

SAVANNAH ZONING BOARD OF APPEALS

ARTHUR A. MENDONSA HEARING ROOM

112 EAST STATE STREET

April 22, 2008

2:30 P.M.

REGULAR MEETING

MINUTES

MEMBERS PRESENT:

**James Byrne, Chairman`
Timothy Mackey, Vice-Chairman
Stephanie Bock
John P. Jones
*Paul Robinson**

MPC STAFF PRESENT:

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

RE: Call to Order

Mr. Mackey called the April 22, 2008 meeting of the Savannah Zoning Board of Appeals to order at 2:30 p.m.

RE: MINUTES

1. Approval of SZBA Minutes-March 25, 2008

SZBA ACTION: Mr. Jones made a motion that the Savannah Zoning Board of Appeals approve the minutes of March 25, 2008 as submitted. Ms. Bock seconded the motion and it as unanimously passed.

RE: Consent Agenda

**RE: Petition of Harold B. Yellin, For
Mark Smith
B-080325-55790-2
199 East Bay Street**

The petitioner is requesting approval of a 3-inch variance from the requirement of Section 8-3030(1)(9)g which states that "window sashes shall be inset not less than three (3) inches from the façade of a masonry building" in order to construct a hotel.

Summary Of Findings

Whereas a property hardship has not been demonstrated, all of the findings 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 as submitted. Mr. Robinson seconded the motion and it was unanimously passed.

RE: Regular Agenda

**RE: Petition of GBS Construction Co, Inc.
Gail Shanklin
B-080305-42155-2
601 West 38th Street**

Mr. Jones stated that when the Board did their site visits there was no sign posted on the property.

SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals continue the petition until the next regularly scheduled meeting May 27, 2008. Ms. Bock seconded the motion and it was unanimously passed.

**RE: Petition of GBS Construction Co, Inc.
Gail Shanklin
B -080305-42516-2
801 West 51st Street**

Mr. Jones stated that when the Board did their site visits there was no sign posted on the property.

SZBA ACTION: Mr. Jones made a motion that the Savannah Zoning Board of Appeals continue the petition until the next regularly scheduled meeting May 27, 2008. Ms. Bock seconded the motion and it was unanimously passed.

**RE: Petition of Terry L. Wright
B-080305-42605-2
1944 Vassar Street**

Present for the petition was Rose McCombs and Terry Wright.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a 4.15 foot lot width variance from the minimum 60 lot width requirement for each of two lots; and a 415 square foot lot area variance from the minimum 6,000 square foot lot area requirement of Section 8-3025 of the Savannah Zoning Ordinance for each of two lots in order to subdivide an existing lot of record.

In July of 2007, the Zoning Board of Appeals approved a request from the applicant for a 2.5-foot variance and a 150-foot lot area variance on this same parcel, but subsequently the applicant was found to need the larger variance in order to accomplish the intend.

Findings

1. Development standards established for the R-6 zoning classification require a minimum lot width of 60 feet and a minimum lot area of 6,000 square feet. The subject parcel contains approximately 11,700 square feet, measuring approximately 117 feet wide and 100 feet deep.
2. The petitioner is seeking a 4.15 foot lot width variance in order to subdivide the existing parcel into two lots of record. If approved, each newly created lot would contain approximately 5,850 square feet, thus necessitating a lot area variance in addition.
3. The subject parcel lies in the midst of a residential development. Most of the parcels in the area measure 60 by 100 feet, the minimum requirement of the R-6 district. The subject parcel, lying at the end of a dead-end street, is one of the few lots in the area that presently exceeds the R-6 minimums.

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

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

The subject property is considered a standard parcel within the zoning district. The parcel presently meets the minimum area and width requirements of the district, and is an existing legal lot of record.

(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 detriment to the public good or impair the purposes of the Ordinance. The request, as proposed, seeks a 4.15 foot lot width variance, a deviation of slightly more than eight percent from the 60 foot requirement. Additionally the request seeks a 415 square foot lot area variance, a deviation of approximately 2½ percent from the minimum required.

Summary Of Findings

All of the conditions for approval appear not to have been met.

Mr. Wright stated he came before the Board a couple of months ago for a variance on this property.

Mr. Butler stated that the petition is a reapplication. He said the original variance that was granted was not correct. Therefore, Mr. Wright is back before the Board requesting the proper variance.

Ms. Lovewire stated she was in support of the petition.

Ms. Ernestine Jones, President of the Liberty City Community Association, stated that she wanted to find out the purpose for requesting the variance.

Mr. Wright stated he was not going to build another house. He said he wanted to correct the mistake with the variance that was approved a couple of months ago.

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

**RE: Petition of Janet Boomgaarden
B-080317-86869-2
1402 Addie Byers Drive**

Present for the petition was Janet Boomgaarden.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval to establish a use (child care for 18 children) that must be approved by the Board of Appeals. The petitioner also seeks a waiver of the requirement that said use be located on a collector or higher designated street.

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 1402 Addie B. Byers Drive, a cul-de-sac in the Cloverdale 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 a corner lot fronting on Addie B. Byers Drive, with a rear face on Ryals Avenue and bounded on the east by Stiles Avenue.
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 (c) requires that the center match the architectural characteristics of the neighborhood. The planned structure appears to meet that requirement.

Article (d) requires that an off-street loading and unloading area be provided for the safety of the children. The petitioner has proposed to use the residential driveway as a drop-off area that has an entrance onto Addie B. Byers Drive. 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 fence around the rear yard play area. The parking area is unscreened, but faces onto Stiles Avenue.

Article (f) permits minimal signage. No sign plan has been submitted.

Article (g) requires that the primary use of the structure be as a residence. No interior plans or business plans have been submitted to confirm this requirement.

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 Addie B. Byers Drive 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 residential street at the entrance of a short cul-de-sac. The resulting traffic and potential congestion associated would probably not 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 to adequately buffer the parking area from adjacent properties should be required and the property is not located on a collector or arterial street.

- 5. Relief, if granted, could cause substantial detriment to the public good, and impair the purposes and intent of the Savannah Zoning Ordinance.

Summary Of Findings

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

Mr. Mackey asked Ms. Boomgaarden if she currently lived at the property and if she was the property owner?

Ms. Boomgaarden stated no.

Mr. Collins stated he owned the property but he will not reside there.

SZBA Action: **Mr. Jones made a motion that the Savannah Zoning Board of Appeals deny the petition as submitted. Mr. Byrne seconded the motion. The motion passed 4-1. Opposed to the motion was Ms. Bock.**

**RE: Petition of Charles E. Roberts
 B-080317-87496-2
 105 Alfred Street**

Present for the petition was Charles E. Roberts.

Mr. Butler 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 for each of two lots in order to subdivide an existing lot of record.

Findings

- 1. The subject property is located at 105 Alfred Street in an R-6 zoning district where the minimum lot width is 60 feet.
- 2. The subject property is 100-feet wide. The applicant seeks to divide the lot into two equal, 50-foot lots.
- 3. Although 100-foot lots appear to be standard in the neighborhood, several lots on Alfred Street and in the immediate vicinity (King Street, Darling Street) have been divided into 50-foot wide lots.

4. The Zoning Board of Appeals may authorize a variance in a case upon a finding that:

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

There are no extraordinary or exceptional conditions pertaining to the particular piece of property.

- (b) **The application of this chapter to this particular piece of property would create an unnecessary hardship.**

The application of this chapter to this particular piece of property would preclude the division of this 100-foot lot into two 50-foot lots.

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

Such conditions 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 cause substantial detriment to the public good.

Summary Of Findings:

All of the conditions necessary for approval appear not to have been met.

Ms. Bock asked if the property to the rear was also 50 feet?

Mr. Butler stated yes.

Mr. Roberts stated he wanted to subdivide the lot into two 1,500 square foot lots so he could build two houses on the lots. He also stated that there were several lots in the area that was the same square feet.

Mr. Byrne asked how much space was between the two buildings?

Mr. Roberts stated that they met the side yard requirements. He said the first house would be 5 feet on each side and the second house would be 10 feet on each side from the property lines. The front yard would be 45-50 feet and the rear yard would be 45 feet.

Mr. Jones asked if he was requesting a variance on the 50 foot front lot?

Mr. Roberts stated yes.

Mr. Randolph stated he was concerned about the parking. He said he felt because of the size of the lots, the parking would not be sufficient.

Mr. Ware stated he was concerned because he felt there were so many empty lots in the area. He said if you continued to subdivide lots then that would only increase the number of empty lots. He also felt this would be over building.

Mr. Mackey asked when the MPC Board rezoned Woodville area to R-6, if they were given the subdivision criteria?

Mr. Hansen stated to the best of his knowledge there is no criteria for subdividing.

Mr. Jones stated in the R-6 zoning, the lot have to be 16,000 square feet per lot. He said although it did not have a 60 foot front, it would still be over 16,000 square foot.

SZBA ACTION: Ms. Bock made a motion that, the Savannah Zoning Board of Appeals approve the petition as submitted. Mr. Jones seconded the motion. The motion passed 4-1. Opposed to the motion was Mr. Byrne.

**RE: Petition of Philip Wirth
 B-080317-87970-2
 11 East Back Street**

Present for the petition was Philip Wirth.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a four (4) foot height variance from the 35 foot height limit allowed by Section 8-3025 of the Savannah Zoning Ordinance in order to construct a single family residence.

Findings

1. The subject property is located in an R-10 zoning district. Maximum building height in an R-10 district is 35 feet for residential structures and 50 feet for non-residential structures.
2. The applicant proposes to build a ground-floor parking area with elevated first-floor living area and a second living story above with a pitched roof, making the roof peak 39 feet above grade.
3. The Zoning Board of Appeals may authorize a variance in a case upon a finding that:
 - (a) **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.**

There are no extraordinary or exceptional conditions pertaining to the particular piece of property
 - (b) **The application of this chapter to this particular piece of property would create an unnecessary hardship.**

The application of this chapter to this particular piece of property would create no unnecessary hardship, but would preclude the particular structure design proposed by the applicant.
 - (c) **Such conditions are peculiar to the particular piece of property involved.**

The conditions of the property are peculiar to the particular piece of property involved, in that the property has a Civil War-era berm associated with it.
 - (d) **Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Savannah Zoning Ordinance.**

Summary Of Findings

All conditions necessary for approval appear not to have been met.

Mr. Wirth stated he is requesting the variance to build up over the mound for the view. He said if he built in front then he would be within 50 feet of the water way.

Ms. Bock asked who told him that it was a civil war era berm?

Mr. Wirth stated he has had a lot of people tell him that. He said he also saw a picture of it and it was not that high.

Ms. Bock stated if you changed the roof slope and get it under 4 feet then you would not need a variance.

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

**RE: Petition of Roy D. Ogletree, For
 Ryan Chandler
 B-080319-51155-2
 302 Atkinson Avenue**

Present for the petition was Roy D. Ogletree.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a 25 foot rear yard setback variance from the 30 foot rear yard setback requirement of Section 8-3025 of the Savannah Zoning Ordinance in order to construct an addition onto an existing residential dwelling to within five feet of the rear property.

Findings

1. In accordance with the regulations of Section 8-3025 of the Savannah Zoning Ordinance, the minimum lot rear yard setback for a single family residence in the R-6 zoning district is 25 feet. The minimum side-yard setback is 5-feet.
2. The proposed variance would permit the construction of an enclosed garage extension and family room within five feet of the rear property line.
3. An existing wooden canopy covers most of the footprint of the proposed extension.
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 an oddly shaped corner lot within the R-6 zoning district. However the size and shape of the property are not exceptional conditions.

- (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 require the applicant to redesign and or relocate the proposed building extension.

(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 encroachment is similar to other lots in the area.

Summary of Findings

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

Mr. Chandler stated he wanted to make the open carport into an enclosed garage.

Ms. Bock asked if the entire structure was going to be the garage?

Mr. Chandler stated no. He said it would also have a family room.

SZBA Action: Mr. Byrne made a motion that the Savannah Zoning Board of Appeals approve the petition as submitted. Mr. Robinson seconded the motion. The motion passed 4-1. Opposed was Mr. Jones.

**RE: Petition of James Smith, For
Reserve Townhomes, LLC
B-080325-54219-2
316 Reserve Way, 402, 416, 418,
420,422,424,426 Legends Court**

Present for the petition was Ed King.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a 25 foot rear yard setback variance from the 30 foot rear yard setback requirement for each of eight (8) lots in order to construct single family dwellings on Hutchinson Island.

Findings

1. The petitioner is requesting approval of a variance to validate the location of residential structures to within 5-feet of a rear property line on eight already constructed structures.
2. The master plan, as approved for the project in 2005, included detached garages to be located behind the residences to within five feet of the rear property line as permitted in the district for accessory building units.
3. Subsequent to the approval of the master plan, the housing designs on the Reserve Townhomes changed to incorporate (initially) attached garages with “bonus” living spaces within five feet of the

rear property line, and finally to a design of a dwelling which included under-residence parking. The applicant located the eight primary residential structures with under-structure parking according to the standards applicable to the original detached accessory parking structures.

4. The applicant received and built the eight structures according to City of Savannah building permits
5. The alignment of the existing structures encroaches on the required building setback of 20 feet by 25 feet. The alignment of the existing structures meets the accessory building setback of five feet.
6. The Zoning Board of Appeals may authorize a variance in an individual case upon a finding 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 change in building design subsequent to the approval of the master plan for the community was not reviewed, and interpretation of the change was apparently made by city officials to allow the issuance of building permits on the completed structures.

- (b) **The application of this chapter to this particular piece of property would create an unnecessary hardship.**

The application of this chapter to this particular piece of property would require the removal of completed residential structures.

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

The conditions are particular to this particular piece of 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 or impair the purposes or intent of the Savannah Zoning Ordinance.

Summary Of Findings

All of the conditions necessary for approving the variances on the structures at 316 Reserve Way and 402, 416, 418, 420, 422, 424 and 426 Legends Court (only) as requested appear to be met.

Mr. King stated in 2004 the Master Plan included the 5 foot setback. In 2005, building permits were applied for and approved in 2006. Construction began in 2007. He said when construction began, a surveyor noticed in 2005 the Master Plan was changed to include 25 foot setback which is why they had to come back before the Board.

SZBA Action: Mr. Byrne made a motion that the Savannah Zoning Board of Appeals approve the petition as submitted. Mr. Robinson seconded the motion. The motion was passed 4-1. Opposed to the motion was Ms. Bock.

**RE: Petition of Harold B. Yellin, For
Mark Smith
B-080325-55790-2
199 East Bay Street**

**RE: Petition of Tifton Land Inc.
Timothy R. Walmsley
B-080325-56099-2
7208 and 7210 Skidaway Road**

Present for the petition was Timothy R. Walmsley, Attorney and Jack Grant.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a variance from Section 8-3040 of the Savannah Zoning Ordinance to allow outdoor display at a motorcycle and watercraft dealership located in a PUD-IS-B zoning district.

Findings

1. Subsection 6 of Section 8-3040 precludes the outdoor storage or display of merchandise in the PUD-IS-B district. However, the applicant maintains that the display of motorcycles and personal watercraft on the site has been a practice on the site for a number of years.
2. The Zoning Board of Appeals may authorize a variance in an individual case upon a finding that:

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

There are no extraordinary or exceptional conditions pertaining to the particular piece of property.

- (b) **The application of this chapter to this particular piece of property would create an unnecessary hardship.**

The application of this chapter to this particular piece of property would not create an unnecessary hardship, but would require an alteration in the accustomed business practice of the applicant.

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

Such conditions 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 cause impair the purposes or intent of the Savannah Zoning Ordinance, but could (according to comment received from adjoining property owners) cause detriment to the public good through increased noise from the property.

Summary Of Findings

All of the conditions necessary for approving the variance appear not to have been met.

Mr. Walmsley stated that a portion of the front of the property is used to display non-store merchandise during the day. In November, the City Zoning Department gave them a notice that the display did not comply with the PUD-IS-B district. He said they are requesting a variance to display non-store merchandise in front of the building.

Mr. Jones asked the petitioner if he could respond about the letter and concerns about the noise.

Mr. Walmsley stated two weekends ago his clients held an open house in which they brought in a din-o machine to test the motorcycles. He said that was not a permanent part of the business.

Mr. Butler stated the petitioner has used all required parking spaces for their display.

Ms. Bock asked if there was somewhere else for them to put their display?

Mr. Walmsley stated they have additional space in the front that they could use for the display.

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

**RE: Petition of Virginia Brown, For
 Coastal Empire Habitat for Humanity
 B-080325-56309-2
 0 Essex Avenue**

***Mr. Robinson left approximately 4:30 p.m. due to a scheduled appointment.**

Present for the petition was Virginia Brown.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a 6½ foot front yard setback variance from the 25 foot front yard setback requirement; a 14½ foot rear yard setback variance from the 25 foot rear yard setback requirement; and a variance to allow lot coverage of 36.67 percent as opposed to the 30 percent lot coverage allowed by Section 8-3025 of the Savannah Zoning Ordinance, in order to construct a single family residence.

Findings

1. The petitioner is proposing to construct a detached single-family residence on a vacant 3,000 square foot property in an R-6 zoning district. As proposed, the structure will be placed 18.5 feet from the front property line [a staircase which will be within 14 feet of the property line] and 10.5 feet from the rear property line. The proposed structure will exceed the allowable lot coverage by approximately 6.7 percent.
2. Ordinance regulations allow lot coverage of up to 30 percent in the R-6 district and require that accessory structures be located not less than 25 feet from front and rear property lines.
3. The proposed alignment of the structure will duplicate the setbacks on two similar structures on adjoining properties.
4. The Zoning Board of Appeals may authorize a variance in an individual case upon a finding 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 R-6 zoning district requires a minimum lot size of 6,000 square feet. The existing lot of record is 3,000 square feet.

- (b) **The application of this chapter to this particular piece of property would create an unnecessary hardship.**

The application of this chapter to this particular piece of property would unduly restrict the size of structure that could be built on this site.

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

The conditions are not particular to this particular piece of 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 or impair the purposes or intent of the Savannah Zoning Ordinance.

Summary Of Findings

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

Ms. Bock asked if there were three other Habitat for Humanity homes on this block that were almost the same foot print?

Mr. Butler stated yes.

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

**RE: Petition of Tiyanna Cummings
B-080325-56614-2
0 Hale Street/627**

Present for the petition was Tiyanna Cummings.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a request to establish a use (child care center for 18 children) that must be approved by the Board of Appeals. The petitioner is also seeking a waiver of the requirement that said use be located on a street designated a collector or higher. The subject property is located on the Southeast Corner of Hale Street and Lawton Avenue.

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 0 Hale 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 fills a block bounded by Gwinnett, Goebel, Hale and Lawton streets and comprises .83 of an acre.
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 (c) requires that the center match the architectural characteristics of the neighborhood. The planned structure appears to meet that requirement.

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 a curb cut on Hale Street and an exit onto Gwinnett 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 fence around the rear yard play area; however the nature of that fence is not indicated.

Article (f) permits minimal signage. No sign plan has been submitted.

Article (g) requires that the primary use of the structure be as a residence. From the submitted plans, it does not appear that the intent of the applicant is to use the structure as a residence.

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 Hale 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 at the edge of a predominantly residential neighborhood. The resulting traffic and potential congestion associated would probably not 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 to adequately buffer the use from adjacent properties must be installed, the property is not located on a collector or arterial street, and the intended primary use does not appear to include a permanent resident on the property.

5. Relief, if granted, could cause substantial detriment to the public good, and impair the purposes and intent of the Savannah Zoning Ordinance.

Summary Of Findings

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

Mr. Mackey asked if she would be living at the residence?

Ms. Cummings stated no.

Ms. Bock stated that the Board has granted variances on resident requirements before. She said she felt it was a prime location for a child care center.

Mr. Byrne asked about how many people would be working at the child care center?

Ms. Cummings stated about 3 to 4.

Mr. Byrne asked if there would be adequate parking for the employees?

Ms. Cummings stated yes. She said there was enough parking for at least 75 cars.

Ms. Sutton, Resident, stated that she was opposed to the petition. She said she felt there was enough traffic with the school in the area. She said she felt there should not be a commercial business in a residential neighborhood.

Mr. Grant stated that he is the Pastor of the Church. He said they were going to use the property as a child care center anyway. When Ms. Cumming's approached them about it, they thought, since she already had a back ground in child care they would lease the property to her.

Mr. Jones asked if the Church owned the property?

Mr. Grant stated yes.

SZBA Action: Ms. Bock made a motion that the Savannah Zoning Board of Appeals approve the petition as submitted. Mr. Byrne seconded the motion. The motion passed 3-1. Opposed to the motion was Mr. Jones.

**RE: Petition of Howard Reid
B-080325-56719-2
1003 and 1009 West 36th Street**

The above-mentioned petition was not properly posted.

ZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals continue the petition until the next regularly scheduled meeting May 27, 2008. Ms. Bock seconded the motion and it was unanimously passed.

**RE: Petition of Patrick J. O'Connor
B-080325-56885-2
1202 Madrid Avenue**

Present for the petition was Patrick J. O'Connor.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a ten foot lot width variance from the minimum 60 foot lot width requirement of Section 8-3025 of the Savannah Zoning Ordinance in order to subdivide an existing lot of record into three parcels.

Findings

1. The subject property is located in an R-6 zoning district.

2. The minimum lot area in an R-6 district is 6,000 square feet, and the minimum lot width is 60 feet. The subject property is 150 feet wide and 120 feet deep.
3. The proposed variance would permit the creation of three lots of 6,000 square feet, with two conforming lots fronting on Madrid Avenue and one 50-foot wide lot fronting on Marcus Place.
4. The subject parcel lies in the midst of a residential development. Most of the parcels in the area measure 60 by 100 feet, the minimum requirement of the R-6 district. The subject parcel, lying on the dead-end Marcus Place, is one of the few lots in the area that presently exceeds the R-6 minimums.
5. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:

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

The subject property is considered a standard parcel within the zoning district. The parcel presently meets the minimum area and width requirements of the district, and is an existing legal lot of record.

(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 detriment to the public good or impair the purposes of the Ordinance. The request, as proposed, seeks a 10 foot lot width variance, a deviation of approximately 17 percent from the 60-foot requirement.

Summary Of Findings

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

Mr. O'Connor stated that he would like to create three 6,000 square foot lots on the property. He also said that he had frontage on the rear which is a dead-end street. He said it was used to park City vehicles so there would not be a traffic issue.

Mr. Heitman stated he was opposed to the petition because of the size of the lots. He said he felt the lots were too small and the space would be cramped.

SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals deny the requested lot width variance. Ms. Bock seconded the motion. The motion passed 3-1. Opposed to the motion was Mr. Byrne.

**RE: Petition of L. Robert Isaacson
 B-080325-57165-2
 1002 Drayton Street; 107/111 East
 Waldburg Street**

Present for the petition was Robert Isaacson.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a use (inn) which must be approved by the Board of Appeals. The petitioner is also seeking approval of a tandem parking plan.

Findings

1. Per Section 8-3028(d), Permitted Uses, of the Zoning Ordinance, Inns are a permitted use in the Victorian P-N-C 2-R district with approval of the Board of Appeals.
2. The petitioner is proposing a 15-room inn within three existing structures. Per the Ordinance, a maximum of 15 units is allowed.
3. The petitioner has indicated provision of 12 off-street parking spaces in “tandem” (i.e. “stacked”) arrangement. Section 8-3089 requires one parking space for each guest or sleeping room or suite plus additional spaces as required by other functions. Where it can be demonstrated by the owner or operator that 15 percent or more of the overnight guests arrive by means other than a personal automobile, the guest parking space requirement may be reduced proportionately up to 25 percent. As part of their unsuccessful 2005 application, the petitioners included a letter from Tom Burns, a local inn owner, averring that 25 percent of all guests that arrive in Savannah do so by plane or train, and walk or utilize other transportation for moving around the City. If a reduction in parking spaces is approved for the site, the applicant would be required to provide 12 spaces. The parking spaces proposed by the petitioner are on the 20.9-foot lane between Drayton and Abercorn streets of the site. However, the petitioner indicates on the site plan that the spaces will be tandem spaces, which are not acceptable. The petitioner will be required to redesign the parking spaces to be provided, which will be subject to review by the City.
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) **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 does not adversely affect the general plans for the physical development of the City. The purpose of the Victorian planned neighborhood conservation district is to promote the general welfare of the City through the rehabilitation, conservation, revitalization and redevelopment of the area and to retain the architectural and historic integrity of the area. The 2-R districts permits a limited number of nonresidential uses considered appropriate for

the district, one of which is inns.

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

The proposed use is not contrary to the stated purposes of this chapter.

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

The proposed use will not adversely affect the health and safety of residents or workers in the City. There are currently several inns already in existence throughout the City.

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

The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood. There is a mix of residential and commercial uses in the area.

(e) The proposed use will not be affected adversely by the existing uses.

The proposed use will not be adversely affected by the existing uses. Rather, the proposed use will benefit from the existing uses in near proximity.

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

The proposed use will be located within an existing structure on site. The petitioner has indicated that parking will be located on site.

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

The proposed use will not constitute a nuisance. The petitioner is proposing a 15-room inn located in three structures on a secondary arterial street, which will not significantly impact the area in terms of vehicular movement, noise or fume generation, or type of physical activity.

(h) The standards set forth for each particular for which a permit may be granted have been met.

The proposed parking lot design does not appear to meet the standards of the Ordinance. In addition, the proposed design for the handicapped and disabled parking spaces may not be suitable as required per Section 8-3082, Table 1. Parking space requirements for the Handicapped and Disabled. The parking lot design will be subject to review and approval by the City in order to obtain all necessary permits.

Summary Of Findings

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

Mr. Isaacson stated he made application to the Board before and was approved for a 25 percent reduction on the parking requirements.

Ms. Bock asked if they presented their plans to the Victorian Neighborhood Association?

Mr. Isaacson stated no. He said they talked with the neighbors that were within 200 feet of the property.

Mr. Byrne stated he felt they should rethink the parking and come back to the next meeting.

SZBA Action: **Mr. Byrne made a motion that the Savannah Zoning Board of Appeals continue the petition until the next regularly scheduled meeting May 27, 2008. Mr. Jones seconded the motion and it was unanimously passed.**

RE: Other Business

RE: Adjournment

There being no further business to come before the Savannah Zoning Board of Appeals the meeting was adjourned approximately 5:15 p.m.

Respectfully submitted,

James Hansen,
Secretary

JH/jm