

**SAVANNAH ZONING BOARD OF APPEALS**

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

**NOVEMBER 28, 2006**

**2:30 P.M.**

**REGULAR MEETING**

**MINUTES**

**MEMBERS PRESENT:**

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

**TECHNICAL STAFF PRESENT:**

**Randolph Scott, City Development Services**

**MPC STAFF PRESENT:**

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

**RE: Call to Order**

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

**RE: Minutes**

1. Approval of SZBA Minutes – October 24, 2006

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

**RE: Consent Agenda**

**RE: Petition of Lee Meyer, AIA  
B-060927-52908-2  
2424 Drayton Street**

The petitioner is requesting approval of a variance that a proposed use (church) be located on a collector street or greater; a variance from the requirement that the proposed use be more than 100 feet from a residential dwelling; a 15 foot front yard setback variance from the required 50 foot front yard setback as measured from the centerline of a residential street; an 11 foot rear yard setback variance from the required 25 foot rear yard setback requirement; and a variance to allow lot coverage of 62 percent as opposed to the 50 percent lot coverage allowed by Sections 8-3025 and 8-3163(b) of the Savannah Zoning Ordinance in order to construct a church on the subject property. The subject property is located at 811 Wolf Street. The property is zoned RM-25 (Multi-Family Residential – 25 Units per Acre).

**Summary of Findings:** All of the conditions necessary for granting the variance from the requirement that a proposed use (church) be located on a collector street or greater; the variance from the requirement that the proposed use be more than 100 feet from a residential dwelling; and the 15 foot front yard setback variance, 11 foot rear yard setback variance, and 12 percent lot coverage variance requested appear to be met.

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

RE: Regular Agenda

RE: Petition of Southside Baptist Church  
B-061107-42708-2  
5502 Skidaway Road

Continued per Petitioner's request.

**SZBA Action:** Mr. Mackey 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 unanimously passed.

RE: Continued Petition of Tigust A. James  
B-060927-52571-2  
4310 Campbell Street

Present for the petition was Tigust James.

Mr. Hansen gave the following Staff report.

The petition was continued from the October 24, 2006, meeting to allow the petitioner an opportunity to meet with the Traffic Engineering Department in order to secure approval of the proposed driveway alignment.

The petitioner is requesting approval of an application to establish a child care center for 12 children pursuant to the requirements of Section 8-3025 of the Savannah Zoning Ordinance. The petitioner is also seeking a waiver of the requirement that said use be located on a collector street or higher. The subject property, located at 4310 Campbell Street, is zoned R-6 (One-family Residential).

**Findings**

1. The subject property, located at 4310 Campbell Street, is presently occupied by a single-family residential structure containing approximately 2,500 square feet. The property is rectangular in shape, measuring approximately 120 feet wide and 100 feet deep. The parcel contains approximately 12,000 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, 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. The subject property is located at the terminus of a dead end street. 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 half circle drive that would utilize the existing driveway. The petitioner has received approval from the City Traffic Engineer for the proposed layout. 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 currently enclosed with an approximate six foot wooden fence that is opaque in design. 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. However, it is noted that the subject property lies at the terminus of a dead end street. No thru traffic can occur.

- 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 conditions necessary for granting the use approval sought to establish a child care center appear not to be met.

**Mr. Mackey** stated he knew that it was not under the Board's purview, however where were daycare providers required to file necessary insurance (liability).

**Mr. Hansen** agreed that was an issue that was currently not under the purview of the Board. He said that was an issue that they would be discussing with the City Attorney as a possible

addition to as a part of the text amendment that they were currently working on. He said this particular petition as would any petitioner has to receive the approval and proper licensing from the State of Georgia. He said it should be covered at that particular time, but it was something that Staff would be investigating to add to the City of Savannah code as well.

**Mr. Byrne** asked the petitioner if she had any liability insurance or business liability insurance on the premise?

**Ms. James** stated not business liability.

**Mr. Byrne** asked the petitioner if she had anything in the event there was accident with the children at the location?

**Ms. James** stated yes, under her homeowner's insurance.

**Mr. Robinson** asked the petitioner with regards to insurance what was the State requirement?

**Ms. James** stated currently the State did not require anything.

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

**RE: Continued Petition of Paula Letcher  
B-060329-57378-2  
415 – 417 East 31<sup>st</sup> Street**

Present for the petition was Paula Letcher.

Mrs. Burke gave the following Staff report.

The petition was continued from the April 25, 2006 meeting at the petitioner's request.

The petitioner is requesting approval of a 1,000 square foot lot area variance from the 4,400 square foot lot area requirement of Part 8, Chapter 3, Article K, and Sections 5.6.5 of the Savannah Zoning Ordinance in order to construct a two family dwelling. The subject property, located at 415-417 East 31<sup>st</sup> Street, is zoned TN-2 (Traditional Neighborhood).

### **Findings**

1. The subject property, located at 415-417 East 31<sup>st</sup> Street, is currently utilized as a two family dwelling. The petitioner indicates that it is their intention to subdivide the existing lot into two (2) parcels and construct a two family dwelling on the newly created lot.
2. As proposed, the parent parcel would be approximately 46 feet in width by 100 feet in depth, with a lot area of 4,600 square feet. The newly created lot would be approximately 34 feet in width by 100 feet in depth, resulting in a lot area of 3,400 square feet. The TN-2 district calls for a minimum lot width of thirty (30) feet and a minimum lot area of 2,200 square feet per attached residential unit. The parent parcel, if subdivided, would be considered a conforming lot.

3. The petition has been reviewed and approved by the Design Administrator.
4. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:

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

The subject property is considered a standard lot in the TN-2 district. The applicant could subdivide the subject property and construct a single family residential structure on the newly created lot. However, the lot is not large enough to meet the lot area requirements for a duplex.

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

Strict application of the regulations of the Zoning Ordinance would not create an unnecessary hardship. However, the applicant would not be able to construct a duplex on this property.

- 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.

### **Summary Of Findings**

All of the conditions necessary for granting a 1,000 square foot lot area variance appear not to be met.

**Mr. Jones** stated with two units they needed four parking spaces. He asked how would the parking be accommodated?

**Mrs. Burke** stated the petitioner was providing all their parking on-site. She said the parking will be in the rear accessed from the lane.

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

RE: **Petition of Jan deVoest  
Poticny Deering Felder  
B-061030-34913-2  
1701 – 1709 Lincoln Street**

Present for the petition was Jan deVoest.

The petitioner is requesting approval of a five foot side yard setback variance on each side from the five foot side yard setback requirement; a 4,779 square foot lot area variance from the 11,000 square foot lot area requirement; and building coverage variance to allow lot coverage of 70 percent as opposed to the 60 percent lot coverage allowed by Part 8, Section 3, Article K, Section 5.6.5 of the Savannah Zoning Ordinance in order to construct five attached residential units. The subject property, located at 1701 – 1709 Lincoln Street, is zoned TN-2 (Traditional Neighborhood).

### **Findings**

1. The petitioner is proposing to construct five attached residential units on a currently vacant parcel zoned TN-2. The subject parcel is considered a standard lot, measuring approximately 95 feet wide and approximately 62 feet deep, and containing a total of 6,221 square feet.
2. Ordinance requirements include a five foot side yard setback; a minimum lot area of 2,200 square feet for each attached unit; and a maximum lot coverage of 60 percent. The petitioner is seeking variances from these provisions in order to construct the five units as envisioned.
3. The project has been reviewed by and given the support of the City's Historic Preservation Officer based upon the historical building patterns in the area and on the parcel in question specifically. Additionally, the requested project has the support of the Historic Savannah Foundation.
4. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize, upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:
  - a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.**

The subject property is a standard lot within the TN-2 zoning district. There are no extraordinary or exceptional conditions pertaining to the property with regard to size, shape or topography.

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

Strict application of the regulations of the Savannah Zoning Ordinance would not create an unnecessary hardship. The parcel is developable without necessity of variances.

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

The conditions described above are not peculiar to the subject property.

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

Relief, if granted, would not likely cause substantial detriment to the public good. The proposed development is similar to other developments in the neighborhood and is historically appropriate.

**Summary Of Findings**

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

**Mr. Jones** asked how would the parking be handled at this location?

**Mr. Hansen** stated the parking was proposed to be off-street and accommodated at the rear.

**Mr. Jones** asked how many spaces would be provided?

**Mr. Hansen** stated 5 because it was in the traditional neighborhood district.

**Mr. Jones** stated he was concerned because that was a tight area and they needed off-street parking.

**Mr. Hansen** stated the petitioner was providing off-street. He said the only requested variances were for lot area and lot coverage.

**Mr. deVoest** stated he had plans with him that would show the layout with the parking.

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

**RE: Petition of Dannette Johnson  
B-061030-41017-2  
822 Tatum Street**

Present for the petition was Dannette Johnson.

Mrs. Burke gave the following Staff report.

The petitioner is requesting approval of an application to establish a use (child care) pursuant to the requirements of Section 8-3025 of the City of Savannah Zoning Ordinance. The subject property, located at 822 Tatum Street, is zoned R-6 (One-Family Residential).



### Findings

1. The subject property, 822 Tatum Street, is presently occupied by a one-story single-family residential structure containing approximately 1,435 square feet. The property is rectangular in shape, measuring 100 feet wide and 40 feet deep. The parcel contains nearly 4,000 square feet, and is considered a substandard lot in the R-6 zoning district.
2. The petitioner is requesting approval of a 24 hour child care center that would accommodate between 15-30 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 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 30 children, thus requiring 3,000 square feet of outdoor play space. Based upon the site plan submitted by the petitioner, there is not adequate space available to accommodate the desired number of children. The applicant is proposing to bus the children to a nearby park, however, the required outdoor play space is required on site.

Article (b) requires that the 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 a drop-off area that will have two curb cuts on Tatum Street. The proposed layout will have to be approved by the City's 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. The rear yard is currently enclosed with a chain link fence, while opaque fencing is typically required. The proposed parking area is yet to be shielded from view as well.

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. In addition, the small size of the subject parcel does not allow for adequate buffering in order to mitigate potential impacts of the proposed use on adjacent parcels.

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

The proposed use will not be affected adversely by the surrounding uses, which are single family residences.

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

The subject parcel is not of sufficient size to satisfy the space requirements of the proposed use. The lot is a substandard lot and will not be adequate to meet the outdoor play space requirement. In addition, there does not appear to be adequate space to properly buffer the site.

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

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

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

Standards as discussed above appear not to be met. There is not adequate outdoor play area as required, the subject parcel is not located on a collector or arterial street, and the screening appears insufficient to adequately buffer the use from adjacent properties.

### Summary of Findings

All of the conditions necessary for granting use approval for a child care center appear not to be met.

**Mr. Jones** stated he felt a 24-hours operation would disturb the neighborhood. He said there was a storage building on the property and he wondered where they would get the space to put the children because the rules require that you have on site space per child.

**Mrs. Burke** stated yes. She said what the petitioner was requesting is to be able to take the children to a nearby park.

**Mr. Jones** stated he was concerned because it has always been on site and felt the Board should not change the rules with regards to the play area. He said the Board has never granted approval for off-site play area.

**Mr. Robinson** stated he was concerned because he felt the application was insufficient. He said the proposed pickup and drop-off driveway was 11 feet which was impossible based on the scale that he was reviewing. The width of the residence was 33 feet and if you eyeballed 1/3 of the width in relation to the driveway was not possible.

**Ms. Johnson** stated with regards to the driveway and it overlapping the house, her brother owned the property next door. Therefore, the majority of the driveway would drop off on his property. She said with regards to the length of the driveway it would be the length of the automobile. She said that was an error on her plans with regards to the length. However, the driveway would be adequate for the vehicles.

**Mr. Jones** asked if she would live at the site?

**Ms. Johnson** stated no. She said she lived in the Pooler area but she grew up in the Tatumville area. She said the property that she was proposing for the daycare has been in their family since 1963. She said she also had a petition signed by the neighbors in support of her petition.

**Mr. Jones** asked if someone would live in the residence with the daycare being a 24-hours operation 7 days a week?

**Ms. Johnson** stated there would be adequate staff around the clock in the mornings and at night.

**Mr. Jones** asked where would the staff park?

**Ms. Johnson** stated staff parking would be above the proposed circular drive. She said her brother lived next door to the proposed daycare and her father lived next door to him. She said she would use their property if additional parking was needed.

**Mr. Robinson** stated there are requirements for the playground for developments like this in terms of square footage. He asked if there were any requirements for the structure that served this kind of activity in terms of square footage?

**Mr. Hansen** stated no, not at least as far as the city code was required. He said there may be if any State requirements, but as far as the City the only requirement for space was the 100 square feet of outdoor recreation per person. In addition, there have not been to his knowledge any approvals given to childcare where there was not the adequate space available on site.

**Mr. Jones** stated he was concerned in that the lot itself was not large enough. He said the lot was 4,000 square feet.

**Mr. Hansen** stated as shown on the sketch provided by the applicant there was approximately 1400 square feet of space in the rear. He said this did not show any sort of storage building or shed. He said if you take into account what the petitioner has provided there would be 1400 square feet which would be enough space for 14 children. He said it would not be enough space for 15 or 30 children or any number in between.

**Ms. Johnson** stated the storage building will be removed from the backyard.

**Mr. Jones** stated the petitioner was also requesting a waiver of the requirement that it be located on a collector or arterial street. He said the proposed daycare would be in the middle of the block. He said he felt with a 24-hours operation, 7 days a week that it would cause problems with the neighbors because of the increase in traffic.

**Ms. Johnson** stated she felt by parking and dropping your kids off by day would not be that much noise. In addition, they would do it in a courteous manner. She reminded the Board that she had a signed petition from her neighbors in support of her petition.

**Mr. Byrne** stated the Board also took into consideration with approvals that when they approve petitions it runs with the land. He said if she were to sell, the use remains with the property. He said the Board does not set precedent but the Board has to be careful when they do this. He said the Board understood that she was a good neighbor but they also have to consider the possibility what would prevent her from selling the property or if she decided not to operate the business any longer and a relative sells the property. He said the next person coming in may not be as nice and respectful of the neighbors as she would. Also, although it was not within the Board's purview it was still a concern of the Board with regards to liability insurance especially with this number of children and the hours of operation that she was proposing.

**Ms. Johnson** stated with regards to insurance she had someone looking into doing that for her. She said since she had not been approved by the Board she could not provide them with the number they needed, therefore they could not tell her what she needed. Although she was requesting between 15 to 30 children and she felt that the Board was not comfortable with 30 children, she would be willing to decrease to 15 or 14 children or whatever the play area would accommodate on site.

**Mr. Mackey** stated he was concerned with regards to the circular driveway extending over to the neighbor's in that if her brother sold the property and someone else acquired the property he felt there would be a problem. He asked how would that be mitigated?

**Ms. Johnson** stated it was heir's property and there were at least twelve of them. She said in order for anyone to sell all twelve would have to sign. In addition, her brother has lived on the property next door for 35 years. She said her father has lived in his house for 63 years. She said the proposed house for the daycare was her father's property.

**Mr. Mackey** stated he also felt that would be of issue was employee parking, buffering, and circular driveway at its proper dimensions and it extending into the neighbor's yard. He said he was also concerned about the request for 30 children which is steep and the fact that she was requesting 24-hours usage. He said he felt that could easily generate a lot of traffic for the neighbors. He said he felt she may want to continue her petition to allow herself time to address some of the issues raised by the Board.

**Mr. Byrne** stated he felt the issues raised today needed to be addressed. He said he understood with the insurance and that she may not be able to get a firm number, but someone could give her an estimate.

**Mr. Robinson** stated with regards to the insurance that was not currently under the Board's purview. He said the Board could discuss it but they could not require it.

**Mr. Byrne** stated he felt the Board could because it fell under health, safety, and welfare while they work on amending the ordinance. He said the next meeting will be December 19, 2006 at 11:00 a.m. He said he would suggest to the petitioner that she may want to continue the petition to allow her time and consider the daycare for fewer than 15 children. He said he felt that would solve a lot of her problems. He said she needed to address the fence, driveway, insurance, parking, and buffering. He said also the issue with the use of her brother's property because you never say never.

**SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals continue the petition until the next regularly scheduled meeting. Mr. Robinson seconded the motion.**

**Mr. Robinson** also requested that she submit a scaled drawing to demonstrate to the Board exactly what she was going to physically do on that site. He said if the driveway could not fit on the site itself she may need to have some kind of approval by her brother on his property in which the approval would run with his land.

**SZBA Action: Called for the vote and it was unanimously passed.**

**RE: Petition of T. Gerald Braddy  
B-061030-41176-2  
1804 Waters Avenue**

Present for the petition was Downer Davis.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a 3.25 foot rear yard setback variance from the 15 foot rear yard setback requirement; a five foot front yard setback variance from the 15 foot front yard setback requirement of Section 8-3025; and approval to expand a non-conforming use in conformance with the provisions of Section 8-3132 of the Savannah Zoning Ordinance in order to construct a building on a currently vacant parcel. The subject property, located at 1804 Waters Avenue, is zoned R-B-1 (Residential Business).

### **Findings**

1. Braddy Electric has operated a business enterprise at the subject site for many years.

The business is considered a legal non-conforming use within the R-B-1 zoning district.

2. The subject parcel is a substandard lot within the district, measuring 59 feet by 100 feet, being 5,900 square feet in area. The parcel does not currently have a structure located thereon, but is used for outdoor storage of electrical supplies and equipment. The petitioner proposes to construct a building of approximately 2,300 square feet to house the supplies and equipment currently stored in the open. In order to accommodate the structure as proposed, variances are requested from both the front and rear yard setback requirements. Additionally, construction of a building is considered a technical expansion of non-conformity, thus the petitioner is seeking approval accordingly.
3. Waters Avenue is designated a secondary arterial roadway at this location. It is not anticipated that any additional traffic will be generated by the development as proposed.
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 parcel is substandard with regard to lot area. There are no extraordinary or exceptional conditions pertaining to shape or topography.

- 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. It could be argued that a building to enclose the presently exposed equipment is preferable to the open storage.

### **Summary Of Findings**

All of the conditions necessary for granting the expansion of the non-conformity and the variances requested appear not to be met.

**Mr. Davis** stated what the petitioner intended to do was currently there was a fence that encompassed the entire property. He said the vehicles parked perpendicular to the fence around the perimeter of the property with materials stacked inside. He said the petitioner wanted to allow interior circulation of vehicles and operational functionality. He said he also wanted to be able to put as many vehicles inside as possible. He said what he was looking at doing on the 15 foot building setback line out front they were required to provide so much landscaping as they come in and develop the building part of the site. He said he was trying to set aside the green space between the adjacent roadways and the building so that it could be appreciated by the motorists and area residents versus having interior just for impermeable space. He said they propose to put their landscaping on Waters and 34<sup>th</sup> Street. The current access to the site was from an adjacent lot to the South and from a side fence on the lane. He said they did not propose any access from 34<sup>th</sup> Street or Waters. Merely, what the petitioner wanted to do was to take the exposed operations and encompass them. He said they were also proposing to turn the doors away from Waters Avenue and 34<sup>th</sup> Street and to use their landscaping to break up the expanse of the building.

**Mr. Mackey** asked if the barbwire was going to remain once the building was constructed?

**Mr. Davis** stated he was not sure if it was going to stay up or be relocated. He said he did not see why it would need to stay outside the landscaped areas. He said he would think that it would be pulled back behind the landscape. He said they could pull the fence back to the face of the building on 34<sup>th</sup> Street and move it back from Waters Avenue.

**Mr. Mackey** stated he felt aesthetically it would look better.

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

**RE: Petition of Queen Parker  
B-061030-41476-2  
10 Wilshire Blvd.**

Present for the petition was Queen Parker.

Mrs. Burke gave the following Staff report.

The petitioner is requesting approval of a nine foot side yard setback variance from the 15 foot side yard setback requirement of Section 8-3025 of the Savannah Zoning Ordinance in order to construct an addition onto an existing single family residence. The subject property, located at 10 Wilshire Boulevard, is zoning P-B-C (Planned Community Business).

### **Findings**

1. The Ordinance requires a minimum side yard setback of 15 from the right of way of a residential street. The subject property is located at the corner of Wilshire Boulevard and Redwood Circle, both of which are residential streets.
2. The subject parcel is 92 feet in width at its narrowest point and approximately 125 feet in depth, resulting in a lot area of 11,500 square feet.

3. The petitioner has submitted a site plan showing a proposed addition six feet from the right of way of Redwood Circle.
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 conditions pertaining to the parcel. The subject parcel is rectangular in shape, with a lot are of 11,500 square feet.
  - 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.

### **Summary Of Findings**

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

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

**RE: Petition of Paul Bush, For  
Agape Church of Jesus Christ  
B-061030-42200-2  
1102 Love Street**

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 use (church) and a variance to allow lot coverage of 70.6 percent as opposed to the 35 percent lot coverage allowed in Section 8-3025 of the Savannah Zoning Ordinance in order to construct an addition onto an existing church. The subject property, located at 1102 Love Street, is zoned R-4 (Four Family Residential).

### Findings

1. Subject to approval by the Board of Appeals, churches are an allowed use within the R-4 zoning classification. Although a church currently exists on the subject property, an interpretation by the Zoning Administrator has held that any expansion of the use must also receive approval by the Board. The petitioner also is seeking a lot coverage variance.
2. The subject property, located on the northwest corner of Love and Scarborough Streets, is approximately 60 feet wide and 90 feet deep. According to the County Assessor's office, the property contains approximately 5,287 square feet. Development standards contained within the Zoning Ordinance allow lot coverage of 35 percent in the R-4 district. Although the existing structure currently occupies a greater land percentage than the 35 percent allowed, the proposed addition will bring total lot coverage to 70.6 percent.
3. The existing structure on the property is shaped in the form of an "L" with the long sides located along both Love and Scarborough Streets. The proposal is to "square-off" the structure. As a result, no setback variances are required of requested.
4. Section 8-3163(b), Request for Permission to Establish Uses, provides the following findings that the Board of Appeals must make to approve an application to establish a use.

Because the church exists, this is essentially a request for permission to intensify the use.

- (1) **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 adversely affect the general plans for the development of the City.

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

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

- (3) **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 or workers in the City.

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

It is not likely that the proposed use will be detrimental to the use or development of adjacent properties of the general neighborhood.

- (5) The proposed use will not be affected adversely by the existing uses.**

The proposed use will not be affected adversely by existing uses.

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

Construction of the structure as proposed will exceed the allowable lot coverage permitted by the Ordinance. A variance from said requirement has been requested.

- (7) 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.**

A slight increase in the amount of traffic generated by the use might be expected due to its increased size. The increase is not likely to result in a nuisance or create a hazard in the neighborhood.

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

Construction of the addition as proposed will result in the allowable lot coverage being exceeded.

5. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize, upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:

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

The subject property is a standard lot within the R-4 zoning district. There are no extraordinary or exceptional conditions pertaining to the property with regard to size, shape or topography.

- b. The application of these regulations to this particular piece of property**

would create an unnecessary hardship.

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

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

The conditions described above are not peculiar to the subject property.

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

Relief, if granted, would not cause substantial detriment to the public good. The subject property fronts Love Street and sides Scarborough Street. The parcel is bounded at the rear by a 15 foot right-of-way for a lane.

### **Summary Of Findings**

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

**Mr. Jones** asked how would the parking be handled?

**Mr. Hansen** stated the parking was not an issue. Parking for churches was based on the number of seats in a sanctuary. He said this proposal was not to increase the size of the sanctuary. He said it was for office and a classroom facility. He said the adequacy of the parking that currently exists or does not was not an issue that was before the Board today with this particular request.

**Mr. Bush** stated the church was limited in space as far as classroom and Trustee's office. He said they were trying to establish that. He said the church was not increasing in size. He said the church also had several remote parking facilities on that particular street.

**SZBA Action: Mr. Mackey made a motion that the Savannah Zoning Board of Appeals approve the petition as submitted based upon a finding that all of the criteria necessary for granting the use have been met and the variance requested will not cause substantial detriment to the public good. Mr. Robinson seconded the motion and it was unanimously passed.**

### **RE: Other Business**

**Mr. Byrne** stated he discussed with Staff about trying to get the draft ordinance together before the next meeting. He asked if there was any thing the Board could do to assist Staff with putting that together?

**Mr. Hansen** stated no not at this point. He said Staff needed to bring it back to the Board to make sure that everything they wanted has been included. He said as they have discussed and as he has alluded to with the Board he would contact Mr. Blackburn, City Attorney regarding the insurance question. He said he liked the idea of what they were talking about doing, however he was not sure of the legal implications. He said if they could, Staff will add it to the draft.

**Mr. Byrne** stated his concern with regards to the insurance was for example the minimum for auto liability insurance was \$25,000 which he felt was inadequate. He said he felt the Board should submit a comprehensive change making it decent enough that it would not get massacred but broad enough where City Council could play with it.

**Mr. Hansen** stated if it was the direction of the Board then he would include it in the draft proposal. He said the Board was only the recommending Body. He said the first stop would be MPC and then City Council.

**Mr. Byrne** stated he felt Staff should have fun with it. He said he felt it was important and would save a lot of work in the long term.

**Mr. Hansen** stated he agreed with the direction that they were going and what they wanted to do. But he would also be remissive if he did not remind the Board that one of the things they struggle with was a person could have a childcare center with up to six children anywhere, anytime, and any place without any approval of any Board or body. He said he would not want the Board to feel that if they were institute something like this and to have it pass that they were going to be providing a blanket protection because there would be the potential for loopholes.

**Mr. Mackey** stated yes it was a loophole but if they wanted to make money they would have to do more than six children.

**Mr. Hansen** agreed. He said the people with six or less were typically viewed as more of a home occupation than the neighbor caring for the neighbor's child after school. Nonetheless, there was the potential.

**Mr. Jones** stated he also asked the question to one of the petitioner's today who will live there and she alluded that no one would live there, so she could not have homeowner's insurance.

**Mr. Hansen** stated currently the Board did not have a requirement with any ordinance that the person has to reside in the house. He said he felt the Board could argue as opposed to having a daycare center as they would typically know it constituted creating a commercial venture within the residential areas. Nonetheless, the ordinance allowed it.

**Mr. Mackey** stated he recalled that the Board may have only approved in past instances two or three times.

**Mr. Hansen** agreed that it was very rare. He said the Board reviews these on a case by case basis because there was no precedent.

**Mr. Byrne** asked if the Board could have something by the next meeting (December 19)?

**Mr. Hansen** stated yes.

**RE: Adjournment**

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

Respectfully submitted,

Deborah Burke  
Assistant Secretary

**DB/ca**