

SAVANNAH ZONING BOARD OF APPEALS

ARTHUR A. MENDONSA HEARING ROOM

112 EAST STATE STREET

October 23, 2007

2:30 p.m.

REGULAR MEETING

MINUTES

MEMBERS PRESENT:

**Timothy Mackey, Vice Chairman
John Jones
Stephanie Bock
Paul Robinson**

MEMBERS ABSENT:

James Byrne

TECHINICAL STAFF ABSENT:

Tom Todaro, City Development Services

MPC STAFF PRESENT:

**Jim Hansen, Secretary
Sabrina Thomas, Administrative Assistant**

RE: Call to Order

Mr. Mackey called the October 23, 2007 meeting to order at 2:40 p.m.

RE: Minutes

Approval of SZBA Minutes – September 25, 2007.

SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals approve the regular meeting minutes of September 25, 2007. Mr. Robinson seconded the motion and it was unanimously passed.

RE: Consent Agenda

**RE: Petition of Jesse Washington
B-070926-5974-2
801 Joe Street**

The petitioner is requesting approval of an eight foot side yard setback variance from the 15 foot side yard setback requirement of Section 8-3057 of the Savannah Zoning Ordinance in order to construct a single family residence. The subject property, located at 801 Joe Street, is zoned R-M-25 (Multi-Family Residential).

Summary Of Findings

All of the findings necessary for granting the variance requested appear 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 all of the conditions necessary for granting the requested variance have been met. Mr. Robinson seconded the motion and it was unanimously passed.

**RE: Petition of Edward Chisholm
Neighborhood Improvement Association
B-070926-60511-2
1219 East Waldburg Street**

Nature of Request

The petitioner is requesting approval of a five foot rear yard setback variance from the 25 foot rear yard setback requirement of Section 8-3025 of the Savannah Zoning Ordinance in order to construct a single family residence. The subject property, located at 1219 East Waldburg Street, is zoned R-4 (Four-Family Residential).

Summary Of Findings

All of the conditions necessary for granting the 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 all of the conditions necessary for granting the requested variance have been met. Ms. Bock seconded the motion and it was unanimously passed.

**RE: Petition of Edward Chisholm
Neighborhood Improvement Association
B-070926-60749-2
1221 East Waldburg Street**

The petitioner is requesting approval of a five foot rear yard setback variance from the 25 foot rear yard setback requirement of Section 8-3025 of the Savannah Zoning Ordinance in order to construct a single family residence. The subject property, located at 1221 East Waldburg Street, is zoned R-4 (Four-Family Residential).

Summary Of Findings

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

SZBA Action: Mr. Robinson made the motion that the Savannah Zoning Board of Appeals **approve** the petition as submitted based upon a finding that all of the conditions necessary for granting the requested variance have been met. Mr. Jones seconded the motion and it was unanimously approved.

**RE: Petition of Arnold Brown
B-070926-60923-2
101 Millen Street**

The petitioner is requesting approval of a 2½ foot front yard setback variance from the 25 foot front yard setback required, and a two foot and 7½ foot side yard setback variance from the five and 15 foot side yard setback requirement of Section 8-3025 in order to construct a single family residence. The subject property, located at 101 Millen Street, is zoned R-4 (Four-Family Residential).

Summary Of Findings

All of the conditions required for granting a 2.5 foot front yard setback variance and two foot and 7.5 foot side yard setback variances appear to be met.

SZBA Action: Mr. Jones made the motion that the Savannah Zoning Board of Appeals approve the petition as submitted based upon a finding that all of the conditions necessary for granting the variance requested have been met. Ms. Bock seconded the motion and it was unanimously approved.

**RE: Petition of Virginia Brown
Coastal Empire Habitat for Humanity
B-070927-55398-2
0 Essex Avenue**

The petitioner is requesting approval of a 14 foot 3 inch rear yard setback variance from the 25 foot rear yard setback requirement; a 6½ foot front yard setback variance from the 25 foot front yard setback requirement; a one space off-street parking variance from the two space off-street parking requirement; a 9 foot 3 inch side yard setback variance from the 15 foot side yard setback requirement; and approval of a lot area variance to allow 36.13 percent lot coverage as opposed to the 30 percent lot coverage allowed by Section 8-3025 of the City of Savannah Zoning Ordinance in order to construct a single family residence. The subject property, located at the northeast corner of Essex and Plymouth Avenues, is zoned R-6 (One-Family Residential).

Summary Of Findings

All of the findings necessary to grant the requested variances 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 all of the conditions necessary for granting the variance requested have been met. Mr. Jones seconded the motion and it was unanimously passed.

**RE: Petition of Virginia Brown
Coastal Empire Habitat for Humanity
B-070927-55622-2
0 Essex Avenue**

The petitioner is requesting approval of a 14 foot 3 inch rear yard setback variance from the 25 foot rear yard setback requirement; a 6½ foot front yard setback variance from the 25 foot front yard setback requirement; a one space off-street parking variance from the two space off-street

parking requirement; and approval of a lot area variance to allow 36.13 percent lot coverage as opposed to the 30 percent lot coverage allowed in Section 8-3025 of the City of Savannah Zoning Ordinance in order to construct a single family residence. The subject property, located at 0 Essex Avenue near the intersection of Essex and Plymouth Avenues, is zoned R-6 (One-Family Residential).

Summary Of Findings

All of the findings necessary to grant the requested variances 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 all of the conditions necessary for granting the variance requested have been met. Mr. Jones seconded the motion and it was unanimously passed.

RE: Regular Agenda

**RE: Petition for Jason Rose, For
Matt & Shirley Fisher
B-070829-50336-2**

Present for the petition was Jason Rose.

Mr. Hansen presented the following Staff report:

The petitioner is requesting approval of a 12 foot rear yard setback variance from the 20 foot rear yard setback requirement of Section 8-3045 in order to construct an addition onto an existing residential structure. The subject property, located at 111 Queens Retreat, is zoned P-R-6-S (One-Family Residential-Small Lot Subdivision).

Findings

1. The Zoning Ordinance establishes a rear yard setback at 20 feet from the property line in the P-R-6-S district. The applicant is proposing to construct a sunroom onto an existing single family residence eight feet from the rear property line.
2. The Ordinance requires a minimum lot width of 50 feet and a minimum lot area of 4,000 square feet in the P-R-6-S district.
3. The subject parcel in a conforming lot of record at approximately 80 feet deep and 60 feet wide, which results in a lot area of 4,800 square feet.
4. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:
 - a. **There are extraordinary and exceptional conditions pertaining to the**

particular piece of property in question because of its size, shape, or topography.

The subject property is a conforming lot of record that is rectangular in shape. There are no extraordinary or exceptional conditions pertaining to the lot.

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

Strict application of the regulations of the Zoning Ordinance would 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 findings necessary for granting the variance requested appears not to be met.

Mr. Mackey asked Staff if he was saying that the petitioner has new evidence the Board did not hear?

Mr. Hansen yes. He said Mr. Rose indicated there was additional information and felt because the owner's of the property were not able to be in attendance at the last meeting; he felt they could offer additional information to the board.

Mr. Jones stated notices were sent out to the applicants of the hearing date, time and place. He said he felt they should have been here.

Mr. Hansen stated there was representation here at the last meeting. However, it was not the owner. It was also alluded to that they would be here today. Mr. Rose was the petitioner on behalf of the owner. He the petitioner had permission of the owner to seek the variance – which was a request to add a sunroom onto the rear of the house.

SZBA Action: Mr. Jones made the motion that the Savannah Zoning Board of Appeals deny the petition for a reconsideration of the decision of September 25, 2007. Ms. Bock seconded the motion and it was passed.

**RE: Petition of Katrina Robinson
B-060828-58343-2
5108 Skidaway Road**

Present for the petition was Katrina Robinson.

Mr. Hansen presented the following Staff report:

The petitioner is requesting an extension of the approval granted 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 5108 Skidaway Road, is zoned R-6 (One-Family Residential).

Findings

1. The subject property, located at 5108 Skidaway Road, is presently occupied by a one-story single-family residential structure containing approximately 1,500 square feet. The property is rectangular in shape, measuring 166 feet wide and 300 feet deep. The parcel contains nearly 50,000 square feet, and is considered a standard lot in the R-6 zoning district.
2. On September 26, 2006, the petitioner was granted approval by the Board of Appeals to establish a child care center on the subject site. Although plans have been submitted to the City for review, a building permit has not yet been issued and thus, the action of the Board has technically expired. The petitioner seeks an extension of said approval in order to complete the review and construction process necessary prior to opening the child care facility.

Mr. Jones asked how long was the extension request?

Mr. Hansen stated it would be good for one more year.

Ms. Robinson stated she was requesting an extension to use the property for a childcare center.

Mr. Mackey asked if she felt a one year extension would be enough time?

Ms. Robinson stated yes. She said she was but at the end process it was just more than she anticipated regarding permits needed

Mr. Mackey asked if there was anyone present to speak in opposition?

SZBA Action: Ms. Bock made the motion that the Savannah Zoning Board of Appeals **approve** the petition as submitted. The board found that the relief would not cause significant detriment to the public good. Mr. Jones seconded the motion and it was unanimously passed.

**RE: Petition of Gandhi Hospitality, Inc,
dba Wyndham Garden Hotel
B-070829-39800-2
25 Yvette Johnson Hagins Drive**

No one was present for the petition.

Mr. Hansen presented the following Staff report:

The petitioner is requesting approval of a 74 space parking variance from the 273 parking space requirement of Section 8-3089 of the Savannah Zoning Ordinance in order to construct a hotel

with banquet facilities. The subject property, located at 25 Yvette Johnson Hagins Drive, is zoned I-L (Light Industrial).

Findings

1. For a hotel use, the Zoning Ordinance requires one parking space for each guest room. The requirement may be reduced proportionately up to 25 percent where the owner can demonstrate that 15 percent or more of the overnight guests arrive by means other than a personal automobile. In addition, the Ordinance requires one parking space for each seats provided for patron use for banquet facilities.
2. Based on the facilities provided on site, the required parking for the subject property is 273 spaces. The site plan submitted by the applicant shows 199 spaces, resulting in a 74 parking space deficiency.
3. The applicant has made arrangements with the Savannah Airport Commission to utilize parking spaces at the airport when the need arises. It would be the responsibility of the applicant to provide transportation (shuttles) from the parking to the subject property. However, it is noted that the Airport Commission has also indicated that it cannot assure that a long term parking arrangement will be available.
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 conforming lot of record. However, the property is surrounded by wetlands, preventing the applicant from acquiring more property from the airport to supply additional parking.
 - 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 findings necessary for granting the variance requested appears not to be met.

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

**RE: Continued Petition of Matthew Deacon
B-070829-42783-2
1114 East Broad Street**

No one was present for petition.

Mr. Hansen presented the following Staff report:

The petitioner is requesting approval of a 13 foot side yard setback variance from the 15 foot side yard setback requirement and a three (3) foot rear yard setback variance from the required five (5) foot rear yard setback required for an accessory building pursuant to the provisions of Section 8-3025 of the City of Savannah Zoning Ordinance in order to construct a single family residence. The subject property, located at 1114 East Broad Street, is zoned P-R-4 (Planned Four-Family Residential).

Summary Of Findings

1. The applicant received approval from the Zoning Board of Appeals for a ten (10) foot side yard setback variance in June of 2005 (MPC File No. B-050608-38923-2). In June, 2006, the applicant requested an additional side yard variance and the rear yard variance in order to protect a large Sycamore tree and to be more consistent with the "urban fabric" of the area. This petition is a request for an extension of those variances already granted.
2. Section 8-3025 of the Savannah Zoning Ordinance requires a 15 foot side yard setback for residential structures when the lot abuts a public right-of-way. Although termed an interior lot, the subject property does abut the right-of-way of a public lane thus necessitating the 15 foot side yard setback. In addition, Section 8-3011 requires a five (5) foot rear yard setback for an accessory building.
3. The subject property is a substandard lot that contains 3,600 square feet and measures 45 feet in width and 80 feet in depth. The petitioner proposes to construct a single family residence on the parcel, as well as a single car garage resulting in lot coverage of 1,734 square feet. Though not included in, the subject parcel none-the-less lies adjacent to the National Historic Landmark District. Accordingly, development within the surrounding neighborhood generally consists of narrow homes, constructed on smaller lots. The proposed use is consistent with this pattern.
4. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship,

so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:

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

The subject property is a substandard lot measuring 45 feet in width and 80 feet in depth.

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

Strict application of the regulations of the Zoning Ordinance would not create an unnecessary hardship. However, the applicant would have to redesign the proposed residential structure, which may result in a design that is inconsistent with the surrounding neighborhood. In addition, the relocation of the structure on the lot could have a negative impact on the large tree the applicant is attempting to preserve.

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

The conditions described above are peculiar to the particular piece of property involved.

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

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

Summary of Findings

All of the conditions necessary for granting the requested variances appear not to be met. However, it is noted that the Board of Appeals has previously granted similar requests; the petitioner seeks an extension in conformance with Code Section 8-3165(e).

Mr. Jones asked stated in 2005 he asked for a 10-foot side yard variance.

Mr. Hansen stated yes, in 2005 he received approval for a 10-foot side yard variance.

Mr. Jones stated this says he wants a 13-foot side yard variance from a 15 foot side yard. He said that would leave only a 2 foot space between the house. He said he felt that's not enough space.

Mr. Hansen stated the request is for the 13-foot side yard variance which was approved in 2006.

SZBA Action: Ms. Bock made the motion that the Savannah Zoning Board of Appeals deny the petition as submitted. Mr. Jones seconded the motion and it was unanimously denied.

**RE: Continued Petition of Joshua Ward
Dawson Wissmach Architects
B-070829-43067-2
West Bay Street**

Present for the petition was Jason Ward, Architect.

Mr. Hanson presented the following Staff report:

The petitioner is requesting approval of a variance to the height limitations of Section 8-3030 in order to add an additional story onto an existing building within the Landmark Historic District. The subject property, located at West Bay Street, is zoned B-B (Bayfront Business).

Findings

1. The petitioner is seeking approval of a variance to the Historic District Height Map to allow a rooftop addition to the Ryan Building located at the northeast corner of Bay Street and Barnard Street extended. In accordance with the Historic District Height Map (adopted February 1997 and amended October 2003), the maximum height allowed on the subject parcel is two stories. The proposed addition does not encompass the entire roof, rather only 52 percent of the surface. The addition will be setback from the south wall of the existing building a total of 16 feet.
2. The proposed development has been submitted to the Historic District Board of Review and that Board has made a finding that the additional story is visually compatible. The Board noted the minimal size of the addition and its resemblance to the cotton grading monitors historically used on this and similar buildings.
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 conforming lot of record and contains no unusual characteristics 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 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 Historic District Board of Review has already approved the petitioner's application visual compatibility.

Summary Of Findings

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

Mr. Ward stated after accessing the two-story height limit for this building, they felt the third story would be appropriate for commercial area. He said the third story comes in the form of a rooftop addition. He said they set this back 16 feet from the Bay Street and 12 feet from the River Street side. He said they tried to keep the roofline as low as possible to minimize the visual impact.

SZBA Action: Ms. Bock made a motion that the Savannah Zoning Board of Appeals approve the petition as submitted. The board found that the relief would not cause significant detriment to the public good. Mr. Jones seconded the motion and it was unanimously passed.

**RE: Continued Petition of John Settles
Urban Communities, LLC
B-070829-55251-2
1019 Elliot Street**

Present for the petition was Tom Michaels, Architect for John Settles.

Mr. Hansen presented the following Staff report:

The petitioner is requesting approval of a 1,200 square foot lot area variance from the required 7,200 square foot requirement and a six foot front yard setback variance from the 25 foot front yard setback requirement of Section 8-3025 of the Savannah Zoning Ordinance in order to construct a two-family residence. The subject property, located at 1019 Elliot Street, is zoned R-4 (Four-Family Residential).

Findings

1. The Zoning Ordinance establishes a front yard setback of 25 feet from the property line and a minimum lot area of 7,200 square feet for a two-family residence in the R-4 district.

2. The applicant is proposing to construct a two-family dwelling on a 6,000 square foot lot. The proposed structure would be located within 19 feet of the front property line.
3. The subject parcel is a conforming lot of record at 100 feet in depth and 60 feet in width, which results in a lot area of 6,000 square feet.
4. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:

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

The subject property is a conforming lot of record that is rectangular in shape. There are no extraordinary or exceptional conditions pertaining to the lot.

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

Strict application of the regulations of the Zoning Ordinance would 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 findings necessary for granting the variances requested appear not to be met.

Mr. Michaels stated after the continuance, they revised the project. They reinvestigated the front setback on the zoning and would like the 1200 square foot variance.

Mr. Jones asked what about parking for each unit?

Mr. Michaels stated there were two parking spaces for each unit in front, off street, within the sight itself.

SZBA Action: **Mr. Robinson** motioned that the Savannah Zoning Board of Appeals **approve** the petition as submitted. The board found that the relief would not cause

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

RE: Petition of Carolyn P. Johnson
B-070926-59626-2
1830 Vassar Street

Present for the petition was Carolyn P. Johnson.

Mr. Hansen presented the following Staff report:

The petitioner is requesting approval of a request to establish a use (child care) that must be approved by the Zoning Board of Appeals pursuant to the requirements of Section 8-3025 of the City of Savannah Zoning Ordinance. The petitioner is also seeking a waiver of the requirement that said use be located on a collector or arterial street. The subject property, located at 1830 Vassar Street, is zoned R-6.

Findings

1. The subject property, located at 1830 Vassar Street, is presently occupied by a one-story single-family residential structure containing approximately 2,200 square feet. The property is rectangular in shape, measuring 60 feet wide and 100 feet deep. The parcel contains approximately 6,000 square feet, and is considered a standard lot in the R-6 zoning district.
2. The petitioner is currently operating child care facility for six children. A center for up to six children is allowed by right in the district. The petitioner is requesting approval of a child care center that would accommodate up to 12 children. A child care center with more than six children in a residential district requires Board of Appeals approval. Additionally, the petitioner seeks a waiver of the requirement that a child care center be located on a collector or higher classified roadway. Although the property sides onto Liberty Parkway, a collector street, Vassar Street is classified as a local roadway.
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 visual buffers (opaque fence a minimum of six feet in height) be provided to shield parking areas, play areas and outdoor activity areas from abutting property; f) that a sign not to exceed three square feet may be permitted; and g) that the primary use of the structure shall be for a residence and said residence shall be occupied.

The requirements of a, c, d, f, 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. The petitioner has designated a proposed play area of approximately 1,200 square feet. Based upon the site plan submitted by the petitioner, it appears that adequate outdoor play space is available to accommodate the

desired number of children.

Article (b) requires that a child care center be located on a collector or arterial street. The Ordinance allows for the Board of Appeals to grant a waiver from said requirement and the petitioner has applied for the necessary waiver.

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 appears to have two curb cuts; one on Vassar Street and the second on Liberty Parkway. The proposed layout will have to be approved by the City's Traffic Engineering Department.

Article (e) requires that a visual buffer be provided to shield play areas, parking areas, and outdoor activity areas from abutting properties. Although the property contains significant vegetation, it is noted that the rear yard is not yet enclosed with an opaque fence, nor is the proposed parking area shielded 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 is not likely to affect adversely the health and safety of residents, however, it is noted that a small increase in traffic congestion could occur during child drop-off and pick-up times.

- 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 predominantly residential neighborhood. The resulting traffic and potential congestion associated therewith is not likely to be detrimental to the use or development of adjacent properties.

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

The proposed use, subject to approval, can be compatible with the character of

the existing area.

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

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

- 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. The required screening appears insufficient to adequately buffer the use from adjacent properties.

Summary Of Findings

All of the conditions necessary for granting the use approval sought to establish a child care facility and the granting of a waiver of the requirement that such a use be located on a collector or arterial street appear not to be met.

Ms. Johnson stated she would like get six extra children to help the community and has the space for it. She stated she also has a letter from one of her neighbors.

Mr. Mackey stated there are number of issues that need to be discussed.

Mr. Jones asked what about parking for employees and pick up/drop off?

Ms. Johnson stated her parents usually just drop off and curb and go out to oncoming traffic on Liberty Parkway.

Mr. Robinson asked what is the ordinance requirement for parking?

Mr. Hansen stated in this particular case she would only have to provide one parking space. There appears to be ample parking on sight to accommodate the required parking and drop off area. He stated he cannot be assured that the city has approved the drop off area with the two curb cuts; one on Vassar and one Liberty Parkway.

Ms. Johnson stated she was asked to put up a privacy fence by my neighborhood committee and did that.

Mr. Jones stated you are in the 1800 block and your letter is from people in the 1900 block.

Ms. Johnson stated yes, they live directly across from her.

Mr. Jones asked her if she talked with the neighbors on the east side of her?

Ms. Johnson stated yes. One of them called and the other one, due to her husband's illness couldn't make it.

Mr. Jones stated they could have sent a letter.

Ms. Johnson stated the people across the street from her are renting the property.

Mr. Mackey asked you now have six kids?

Ms. Johnson stated yes.

Mr. Jones asked how long have you operated with six kids?

Ms. Johnson stated five years.

SZBA Action: Ms. Bock made the motion that the Savannah Zoning Board of Appeals **approve** the petition as submitted provided that approval is received from the City of Savannah for the proposed curb cuts. Mr. Robinson seconded motion and it was unanimously passed.

**RE: Petition of Dionne R. Hines
B-070926-61041-2
33 Fair Street**

Present for the petition was Dionne R. Hines.

Mr. Hansen presented the following Staff report:

The petitioner is requesting approval of a use (child care) that must be approved by the Zoning Board of Appeals pursuant to the requirements of Section 8-3025 of the City of Savannah Zoning Ordinance. The petitioner is also seeking a waiver of the requirement that said use be located on a collector or arterial street. The subject property, located at 33 Fair Street, is zoned R-6 (One-Family Residential).

Findings

1. The petitioner is proposing to develop and operate a child care center to house up to 18 children on a site located at 33 Fair Street in the Woodville neighborhood. Child care centers are an allowed use in the R-6 zoning classification subject to approval by the Zoning Board of Appeals.
2. The subject property is located on a local street as classified on the Street Classification Map No. 1 of Chatham County. The property is an interior lot located mid-block that measures 100 feet wide and 131.5 feet deep.
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 visual buffers (opaque fence a minimum of six feet in height) be provided to shield parking areas, play areas and outdoor activity areas from abutting property; f) that a sign not to exceed three square feet may be permitted; and g) that the primary use of the structure shall be for a residence and said residence shall be occupied.

The requirements of a, c, d, and f (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 18 children, thus requiring 1,800 square feet of outdoor play space. Based upon the site plan submitted by the petitioner, it appears that adequate outdoor play space is available to accommodate the desired number of children.

Article (b) requires that a child care center be located on a collector or arterial street. The Ordinance allows for the Board of Appeals to grant a waiver from said requirement and the petitioner has applied for the necessary waiver.

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 appears to have two curb cuts on Fair Street. It is unknown whether the petitioner has submitted the proposed layout to the city for review, but the drop-off and curb cuts will have to be approved by the City's Traffic Engineering Department.

Article (e) requires that a visual buffer be provided to shield play areas, parking areas, and outdoor activity areas from abutting properties. Specifically, the Ordinance requires that a six foot high opaque fence be utilized for screening purposes. The petitioner's site plan shows a chain link fence along a portion of the rear yard play area and it is further noted that the parking area is not shielded from view.

Article (g) requires that a residence be the primary use of the structure. It appears that the proposed use is for a child care only and that the structure is otherwise unoccupied.

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 could affect adversely the health and safety of residents as it is noted that Fair Street is classified as a local street and that an increase in traffic congestion could occur during child drop-off and pick-up times.

- 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 predominantly residential neighborhood. The resulting traffic and potential congestion associated therewith could be detrimental to the use or development of adjacent properties.

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

The proposed use, subject to approval, can be compatible with the character of the existing area.

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

A minimum of 100 square feet of outdoor play space is required for each child. The petitioner's site plan illustrates ample space for the number of children requested. It appears that sufficient space is available to accommodate the required parking, however, the proposed drop-off arrangement and curb cuts will have to be approved by the City Traffic Engineering Department..

- 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. The required screening appears insufficient to adequately buffer the use from adjacent properties, the property is not located on a collector or arterial street, and the property appears to be used solely for a child care facility rather than a residence as required by Ordinance.

Summary Of Findings

All of the conditions necessary for granting approval of the use sought appear not to be met.

Ms. Hines stated she is the petitioner for Sunshine Christian Academy. She stated she has

spoken with the zoning committee/inspectors and they said there was an issue with the in and out access. There was a fence all across the property in the front; that has been removed in order to get the in and out curb access. As far as the parking – I was told at least two spaces for parking – there is that on the side of the building. The traffic will be a flow – in and out.

Mr. Mackey asked will she reside in the property or will it be a full-time day care?

Ms. Hines stated she would not be residing there. It would be a full-time learning academy.

Mr. Mackey asked it would be a daycare, once it closes, the entire facility would be closed.

Ms. Hines stated yes.

Mr. Mackey stated as chairman, he has to inform her that is not within our purvey to approve. The law calls for use granted by this board, she would have to be a resident or a resident full-time in that property before she can submit or petition for approval from this commission.

SZBA Action: Mr. Robinson motioned that the Savannah Zoning Board of Appeals deny the petition as submitted. Ms. Bock seconded the motion and the petition was unanimously passed.

**RE: Petition for Robert E. Poppell, Jr.
B-070926-61126-2
605 Rose Dhu Road**

Present for the petition was Marianne Popell.

Mr. Hansen present 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 requested variances appear not to be met.

Ms. Poppell stated they were trying to subdivide the property. She said they own 46,000 square feet but they could not equally subdivide the lot because of where the existing house was located. She said her mother is going to build on the property and they have to have two lots to do it.

Mr. Mackey asked if she was saying that the lot was 46,000 square feet?

Mrs. Poppell stated yes.

SZBA Action: Mr. Jones motioned that the Savannah Zoning Board of Appeals approve the petition as submitted. The board found that the relief would not cause significant detriment to the public good. Ms. Bock seconded the motion and it was unanimously passed.

**RE: Petition for Harold Yellin, For
First African Baptist Church
NP Bay Lane Ventures, LLC
B-070829-50050-2**

Present for the petition was Harold Yellin, Attorney.

Mr. Hansen presented the following Staff report:

The petitioner is requesting approval of a two-story variance to the height limitations of Section 8-3030 of the Savannah Zoning Ordinance in order to construct a hotel on the subject site. The subject property, located at the northwest corner of Bryan and Montgomery Streets, is zoned B-C-1 (Central Business).

Findings

1. The petitioner has indicated intent to construct a six story structure on the subject site. The development will consist of a hotel with underground parking and commercial uses on Bryan and Montgomery Streets.
2. Located within the City's Landmark Historic District, development on the site is governed by the standards identified in Section 8-3030 of the Savannah Zoning Ordinance. Subsection (l)(1) states that "...The height map, attached to the ordinance from which this subsection is derived and specifically incorporated by reference in this section and bearing the designation Historic District Height Map with the signature and seal of the clerk of council, is hereby adopted and approved and made a part of the zoning map of the City of Savannah as an overlay thereon..."
3. The Height Map, as adopted on February 27, 1997 and amended on October 2, 2003, designates the maximum height on the subject property as being four (4) stories. Whereas it is the petitioner's proposal to construct a six (6) story structure, a variance from the height limitations is being sought. The Zoning Board of Appeals is empowered to grant variances from the development standards of the Zoning Ordinance in accordance with the regulations of Section 8-3163 of the Ordinance.
4. On October 10, 2007, the petitioner appeared before the Savannah Historic District Board of Review (HBR) to present a request for a Certificate of Appropriateness (Part 1 Height and Mass). Following considerable discussion, the HBR made a finding of fact that the six (6) story height is compatible and approved (vote 5-2) the requested Part 1 Height and Mass as submitted. Attached is a copy of the HBR report and decision.
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 site is comprised of four existing lots of record. Two of the lots measure 60.5 feet wide and 90 feet deep, one measures 30 feet wide and 90 feet deep, and the fourth lot measures 30,5 feet wide and 45 feet deep. In order to develop the structure as proposed, the parcels will be recombined into one lot which will be a standard lot within the zoning district. There are no extraordinary conditions on or about the site pertaining 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 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 petitioner has met several times with staff and will continue to meet with staff in an effort to improve the structure's height and mass relationship with the surrounding ward. Alternatives are being explored that would limit the amount of coverage allowed at the six (6) story level. Moreover, the HBR approved the Part 1 Height and Mass certificate of appropriateness at their October 10, 2007 meeting.

Summary Of Findings

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

Mrs. Reiter stated the Historic Review Board approved Part 1 Height and Mass on October 1, 2007 and recommended approval of six stories. She said they were in continuing discussions to see if we can modulate the mass on the sight as we have done with other hotels.

Mr. Jones asked if she felt something could be worked out?

Mrs. Reiter stated yes.

Mr. Yellin stated present was today is Rev. Thurmond Tillman and Patrick Shay. He said the petition was for a two-story height variance located at the northwest corner of Montgomery Street and Bryan Street. The hotel will attract foot traffic. He said the design was favored, although it had not been approved. He said the property will be leased to the hotel and after 99 years the property will go back to the church. The restoration of the church will include the original height by replacing the steeple that was blown away some years ago.

Mr. Shay stated he was the architect for the hotel developer and FAB for over 30 years. He said

the height of the steeple will be dramatically increased which would cause the proposed hotel height to be in accordance. The materials will be terra cotta panels that were reminiscent of the terra cotta that was used historically in the middle of the block. He said the parts of the building that were six stories high behind the historic buildings would be light colored stucco so that they tend to recede in view.

Mr. Mackey asked if the issue was approval to partially demolish two historic structures and build a hotel? As well as a height variance?

Mr. Hansen stated what was before the Board today was a request for two stories additional to the proposed four story hotel.

Mr. Jones asked what about parking?

Mr. Shay stated there were two levels of parking below which was more than adequate.

Mr. Tillman stated they were in favor of this project.

Mr. Johnson stated he supported the congregation and what they were trying to do.

Mr. Williams stated the hotel will support the legacy of the slaves that built that church.

Ms. Grantham stated she supported the church and would love to let her children and grandchildren see it.

SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of approve the petition as submitted. The Board found that the relief would not cause significant detriment to the public good. Mr. Robinson seconded the motion and it was unanimously approved.

RE: Other Business

Mr. Hansen stated Christy Adams is now Interim Director of Administration for the MPC. He said Sabrina Thomas will be assisting with Zoning Board of Appeals.

RE: Adjournment

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

Respectfully submitted,

Deborah Burke,
Assistant Secretary

DB/st