessibility for the existing structure.
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 conforming lot of record. There are no extraordinary site conditions associated with the parcel.

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

Strict application of these regulations would not create an unnecessary hardship.

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

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

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

Relief, if granted, would not likely cause substantial detriment to the public good. The petitioner proposes to divide an unusually large lot into two standard lots of record.

Summary Of Findings

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

Mr. Randall stated originally a street used to cut through there many years ago that was deeded away. He said when Mr. Groover, Owner, purchased the property he purchased the old street right-of-way that was odd-shaped and size. The zoning required that they have a minimum of 6,000 square feet for any lots that they created as well as 60 feet of frontage on the road. He said it was kind of an odd situation with the property line 1 foot off the edge of the building. A four foot maintenance easement is shown so that the air conditioner unit was not encroaching on the new lot and so you could maintain the house. In addition, the zoning required that the side setbacks be 5 feet in that area. He said to keep the 5 feet between the building they added 9 feet setback from the property line in addition to the one foot that the property line was off the building to maintain a 10 foot separation between the two buildings.

Mr. Bill Bennett stated he owned the property two doors west of the proposed petition. He said his letter along with some of his neighbors was included in the Board's packet. He said he understood that there was 60 feet from the existing house to the chainlink fence which was the property line that bordered 2001 East 59th Street. He said he remeasured the frontage this morning and his calculations were 58'-6" and he was butted up to the east end of this brick house. He said he felt that would go against the first findings on the staff report. He said with regards to the second finding it said if approved that each of the resulting lots would meet the minimum requirements for a lot and lot frontage. He said he felt that the lot frontage did not meet the required 60 feet. He said the third finding said not only would this provision ensure

proper building separation it would also facilitate maintenance accessibility for the existing structure. He said he felt it would not create adequate building separation. He said with regards to finding four of the staff report it said that staff felt that it would not likely cause substantial detriment to the public good. He said he felt it would cause substantial detriment to the public good because you were trying to squeeze in a house that was not going to fit with the other homes in this neighborhood. He said he felt if the Board granted the petition that it would cause substantial detriment because of the size of the structure. It was not compatible with the other existing homes that was in the neighborhood. He also felt that it would not maintain the integrity of the neighborhood.

Mr. Jones asked the petitioner if they had the lot surveyed by a registered licensed surveyor?

Mr. Randall stated yes, and that he worked for Kern Coleman. He said it was not signed because the subdivision has not been approved.

Mr. Byrne asked if there was any view on what the structures would be like and whether they were going to fit into the neighborhood?

Mr. Randall stated he felt Mr. Bennett had a legitimate concern, but as a surveyor and engineer he could not say what would fit or not fit the subdivision.

Mr. Hansen stated with regards to the design, style, or nature of the proposed house was not something that this Board would be involved in as far as the review process. The R-6 zoning district which this lot was in required a minimum of 60 foot frontage and a minimum size of 6,000 square feet. If the Board granted the variance requested both of the proposed lots would meet the minimum standard.

Mr. Neil Dawson stated the petition as proposed would change the condition under which the building was constructed. He said it was constructed in a way as Mr. Todaro pointed out earlier that it would be far from the property line. He said when you make it one foot from the property line then that house could not have any openings facing that property line and has to be fire rated. He said he felt that would create a hazardous condition.

Mr. Todaro stated the architect who spoke earlier was familiar with the building code. He said an engineer typically was not. He said Mr. Dawson was correct in that putting that line only one foot from the building you would have to eliminate every window on the wall, door, and they would have to fire rate the wall. He said he felt the petition may need to be continued to perhaps move the property line over to where the easement was. He said they would have the 5 feet, but the lot on the right side would need a lot width variance and they both would still meet the minimum lot area.

Mr. Byrne asked Mr. Randall if they would like a continuance?

Mr. Randall stated yes.

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

**RE: Petition of Kathleen Colbert
B-060727-54680-2
609 East 40th Street**

Present for the petition was Kathleen Colbert.

Mrs. Burke gave the following Staff report.

The petitioner is requesting approval of an eight (8) foot rear yard setback variance from the 25 foot rear yard setback required, and is requesting a lot coverage of 36 percent as opposed to the 30 percent lot coverage allowed in Section 8-3025 of the Savannah Zoning Ordinance in order to construct an addition onto an existing single family residential structure. The subject property, located at 609 East 40th Street, is zoned R-6 (One-Family Residential).

Findings

1. Section 8-3025 of the Savannah Zoning Ordinance requires a minimum rear yard setback of 25 feet and a maximum building coverage of 30 percent in the R-6 district.
2. The applicant is proposing to construct an addition onto an existing house 17 feet from the rear property line. The proposed addition would result in a building coverage of 36 percent on the subject property.
3. The R-6 district requires a minimum lot area of 6,000 square feet with a minimum width of 60 feet. The subject property is a nonconforming lot of record with a lot width of approximately 30 feet and an area of 2,729 square feet.
4. The Visual Compatibility Officer has reviewed the application and does not have any concerns with the request.
5. 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 nonconforming lot of record. It is approximately half the size of a standard R-6 lot.
 - b. **The application of these regulations to this particular piece of property would create an unnecessary hardship.**

Strict application of these regulations would not create an unnecessary hardship.
 - c. **Such conditions are peculiar to the particular piece of property involved.**

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

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

Relief, if granted, would not cause substantial detriment to the public good. The petitioner proposes to construct an addition onto an existing single family residential structure.

Summary Of Findings

All conditions required for granting an eight (8) foot rear yard setback variance and a six (6) percent building coverage variance appear not to be met.

Ms. Colbert stated the house was purchased June 2005 by her daughter and son in-law. She said her daughter became seriously ill in February and the deed had to be transferred to her. She said her daughter was now well and the house was going to be her home, so the deed will be transferred back.

Ms. Ann Michelle Williams stated it was their intention to renovate the property and make it into a home that was large enough for a family. She said the addition would be on one side of the property and not the other. In the addition they would like to have a second full bath as well as space for a kitchen and laundry room. She said she also had a signed petition from her neighbors in support of her petition.

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

**RE: Petition of Tony Parrish
B-060727-55014-2
303, 305, 309, 311, East 41st Street**

*Mr. Mackey temporarily left the meeting.

Present for the petition was Alajandra Silva, Architect.

Mrs. Burke gave the following Staff report.

The petitioner is requesting approval of a ten (10) foot rear yard setback variance from the ten (10) foot rear yard setback requirement of Part 8, Section 3, Article K, and Section 5.8.5 of the Savannah Zoning Ordinance in order to construct a multi-family dwelling. The subject properties, located at 303, 305, 309, and 311 East 41st Street, are zoned TC-1 (Traditional Commercial).

Findings

1. Section 5.8.5 Savannah Zoning Ordinance requires a minimum rear yard setback of ten (10) feet in the TC-1 district.

2. The applicant is proposing to construct a multi-family dwelling on the rear property line.
3. The TC-1 district requires a minimum lot area of 2,200 square feet per attached residential dwelling unit with a minimum width of 30 feet. The subject properties are conforming lots of record.
4. The Visual Compatibility Officer has reviewed the application and indicates that they have requested some revisions of the petitioner regarding height, but none relating to the foot print (site plan).
5. 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 properties are rectangular in shape and exceed the minimum lot area requirements for the TC-1 district.

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

Strict application of these regulations would not create an unnecessary hardship. However, strict application of the regulations may result in the loss of a significant tree, which the applicant is attempting to preserve through the current design.

- 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 shift the permitted structures to the rear of the property in order to protect a large tree.

Summary Of Findings

All conditions required for granting a ten (10) foot rear yard setback variance appear not to be met.

Mr. Silva stated when they were designing this they found that they were allowed to put parking up to the zero lot line on the rear. Instead, they pushed the structure back and wrapped around

the tree so they would not have to deal with trimming it up. He said they went beyond what the setback was from the tree. He said by doing that what they did was built on top of where the parking was and that was where they asked for the 10 foot variance.

Ms. Virginia Mobley asked how were they planning to accommodate the customers coming to the commercial property when there was no parking on Lincoln Street. She said it was two-way street that virtually even one car was parked on the street it became a one-way street.

Mr. Byrne stated it was zoned traditional – commercial and the petitioner was not asking the Board for a parking variance. He said the only variance they were requesting was for setback.

Mr. Hansen stated assuming all the required parking needs were met it would be at a staff level. However, if it was not met they have the ability to come back to the Board to request a variance from those provisions.

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

The motion failed for lack of a second.

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

**RE: Petition of Leroy Maxwell
B-060727-54906-2
1913 Whitaker Street**

Present for the petition was Leroy Maxwell.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a 400 square foot lot area variance for four (4) lots from the 4,400 square foot lot area requirement of Part 8, Section 3, Article K, and Section 5.6.5 of the Savannah Code of Ordinances in order to construct eight (8) two-family dwellings. The subject property, located at 1913 Whitaker Street, is zoned TN-2 (Traditional Neighborhood).

Findings

1. Section 5.6.5 Savannah Zoning Ordinance requires a minimum lot area of 2,200 square feet for each attached residential unit in a TN-2 district.
2. The applicant is proposing to construct eight (8) two-family residences on what is proposed to be four (4) lots. Per the applicant's site plan, each lot will be 4,040.74 square feet in size. The parent parcel is approximately 135 feet deep and 120 feet wide, resulting in a lot area of 16,200 square feet.
3. The Visual Compatibility Officer (VCO) has reviewed the application and indicates that the applicant will need to submit an application for design review, which will need approval by the Design Administrator. In addition, the VCO states that the location of the buildings and drive do not appear to follow the traditional building pattern in Mid-City.

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.**

There are no extraordinary or exceptional conditions pertaining to the subject property.
 - b. **The application of these regulations to this particular piece of property would create an unnecessary hardship.**

Strict application of these regulations would not create an unnecessary hardship.
 - c. **Such conditions are peculiar to the particular piece of property involved.**

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

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

Summary Of Findings

All conditions required for granting a 400 square foot lot area variance for four (4) lots do not appear to be met.

Mr. Stephens asked the petitioner if he was agreeable to a continuance as suggested by Staff?

Mr. Maxwell stated yes.

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

**RE: Petition of Douglas Kaufman
B-060731-51042-2
220 East 33rd Street**

Present for the petition was Douglas Kaufman.

Mrs. Burke gave the following Staff report.

The petitioner is requesting approval of a two (2) foot side yard setback variance from the five (5) foot side yard setback requirement; a 2,338.5 square foot lot area variance from the 4,400 square foot lot area requirement; a 16 percent lot coverage variance from the 60 percent lot coverage allowed; and a two (2) space parking variance from the two (2) space parking requirement of Part 8, Section 3, Article K, and Section 5.6.5 and 8.2.5 of the Savannah Zoning Ordinance in order to construct a two-family dwelling. The subject property, located at 220 East 33rd Street, is zoned TN-2 (Traditional Neighborhood).

Findings

1. In June of 2004 the Board acted to approve a similar request to construct a two-family dwelling on the subject property. At the time of approval, the Thomas Square Ordinance had not been adopted and the subject property was zoned RM-25 (Multifamily Residential, 25 units per acre.) The original approval included a four (4) parking space variance, a two (2) foot side yard setback variance (Lincoln Street side), a three (3) foot side yard setback variance (adjacent property side), a four (4) foot eight (8) inch rear yard setback variance, a one (1) foot four (4) inch front yard setback, and a 5,138 square foot lot area variance.
2. Section 5.6.5 Savannah Zoning Ordinance requires a minimum side yard setback of five (5) feet, a minimum lot area of 2,200 square feet per attached residence, and a maximum lot coverage of 60 percent in the TN-2 district. In addition, Section 8.2.5 requires a minimum of one parking space per 1,000 square feet of floor area for residential uses.
3. The applicant is proposing to construct a two-family residence three (3) feet from the interior side property line with no on-site parking. The proposed structure, if approved, would result in a lot coverage of 76 percent.
4. The TN-2 district requires a minimum lot area of 2,200 square feet for each unit for attached residential uses with a minimum width of 30 feet. The subject property is a nonconforming lot of record in regards to minimum lot area, as the parcel is 2,061.5 square feet in size.
5. The Visual Compatibility Officer has indicated that the application is currently under review by the Site Plan Administrator, which is required for development in the TN-2 district.
6. 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, although ordinary in shape, does not meet the minimum lot area requirement for the TN-2 district.

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

Strict application of these regulations would not create an unnecessary hardship. However, the petitioner would not be permitted to construct a two-family dwelling of this size on this lot.

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

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

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

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

Summary Of Findings

All conditions required for granting a two (2) foot side yard setback variance, 2,338.5 square foot lot area variance, 16 percent lot coverage variance, and a two (2) space parking variance appear not to be met.

Mr. Kaufman stated two years ago when he was granted the variances at that time he did not address the issue of parking and it may have slipped through the cracks. He said at that time he was given four off-street parking variances because it was on the corner as opposed to an interior lot. He said this time he was requesting a two space parking variance. He said with regards to the property he had put in the foundation because when he did the foundations down the street on 33rd Street at 310 and 312 he went ahead and did this site as well. He said he was going to build all three at the same time but it took longer to sell a couple of the other properties than he thought. Since that time, there has been a changing of the zoning and the Appropriateness Board which allowed him to redesign the building and make it nicer. He said since the permit expired he had to do the process all over again.

Mr. Jones stated what he was asking for was about a 48 percent variance from the lot size in order to do the construction.

Mr. Kaufman stated yes, because this was a duplex as opposed to single-family.

Mr. Jones asked how would they handle the parking?

Mr. Kaufman stated there was on-street parking which he was asking for a variance. He said he could park on 33rd Street as well as Lincoln Street since it was on the corner.

Mr. Jones asked if he felt he was over building?

Mr. Kaufman stated no.

Mr. Luke Dickson stated he was currently restoring a duplex that was next to the petitioner's property. He said behind it on 32nd Street they were constructing a single-family house. He said those two properties also had the same problem in that there was not a lane. However, there was a footprint that allowed for a curb cut off of Lincoln Street because they were corner lots that allowed for parking off the side. He said he understood the petitioner's foundation was already set and that the permit expired. However, he felt the footprint would not be an issue. He said an alternative may be that if he had the same footprint a garage could be incorporated or if he eliminated a couple of feet off the back he may be able to get one or two cars. He said he felt the parking was what most people were concerned with as opposed to the design.

Mr. Byrne asked the petitioner how he felt about Mr. Dickson's suggestion with regards to the parking?

Mr. Kaufman stated if he took off the back porch then the resident would not have a back porch. He said his only consideration would be that you could bring in one car but how would you bring in the second car behind that car. If it was a duplex you had the problem of the person upstairs moving the car for the person downstairs or vice versa.

Mr. Byrne asked if he was saying that he did not see a way out of this except to have the two space variance?

Mr. Kaufman stated unless he tore down the foundation in the back for the footers that were already there for the porch which would be approximately 8 feet. He said he did not know what the minimum was for a driveway and what the City would say.

Ms. Virginia Mobley stated in the Mid City zoning it says that credit towards off-street parking shall be allowed for abutting spaces along the street adjacent to the subject property. The credit that he was trying to take for Lincoln Street was not available. She said there was a bike lane on that side of the street and no parking. She said she felt the petitioner had no spaces on Lincoln Street. She said she felt the only space would be on 33rd Street. She said the petitioner stated that he already has adjusted his plans from what he started out with last year to what he wanted to build now to be more compatible. She asked if the Board could consider the parking issues.

Mr. Richard Watford stated the problem that he felt was forthcoming in the neighborhood as it was being developed was the severe lack of parking. He said this particular plot was one of three remaining vacant spaces on the north side of 33rd Street. He said 33rd Street was very congested and he has watched it go from abandon structures to now you can't find a parking space. He said if this was the first of three remaining lots to be developed what was going to happen to the second and third lots because they would not have any where to park as well. He said he could not understand why it could not be a single-family as opposed to a duplex.

Mr. Byrne asked the petitioner if a continuance would help him so he could study his plans to see how the parking could be resolved?

Mr. Kaufman stated yes.

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

**RE: Petition of John Settles, For
Urban Communities, LLC
B-060731-51162-2
1309 Augusta Avenue**

*Mr. Mackey returned to the meeting.

Present for the petitions was John Settles.

Mr. Hansen gave the following Staff reports.

The petitioner is requesting approval of an application to reestablish a non-conforming use pursuant to the requirements of Section 8-3133(c) of the Savannah Zoning Ordinance. The petitioner intends to open a barber school/shop. The subject property, located at 1309 Augusta Avenue, is zoned R-4 (Four Family Residential).

Findings

1. Section 8-3133(c) of the Savannah Zoning Ordinance states that “When a building was designed and constructed to house a nonconforming use, then there shall be no time limit for reoccupying such building with a nonconforming use. However, when such building was last occupied by a nonconforming use, it may only be occupied by a nonconforming use only with the approval of the board of appeals.”
2. The structure currently located on the subject property dates to 1930. According to tax records, the building was originally constructed for a commercial purpose and has been used for a variety of commercial purposes throughout the years. Although the structure is now vacant, the petitioner desires to refurbish the structure and establish a barber shop/school.
3. Section 8-3134 of the Zoning Ordinance permits changes in nonconforming uses. The section specifically lists uses allowed. Barber shops are listed as an allowed nonconforming use.
4. The City’s Historic Preservation Officer has reviewed the proposal and notes that the structure is considered historically contributing. It is unknown if the petitioner is planning exterior modification to the existing structure.

Summary Of Findings

Approval of reestablishment of a nonconforming use is left to the discretion of the Board of Appeals.

**RE: Petition of John Settles, For
Urban Communities, LLC
B-060807-42038-2
1313 Augusta Avenue**

The petitioner is requesting approval of an application to establish an off-street parking facility in conformance with the requirements of Section 8-3132 of the City of Savannah Zoning

Ordinance. The subject property, located at 1313 Augusta Avenue, is zoned R-4 (Four-Family Residential).

Findings

1. Section 8-3132 of the Savannah Zoning Ordinance allows for a nonconforming use of building, structure or land to be extended to occupy a greater area of land if authorized to do so by the board of appeals.
2. The petitioner is in the process of establishing a commercial use on adjacent property located at 1309 Augusta. As a part of the redevelopment process, the intention is to construct a parking facility to serve the needs of the commercial use.
3. The subject property is currently occupied with a vacant single family dwelling. It is proposed that the dwelling be demolished and the parking facility constructed in its place. The City's Historic Preservation Officer has reviewed the proposal and notes that the existing dwelling is a contributing historic structure. Although the Preservation Officer does not have to approve demolitions in this area, she none-the-less is not supportive of the plans for demolition.
4. The request is supported by the City's Economic Development Department as a part of their efforts to revitalize the Augusta Avenue corridor.

Summary Of Findings

Approval of the request is left to the discretion of the Board of Appeals.

Mr. Settles stated he bought the building and obtained a permit to renovate the building with its use being commercial and had planned to rent the property. When he had a tenant to go down to obtain a certificate of occupancy the tenant was told that the zoning had been changed from commercial to residential and a business could not occupy it without him getting the zoning changed back. In discussions with the City they felt it may be simpler to get a non conforming which would return it to what it was formally. He further stated that the customers of the building next door park on the sidewalk. He said to accommodate the parking for his proposed location he purchased the property at 1313 Augusta Avenue which would alleviate parking on the sidewalk as well as in the front of the properties.

SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals approve the petitions (B-060731-51162-2 and B-060807-42038-2) as submitted. Mr. Byrne seconded the motion and it was passed.

**RE: Petition of Constance Boyd
 B-060731-51281-2
 1003 West 51st Street**

Present for the petition was Constance Boyd.

Mr. Hansen 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 Savannah Zoning Ordinance. The subject property, located at 1003 West 51st Street, is zoned R-6 (One-Family Residential).

Findings

1. The subject property, located at 1003 West 51st Street, is presently occupied by a single-family residential structure containing approximately 1,374 square feet. The property is rectangular in shape, measuring approximately 51 feet wide and 105 feet deep. The parcel contains approximately 5,355 square feet. The lot is considered a substandard parcel within the R-6 zoning classification.
2. The petitioner is requesting approval of a child care center that would accommodate up to 12 children, and a waiver of the requirement that said use be located on a collector or arterial street. A child care center with more than six children in a residential district requires Board of Appeals approval.
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 shall be characteristic of the neighborhood; d) that the use provide off-street parking in conformance with the requirements of Section 8-3089; e) that no outdoor activities occur after 9:00 p.m.; f) that visual buffers be provided to shield parking areas, play areas and outdoor activity areas from abutting property; and, g) that a sign not to exceed three square feet may be permitted.

The requirements of a, c, e, and g (above) appear to be met. Article (a) requires that a minimum of 100 square feet of outdoor play space be provided for each child. The petitioner is requesting approval of the use for up to 12 children, thus requiring 1,200 square feet of outdoor play space. Based upon the site plan submitted by the petitioner, it appears that adequate outdoor play space is available to accommodate the desired number of children.

Article (b) requires that a child care center be located on a collector or arterial street. This requirement is in place to accommodate the expected increase in traffic generated by said use. The petitioner seeks a waiver of this requirement as permitted by Section 8-3025 of the Ordinance. Article (d) requires that an off-street loading and unloading area be provided for the safety of the children. The petitioner has proposed the installation of a 10 foot wide drive that would extend from 51st Street to the lane at the rear of the property. It is assumed that vehicular traffic would utilize the lane to access Stevens Street to the east. No evidence of discussions with appropriate City personnel has been submitted by the petitioner. Adequate off-street parking must also be provided to accommodate workers vehicles. The submitted site plan does not delineate where said vehicles would be located. Article (f) requires that a visual buffer be provided to shield play areas, parking areas, and outdoor activity areas from abutting properties. The rear yard is enclosed with an approximate five foot wire fence that is not opaque in design. Moreover, it is unknown how the petitioner intends to screen the proposed parking area from view.

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

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

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

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

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

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

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

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

The subject property is located on a local street in a residential neighborhood. 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 character of the existing area.

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

A minimum of 100 square feet of outdoor play space is required for each child. The petitioner's site plan illustrates ample space for the number of children requested. It is not evident where required parking will be accommodated.

- g. **The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement, noise or fume generation, or type of physical activity.**

Increased vehicular movement and noise generation could be a nuisance to the surrounding area.

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

The application, as presented, does not meet all of the development standards prescribed by the Zoning Ordinance.

Summary Of Findings

All of the requirements necessary for granting the use permit requested appear not to be met.

Ms. Boyd stated she currently has a childcare facility at 1003 West 51st Street. She said she would like to increase her number so she could service more children especially special needs children. She said she was told by Inspections not to do anything and to only submit her application. She said she received the staff report in the mail and noticed there were conditions that she had not met. She said if she would have known prior to the letter she would have tried to meet all the requirements as outlined today.

Mr. Stephens stated he felt the concern was the pickup and drop off. He said that could be addressed by City Traffic Engineer. He said the Board could continue her petition until the next meeting to allow her time to address the concerns in the staff report.

Mr. Jones asked if she was currently taking care children?

Ms. Boyd stated yes.

Mr. Jones stated she would also need to address the issue of the fence.

Mr. Mackey stated for clarification that the petitioner needed to address the parking, screening, drop-off and pickup.

Mr. Byrne also suggested that she talk with her neighbors to make sure they are aware and okay with what she was proposing.

Mr. Hansen stated he has provided Ms. Boyd with his card and he could go over what she needed to do. He said he would not suggest that she install a fence prior to Board approval. However, she would need to address the fencing on her plans.

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

**RE: Petition of Dawson – Wissmach Architects
Neil Dawson, Agent
B-060731-51394-2
318 East Liberty Street**

Present for the petition was Neil Dawson.

The petitioner is requesting approval of a variance to increase lot coverage to 79 percent as opposed to the 75 percent allowed pursuant to Section 8-3025 of the Savannah Zoning Ordinance in order to add a covered parking area to an existing carriage house. The subject property, located at 318 East Liberty Street, is zoned R-I-P-A (Residential-Medium Density).

Findings

1. Section 8-3025 of the Savannah Zoning Ordinance allows a maximum building coverage of 75 percent in the R-I-P-A district.
2. The applicant is proposing to construct an addition onto an existing carriage house. The proposed addition would result in a building coverage of 79 percent on the subject property.
3. The R-I-P-A district does not establish minimum lot width or area standards for nonresidential uses. The subject property has a lot width of approximately 60 feet and an area of 5,490 square feet.
4. The Visual Compatibility Officer has reviewed the application and indicates that they do not oppose the request. The new design will have to be reviewed and approved by the Historic Board of Review. No application for that review has been submitted at this time.
5. 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.**

There are no extraordinary or exceptional conditions pertaining to the subject property. The parcel 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 these regulations would not create an unnecessary hardship.
 - c. **Such conditions are peculiar to the particular piece of property involved.**

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

Relief, if granted, would not cause substantial detriment to the public good. The petitioner proposes to construct a covered parking area onto an existing carriage house.

Summary Of Findings

All conditions required for granting a four (4) percent building coverage 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 passed.

**RE: Petition of Sylathia B. Williams
B-060731-51852-2
2313 Pinetree Road**

Present for the petition was Sylathia B. Williams.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of an application to establish a child care facility pursuant to the requirements of Section 8-3025 of the Savannah Zoning Ordinance. The subject property, located at 2313 Pinetree Road, is zoned R-6 (One-Family Residential).

Findings

1. The subject property, located at 2313 Pinetree Road, is presently occupied by a single-family residential structure containing approximately 1,025 square feet. The property is rectangular in shape, measuring approximately 75 feet wide and 110 feet deep. The parcel contains approximately 8,250 square feet. The lot is considered a standard parcel within the R-6 zoning classification.
2. The petitioner is requesting approval of a child care center that would accommodate up to 12 children, and a waiver of the requirement that said use be located on a collector or arterial street. A child care center with more than six children in a residential district requires Board of Appeals approval.
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 shall be characteristic of the neighborhood; d) that the use provide off-street parking in conformance with the requirements of Section 8-3089; e) that no outdoor activities occur after 9:00 p.m.; f) that visual buffers be provided to shield parking areas, play areas and outdoor activity areas from abutting property; and, g) that a sign not to exceed three square feet may be permitted.

The requirements of a, c, d, e, and g (above) appear to be met. Article (a) requires that a minimum of 100 square feet of outdoor play space be provided for each child. The petitioner is requesting approval of the use for up to 12 children, thus requiring 1,200 square feet of outdoor play space. Based upon the site plan submitted by the petitioner, it appears that adequate outdoor play space is available to accommodate the desired

number of children. Article (b) requires that a child care center be located on a collector or arterial street. This requirement is in place to accommodate the expected increase in traffic generated by said use. The petitioner seeks a waiver of this requirement as permitted by Section 8-3025 of the Ordinance. Article (d) requires that an off-street loading and unloading area be provided for the safety of the children. The petitioner has proposed the installation of a circular drive. Approval for said use must be received from the City of Savannah Traffic Engineering Department. No evidence of the required approval has been submitted. Adequate off-street parking must also be provided to accommodate workers vehicles. The submitted site plan delineates an existing driveway for such use. Article (f) requires that a visual buffer be provided to shield play areas, parking areas, and outdoor activity areas from abutting properties. Although the property is heavily vegetated, it is noted that the rear yard is enclosed with an approximate four foot wire fence that is not opaque in design. Moreover, it is unknown how the petitioner intends to screen the proposed parking area from view.

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

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

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

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

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

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

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

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

The subject property is located on a local street in a residential neighborhood. 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 character of the existing area.

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

space requirements of such use.

A minimum of 100 square feet of outdoor play space is required for each child. The petitioner's site plan illustrates ample space for the number of children requested. A circular drive is proposed for drop-off and pick-up; parking will be accommodated on an existing drive.

- g. The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement, noise or fume generation, or type of physical activity.**

Increased vehicular movement and noise generation could be a nuisance to the surrounding area.

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

The application, as presented, does not meet all of the development standards prescribed by the Zoning Ordinance.

Summary Of Findings

All of the requirements necessary for granting the use permit requested appear not to be met.

Ms. Williams stated she was currently operating a family childcare in the home. She said her purpose today was to increase her childcare to 10 or 12 children. She said like the previous petition she received the staff report in the mail and noticed there were conditions that she had not met. She said if she would have known prior to the letter she would have tried to meet the requirements. She said she was also told by Inspections not to do anything and to only submit her application.

Mr. Mackey asked if she had plans for a circular driveway?

Ms. Williams stated there already was a driveway where the fence opened up towards the backyard and she was going to have it come all the way around and connect. He said one side would be for staff and the circular driveway would be for drop-off and pickup.

Mr. Frank Downing (2265 Mason Drive) stated him and his neighbors felt that this was a well established quiet residential neighborhood. He said the proposal for a daycare center in the middle of Daffin Heights they were all opposed to. He said Attorney Downing was going to be at the meeting today but he had to take his wife to the doctor. He said earlier today about 3:00 p.m. there were several neighbors present but due to the lateness of the meeting they had to leave. He said with the daycare there will be additional traffic and noise. He said the neighborhood was zoned residential single-family and they wanted it to stay that way.

Mr. Mackey stated the Board understood the neighbors concerns. He asked Ms. Williams if she mentioned that she was keeping children there now?

Ms. Williams stated yes, six.

Mr. Mackey stated which was allowed as a matter-of-right. He asked if she lived at the residence?

Ms. Williams stated yes.

Mr. Mackey asked Staff at what point was a petitioner required to install the circular drive?

Mr. Hansen stated he felt the Board would make it a condition of approval so that before she could get her certificate of occupancy she would have to have approval of the City as well as be sure that the circular drive was in place before Inspections would issue the certificate of occupancy. He said what has been suggested in the past as it related to the circular driveway issue was that rather than making it a condition of approval that the applicant should speak with the City Traffic Engineering Department. He said if they approve it like one of the petitions heard earlier today then the Board could make it a condition of approval that they put the circular drive in prior to getting their CO. He said like with the fence in the other case he would not suggest that they do it until they get approval from the Board, but that the Board also made it a condition.

Mr. Mackey stated he felt he would be more comfortable if the petitioner did the due diligence and went to the City Traffic Engineer and got the approval first. He said he also understood the reservations of the neighbors. He said also if the petitioner moves or sells the property the use for a daycare remains.

Mr. Byrne stated he agreed with his colleague especially when it came to the neighbors concerns because they did not bargain for that. He said he felt the neighbors have a right to complain when they are living in a neighborhood and then all of a sudden someone wants to open one next door to them. He said he would suggest that the petitioner meet with the neighbors to see if something could be worked out.

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

**RE: Petition of Paul Bush, For
Sandra G. Williams
B-060801-38116-2
2119 Delesseps Avenue**

Present for the petition was Paul Bush.

Mr. Hansen 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 Savannah Zoning Ordinance. The subject property, located at 2119 Delesseps Avenue, is zoned R-6 (One-Family Residential).

Findings

1. The subject property, located at 2119 DeLesseps Road, is presently occupied by a single-family residential structure and a second building which formerly housed a child care center. The property is rectangular in shape, measuring approximately 80 feet wide

and 110 feet deep. The parcel contains approximately 8,800 square feet. The lot is considered a standard parcel within the R-6 zoning classification.

2. The petitioner is requesting approval of a child care center that would accommodate up to 25 children. A child care center with more than six children in a residential district requires Board of Appeals approval.
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 shall be characteristic of the neighborhood; d) that the use provide off-street parking in conformance with the requirements of Section 8-3089; e) that no outdoor activities occur after 9:00 p.m.; f) that visual buffers be provided to shield parking areas, play areas and outdoor activity areas from abutting property; and, g) that a sign not to exceed three square feet may be permitted.

The requirements of a, b, c, e, and g (above) appear to be met. Article (a) requires that a minimum of 100 square feet of outdoor play space be provided for each child. The petitioner is requesting approval of the use for up to 25 children, thus requiring 2,500 square feet of outdoor play space. Based upon the site plan submitted by the petitioner, it appears that adequate outdoor play space is available to accommodate the desired number of children. Article (b) requires that a child care center be located on a collector or arterial street.

DeLesseps Avenue is classified as a secondary arterial in this location. Article (d) requires that an off-street loading and unloading area be provided for the safety of the children. The petitioner has proposed a drop-off and pick-up area along the eastern side of the property with access from Puerto Rico Street. Such an arrangement will introduce increased levels of traffic onto a local neighborhood street. Adequate off-street parking must also be provided to accommodate workers vehicles. The submitted site plan delineates an existing driveway for such use. Article (f) requires that a visual buffer be provided to shield play areas, parking areas, and outdoor activity areas from abutting properties. A portion of the outdoor play area is proposed to be enclosed by a six foot high wooden fence. A second portion of the play area is currently enclosed by a four foot high wooden fence. It is unknown how the petitioner intends to screen the proposed parking area from view.

4. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals shall hear and decide upon requests for permission to establish uses upon which the Board of Appeals is required to pass under the terms of this chapter. The application to establish such use shall be approved on a finding by the Board of Appeals that:
 - a. **The proposed use does not affect adversely the general plans for the physical development of the City, as embodied in this chapter, and in any master plan or portion thereof adopted by the Mayor and Aldermen.**

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

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

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

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

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

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

The subject property is located on a collector street in a residential neighborhood. Because drop-off and pick-up is proposed from a local street, 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 character of the existing area.

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

A minimum of 100 square feet of outdoor play space is required for each child. The petitioner's site plan illustrates ample space for the number of children requested.

- g. **The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement, noise or fume generation, or type of physical activity.**

Increased vehicular movement and noise generation could be a nuisance to the surrounding area.

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

The application, as presented, does not meet all of the development standards prescribed by the Zoning Ordinance.

Summary Of Findings

All of the requirements necessary to grant the use permit requested appear not to be met.

Mr. Bush stated the pickup and drop-off was indicated on the site plan as an existing curb cut. He said the building was formerly a childcare, furniture store, and convenient store. He said parking was provided for each of the facilities for years. He said they were proposing a

childcare center and it would have drop-off and pickup. He said they also were not proposing any additional curb cuts because as he stated there was already an existing curb cut.

Mr. Mackey asked where did the house face?

Mr. Bush stated the residential house faced Delesseps. He said the building itself had an independent address that was established over the years as 4303 Puerto Rico where the businesses were once located. He said they were not proposing to do the childcare within the front portion of the house. He said they had adequate space within the proposed area in addition to the child play area.

Mr. Mackey stated he was concerned about the request for 25 children. He said Delesseps was a very busy street and twenty-five children was a lot.

Mr. Byrne stated he agreed with his colleague. He said in the staff report it also said that the increase vehicular movement and noise generation could be a nuisance to the surrounding area. He said Delesseps was a very busy street.

Mr. Bush stated the pickup and drop-off would be on Puerto Rico.

Mr. Mackey asked if they were firm on the request for 25 children?

Mr. Bush stated maybe they could consider 20 to 22 children.

Mr. Mackey stated residential areas were at a premium. He said people who were buying into the neighborhoods they were looking to get residential properties. He said when you start talking about 20 plus children he felt that was a lot for a residential area. He said he was not certain that was the right fit for that area.

Mr. Bush asked how would that effect the area in which they were proposing on Puerto Rico?

Mr. Jones stated Puerto Rico was not a collector street or arterial street.

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

Mr. Mackey stated there was one petitioner that came back when he came back. He said it was his understanding that the petition was continued because of lack of a second.

Mr. Byrne stated he moved to approve the petition but it failed for lack of a second. He said the Board then continued the petition.

Mr. Mackey stated if there was no objections he would ask that the Board reconsider hearing that case for disposition.

SZBA Action: Mr. Mackey made a motion that the Petition of Tony Parrish, B-060727-55014-2, 303, 305, 309, 311 East 41st Street be reheard for disposition. Mr. Byrne seconded the motion.

Mr. Hansen stated there was at least one person if not more than one person present who raised question about it and they were under the impression that it was continued. He said if he remembered correctly it was Ms. Mobley.

Mr. Byrne stated yes, and she was concerned about the parking which was something that was not before the Board. He said the request was for a setback variance.

Mr. Mackey stated he felt the Board was on good ground legally and would still offer the motion.

SZBA Action: Mr. Mackey made a motion that the Petition of Tony Parrish, B-060727-55014-2, 303, 305, 309, 311 East 41st Street be reheard for disposition. Mr. Byrne seconded the motion and it was passed 2 - 1. Opposed to the motion was Mr. Jones.

Present for the petition was Alajandra Silva, Architect.

Mrs. Burke gave a brief Staff report.

The petitioner is requesting approval of a ten (10) foot rear yard setback variance from the ten (10) foot rear yard setback requirement of Part 8, Section 3, Article K, and Section 5.8.5 of the Savannah Zoning Ordinance in order to construct a multi-family dwelling. The subject properties, located at 303, 305, 309, and 311 East 41st Street, are zoned TC-1 (Traditional Commercial).

Summary Of Findings

All conditions required for granting a ten (10) foot rear 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. Mr. Byrne seconded the motion and it was passed 2 – 1. Opposed to the motion was Mr. Jones.

RE: Other Businesses

Mr. Jones stated he felt the Board needed to do something with the childcare request. He said there were at least five request for childcare centers on the agenda today.

The Board agreed.

RE: Adjournment

There being no further business to come before the Savannah Zoning Board of Appeals the meeting was adjourned approximately 8:00 p.m.

Respectfully submitted,

Deborah Burke,
Assistant Secretary

DB:ca