

SAVANNAH ZONING BOARD OF APPEALS

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

FEBRUARY 27, 2007

2:30 P.M.

REGULAR MEETING

MINUTES

MEMBERS PRESENT:

**James Byrne, Chairman
John P. Jones
Paul Robinson**

MEMBERS ABSENT:

Timothy Mackey, Excused

TECHNICAL STAFF PRESENT:

Keith Shipman, City Development Services

MPC STAFF PRESENT:

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

RE: Call to Order

Mr. Byrne called the February 27, 2007 meeting of the Savannah Zoning Board of Appeals to order at 2:30 p.m.

RE: Minutes

1. Approval of SZBA Minutes – January 23, 2007

SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals approve the regular meeting minutes of January 23, 2007. Mr. Robinson seconded the motion and it was unanimously passed.

RE: Regular Agenda

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

Present for the petition was Jason Rose, Coastal Empire Exteriors.

This request was initially considered by the Board of Appeals at the January 23, 2007 meeting. Following the hearing, the Zoning Administrator determined that an error had been made in the required posting. As a result, the original approval has been declared void and a new hearing scheduled. Proper posting has been made.

Nature of Request

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. Written objection has been received from an adjoining neighbor. The correspondence has been attached hereto.
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. 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. It is noted that a letter of objection has been received.

Summary Of Findings

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

Mr. Rose stated the lot was in an odd-shaped location. One of the questions raised from the last meeting was whether or not they could move it over. He said because of where they were projecting from they felt they would not be able to move it over because it would be into the petitioner's dining space. He said with regards to the rear yard setback they were within the privacy fence.

Mr. Byrne asked if this was a new proposal?

Mr. Rose stated no it was the exact same proposal they presented at the last meeting. He further stated the addition would not be seen from the neighbors.

Mr. Robinson asked what was the height of the new structure?

Mr. Rose stated 9'-1".

Mr. Robinson asked Staff if he understood him to say that the petitioner was against their own application?

Mr. Hansen stated he has not talked with the homeowner but it was reported to him that she no longer sought this particular variance. He said he would defer to Mr. Shipman to provide additional information.

Mr. Shipman, City Development Services, stated Mr. Todaro talked with the petitioner and it was her wish to withdraw the petition. He said based on that they felt the petitioner needed to refile the petition or withdraw the petition.

Mr. Wayne Woodside, Neighbor, stated he lives on Plantation Drive. He said there was a fence that separated the two houses and he was on a corner lot.

Mr. Byrne asked if he talked to the petitioner about them withdrawing their petition?

Mr. Woodside stated no. He said he mailed a letter to Mr. Hansen and was scheduled to appear January 23, 2007 but there was a mix up with the date as previously mentioned.

Mr. Byrne asked if he was concerned that the addition was too close to the fence?

Mr. Woodside stated it was his understanding the addition would come within 14 feet from the back of the wooden fence that separated the two lots. He said in response to what was stated earlier that it would not be viewed, he felt given the fact it was that close and also because it was 10 to 11 feet high the height of the fence was 6 feet. The fact that it would stand up 4 feet higher than the fence he would be able to see it. He said his den, living room, and kitchen backed up to the property. He said he also felt that it would be difficult for him to sell his property with the addition being so close to the property line.

Mr. Byrne asked what was the process for a petitioner to withdraw their petition? He asked if they needed to send a letter requesting that their petition be withdrawn?

Mr. Hansen stated yes, he felt the petitioner could have made a withdrawal. He said part of the confusion on the part of the owner was if the Board has noticed the owner has not been standing before the Board. He said owner's agent in this case Mr. Rose, Coastal Empire Exteriors, who was contracted originally to build the structure has on both occasions represented the property owner.

Liz Ricciardi, Owner, stated there were some words in conversation that were disclosed that if she said certain things here it would be used against her. She said her concern was having this problem with her neighbor she would be taken to court or a suit filed in reference to all of these actions. She said she did not know so much chaos would come from this petition.

Mr. Byrne stated this was not a court of law. He asked if she was intending to proceed on this petition today? He said if she was not then the Board could move on to other business.

Ms. Ricciardi stated no.

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

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

Present for the petition was Craig Hendrix.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of variances in order to subdivide a parcel for the purpose of creating two lots, one of which will be occupied by an existing two-family residence and the other to be occupied by a newly constructed two-family residence. The requested variances include: a 5,172 square foot lot area variance from the minimum 7,200 square foot lot area required, and a 20 foot lot width variance from the 60 foot lot width required by Section 8-3025 of the Savannah Zoning Ordinance for lot 1; a 4,158 square foot lot area variance from the 7,200 square foot minimum lot area required, a five foot rear yard setback variance from the 25 foot rear yard setback required, a nine foot side yard setback variance from the 15 foot side yard setback required, and a four space off-street parking variance from the four space off-street requirement of Sections 8-3025 and 8-3089 for lot 2. The subject property, located at 102 West 50th Street, is zoned R-4 (Four-family Residential).

Findings

1. The subject properties are located at the northwest corner of 50th and Barnard Streets. Combined, the parcels measure 50.7 feet by 105 feet. Sometime in the past, two substandard lots were created which currently measure 50.7 feet by 55 feet, and 50.7 feet by 50 feet. The northern most lot is presently occupied by a two story residence with a ground footprint of 680 square feet, resulting in lot coverage of 24 percent.

2. It is the intent of the petitioner to construct a residence on the southern lot. Several variances are required to accommodate the same. Moreover, the petitioner desires to change the existing lot line between the two non-conforming parcels, thus resulting in variances for the northern lot too.
3. The R-4 zoning classification requires a minimum lot area of 3,600 square feet per unit when land is developed with two-family dwellings. The resulting allowed density is approximately 12 dwellings per acre. The combined parcels contain approximately 5,323 square feet. Whereas a two-family dwelling currently exists on the northern property and it is the intent of the petitioner to construct a two-family dwelling on the southern property, the resulting density approximates 33 dwelling units per acre.
4. Section 8-3055(c) of the Zoning Ordinance states that "...in any district in which single family dwellings are permitted, any lot of record existing at the time of the adoption of this chapter which has an area or width which is less than that required by these regulations may be used as a building site for a one-family dwelling, provided ...". This section of the Ordinance appears to say that a two-family dwelling would or should not be allowed.
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(s) is considered a substandard parcel within the zoning district. Existing development does not currently meet the minimum development standards. The two existing lots of record contain approximately 2,500 and 2,700 square feet respectively, well below the required minimum lot size of 7,200 square feet.
 - b. **The application of these regulations to this particular piece of property would create an unnecessary hardship.**

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

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

Relief, if granted, would likely cause detriment to the public good and impair the purposes of the Ordinance. The request, as proposed, greatly increases the density of the area. The parking variance is excessive and will result in eight required off-street parking spaces being relocated to the street.

Summary Of Findings

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

Mr. Craig Hendrix stated the original property was his grandfathers as well as the lot next to it. He said they would like to move the lines. He said they understood the concern for parking and they had no problem with it being a single-family dwelling. He said the lot is vacant land they would like to do something with it.

Mr. Byrne asked what would be the parking requirements for a single-family residence?

Mr. Hansen stated the number of parking spaces was based upon the number of units. He said if you have the number of units, you have the number of parking spaces required.

Mr. Byrne stated in this case it would force four parking spaces onto the street rather than eight.

Mr. Hansen stated yes. He said as point of clarification, the existing duplex was there and the four required spaces for that duplex were currently all presumably parking on the street which was still four. If the proposed structure that the petitioner was saying that they were willing to build only a single family versus duplex it will require two versus four parking spaces. He said in total it would be six parking spaces as opposed to eight.

Mr. Jones stated the petitioner said he would build a single-family house. He asked if it would be better if the petitioner continue his petition and come back with the plans for a single family dwelling?

Mr. Hansen stated he did not know if there would necessarily be any benefit to that. He said the Board could condition the approval on the fact that it be a single family house. If the Board does that although this lot still does not meet the requirements of the district the actual variances would be less in terms of the lot area. He said the way that the particular district read was for a single-family house it was 6,000 square feet lot area and multi-family was 3,600 square feet per unit. He said they were basing it on their request for a duplex, therefore 7,200 square feet. If they built as a single-family the requirement would be 6,000 square feet. He said the actual lot variance would be reduced by 1,200 square feet. He said it would still not be in conformance but it would be less than it was originally.

Mr. Robinson stated he was concerned about the parking. He asked the petitioner if they considered on-site parking?

Mr. Hendrix stated yes. He said the tenants in the duplex were single and only had one car. But you also had Barnard Street and the 50th side street for parking.

Mr. Jones stated when they visited the site one car was parked by the house on the back and only one car was on the street. However, around the corner cars were lined up parked.

Mr. Hendrix stated could also be in part because of the SCAD building on 50th and Montgomery Streets.

Mr. Robinson asked the petitioner if he felt he could provide some on-site parking?

Mr. Hendrix stated yes.

Mr. Jones asked with regards to the property that was next to this that was also owned by the petitioner if he could use some of that space for parking?

Mr. Hendrix stated yes.

Mr. Robinson stated he would like to see revised plans showing the parking.

SZBA Action: Mr. Robinson made a motion that the Savannah Zoning Board of Appeals continue the petition until the next meeting (March 27, 2007). Mr. Jones seconded the motion and it was unanimously passed.

**RE: Petition of Octavia Shellman
B-061127-35971-2
421 East Bay Street**

Continued per Staff's request.

**RE: Petition of Jonathan Lambright
B-070129-52527-2
511 Atkinson Street**

Present for the petition was Jonathan Lambright.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a two (2) foot side yard setback variance from the five (5) foot side yard setback requirement of Section 8-3025 of the City of Savannah Zoning Ordinance in order to construct an addition onto an existing single family residence. The subject property, located at 511 Atkinson Avenue, is zoned R-6 (One-Family Residential).

Findings

1. The petitioner is seeking a side yard setback variance in order to construct an addition onto an existing residential structure. The subject property, located at the northwest corner of Atkinson Avenue and Ronda Street, is considered a standard parcel within the R-6 zoning district. The lot measures 63 feet wide and 100 feet deep.
2. A minimum side yard setback of five feet is required per Ordinance development standards. The petitioner seeks a two foot deviation from the standard. Because the parcel is located on a corner, the petitioner proposes to maintain the existing 12 foot side yard setback on the street side yard.
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. Existing development currently meets or exceeds minimum development standards.

- 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. Lambright stated he bought the property and he did not think to check to see if it had been permitted. He said he improved the additions and when he went to the Inspections Department they pulled the permit for the property. He said all the rough-in for each one of the trades had been approved. He said after that the building inspector questioned it and they looked and found that it was never permitted. He said Inspections felt the best thing for him to do was to go through the correct process to bring everything into the regulations and get the variance.

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

**RE: Petition of Jim Dixon, For
World Wholesale, Inc.
B-070131-42100-2
7302 Abercorn Street**

Present for the petition was Charles Mashburn, Jr. and Julie Figgs.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a five (5) foot height variance from the 35 foot height maximum allowed in order to redevelop a commercial site. The subject property, located at 7302 Abercorn Street, is zoned P-B-C (Planned Community Business).

Findings

1. The subject property is located at the southeast corner of Abercorn and Douglas Streets. The site, zoned for community commercial uses, is currently occupied by a multi-story building.
2. The petitioner intends to redevelop the site for commercial office usage. As a part of that transformation, the existing building will be remodeled with three floors of offices. The proposed redevelopment envisions a building 40 feet in height.
3. The maximum height allowed within the P-B-C zoning district is 35 feet. A five foot height variance is requested. It is the petitioner's contention that several buildings in the surrounding area also exceed the 35 foot height limitation and that approval of the variance will not be "out of character" with development in the area.
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. Existing development currently meets or exceeds minimum development standards.
 - 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 asked if they had adequate parking?

Mr. Mashburn, Jr. stated yes.

Mr. Byrne asked if they were adding another story?

Mr. Mashburn, Jr. stated it was an existing two-story and they were going to go up another story.

Mr. Hansen stated there was some discussion about that when the petitioner submitted his information to the Zoning Administrator. But in viewing their proposal and what they were requesting it has been determined that they do have sufficient parking to handle what they were proposing. He said the request before the Board was a 5 foot height variance.

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: Other Business

RE: Adjournment

There being no further business to come before the Savannah Zoning Board of Appeals the meeting was adjourned approximately 3:15 p.m.

Respectfully submitted,

Deborah Burke
Assistant Secretary

DB/ca