

SAVANNAH ZONING BOARD OF APPEALS

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

JANUARY 23, 2007

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 January 23, 2007 meeting of the Savannah Zoning Board of Appeals to order at 2:30 p.m.

RE: Minutes

1. Approval of SZBA Minutes – December 19, 2006

SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals approve the regular meeting minutes of December 19, 2006. Mr. Robinson seconded the motion and it was unanimously passed.

RE: Consent Agenda

**RE: Petition of Jay Maupin
Maupin Engineering, Inc.
B-061227-51079-2
N.E. Corner of ACL Blvd.**

The petitioner is requesting approval of an application to establish a use (church) pursuant to the requirements of Sections 8-3025 and 8-3163 of the Savannah Zoning Ordinance. The subject property, located at the northeast corner of ACL Blvd. and Champion Street (extended), is zoned R-6 (One-Family Residential).

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

SZBA Action: Mr. Robinson 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: Regular Agenda

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

The petition was continued from the November 28th and December 19th meetings.

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. Per the applicant, the City's Traffic Engineering Department has reviewed and approved a proposed drop-off area that will have two curb cuts on Tatum Street.

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 (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.

Mrs. Burke stated the petitioner has worked with the City Traffic Engineering department to address the driveway issues.

Mr. Byrne asked how many children was she seeking for approval?

Ms. Johnson stated 20, but it was mentioned that the size of the property would only accommodate 14 children. She said she agreed to 14 children.

SZBA Action: **Mr. Robinson** made a motion that the Savannah Zoning Board of Appeals approve the petition with the following conditions: (1) The number of children shall be limited to 14; and (2) The cross access agreement for the driveway shall be recorded..

Mr. Mackey asked Ms. Johnson if she had the next door neighbor's approval who she also said was a family member?

Ms. Johnson stated yes.

Mr. Mackey asked if she talked with the neighbors in the area?

Ms. Johnson stated yes and she had a signed petition of their support.

Mr. Mackey asked if she addressed the issue of the fencing?

Ms. Johnson stated it will be wood fence.

Mr. Mackey asked if she addressed the issue of the play area?

Ms. Johnson stated it would be in the rear of the house.

Mr. Mackey asked if the play area met the requirement with regards to the number of children?

Ms. Johnson stated yes.

Mr. Mackey asked if she addressed the issue of the parking and if there were adequate spaces?

Ms. Johnson stated yes, and the parking would be in the front of the house above the circular drive.

Mr. Mackey asked Mr. Scott, Inspections Department if the petitioner met all the criteria?

Mr. Scott stated yes, in addition to what the Board required.

Mr. Mackey stated he would cautiously support her because with daycares once the use was granted it remains with the property even if she decided to leave.

Mr. Mackey asked if she was still considering her hours of operation being 24 – hours a day?

Ms. Johnson stated yes.

Mr. Mackey asked Staff if the Board could set the hours of operation?

Mrs. Burke stated yes.

Mr. Mackey stated he felt from meetings that he has been involved with that there was some concern with those in the City that they needed to properly address the need of daycares. He said his trepidation was allowing a daycare with that amount of children in a residential district and what type of effect it would have on the existing community.

SZBA Action: Mr. Mackey seconded the motion and it was passed 2 – 1. Opposed to the motion was Mr. Jones.

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

Present for the petition was Frank Stevens.

Mrs. Burke gave the following Staff report.

The petitioner is requesting approval of an application to establish a use (church) pursuant to the requirements of Section 8-3025 of the City of Savannah Zoning Ordinance. The subject property, located at 5502 Skidaway Road, is zoned R-6 (One-Family Residential).

Findings

1. The subject property, located at 5502 Skidaway Road, is presently occupied by several church buildings. The applicant has recently purchased several properties adjacent to the existing church site and is proposing to combine the new parcels with the existing parcel and expand the church uses.

2. The petitioner is proposing the addition of a gymnasium and additional parking for the church campus.
3. Section 8-3025 of the Savannah Zoning Ordinance requires Board of Appeals approval to establish a church in an R-6 zoning district. The requirements for establishing a church are that the church shall abut a collector or greater arterial and that the use shall be at least 100 feet from any conforming residential dwelling. The proposed addition meets both of these requirements.
4. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals shall hear and decide upon requests for permission to establish uses upon which the Board of Appeals is required to pass under the terms of this chapter. The application to establish such use shall be approved 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. The proposed use is an expansion of an existing use.

- 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 proposed use is an expansion of an existing use and will not likely be detrimental to the use or development of the general neighborhood. However, adjacent parcels may be impacted by the additional development on the site.

- 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.**

The subject parcels are of sufficient size to satisfy the requirements of the Ordinance.

- 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 immediately surrounding area.

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

Standards as discussed above appear to be met.

Summary of Findings

All of the conditions necessary for granting use approval for a church appear to be met.

Mr. Mackey asked if this was a text amendment that was approved at MPC?

Mrs. Burke stated no, this was a different project.

Mr. Stevens stated one of the problems they have run into was the covenant that was attached to the Barjon Terrace lots that they purchased for the purpose of building this project. He said the way the covenant read was that it was open for majority vote to overrule or amend the covenant from 1954. He said they canvassed the neighborhood and they had 58 people in support of the amendment and 35 would be the majority. He said 39 of those was in writing, 14 verbal and they were waiting on the paperwork, and 5 did not care to respond. He said in short the covenant has been amended. He said they have not recorded it at the courthouse.

He further stated with regards to traffic in his canvassing the neighborhood the most comments he heard from the neighbors was the traffic caused by Hancock Day School. He said Hancock Day School was on the adjacent property and they will be tearing those buildings down. He said Hancock purchased new property and will be moving. He said the traffic from the Church will be Sunday morning and night, and Wednesday nights.

Mr. Jones asked if they had any other church activities during the week?

Mr. Stevens stated yes. He said he picked Sunday and Wednesdays because that will be when the heaviest amount of traffic occurs. He said the other activities that will be held at the church such as committee meetings will not generate a lot of traffic. He said the majority of the parking will be on the north side. He said they had at least 100 spaces in the front and at least 30 spaces on the side. He said he also had a letter from his neighbor Mr. Smith saying that he supported their petition. In addition to those affected by the covenant there were three properties that was outside Barjon Terrace and he talked with the owners and they supported their petition. He said with regards to the headlights shining into Ms. Bazemore's house they have landscaped buffer along Brogdon to help mitigate that.

Mr. Kenneth Royal, Attorney, representing Ms. Terrie Richardson. He said her property was not part of this plan. He said her property will stick out or separated from the Church's plan to acquire her property. He said they were concerned about how the Church's plan was affecting this particular property (Ms. Richardson). He said the property has been residential for many years. He said this has been with the exception of the Church the only time that anyone has tried to change it that they were aware of. The covenants automatically extend themselves and

they hired Counsel to have the covenant amended as Mr. Stevens mentioned. He said Mr. Stevens also mentioned that the covenant has not been officially amended although people have signed off. He said it was not official until it has been recorded. He said if the petitioner do as they say and get the covenant properly amended they could not stop that if they have a majority.

He further stated they were concern about one of the driveways and did not see the need for it because there were at least two entrances on site of which one was existing. He said they were concerned about all the traffic that would be entering and exiting next to the home. He said Mr. Stevens also mentioned about landscaped buffers for a neighbor across the street. He said they would also like for the Church to some type of landscaped buffer for Ms. Richardson because it help soften the impact.

Mr. Robinson stated the rear drive nearest his client's property, when people were either exiting or entering the driveway which was from Skidaway Road that it did not seem that it would affect his client.

Mr. Royal stated he felt the primary drive was off of Skidaway Road but then you would have a forced driveway here that was closer to Skidaway Road. He said his point was that this was a superbplus entrance area that may not be needed.

Mrs. Burke stated those were some of the issues that will be addressed at the MPC meeting. She said what was for consideration by the Board today was the use and whether or not it was appropriate.

Mr. Royal stated he would ask the Board to require that the covenant be recorded if it was going to be amended and to make sure it was done correctly.

Mr. Mackey asked Mr. Royal in terms of the use if they had an objection?

Mr. Royal stated yes and they have objection to the design.

Mr. Mackey stated he did not ask about the design, but strictly the use?

Mr. Byrne stated he did not understand how the Board did not take into account design if they were looking at how additional or adjacent properties would be impacted. He said he felt if their objection was to the parking lot, entrance, and buffer one of the things the Board had to look at was the impact on additional and adjacent properties. He said he felt a design element could be considered.

Mr. Royal stated he objected to the use of this property as a Church in so far as that use in this instance impacts his client because of their expected anticipated design and use as a gym.

Mr. Mackey asked Staff how could you look at the use without looking at the design?

Mrs. Burke stated they felt the Board could if they wanted to approve it make the approval based on the fact that if this driveway was the concern that they could not have this driveway. She said that was what Staff was recommending for MPC that it be removed. Also, they are recommending that the other one be removed as well. She said they were concerned of the impacts that it would put on the residential streets. She said also with regards to the buffer there was a required buffer and it was shown on the plans.

Mr. Robinson asked if the Church would be agreeable to these changes?

Mr. Allen Bosson, Senior Pastor, stated yes.

SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals **approve** the petition with the following condition: (1) Two of the proposed driveways, one on Harold Street and the other on Brogdon Street (the eastern driveway), must be removed. Mr. Mackey seconded the motion and it was unanimously passed.

**RE: Continued Petition of Dawson Wissmach
Architects, For
Sam & Elena Ferreira
B-061127-35971-2
421 East Bay Street**

Present for the petition was Neil Dawson.

Mr. Hansen gave the following Staff report.

The petition was continued from the December 19, 2006 hearing in order to allow the petitioner an opportunity to revise the site plan.

The petitioner is requesting approval of a one space off-street parking variance from the six space off-street parking requirement of Section 8-3089 of the City of Savannah Zoning Ordinance in order to develop an inn. The subject property, located at 421 East Bay Street, is zoned R-B-C (Residential-Business-Conservation).

Findings

1. The subject property is currently occupied by a historic residence that the petitioner intends to convert into a five room inn. Section 8-3089 of the Savannah Zoning Ordinance requires one off-street parking space for each guest room plus one space for the owner/manager. Due to space limitations of the property, the petitioner is seeking a one space off-street parking variance.
2. Where it can be demonstrated by the owner or operator that 15 percent or more of the overnight guests arrive by means other than a personal automobile, the guest parking space requirement may be reduced proportionately up to 25 percent. The petitioner has requested that this provision of the Ordinance be employed, and has submitted documentation that verifies the same. Utilizing this provision, reduces the required parking from six to five spaces. Four parking spaces will be provide on site.
3. The petitioner has provided information that illustrates 49 public on-street parking spaces within a one block radius of the property.
4. The parcel contains approximately 5,445 square feet, measuring 60.5 feet wide and 90 feet deep. Whereas the required minimum lot area for a single-family residence or a non-residential use is 6,000 square feet, the lot is considered substandard. Additionally, the petitioner notes that the property contains a garden and courtyard and that it is their desire to preserve and maintain the historic character and integrity of the property and

minimize disturbance to its environment.

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 considered a substandard parcel within the zoning district. There are no other extraordinary or exceptional conditions pertaining to size, shape, or topography 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, although use as an inn would be severely curtailed.

- 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 relief requested appear not to be met.

Mr. Dawson stated they crafted out four parking spaces on site. He said they were constrained by historic covenants on the building and part of the historic gardens. He said that was the most they could fit on site with the constraints of the easements. He said it still left them 1 space short. He said they were also able to document by the Convention of Visitors Bureau that one space could be alleviated by people arriving by other means other than cars. He said the one space which would presumably be the owner would park either on Bay Street or some adjacent parking.

Ms. Jeanne Brooks stated parking spaces in this small quadrant was non-existent. She said the spaces were filled with employees, clients, customers, local and non local tourists, homeowners, tenants, and more. On weekdays employees and clients working in the area were there. She said weekday evenings customers were patronizing restaurants, bars, theaters, festivals, and social events. On weekends, all day and evenings visitors and local

enjoy the Historic District to shop, dine, attend weddings, receptions, festivals, and river front activities. If a parking variance was allowed for the new Inn, where would the manager, housekeeper, and owners, park? Would the owners be allowed a residential permit since they own 421 Bay Street. She said the vast majority of people that visit Inns and B & B's drive to Savannah. Guests park their cars in the neighborhood or main streets when the accommodations do not offer off-street parking or charge for it. Homeowners and their guests have great difficulty parking if they do not have an off-street place. (She presented the Board with information from several surrounding businesses). She said in the 2003 CBB consultant report 83 percent of Savannah overnight, leisure visitors arrive by car which was one of the highest percentages in the country. She said 8 percent arrived by airplane which was one of the lowest percentages in the country. She said Savannah had a very large regional drive-in visitor. On the last two days of January she took pictures to show the parking in the area. As the Board could see all of the parking spaces on both sides of Bay Street were full. Across the street from the subject property there were cars all the way down the street. She said directly in front of the subject property every space was also taken. Going down the street towards the Mulberry Inn all the spaces were taken. She said in the 500 block of the north side of Bryan Street every space was taken. In the 400 block of Bryan Street (north side) every space was taken.

Mr. Robinson asked where was her residence located relating to the subject property?

Ms. Brooks stated her house was in the 400 block of St. Julian Street. She said the rear of her house was on the 400 block of Bryan Street. She said she was around the corner from the subject property.

Mr. Robinson asked if she had off-street parking?

Ms. Brooks stated yes. She said she was opposed to the petition.

Mr. Robinson stated the petitioner was asking for a 25 percent variance. He said he felt that was a reasonable request.

Ms. Brooks stated the small percentage that you were talking about flying in was an average for the whole city. She said if you talk to people who own small Inns it was much more the drive in market which was typically a two night stay.

Mr. Mackey stated right now the audience and market was regional. He said he did not know we could have it both ways. He said they understood as well as everyone in Savannah understood that there was no parking downtown. Yet, folks were continuing to open up Inns. He said they were opening Inns because of the market understanding all the well that there was a chance that folks who attend or stay at the Inn they were not going to fly in but drive in. He said he felt this was a vexing issue. He said we needed the income and like the occupancy rates and the taxes that we get as a City. He said he felt the petitioner reducing it to 1 space was reasonable. He said he also understood her position.

Mr. Jones stated parking was almost nonexistent when it comes to downtown. He said if folks go over to the Visitor's Center the parking lot is full. He said he felt that we will keep going until we were not going to have any parking downtown at all. He said he felt the Board needed to be careful about variances for parking.

*Mr. Byrne left approximately 3:30 p.m.

Ms. Brooks asked if the variance was granted and the property at some point was not an Inn, what happens to the variance?

Mr. Hansen stated if the Board grant the variance it runs in perpetuity with the property. However, there was a caveat which was the variance that the Board may or may not grant was for an Inn. If this particular owner were to sell it to someone else and they operated it as an Inn then the variance still applies. If the owner sells to someone else and they decided to make it another use other than an Inn then the variance would not apply.

Mr. Dawson stated Ms. Brooks pointed out all the parking around the site that was full when she took those pictures. However, the owners and residents of a property downtown would be granted a residential parking permit and presumably you would not want to exclude one of your neighbors from having first shot at the forty something spaces along Bay Street. He said he felt although it was a one space variance they would have a parking decal that would entitle them to preferred parking on the street.

SZBA Action: Mr. Robinson made a motion to that the Savannah Zoning Board of Appeals approve the petition as submitted based upon a finding that granting the relief requested will not cause substantial detriment to the public good.

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

Mr. Mackey asked if Ms. Brooks and the petitioner would be willing to meet out side and see if they could resolve their issues? He said if they come back and there was not a resolution then the Board will deal with it as best they could. He asked if the Board would be willing to defer the petition to later in the meeting?

The Board agreed.

SZBA Action: Mr. Robinson made a motion that the Savannah Zoning Board of Appeals deferred the petition until the end of the meeting. Mr. Jones seconded the motion and it was unanimously passed.

**RE: Continued Petition of Robert E. Poppell, Jr.
B-061127-36094-2
605 Rose Dhu Road**

Present for the petition was Robert Poppell, Jr.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a 680 square foot lot area variance from the required 20,000 square foot lot area minimum; and a 552 square foot lot area variance from the 20,000 square foot lot area minimum required by Section 8-3025 of the Savannah Zoning Ordinance in order to create two separate parcels. The subject property, located at 605 Rose Dhu Road, is zoned R-20 (One-Family Residential).

Findings

1. The subject property, containing approximately 38,768 square feet and occupied with a single family residence, is presently zoned R-20 (One-Family Residential). The R-20 district requires a minimum lot size of 20,000 square feet.
2. The petitioner desires to split the existing parcel into two lots. As proposed, lot one would contain 19,320 square feet, and lot two would contain 19,448 square feet. Thus, lot area variances have been requested in order to legally subdivide the property in question.
3. The subject parcel is considered a standard lot within the R-20 district.
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 parcel within the zoning district. There are no extraordinary or exceptional conditions pertaining to size, shape, or topography 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.**

Relief, if granted, would not likely cause substantial detriment to the public good. The proposed development is consistent with development patterns in the neighborhood. No objections have been raised by immediate neighbors or concerned citizens.

Summary Of Findings

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

Mr. Poppell stated he talked with Mr. Tom Burgess at the City and he told him to have the other side of the property (marsh side) and to get with Mr. Joe Stuckey and have it platted out to show how much square footage they have on the other side of the street. He said there was an issue with DNR because they needed to come out and do a jurisdiction line in order for there to be an accurate square footage where they were to survey it. He said he talked with John Linn with DNR and they were supposed to come last Friday. He said he called him but he has not returned his call. He said in talking with Mr. Stuckey the two lots that they proposed last time, to move the line over which would put the house on the back part. He said Mr. Stuckey asked him to measure the property. He said the property was 135 feet wide.

Mr. Scott asked how far was the new line that they were projecting beyond the house?

Mr. Poppell stated 8'-6".

Mr. Scott asked if the northern lot was about 19,000?

Mr. Poppell stated yes.

Mr. Scott stated even though the marsh was not buildable it was still calculated in. He said he felt the petitioner has done what he was supposed to do.

Mr. Hansen stated if Inspections was satisfied with what the applicant wished to do and it met their requirements then Staff was also satisfied.

SZBA Action: Mr. Jones a motion that the Savannah Zoning Board of Appeals approve the petition. Mr. Robinson seconded the motion and it was unanimously passed.

Mr. Scott asked if the petition was approved according to how it had been platted and not for the variances originally requested?

Mr. Poppell stated he was presenting how it had now been platted.

Mr. Hansen stated technically what happened was the petition was withdrawn.

**RE: Petition of J. Steve Day, for
West Gwinnett Street, LLC
B-061227-50781-2
210, 212, 214, 216 West Gwinnett Street**

Present for the petition Steve Day.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a four space off-street parking variance from the required 12 space off-street parking requirement of Section 8-3090 of the Savannah Zoning Ordinance in order to construct a multi-family residential structure. The subject property, located at 210, 212, 214, 216, West Gwinnett, is zoned R-I-P-A (Residential-Medium Density).

Findings

1. The subject property is currently vacant. The petitioner proposes to construct an infill residential development consisting of 12 units. In accordance with Section 8-3090 of the Zoning Ordinance, 12 off-street parking spaces would be required. Due to space limitations of the property, the petitioner is seeking a four space off-street parking variance.
2. The subject parcel is considered a standard lot within the R-I-P-A zoning district. The property measures approximately 90 feet wide and 100 feet deep, containing approximately 9,000 square feet. Located on the northeast corner of Gwinnett and Tattall Streets, the property is also accessed by a rear lane.
3. On-street parking is allowed along both sides of Gwinnett Street. A total of 24 parking spaces can be accommodated between Barnard and Jefferson Streets.
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 parcel within the zoning district. There are no extraordinary or exceptional conditions pertaining to size, shape, or topography 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, although development as proposed would not be feasible.

- 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. Ample parking appears to be available along Gwinnett Street.

Summary Of Findings

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

Mr. Day stated what they intended to do was they wanted to build on this site two buildings and each one would have six condos. He said the entrance to the parking areas would be from the rear. He said the buildings did not cover more than 75 percent of the lot which met the historic guidelines. The parking area would be either gravel or pervious paving. He said they will also provide 8 off-street parking spaces. He said there would not be any parking on Tattnell Street, therefore all parking would be in the Gwinnett Street area.

SZBA Action: Mr. Robinson made a motion that the Savannah Zoning Board of Appeals approve the petition as submitted based upon a finding that granting the relief requested will not cause substantial detriment to the public good. Mr. Mackey seconded the motion and it was passed 2 – 1. Opposed to the motion was Mr. Jones.

**RE: Petition of Murray K. Barnard, AIA, for
Coastal Empire Habitat for Humanity, Inc.
B-0612227-50903-2
216 East 33rd Street**

Present for the petition was Murray Barnard.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a two space off-street parking variance from the two space off-street parking requirement of Part 8, Chapter 3, Article K, and Section 8.2.5 of the Savannah Code of Ordinances in order to construct a single family dwelling. The subject property, located at 216 East 33rd Street, is zoned T-N-2 (Traditional Neighborhood).

Findings

1. The subject property is currently vacant. The petitioner proposes to construct an infill residential development consisting of one unit. In accordance with Ordinance regulations, two off-street parking spaces would be required. The petitioner seeks a variance from this requirement.
2. The subject parcel, which measures 31 feet wide and 66.5 feet deep, contains approximately 2,061.5 square feet. District standards require a minimum lot width of 30 feet, and a minimum lot area of 3,000 square feet. Failing to meet the required minimums, the lot is considered substandard.
3. The parcel is located mid-block along the north side of 33rd Street between Abercorn and Lincoln Streets. Access to the property is from 33rd Street; there is no lane access available. Parking is allowed along both sides of 33rd Street.
4. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety

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

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

The subject property is considered a substandard parcel within the zoning district. Although the parcel meets the minimum lot width criteria for the district, the lot depth is insufficient to meet the minimum lot area requirement. Additionally, the parcel does not have lane access.

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

Strict application of the regulations of the Zoning Ordinance would create an unnecessary hardship. Strict application of the development regulations would render the parcel nearly unbuildable.

- 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 variance requested appear not to be met.

Mr. Barnard stated there was not much in the way of off-street parking for any of the buildings in that area. He said because they don't have a lane it would be impossible to get parking on the site and also due to the size of the site. He said he felt the house that they have designed was a two story house with three bedrooms approximately 1200 +/- square feet. He said it met all the requirements with regards to setbacks. He said they felt it would be a good addition to the area.

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 substantial detriment to the public good. Mr. Jones seconded the motion and it was unanimously passed.

**RE: Petition of Shawna Creasy, For
Anthony Ricciardi
B-061227-50985-2
13115 Hermitage**

Present for the petition was Jason Rose, Coastal Empires Exterior, Agent.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a 23 foot 6 inch rear yard setback variance from the 35 foot rear 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 13115 Hermitage Road, is zoned R-10 (One-Family Residential).

Findings

1. Located on the northwest corner of Hermitage Road and Plantation Drive, the subject property is currently occupied with a single family dwelling. The petitioner seeks approval of a rear yard setback variance in order to construct an addition onto the existing structure.
2. The subject property is considered a standard lot within the R-10 district, measuring 120 feet wide and 135 feet deep and containing approximately 16,200 square feet. The existing structure has been placed on the lot at an angle, the front of the house faces southeast.
3. 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 parcel within the zoning district. The parcel exceeds minimum development standards, although the odd placement of the existing house does create an interesting building footprint.

- 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 likely cause substantial detriment to the public good.

Summary Of Findings

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

Mr. Jones stated the addition would be 14 feet from the property line. He said the orientation of these two houses neither was squared with the street.

Mr. Hansen stated from the plans the Board could see how the house sits this way. He said the letter that was in the Board's packet was sent from a neighbor at this location. He said he believed what Mr. Jones was alluding to was that this house also sits somewhat diagonal rather than squared to the property line.

Mr. Rose stated there was also a 6 foot privacy fence that this would be within of the property lines. He said the way the house sits there was no useful place to put a sunroom on a house other than they all go on the back of houses. He said it was an odd-shaped location.

Mr. Jones asked if they built the house or was it an existing house?

Mr. Rose stated it was an existing house. He said they wanted to add a sunroom addition. He said it would project out 10'-9" X 13'-5".

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. Robinson seconded the motion and it was unanimously passed.**

**RE: Continued Petition of Dawson Wissmach
Architects, For
Sam & Elena Ferreira
B-061127-35971-2
421 East Bay Street**

Present for the petition was Neil Dawson.

Mr. Mackey called the above-mentioned petition back into order. He asked the petitioner if there were any new developments?

Mr. Dawson stated there was still a fundamental difference of opinion and they still felt they would like to try to get a vote by the Board.

Mr. Mackey asked Ms. Brooks if she had anything to add?

Ms. Brooks stated she still felt very strongly that if there was a variance whether it was 1 space or 4 spaces that it was not the right thing to do.

SZBA Action: **Mr. Robinson made a motion that the Savannah Zoning Board of Appeals approve the petition as submitted based upon a finding that granting the relief requested will not cause substantial detriment to the public good. Mr. Mackey seconded the motion and it was passed 2 – 1. Opposed to the motion was Mr. Jones.**

**RE: Petition of Bonnie Hendrix
B-061227-51157-2
202 West 50th Street**

Continued per Staff's request.

RE: Other Business

Mr. Mackey asked Mr. Hansen if he could give the Board and update with regards to the issue of daycares that was brought before the MPC?

Mr. Hansen stated Staff has been working on for some time a proposed amendment to the zoning text regarding daycares. He said Staff presented that to the MPC in a work session approximately two weeks ago. He said he felt the MPC was favorably disposed to the notion of the amendment and what they were trying to do. However, they did have some questions and concerns. He said MPC requested that they do a little more research and provide a little more information before they bring it back to them in the form of an actual amendment itself. Specifically, their concerns seemed to evolve around the consistency with the State of Georgia statutes. Staff will report back to MPC and they fully intend to bring it to them as a body for a recommendation then to City Council. He said MPC did not change anything. He said there was also discussion about the insurance provision that was written into the amendment, however they did not direct Staff to remove it. He said as Staff has mentioned in past meetings to the Board they felt it was a good provision but whether or not it gets past the MPC or City Council remains to be seen. He said they hoped to be able to bring it to the MPC at the February 6 meeting which probably would not occur. He said it was now their goal to bring it to the MPC Board at the February 20 meeting for consideration and vote.

Mr. Mackey stated he was in attendance at that meeting and felt the trepidation of the MPC Board was as Mr. Hansen mentioned. He said until such time the Board will continue to act on them on a case-by-case basis as they have done in the past.

RE: Adjournment

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

Respectfully submitted,

Deborah Burke
Assistant Secretary

DB/ca