

SAVANNAH ZONING BOARD OF APPEALS

ARTHUR A. MENDONSA HEARING ROOM

112 EAST STATE STREET

February 26, 2008

2:30 p.m.

REGULAR MEETING

MINUTES

MEMBERS PRESENT:

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

MPC STAFF PRESENT:

**Jim Hansen, Secretary
Jessica Griffis, Administrative Assistant**

RE: Call to Order

Mr. Byrne called the February 26, 2008 meeting to order at 2:30 p.m.

RE: MINUTES

Mr. Byrnes requested approval of the January 29, 2008 Savannah Zoning Board of Appeals minutes. Mr. Jones motioned for the Savannah Zoning Board of Appeals to approve. Mr. Mackey seconded the motion. There were no opposers and it was unanimously approved.

RE: Consent Agenda

The following item was heard on the Consent Agenda:

**RE: Petition of John Sumner and
Read Brennan
B-080124-52013-2
515 East 31st Street**

Nature of Request

The petitioner is requesting approval of a 2 ½ foot side yard setback variance for each side from the five foot side yard setback requirement of Section 8-3025 of the Savannah Zoning Ordinance in order to construct a new residential dwelling. The subject property, located at 515 East 31st Street, is zoned R-M-25 (Multi-family Residential – 25 units per acre).

SZBA Action: Mr. Mackey motioned to for the Savannah Zoning Board of Appeals to approve the petition. Mr. Jones seconded the motion. There were no opposers; the petition was approved.

**RE: Ann McCall
B-080125-32837-2
1221 West 51st Street**

Nature of Request

The petitioner is requesting approval of a 15 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 an addition onto an existing residential structure. The subject property, located at 1221 West 51st Street, is zoned R-6 (One-family Residential).

Mr. Jones suggested continuation until proper signage is obtained and posted. Mr. Byrne explained to Ms. McCall the necessity of the due process, i.e. notifying all affected parties of her request to rezone.

SZBA ACTION: Mr. Jones moved to continue this petition to March 25, 2008. Mr. Mackey seconded the motion. There were no opposers and the petition was continued.

**RE: Petition of Steve Green
B-071221-32156-2
225 East President Street**

This request was continued from the January 29, 2008 hearing.

Nature of Request

The petitioner is requesting approval of a variance from the requirements of Section 8-3082(r) of the City of Savannah Zoning Ordinance that requires remote off-street parking spaces to be no more than 150 feet distance from the use served. The subject property, located at 225 East President Street, is zoned R-I-P-A (Residential-Institutional-Professional – medium density).

Summary Of Findings

1. In accordance with Section 8-3082(r), required off-street parking shall be provided on the same lot as the main building to be served or on a lot not more than 150 feet distance from the use it is intended to serve, as measured along the neared pedestrian walkway.
2. The subject property is located approximately 500 feet from the State Street garage, which is owned by the City of Savannah.
3. Savannah Assistance City Manager Chris Morrill has submitted a letter confirming that “during and after this construction phase” of the proposed Presidents’ Quarters

condominium Savannah Parking Services will provide 20 spaces in the State Street Garage. While no study of the availability of additional spaces in the State Street Garage was included, the letter also commits Parking Services to “work with” the applicant should additional parking be required.

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 and the parking on-site is adequate for the current uses of the site (Presidents’ Quarters Inn).

- 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 granting of the remote parking request would permit the applicant to proceed with the construction of a proposed condominium structure on the existing surface parking lot.

Summary of Findings

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

Mr. Mackey asked Mr. Hansen to reiterate that the petition was in only in regard to parking.

Mr. Hansen affirmed.

Mr. Mackey restated from the previous the letter from Chris Morrill confirming the availability the of the twenty spaces in the garage.

Harold Yellin was sworn in as representative for Steve Green, owner of President’s Quarters

and the vacant lot in front of subject property. He stated Mr. Green would like to use property in the future as a residential use, not a hotel. He stated that this one of few trust lots without a building on it; would like to have one on this lot. He informed the parking will increase with the move to the garage; from 14 to 20, not including subterranean parking. He informed they will be before the Historic Review Board.

SZBA Action: Mr. Mackey moved to approve said petition. Mr. Robinson seconded the motion, with Mr. Byrne also in favor. Mr. Jones and Ms. Bock were opposed. The petition was approved with three in favor and two opposing.

**RE: Petition of Sylvia Ross
B-080116-88036-2
1754 East 31st Street**

Nature of Request

The petitioner is requesting approval of a 25 foot front yard setback variance from the 25 foot front yard setback requirement of Section 3025 of the Savannah Zoning Ordinance in order to construct a single family residence. The subject property, located at 1754 East 31st Street, is zoned R-6 (One-Family Residential).

Findings

1. The petitioner is in the process of remodeling the existing structure which currently occupies the site. The approved plan entails adding a second story to the existing structure as well as alterations to the façade. The plan also envisions creation of a covered walkway and porte cochere at the front of the structure. Because the addition is attached to the primary structure, it becomes, for setback purposes a part of the primary structure and must meet the setback requirements of the Ordinance. Whereas a 25 foot front yard setback is required, plans illustrate that the porte cochere will extend to the property line, thus requiring a variance.
2. Though trapezoidal in shape, the parcel is considered a standard lot within the R-6 zoning district. The lot measures approximately 90 feet wide and is in excess of 12,000 square feet in lot area. Minimum requirements of the district include a 60 foot frontage and 6,000 square feet of lot area.
3. The columns for the existing front wall encroach slightly into the public right-of-way. The Savannah City Council has approved the necessary encroachment permits.
4. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize, upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:
 - a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.**

The subject property is a standard lot within the R-6 zoning district. The lot is approximately twice the minimum size required for the district.

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

Strict application of the regulations of the Savannah Zoning Ordinance would not create an unnecessary hardship.

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

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

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

Relief, if granted, would not likely cause substantial detriment to the public good. The proposed remodel has been approved by the City and the front wall is existing.

Summary Of Findings

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

Mr. Jones asked if there were any other dwellings in that section that's on the property? He stated that a variance of 25 feet and the requirement is a 25 foot front yard setback; that will leave no front yard; are there any other dwellings with no front yard?

Mr. Hansen replied not to his knowledge; he cannot say.

Mr. Yellin stated the little portion commonly known as Anderson is actually 31st Street. He stated the property has been owned by the Ross' for the past seven years. The existing home is one story and the petitioner would like to add a second story with a new fence for privacy and security reasons. He informed a building permit was issued May 14, 2007 by the City of Savannah. Afterwards, complaints of the fence being too close to 31st Street were reported and a stop order was issued. He continued that the Ross' met with Michael Brown, who recommended in letter dated August 28, 2007 per Mr. Yellin, that they take certain steps to rectify. They were, in essence: 1) purchase the City lot next door to the east, which was done; 2) apply for an encroachment permit, which was done January 15, 2008 and approved by City Council; 3) apply for a variance, which is the purpose of the petition. If granted, submission of revised plans and new building permit for reinstatement. He informed the road, the curb, and the fence build are significantly separated. He stated is it just a fence designed for privacy and security connected to the roof of the house.

Mr. Robinson stated if it is only a support system for an enclosed driveway, it's not a fence; it's a front façade of a building.

Mr. Yellin stated according to the code, that is correct. It becomes a part of the dwelling.

Mr. Robinson asked did the original building permit include this fence?

Mr. Ross responded that the original plans showed columns; the architect forgot to tie the columns together. He stated they questioned him about the stability of the columns without connecting walls and steel. He informed the brick was later added to provide that stability. He stated the top would have always been there; it was not a just a carport, there's a deck above it.

Mr. Robinson asked was there an amendment to the building permit to allow for the infill?

Mr. Ross stated yes, there was an amendment turned in.

Mr. Robinson asked Mr. Hansen if this was approved, shouldn't this have come to the zoning board for a variance prior to, in order to have zero lot line structure in that neighborhood?

Mr. Hansen stated yes, he believed it should have. However, the MPC nor the ZBA have any part of the issuance of any building permit. He reminded that the issue before them was the 25 foot setback variance.

Mr. Yellin stated he wasn't involved in the process in May 2007. He stated the plans were submitted did include the connection using the columns for support; so it was always for code purposes, a dwelling. After the columns were posted, complaints were received and the issue was revisited. He informed the initial plans did include the roof connection that made it a dwelling.

Mr. Jones asked if the neighbors were contacted regarding the plans of this structure?

Mr. Ross stated his next door neighbor did not want a fence between the two properties; that was the fence to be directly between their properties. He stated she also does not like dogs and he owns dogs. He wanted to keep the dogs safely away from her, thus the reason for the fence, as well as a noise barrier and for protection. He stated he felt the solid masonry fence would rebuke the noise from 31st Street to Skidaway.

Mr. Jones asked how tall is the filled in area?

Mr. Ross stated the front is to the height of the roofline, which would be the floor of the second level, which is approximately 13 feet. He stated that would give room for ventilation, water heater and wiring for the lower level of the house. He informed the wall of the existing fence on the side will come to 8 feet.

Mr. Mackey asked that the wall will attach itself to a home?

Mr. Ross replied yes; the wall in front is part of the structure of the house itself.

Mr. Mackey stated he thought there were to be windows placed in the wall due to phone calls in May of 2007. He asked were there different plans for the wall; was it a wall then and now you wish it to be a part of the structure?

Mr. Ross responded it has always been a part of the structure. He stated there were never, per se, 'windows'. He informed there was a center opening for a door gate for visitors and two outer electronic gates which tie to the outer perimeter walls that would actually be the fence.

Mr. Mackey asked Mr. Hansen that dimensions or visual aspects are not the charge here; it is only the 25 foot variance request.

Mr. Hansen replied yes. He informed that for ordinance purposes, because it attached to the building it becomes the structure per ordinance standards and that the variance is the only issue before us.

Mr. Mackey asked about the five steps Mr. Brown recommended from Mr. Yellin.

Mr. Robinson asked what was the rationale for purchasing the adjacent lot?

Mr. Ross stated the house was considered too large for the square footage of the property. He said they were instructed to cut the size of the canopy of the roof of the carport. He said that Mr. Todaro informed them the City would never sell the right of way; the Council met and sold the adjacent property. He stated they were then allowed to go back to the original drawing because they then had the square footage needed.

Mr. Mackey asked Mr. Yellin what is the next move after the ZBA decision?

Mr. Yellin replied to follow the recommendations of the City Manager.

Mr. Byrnes asked if anyone was present in opposition to the petition.

Mr. Micky Stevens stated Mr. Ross came to him prior to the start of construction. He stated what he sees now was not in the plans initially shown to him. He stated he went with him to the permit department; there were no columns or fence. He informed there was no house west of Skidaway and south of Henry Streets with that kind of lot coverage. He stated as a 37 year resident, there is concern for neighborhood continuity. He believes that will open up for others to try to do the same thing, which would be a detriment to the community and surrounding neighbors.

Mr. Jack Taylor was sworn in and stated he lived in Gordonston and watched the progression of the project. He stated many in his area inquired about the project and wondered how it could move forward without a hearing. He said it's rated an R6 and the fence should be of a six-foot height. He inquired how did a fence over six feet tall get approved and there is no sidewalk?

Ms. Rubian Grant was sworn in and stated she lives on East 32nd Street. She said she thought she could go along with structure prior to seeing the drawings. She stated she is opposed.

Ms. Mary Osborne stated the issue is the setback. She informed the petitioner has done all that has been requested of him.

Mr. Ross stated his home is suffering because of the unenclosed roof; the inspections department told him he cannot go up to repair.

Mr. Stevens stated he believes Mr. Ross is trying to manipulate the system. He is concerned with the continuity of the neighborhood.

Mr. Mackey stated he wanted to be sure there was nothing else tied to the charge of the 25 foot setback.

Mr. Hansen stated he believed the inspections department erred in building the fence, based on the ordinance. He informed the charge is the 25 foot setback variance.

Ms. Osborne stated it ludicrous to hold up the family from moving forward. She requested the Board give due diligence to their charge, which is the 25 foot setback variance.

SZBA Action: Ms. Bock moved to deny the petition due to being discontinuous with the character of the existing neighborhood and it's too much to be asked for. Mr. Jones seconded the motion. Mr. Mackey and Mr. Byrne opposed the motion. With 3 in favor and 2 opposed, the motion was approved and the petition was denied.

**RE: Petition of J.I. Smith Construction Co.
B -080124-51822-2
8 Rose Hill Drive**

Nature of Request

The petitioner is requesting approval of a 15 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 single family residence. The subject property, located at 8 Rose Hill Drive, is zoned R-6 (One-family Residence).

Findings

1. The subject parcel is considered a conforming lot in accordance with the development standards of the R-6 zoning classification. The lot measures 72 feet in width and approximately 89.5 feet deep. The parcel area is 6,443 square feet.
2. Regulations contained in Section 8-3025 require front yard setbacks to be measured from the centerline of the public right-of-way. The minimum required setback is 50 feet from the centerline for residentially designated streets.
3. Rose Hill Drive's right-of-way varies from 60 to 75 feet. The right-of-way is 75 feet in width adjacent to the lot in question, with the additional 15 feet being on the north side of the street. Thus, meeting the setback required will give the proposed residence the appearance of having a 40 foot front yard setback. Homes on the remaining frontage of Rose Hill Drive only have a 25 foot front yard setback. A 15 foot front yard setback variance is requested. If approved, the structure will have the appearance of a 30 foot setback, similar to other development in the neighborhood.
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:
 - e. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.**

The subject property is considered a standard lot within the R-6 zoning district. It is noted that the lot is shallow resulting in a smaller building envelope than is typical on R-6 zoned lots.

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

Strict application of the regulations of the Savannah Zoning Ordinance would not create an unnecessary hardship.

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

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

- h. 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 construction will be similar to other developments in the neighborhood.

Summary Of Findings

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

Mr. Jones stated one would need to look at the other houses on the street to get the center line; the curvature of the street requires a bit more planning in order to get the required setback. He stated not all are consistent in width.

Ms. Bock requested affirmation that the nature of the request was to line up with the other houses.

Mr. Hansen did so affirm.

Mr. Joseph Smith was sworn in. He informed the right of way of this property was 75 feet and the rest of the neighborhood was 60 feet. He stated he would like to move it forward 15 feet to line up with the other houses and save two large oak trees. He stated the house itself is less than 30 percent of the lot area.

Mr. David McQueen stated the letter he received indicated the petitioner wanted to put in four houses, not one as presented now. He stated the letter he received inclines him to be opposed to this project.

Mr. Hansen informed the original understanding of the MPC was for four homes. He stated further information has shown that not to be the case. He informed that Mr. Smith was asking for this one lot. He also added that the notification letter was erred in requesting more than petitioned for.

Mr. McQueen asked if they decided to build four houses on the lot, would we be notified?

Mr. Hansen replied that four houses could not be built on the lot. He informed the letter read four homes on four lots with the same anomaly.

SZBA ACTION: Ms. Bock moved to approve the petition. Mr. Mackey seconded the motion. With no opposers, the petition was passed.

**RE: Petition of Albert M. Faragalli
 B-080125-32626-2
 557 East Harris Street**

Nature of Request

The petitioner is requesting approval of a variance to allow lot coverage of 76.92 percent as opposed to the 75 percent lot coverage allowed in order to construct an addition onto an existing structure. The subject property, located at 557 East Harris Street, is zoned R-I-P-A (Residential-Medium Density).

Findings

1. Located within an R-I-P-A zoning district, the subject parcel is considered a standard lot, measuring more than 20 feet in width and containing more than the required 600 square feet of lot area for an attached structure.
2. The lot is presently developed as part of a two-family (duplex) residence that shares a common wall with the structure located on the lot at 555 East Harris Street. The existing lot coverage is calculated at 78.9 percent. The petitioner intends to remove a portion of the building at the rear of the structure and to construct a new addition thereon. Removal and reconstruction will result in lot coverage of 76.92 percent. Although the new construction will result in a smaller footprint than that currently existing, the lot coverage will none-the-less be in excess of the 75 percent allowed by the Ordinance. A variance is thus requested.
3. The petitioner presented his plans to the Historic Board of Review on January 9, 2008. The Board made a finding of fact that the proposal is visually compatible and approved the petitioner's request for a certificate of appropriateness.
4. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize, upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:
 - a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.**

The subject property is a standard lot within the R-I-P-A zoning district. There

parcel is not rectangular in shape, but it does contain the necessary square footage of lot area prescribed by the Ordinance.

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

Strict application of the regulations of the Savannah Zoning Ordinance would not create an unnecessary hardship.

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

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

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

Relief, if granted, would not likely cause substantial detriment to the public good. The proposed redevelopment actually reduces the existing lot coverage. Furthermore, the new addition is located at the rear of the structure and is not visible from the street.

Summary Of Findings

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

Mr. Faragalli was sworn and stated his request was approved by the Historic Review Board. He stated he was not aware of a rear yard setback.

Mr. Hansen stated there is no rear yard setback requirement in this district.

SZBA ACTION: Mr. Mackey moved to approve the petition. Mr. Jones seconded the motion. There was no opposition and the petition was passed 4 - 0. (Mr. Robinson was excused for this voting.)

**RE: Petition of Mr. and Mrs. George Johnson
B-080128-31952-2
326 East 45th Street**

Nature of Request

The petitioner is requesting approval of a 25 foot rear yard setback variance from the 25 foot rear yard setback requirement and approval of a variance to allow lot coverage of 49.73 percent as opposed to the 30 percent lot coverage allowed. The petitioner desires to connect the primary structure (house) with an accessory structure (garage). The subject property located at 326 East 45th Street, is zoned R-6 (One-family residential).

Findings

1. Development standards within the R-6 zoning classification include a minimum rear yard setback of 25 feet and a maximum lot coverage (anything covered by a roof) of 30 percent of total lot area. The petitioner is seeking a variance from both the rear yard setback and lot coverage standards.
2. The subject parcel is considered a standard lot within the R-6 zoning district. The lot measures 60 feet wide, 105 feet deep, and has a total lot area of approximately 6,300 square feet.
3. The parcel is currently developed with a two-story single family residence and a detached garage. The garage is built on the rear property line. The petitioner is proposing two modifications to the structures: the addition of an elevator shaft at the rear of the house, and the addition of a covered walkway to connect the house and garage. Both additions are being made to ease accessibility issues for a person with limited mobility.
4. Because the house and garage will be attached by a roofed addition, the entire structure becomes the primary structure for setback purposes. Accordingly, whereas the garage is presently sited on the rear property line, a setback variance of 25 feet is required to accommodate the plans proposed. Similarly, the new additions increase the total lot coverage on site to a total of 49.73 percent, thus necessitating a variance.
5. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize, upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:

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

The subject property is a standard lot within the R-6 zoning district. There are no unusual conditions 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 Savannah 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 subject property.

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

Relief, if granted, would not likely cause substantial detriment to the public good. The two principal structures currently exist the proposal is to connect the two by means of a covered walkway.

Summary Of Findings

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

Mr. George Johnson was sworn in and informed he is a third generation family owner. He stated the need of the elevator shaft yielded from the observance of the difficulties several elderly family members encountered in the house. He informed coverage in the back would be a walk through so that the needed space will be obtained. He stated no green space would be taken.

Mr. Jones asked if the garage is on the lane on the lot line, will there be room for repairs or work to be done?

Mr. Johnson stated no; there is a gate that goes into the lane as a walkway area. He informed there would be no changes to any of that.

SZBA ACTION: Mr. Jones moved to approve the petition. Mr. Mackey seconded the motion. With no opposition, the petition was passed 4-0. (Mr. Robinson was excused.)

RE: **Petition of E. C. Burnsed
B-080128-32123-2
1601 Lincoln Street**

Nature of Request

The petitioner is requesting approval of the following variances in order to legally split an existing lot of record into two separate parcels: Proposed Lot A: a five (5) inch lot width variance from the 30 foot minimum lot width required, and a 255 square foot lot area variance from the minimum 2,200 square foot lot area requirement; Proposed Lot B: a nine (9) foot eight (8) inch variance from the 30 foot minimum lot width required, and an 820 square foot lot area variance from the minimum 2,200 square foot lot area requirement of Article K, Section 5.6.5 of the Savannah Zoning Ordinance. The subject property, located at 221 East 32nd Street, is zoned TN-2 (Traditional Neighborhood).

Findings

1. Located at the southwest corner of Lincoln and 32nd Streets, the subject property is currently occupied with a side-by-side duplex. Although the parcel is 50 feet wide, its' depth is only 66 ½ feet, resulting in a substandard lot area of 3,325 square feet. It is the petitioner's desire to split the units into two separate stand alone parcels. The proposed

split will be made along the common wall which has been made fire resistant.

2. As proposed, the two newly created lots would measure 29 feet seven inches wide by 66 ½ feet deep, and 20 feet four inches wide by 66 ½ feet deep respectively. Ordinance requirements for the TN-2 zoning district require a minimum lot width of 30 feet, and a minimum lot area of 2,200 square feet for attached units.
3. The proposed split is consistent with the existing development pattern along 32nd Street between Abercorn and Habersham Streets. Most of the existing lots of record range in width from 20 to 31 feet with commensurate lot areas.
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 substandard lot within the TN-2 zoning district. The proposal would create two substandard lots.

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

Strict application of the regulations of the Savannah Zoning Ordinance would not create an unnecessary hardship.

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

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

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

Relief, if granted, would not likely cause substantial detriment to the public good. The proposed project is typical of the development pattern in the immediate area.

Summary Of Findings

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

Mr. Jones asked is this a substandard lot to subdivided into two sub-substandard lots?

Mr. Hansen stated the lot is not currently substandard in width, only in area. He informed the intent of the petitioner is to divide the property and duplex into two lots.

Mr. Jones asked will OSHA require a firewall between the two houses?

Mr. Hansen responded yes. He stated the ZBA has been informed the common wall has been made fire resistant per code.

Ms. Bock asked if the existing structure has already been split into two separate residences?

Mr. Hansen replied yes.

Mr. Vince Helmey was sworn in as representative of Mr. Burnsed. He stated this was a historically significant building and the guidance of Ms. Beth Reiter was sought.

SZBA Action: Ms. Bock moved to approve the petition. Mr. Mackey seconded the motion. With no opposition, the petition was passed 4- 0. (Mr. Robinson was excused.)

RE: Other Business

Mr. Robinson was excused for agenda items 5, 7, and 8, due to an appointment.

RE: Minutes

RE: Adjournment