

SAVANNAH ZONING BOARD OF APPEALS

ARTHUR A. MENDONSA HEARING ROOM

112 EAST STATE STREET

March 25, 2008

2:30 P.M.

REGULAR MEETING

MINUTES

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Timothy Mackey

MPC STAFF PRESENT:

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

RE: Call to Order

Mr. Byrne called the March 27, 2008 meeting of the Savannah Zoning Board of Appeals to order at 2:30 p.m.

RE: MINUTES

1. Approval of SZBA Minutes-February 26, 2008

SZBA Action: Mr. Robinson made a motion that Savannah Zoning Board of Appeals approve the regular meeting minutes of February 26, 2008. Ms. Bock seconded the motion and it was unanimously passed.

RE: Consent Agenda

**RE: Petition of Shakia Taylor
B-080204-87021-2
2214 Harden Street**

The petitioner is requesting approval of a six inch side yard setback variance and a one foot side yard setback variance from the five foot minimum side yard setback requirement; and a 13 foot rear yard setback variance from the minimum 20 foot rear yard setback requirement of Section 8-3029 of the Savannah Zoning Ordinance in order to place an accessory structure in the rear yard. The subject property, located at 2214 Harden Street, is zoned R-4/PNC (Four-family Residential/Planned Neighborhood Conservation).

Findings

1. Located within the Cuyler-Brownsville Planned Neighborhood Conservation District, the subject

property is governed by the development standards found in Section 8-3029 of the Savannah Zoning Ordinance. Standards include a requirement for a five (5) foot side yard setback and a 20 foot rear yard setback for non-residential structures.

2. The petitioner has completed construction of a 16'6" by 26' storage building in the rear yard of the subject property. The resulting development intrudes into the required side yard and rear yard setbacks, thus necessitating the request for variances.
3. The subject property is considered a substandard parcel within the R-4/PNC district. The lot area is approximately 2,500 square feet, and the property measures 25 feet wide and 100 feet deep. Ordinance standards include a minimum 50 foot lot width and 3,800 square feet of lot 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 a substandard lot within the R-4/PNC zoning district. Development standards require a minimum lot size of 3,800 square feet and a minimum lot width of 50 feet. The subject parcel is 25 feet wide and contains only 2,500 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 Savannah Zoning Ordinance would create an unnecessary hardship. As the lot currently exists, required setbacks would result in a building envelope only 15 feet wide.

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

The conditions described above are peculiar to the subject property.

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

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

Summary Of Findings

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

SZBA Action: Mr. Robinson made a motion that the Savannah Zoning Board of Appeals to move the petition of Ms. Shakia Taylor, B-080204-87021-2 from the Consent Agenda to the Regular

Agenda. Ms. Bock Seconded the motion and it was unanimously passed.

**RE: Petition of Robert L. McCorkle
B-080225-32230-2
0 Germain Drive**

Mr. Hansen gave the following Staff Report.

The petitioner is requesting approval of an off-street parking facility for a commercial establishment located on residentially zoned property pursuant to the regulations contained with Section 8-3093 of the Savannah Zoning Ordinance. The subject property, located at 0 Germain Drive (northeast corner of DeRenne Avenue and Skidaway Road), is zoned R-6 (One-family Residential).

Findings

1. Section 8-3093 of the Savannah Zoning Ordinance states that off-street parking and service facilities for commercial establishments may be provided in “R” districts under the following conditions:

a) The commercial establishments to be served by such parking and service space shall be conforming uses.

The petitioner intends to develop a grocery store and associated retail uses on adjacent property which is currently zoned, B-N (Neighborhood Business). Thirty-two (32) employee parking spaces are proposed to be developed on the R-6 zoned portion of the site.

b) The remote off-street parking spaces shall be in an “R” district that either adjoins the commercial district on the same side of the street or shall be directly across the street from a commercial district.

The proposed off-street parking area is adjacent to the proposed commercial development, located on the same side of the street as the proposed commercial development.

c) The proposed design and proposed location of such remote off-street parking facilities shall be approved by the Board of Zoning Appeals.

In accordance with Ordinance requirements, the petitioner has submitted the off-street parking request for approval by the Board. The proposed design meets the development standards of the Ordinance as they pertain to parking spaces, drive aisles, and buffers.

Summary Of Findings

All of the conditions necessary for granting the requested approval for off-street parking appear to be met.

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

RE: Regular Agenda

**RE: Petition of Shakia Taylor
B-080204-87021-2
2214 Harden Street**

Present for the petition was Mr. Steve Ellison.

Mr. Hansen gave the following Staff Report.

The petitioner is requesting approval of a six inch side yard setback variance and a one foot side yard setback variance from the five foot minimum side yard setback requirement; and a 13 foot rear yard setback variance from the minimum 20 foot rear yard setback requirement of Section 8-3029 of the Savannah Zoning Ordinance in order to place an accessory structure in the rear yard. The subject property, located at 2214 Harden Street, is zoned R-4/PNC (Four-family Residential/Planned Neighborhood Conservation).

Findings

1. Located within the Cuyler-Brownsville Planned Neighborhood Conservation District, the subject property is governed by the development standards found in Section 8-3029 of the Savannah Zoning Ordinance. Standards include a requirement for a five (5) foot side yard setback and a 20 foot rear yard setback for non-residential structures.
2. The petitioner has completed construction of a 16'6" by 26' storage building in the rear yard of the subject property. The resulting development intrudes into the required side yard and rear yard setbacks, thus necessitating the request for variances.
3. The subject property is considered a substandard parcel within the R-4/PNC district. The lot area is approximately 2,500 square feet, and the property measures 25 feet wide and 100 feet deep. Ordinance standards include a minimum 50 foot lot width and 3,800 square feet of lot 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 a substandard lot within the R-4/PNC zoning district. Development standards require a minimum lot size of 3,800 square feet and a minimum lot width of 50 feet. The subject parcel is 25 feet wide and contains only 2,500 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 Savannah Zoning Ordinance would create an

unnecessary hardship. As the lot currently exists, required setbacks would result in a building envelope only 15 feet wide.

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

The conditions described above are peculiar to the subject property.

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

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

Summary Of Findings

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

Mr. Ellison stated he removed the old structure and rebuilt another structure. He said he did not know he needed approval.

Mr. Byrne asked if the structure was already built?

Mr. Ellison stated no, he said the structure was torn down and he built it back.

Mr. Byrne asked how was the structure torn down?

Mr. Ellison stated bad weather tore down some of it and he finished tearing it down.

Mr. Robinson asked was it built back in the same footprint ?

Mr. Ellison Stated no. He said it was larger.

Mr. Byrne asked the Board if there were any more questions for the petitioner. He asked if anyone wanted to speak in opposition.

Ms. Brandy Kennedy Stated all her questions were answered.

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

**RE: Petition of Janice Gibbons, For
Agape Church of Jesus Christ
B -080225-32577-2
1102 Love Street**

SZBA ACTION: **Ms. Bock made a motion to hear the above- mentioned petition to the beginning of the regular agenda. Mr. Robinson seconded the motion and it was unanimously passed.**

The petitioner is requesting approval of a variance to allow lot coverage of 85 percent as opposed to the 35 percent lot coverage allowed by Section 8-3025 of the Savannah Zoning Ordinance in order to

construct an addition onto an existing church. The subject property, located at 1102 Love Street, is zoned R-4 (Four-family Residential).

Findings

1. The subject property, located on the northwest corner of Love and Scarborough Streets, is approximately 60 feet wide and 90 feet deep. According to the County Assessor's office, the property contains approximately 5,287 square feet. Development standards contained within the Zoning Ordinance allow lot coverage of 35 percent in the R-4 district. Although the existing structure currently occupies a greater land percentage than the 35 percent allowed, the proposed addition will bring total lot coverage to 85 percent.
2. In November 2006, the church requested and the Board of Appeals approved a request to exceed the maximum lot coverage allowable up to 70.6 percent. As construction commenced, the City of Savannah has required modifications to the site plan which will result in lot coverage of 85 percent. The modifications were necessitated to accommodate the requirements to meet ADA regulations.
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 a standard lot within the R-4 zoning district. There are no extraordinary or exceptional conditions pertaining to the property with regard to size, shape or topography.

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

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

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

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

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

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

Summary Of Findings

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

Mr. Hansen asked Mr. Byrne if this was the petition where no signs were posted ?

Mr. Byrne stated yes.

Mr. Hansen stated he talked with Mr. Epps in City Inspections, and he said that no signs were made for the site because the applicant did not pay his application fee. Mr. Hansen suggested that the petition be moved to the next meeting.

SZBA ACTION: Ms. Bock made a motion that the Savannah Zoning Board of Appeals continue this petition until the next regular scheduled meeting April 22. Mr. Robinson seconded the motion and it was unanimously passed.

Mr. Shawn Cleveland he went to City Inspections with the drawing and they told him they did not have anything to do with that.

Mr. Byrne stated that the reason the Board continued the petition was because the fees are not paid and there was no sign posted.

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

*Mr. Jones arrived approximately 2:40 p.m.

Mr. Hansen gave the following Staff Report.

This request was continued from the February 26, 2008 hearing in order to correct posting error.

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 reconstruct a residential structure on the same footprint to replace a structure destroyed by fire. The subject property, located at 1221 West 51st Street, is zoned R-6 (One-family Residential).

Findings

1. The subject lot is considered a standard parcel within the R-6 zoning district. Minimum development standards include a 60 foot lot width and a minimum lot area of 6,000 square feet. The subject parcel measures 75 feet in width and is 80 feet deep. The lot contains 6,000 square feet.
2. The petitioner intends to reconstruct a single family residential structure. As proposed, the addition would extend into the required rear yard setback a total of 15 feet, resulting in a ten foot separation from the building and the rear property line.
3. The proposed structure is intended to replace a previously existing building on the same footprint. Moreover, the subject parcel backs onto property zoned and used for commercial purposes. The requested variance, if approved, will therefore, have minimal impact on other residential

properties 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:

- 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. It is noted that the parcel is 80 feet deep, somewhat shallower than typical R-6 zoned properties.

- 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 structure replaces a previously existing building on the same footprint. The proposed development backs up to property zoned and developed commercially.

Summary Of Findings

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

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

**RE: Petition of Minnie lee Whited
B-080222-49068-2
3200/3202 Helen Street**

Present for the petition was Ms. Jane Munn.

Mr. Hansen gave the following Staff Report.

The petitioner is requesting approval of a ten foot lot width variance from the 60 foot minimum lot width required by Section 8-3025 of the Savannah Zoning Ordinance in order to subdivide an existing parcel. The subject property, located at 3200/3202 Helen Street, is zoned R-6 (One-family Residential).

Findings

1. The subject property is a standard parcel within the R-6 district, measuring approximately 120 wide and 195 feet deep, and containing approximately 23,400 square feet. Development standards in the R-6 district include a minimum 60 foot lot width and 6,000 square feet of lot area.
2. The petitioner intends, with approval of the Board, to subdivide the subject parcel into two separate lots of record. Although the subject parcel is of sufficient size to split without the necessity of a variance, existing development precludes dividing the parcel “in the middle”. Thus the petitioner is seeking to subdivide the property into two lots having frontages of 70 and 50 feet respectively. Although the proposed lot area (9,750 square feet) will meet and exceed the minimum lot area required, a variance is required and is requested for the less than standard lot width.
3. Lot widths of parcels located in the vicinity of the subject parcel range in size from 30 to 120 feet, the predominant width being 60 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 standard lot within the R-6 zoning district and contains no extraordinary or exceptional conditions pertaining to size, shape or topography. It is noted that the parcel contains approximately 23,400 square feet and measures 120 feet wide and 195 feet deep.

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.

Reliefs, if granted, would not likely cause substantial detriment to the public good or impair the purposes of the Zoning Ordinance.

Summary Of Findings

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

Ms. Jane Munn stated the lots in the area are 60 foot wide, she said her parents owned the property for about 60 years, she said they bought two lots instead of one and that they are going to sell the vacant lot that is next to it. She said that they have a double car port with a concert drive that encroaches a little over on to the other lot.

Mr. Byrne asked if there were any more questions for the petitioner.

Mr. Robinson stated that it seemed that it may be expensive to reduce the size of the car port and remove the concert drive. But he felt it may make it up by keeping the value of the 60 foot lot.

Ms. Munn stated yes, and they have looked at it both ways.

Mr. Byrne asked the Board if there were any more questions ? He asked if anyone wanted to speak in opposition ?

SZBA Action: Mr. Robinson made a motion that the Savannah Zoning Board of Appeals deny the petition due to preserving the continuity of the size of the lots. Ms. Bock seconded the motion and it was unanimously passed.

**RE: Petition of James Hall, For
 Townesley Chapel AME Church
 B-080225-32690-2
 252 Eagle Street**

Present for the petition was Downer Davis.

Mr. Hansen gave the following Staff Report.

The petitioner is requesting approval of an application to establish a use (church addition) which must be approved by the Board of Appeals. The petitioner also seeks a 20.32 foot rear yard setback variance from the 25 foot rear yard setback requirement; approval of 64 percent lot coverage as opposed to the 35 percent lot coverage allowed; and relief from Section 8-3066 of the Savannah Zoning Ordinance which requires a “Type B” buffer. The subject property, located at 252 Eagle Street, is zoned R-4 (Four-family Residential).

Findings

1. Subject to approval by the Board of Appeals, churches are an allowed use within the R-4 zoning classification. Although a church currently exists on the subject property, an interpretation by the Zoning Administrator has held that any expansion of the use must also receive approval by the Board. The petitioner also is seeking variances pertaining to lot coverage, rear yard setback, and buffering requirements.
2. The subject property, located at 252 Eagle Street, contains approximately 8,100 square feet and measures 90 feet wide and 90 feet deep. Development standards contained within the Zoning Ordinance allow lot coverage of 35 percent in the R-4 district. Although the existing structure currently occupies a greater land percentage than the 35 percent allowed, the proposed addition will bring total lot coverage to 64 percent.

3. The petitioner proposes to construct an eight (8) foot by 48 foot addition onto the rear of the existing church. Designed for storage purposes, the addition will cause no increase in required parking.
4. A 25 foot rear yard setback is required in the R-4 district. The existing structure currently intrudes approximately 12.32 feet into the setback. Construction of the addition will result in further intrusion of eight (8) feet. It is noted that several nearby parcels contain accessory structures that require only a five (5) foot setback.
5. Section 8-3066(d) (1) b. of the Savannah Zoning Ordinance requires a “Type B” buffer where one-family detached residential property is adjoined by institutional or nonretail commercial activity, including religious facilities. A “Type B” buffer consists of a six (6) foot high fence and either a 15 foot preserved or planted vegetated area. In the interest of public safety, the petitioner has requested relief from this requirement. No such buffer presently exists at the church.
6. Section 8-3163(b), Request for Permission to Establish Uses, provides the following findings that the Board of Appeals must make to approve an application to establish a use. Because the church exists, this is essentially a request for permission to intensify the use.

- (1) **The proposed use does not affect adversely the general plans for the physical development of the City, as embodied in this chapter, and in any master plan or portion thereof adopted by the Mayor and Aldermen.**

The proposed use will not adversely affect the general plans for the development of the City.

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

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

- (3) **The proposed use will not affect adversely the health and safety of residents and workers in the City.**

The proposed use will not affect adversely the health and safety of residents or workers in the City.

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

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

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

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

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

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

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

No additional vehicular trips are anticipated as a result of the proposed addition. Development is not likely to result in a nuisance or create a hazard in the neighborhood.

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

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

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

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

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

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

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

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

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

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

Relief, if granted, would not cause substantial detriment to the public good. The subject property is presently developed with an institutional use (church) and the proposed addition is of minimal size.

Summary Of Findings

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

Mr. Byrne asked Mr. Hansen if the petitioner was requesting a variance and use approval?

Mr. Hansen stated yes. He said the Board could do one motion if they choose to do so.

Mr. Downer Davis, Davis Engineering, stated he is the Agent for the Church. He said they are asking for a variance to go down a little less than a 5 foot rear yard setback. But if you looked at the existing rear of the Church it was already down to a 13 foot rear yard setback so we are nowhere near close to the 25 foot rear yard setback. He said the Church also owned the lot to the North and South. The lots to the south will be used for parking. The lot coverage was about 60 percent and they were asking to go to 65 percent. The reason for the variance was because they needed the space for choir storage, rope storage, and also a place for the choir to enter from the side instead of the back to control traffic during service.

Mr. Robinson asked Mr. Davis if he could address access again.

Mr. Davis stated they want to access from the rear and the side so that when they come in the choir room they do not have to come down the aisle.

Mr. James Hall stated that they needed the space. He said he is 5'6" and when he sits in the choir stand he was uncomfortable. He said some people were larger and taller than himself. Also by having the space he felt it would eliminate choir members who were late from coming directly through the Pastor on the pulpit.

Mr. Davis stated last year the Church started proceeded to acquire a quick claim to the lane behind them. Prior to that time they had about a 3 or 4 foot rear yard setback and around March of this year the Church acquired the final quick claim.

Mr. Byrne asked the Board if there were any more questions? He asked if anyone wanted to speak in opposition?

Ms. Beverly Smith stated her property is on Cumming Street and she was concern that meant she would have to sell her property.

Mr. Byrne stated no, this did not mean she had to sell. He said this was a hearing regarding a variance on the petitioner's property.

SZBA ACTION: **Mr. Jones made a motion that the Savannah Zoning Boards of Appeal to approve the petition. Mr. Robinson seconded the motion and it passed 2-1. Opposed to the motion was Ms. Bock.**

**RE: Petition of Tarlecia S. Bickham
 B-080225-32917-2
 3216 Hazel Street**

Present for the petition was Tarlecia S. Bickham.

Mr. Hansen gave the following Staff Report

The petitioner is requesting approval of an application to establish a day care center for 12 children. The petitioner also seeks a waiver from the requirement that said use be located on a collector or higher classified street. The subject property, located at 3216 Hazel Street, is zoned R-6 (One-family Residential).

Findings

1. The subject property, located at 3216 Hazel Street, is presently occupied by a one-story single-family residential structure containing approximately 2,400 square feet. The property is rectangular in shape, measuring 60 feet wide and 195 feet deep. The parcel contains approximately 11,700 square feet, and is considered a standard lot in the R-6 zoning district.
2. 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. Hazel 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 2,000 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 on Hazel Street. 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 findings necessary for granting the use approval sought appear not to be met.

Mr. Byrne asked staff if he was saying the plan as submitted was not acceptable ?

Mr. Hansen stated yes. He said the lot only measures 60 foot in width and the petitioner was proposing that there would be two parking spaces. He said the parking spaces would narrow the lot to about 40 foot

Mr. Jones asked if the property was in the middle of the block?

Mr. Hansen stated yes.

Mr. Jones stated he felt because the property was in the middle of the block that what they were proposed would be difficult.

Mr. Hansen stated in discussion with City Traffic Engineering that with speaking with the petitioner that she is trying to get additional property because this is a difficult location to do this.

Ms. Tarlecia S. Bickham stated the reason for the request is her Day Care now is under as a family day care which only allows her to care for 6 children and she would like to increase to 12 children. She said she felt there was sufficient space for drop off/ and pick up. She said she also would be adding a circular drive.

Mr. Byrne stated it was his understanding that there was not adequate space without her purchasing additional land or redesigning her proposed plans.

Ms. Bickham stated the existing drive way is already there and there is enough space to add the circular drive way. In addition, Hazel street dead ends and it would not be a problem as far as traffic.

Ms. Bock asked Ms. Bickham if she is still talking with the neighbor about maybe purchasing the additional property at 3214 Hazel.

Ms. Bickham stated she has not been able to get in contact with the owner so they could meet.

Ms. Arlene Lewis states she is representing R.R Lewis construction and we own two houses on Hazel and it is true it is a dead end so when people come down the street there is not anywhere for them to turn around unless they turn around in the drive ways of the people right at the end of the street. She said they opposed the petition because they felt there was not enough room for the cars.

SZBA ACTION: Mr. Robinson made a motion that the Savannah Board of Appeals deny the petition based upon the traffic problems that the Engineering Department and also the neighbors are concerned about. Mr. Jones seconded the motion. And it was passed 2-1. Opposed to the petition was Ms. Bock

**RE: Petition of Joslyn L. Angus
B-080225-89760-2
1110 East 31st Street**

Present for the petition was Joslyn Angus.

Mr. Hansen gave the following Staff Report.

The petitioner is requesting approval of a 1,200 square foot lot area variance from the 7,200 square foot lot area requirement of Section 8-3025 of the Savannah Zoning Ordinance in order to establish a two-family dwelling on a single lot of record. The subject property, located at 1110 East 31st Street, is zoned

R-4 (Four-family Residential).

Findings

1. The petitioner intends to develop a two-family residential structure on an existing lot of record. Two-family dwellings are permissible in the R-4 zoning classification. The Zoning Ordinance requires a minimum lot area of 3,600 square feet for each unit proposed, resulting in a required minimum lot area of 7,200 square feet.
2. The subject parcel contains 6,000 square feet, measuring 60 feet wide and 100 feet deep. The petitioner seeks a 1,200 square foot lot area variance in order to accommodate the two-family dwelling sought.
3. A majority of the lots along the 31st Street block face between Water Avenue and Live Oak Street are smaller than the subject parcel, most measuring between 30 and 45 feet in width. Several have been developed as two-family dwellings.
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-4 zoning district. There are n extraordinary and exceptional conditions pertaining to the property with regard to size, shape or topography.

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

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

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. Several other properties have been developed as two-family dwellings on parcels smaller than the lot in question.

Summary Of Findings

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

Mr. Jones asked if this is a two story house that they wanted to subdivide or did they want to build another house on the vacant lot?

Mr. Hansen stated no. He said there is an existing two story structure on the lot and the intent is there will be one unit on top and another on bottom.

Mr. Jones asked if they wanted one floor to be owned by one person and the other floor owned by another or was it going to be one house?

Mr. Hansen stated no. He said it was going to be one structure.

Ms. Bock stated that it appeared that work has already started on this project. She asked if a stop work order had been issued.

Mr. Hansen stated he was not sure.

Mr. Byrne asked any more questions for Mr. Hansen?

Mr. Joslyn Angus states the building is 22,000 square foot and was in poor shape and condition. The prior owner had it subdivided but, what he planned to do was maintain the property and not to sell it. He planned to own it and keep as rental property.

Ms. Inez Jenkins stated she opposed the petition and felt there would not be enough parking.

Mr. Byrne stated the site is zoned R-4 which is four-family residential. He said the petitioner wants to develop a two-family

Ms. Jenkins stated as mentioned by Mr. Angus the house was a two-family house and it was a one-family house at one time.

Mr. Byrne stated yes, but you can have a one-family house in an R-4 district. He said the petitioner is proposing to split it in two and under law he could do that.

Mr. Hansen replied the zoning is R-4 which is defined as four-family residential. The standards require that for any parcel that is more than one-family that you have a minimum 3,600 square feet of lot area. In this case he is only requesting a duplex to split up and down.

Mr. Byrne asked Ms. Jenkins if that answered her questions?

Ms. Jenkins stated yes

Mr. Byrne asked if there were any further questions.

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

RE: Other Business

Mr. Byrne stated Mr. Hansen has asked the Board to make a motion to appoint Jack Butler as an Assistant Secretary to the Savannah Zoning Board of Appeals.

SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals approve the appointment of Jack Butler as Assistant Secretary. Mr. Robinson seconded the motion and it was unanimously passed.

RE: Adjournment

There being no further business to come before the Savannah Zoning Board of Appeals the meeting was adjourned approximately 3:40 p.m.

Respectfully submitted,

James Hansen,
Secretary

JH/jm