

SAVANNAH ZONING BOARD OF APPEALS

ARTHUR A. MENDONSA HEARING ROOM

112 EAST STATE STREET

May 27, 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: Called to Order

Mr. Byrne called the May 27, 2008 meeting of the Savannah Zoning Board of Appeals to order at 2:32 p.m.

RE: MINUTES

1. Approval of SZBA Minutes April 22, 2008.

RE: Consent Agenda

**RE: Petition of Aaron Fox
B-080403-53495-2
1102 Richards Street**

The petitioner, Aaron Fox, is requesting approval of ten-foot side yard setback from the 15-foot required side yard setback to facilitate the construction of a 1,120-square-foot house.

Findings

1. The subject property is a existing substandard lot of record located on the corner of Richards and Scarborough streets in an R-4 zoning district.
2. The subject property is 2,700 square feet (30X90 feet). The standard lot size for a single family detached residence in the R-4 district is 6,000 square feet.
3. The subject property is 30 feet wide. The standard lot width in the R-4 district is 60 feet wide.
4. The required side setback in an R-4 zoning district is five (5) feet. However the subject property is a corner lot, with effectively two "front" setbacks imposed, which would require a 15-foot side setback for the proposed structure. The prevailing setbacks on Scarborough Street are five feet or less.

5. 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 subject property is less than half the standard lot size and lot width of the zoning district and is subject to two “front” setbacks because it is a corner lot.
 - 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 result in an unbuildable lot of record.
 - c. Such conditions are peculiar to the particular piece of property involved.
Such conditions are peculiar to the 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 and intent of the Savannah Zoning Ordinance.

Summary of Findings:

All Of the Conditions necessary for approval of the request appear to be met.

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

**RE: Petition of Alvin Williams
B-080428-32395-2
0 Staley Avenue**

Petition was continued for incorrect sign posting.

SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals continue the petition until the next regularly scheduled meeting June 24, 2008. Ms. Bock seconded the motion and it was unanimously passed.

RE: Regular Agenda

**RE: Petition of City of Savannah
Sanitation Bureau
B-080428-32035-2
6161 Skidaway Road**

***Mr. Mackey arrived approximately at 2:38 p.m.**

No one was present for the petition.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a public use under the provisions of Code Section 8-3025A (23) in order to establish a Recycling Collection and Education Center adjacent to an existing municipal waste transfer station in the vicinity of Bacon Park.

Findings

1. The City is proposing to create a recycling center to consist of a 2,000 square-foot building and fifteen dumpsters dedicated to various different recyclable materials. The recycling center will both collect material to be recycled and also serve as an educational center to instruct the public on the benefits and methods of recycling.
2. Under Section 8-3163 of the City of Savannah Zoning Code of Ordinances, 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 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.

- b. 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.

- c. 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 and workers in 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.

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

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

- 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 placed on a lot of sufficient size to satisfy the space requirements of such use.

- 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.

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.

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

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

- 3. Relief, if granted, would 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 required for approval of the use request appear to be met. Numerous members of the public have called following receipt of the notification letters to inquire about the proposed use.

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

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

***Mr. Robinson arrived in approximately at 2:45 p.m.**

Present for the petition was Gail Shanklin.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a two (2) foot side yard setback variance from the five (5) foot side yard setback requirement of Section 8-3025 of the Savannah Zoning Ordinance for each side in order to construct a single family residence.

Findings

- 1. The subject property is lot of record located in an R-4/PNC zoning district, which requires a single-family residential lot size of 3,800 square feet and minimum lot width of 50 feet, with a minimum side setback of five (5) feet.
- 2. The subject property is 30-feet wide with a lot area of 3,510 square feet. The proposed building for the property is 24-feet wide. Centering the structure on the lot leaves three feet on either side, requiring a variance of two feet from each of the side setbacks required.
- 3. 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 subject property is substandard in size and width for the zone.

- 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, other than to preclude the construction of the proposed structure.

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

The 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, or impair the purposes and intent of the Savannah Zoning Ordinance.

Summary Of Findings

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

SZBA Action: Ms. Bock made a motion that the Savannah Zoning Board of Appeals approve the petition as submitted. Mr. Mackey 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**

Present for the petition was Gail Shanklin.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a two (2) foot side yard setback variance from the five (5) foot side yard setback requirement of Section 8-3025 of the Savannah Zoning Ordinance for each side in order to construct a single family residence.

Findings

1. The subject property is lot of record located in an R-6 zoning district, which requires a single-family residential lot size of 6,000 square feet and minimum lot width of 60 feet, with a minimum side setback of five (5) feet.
2. The subject property is an existing lot of record 30-feet wide with a lot area of 3,150 square feet. The proposed building for the property is 24-feet wide. Centering the structure on the lot leaves three feet on either side, requiring a variance of two feet from each of the side setbacks required.
3. 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 subject property is substandard in size and width for the zone.

- 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, other than to preclude the construction of the proposed structure.

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

The 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, or impair the purposes and intent of the Savannah Zoning Ordinance.

Summary Of Findings

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

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

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

Present for the petition was Howard Reid.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a 20-foot lot width variance from the 50-foot lot width requirement of Section 8-3029 of the Savannah Zoning Ordinance for each of four (4) lots in order to subdivide two existing lots of record.

Findings

1. The subject property is zoned R-M-25/P-N-C (Multifamily residential -25 units per acre / Planned Neighborhood Conservation).
2. The applicant seeks to subdivide the subject property into four 30-foot lots, requiring the 20-foot variance for each of the proposed lots from the minimum 50-foot width in the Cuyler-Brownsville P-N-C district.
3. The subject parcel lies in the midst of a residential development. Zoning Code Section 3009 forbids the division of property into less than 75% of the average lot size in the “block face area.” The average lot width in the block face area is 53 feet. Seventy-five percent of 53 feet is 39.7 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 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 likely cause detriment to the public good or impair the purposes of the Ordinance. The request, as proposed, seeks a 20 foot lot width variance, a deviation of approximately 40 percent from the 50-foot requirement.

Summary Of Findings

All of the conditions necessary for granting the variances requested appear not to be met. Further, under Section 3009, the variance, if approved, would not permit the creation of four lots as proposed.

Ms. Bock asked if the Board could amend the petition to three lots instead of four?

Mr. Butler stated that the Board can approve the variance and then they would have to submit a subdivision application that would meet the terms that the Board set.

Mr. Byrne stated that the petitioner is applying to subdivide this property into four 30 foot lots and under the Savannah Zoning Ordinance that is not allowed.

Mr. Reid stated the property was originally four lots and were subdivided into two 60 x 100 lots in order to build six townhomes; three attached units. But as time has passed, Dream Maker was building homes in the neighborhood that were 30 x 100.

Mr. Mackey asked Mr. Reid if he and Mr. Cowart had the agreement in writing?

Mr. Reid stated no.

Mr. Mackey asked Mr. Scott what could the Board do with the petitioner's request?

Mr. Scott stated he agrees with Mr. Butler. He said he felt there was no way you could create four 30 x 100 lots. He said you could create three 30 foot lots within one ownership or two 45 foot lots.

Mr. Robinson asked the petitioner if he could explain the problem with the neighbor and parking?

Mr. Reid stated Mr. Cowart uses one of the lots for parking. He said once he submitted the application to subdivide the lots, he came to him to see if they could work out the parking.

Mr. Robinson asked what are his requirements for parking?

Mr. Reid stated that Mr. Cowart's house sit on the Ogeechee side. He said his lots come right to his back door. If he were to build, his tenants would have no off-street parking.

SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals continue this petition until the next regularly scheduled meeting June 24, 2008. Mr. Mackey seconded the motion and it was unanimously passed.

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

Present for the petition was L. 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" (ie "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. The fire marshal's office and Savannah Traffic Engineering have reviewed the proposal and have no objections to tandem parking.

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. 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. Jones stated from the wall to the lane lot line there did not appear to be enough space to park one car. He asked how would they be able to get two cars there tandem parked?

Mr. Isaacson stated that the wall will be removed to accommodate the tandem parking.

SZBA Action: Mr. Mackey made a motion that the Savannah Zoning Board of Appeals approve the petition with the understanding that the Fire Marshall's office and Savannah Traffic Engineering have no objections to the tandem parking. Mr. Robinson seconded the motion. The motion passed 3-2. Opposed to the motion was Mr. Jones and Ms. Bock.

**RE: Petition of Carol Hixson
B-080423-32326-2
913 East Henry Street**

Present for the petition was Carol Hixson.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a 3,432 square foot lot area variance (roughly 50%) to allow an existing six-bedroom house on a 3,768-square foot lot to be converted into a duplex dwelling.

Findings

1. The subject property is a substandard lot of record in an R-4 (four-family residential, 6,000 square feet minimum lot size) zoning district and comprises 0.07 acres on a lot that is approximately 30 feet wide by 114 feet deep.
2. There is an existing six-bedroom structure on the property.
3. The R-4 zoning district requires 3,600 square feet per dwelling unit on a duplex lot for a total of 7,200 square feet.
4. The subject property is 3,768 square feet in size, or just over half the required size for a duplex apartment.
5. There are numerous multifamily residences in the immediate vicinity, all on similarly sized properties that are zoned R-4.
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 particular piece of property is substandard in size.

- 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.

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

The conditions are not peculiar to the 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 and intent of the Savannah Zoning Ordinance.

Summary Of Findings

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

Mr. Jones asked if they were saying that they are going to rent the house and make an apartment downstairs? He said one upstairs and all utilities will be separate.

Ms. Hixson stated yes.

Mr. Byrne asked where would the parking be?

Ms. Hixson stated that there were three spaces in the rear and some on Henry Street. She said she also owned the two empty lots across the street.

SZBA ACTION: Mr. Mackey 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 William Mammele, For
Coastal Empire Exteriors
B-080423-32560-2
13012 Largo Drive**

Present for the petition was Jason Rose.

Mr. Butler gave the following Staff Report

The petitioner is requesting approval of a seven-foot rear-yard setback variance from the 35-foot rear-yard setback requirement in order to construct a 12'X12' sunroom extension.

Findings

1. The subject property is located on an 85'X135' conforming lot of record. The subject property is 0.26 of an acre and is located in an R-10 zoning district.
2. The existing house on the property is approximately 40 feet from the rear property line.
3. The in-ground pool on the property is within 18 feet of the rear property line.
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.

There are no extraordinary or exceptional conditions pertaining to this piece of property because of its size shape or topography.

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

The application of the development standards to this particular piece of property would not create a hardship in the development of the property.

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

The property is not different from other property in the neighborhood.

- 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 impair the purposes and intent of the Savannah Zoning Ordinance.

Summary Of Findings

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

Mr. Jones asked if he was saying that they would no longer have a swimming pool?

Mr. Rose stated yes.

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

**RE: Petition of Paul Bush, For
Molinda Johnson
B-080428-32196-2
723 Paulson Street**

Present for the petition was Paul Bush.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a one foot side yard setback variance from the fifteen foot side yard setback requirement and approval of a five-foot, eight-inch rear yard setback variance from the 25-foot rear yard setback requirement. The petitioner desires to construct a single-family residence on the property.

Findings

1. The subject property is a 55X60-foot, 0.08 acre (approximately 3,500 square feet) lot of record on Paulsen Street between Wolf and Gwinnett streets in an R-M-25 (Residential-Multifamily, 25 units per acre) zoning district.
2. The minimum lot area in an R-M-25 zoning district is 6,000 square feet. The minimum lot width is 60-feet.
3. The minimum side yard setback in an R-M-25 zoning district is five feet, except where the property abuts a street, where the setback is fifteen feet. The minimum rear yard in an R-M-25 zoning district is 25 feet.
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.

This piece of property is substantially undersized for the zoning district and the block on which it sits.

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

The application of the development standards to this particular piece of property would not create a hardship in the development of the property.

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

The property is substantially undersized for the zoning district and the block on which it sits.

- 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 and intent of the Savannah Zoning Ordinance.

Summary Of Findings

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

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

**RE: Petition of Doug Bean Signs, For
Identiti Resources & Alltel
B-080428-38312-2
1909 East Victory Drive**

Present for the petition was Doug Bean.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a variance to permit the installation of two additional wall-mounted signs on a retail store.

Findings

1. The subject property is located in a stand-alone commercial multiplex structure in the shopping center in the southwest quadrant of the intersection of Victory Drive and Skidaway Road.
2. The subject business shares the multiplex commercial structure with several vacant bays. The applicant's business faces into the parking lot and already has one wall-mounted sign. The proposed variance is requesting two additional signs for the business – one on the eastern side of the building and one on the southern side of the building (see banner locations in attached photos).
3. Victory Drive and Skidaway Road are listed as Class One Streets. Businesses are allowed 300 square feet of fascia signage on Class One Streets. The existing sign is approximately 30 square feet.
4. The ordinance Section 8-3112 limits the area and separation of wall-mounted signs, and limits the number of signs to two per use (one of which "may" be a free-standing sign). The applicant currently has only a single sign.
5. The definition of fascia signs 8-3112 (a)(3) requires that fascia signs be located on the "signable area" of a building. The Zoning Administrator has determined that, in addition to stipulated limitations on the number and placement of signs, "signable area" consists exclusively of the portion of a structure occupied by a given business. In the case of the applicant's business, both proposed locations fall within this definition of "signable area."
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.

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

Such conditions are not peculiar to the 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, could cause substantial detriment to the public good.

Summary Of Findings

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

Mr. Jones asked staff if he was saying that it was up to the petitioner where they would like to post the second sign and not a third sign.

Mr. Butler stated yes.

Mr. Bean stated that if the ordinance will not allow three signs then they would only request two.

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

**RE: Petition of Doug Bean Signs, For
 Identiti Resources & Alltel
 B-080428-38312-2
 7805 Abercorn Street, Suite 27**

Present for the petition was Doug Bean.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a variance to permit the installation of an additional wall-mounted sign on a retail store. The subject property is located at 7805 Abercorn Street. The property is zoned B-C (Community Business).

Findings

1. The subject property is located in a stand-alone commercial duplex structure in the shopping center in the northwest quadrant of the intersection of White Bluff Road and Abercorn Street.
2. The subject business shares the duplex commercial structure with a restaurant, which has a wall-mounted sign on the Abercorn facing side. The applicant's business faces into the parking lot and already has two wall-mounted signs (one on the business entrance side and one on the west/parking lot side). The proposed variance is requesting a third sign for the business.
3. Abercorn Street is listed as a Class One Street. Businesses are allowed 300 square feet of facia signage. The two existing signs are approximately 30 square feet each (total 60 square feet).
4. The ordinance Section 8-3112 limits the area and separation of wall-mounted signs, and limits the number of signs to two per use (one of which "may" be a free-standing sign).
5. The definition of facia signs 8-3112 (a) (3) requires that facia signs be located on the "signable area" of a building. The Zoning Administrator has determined that, in addition to stipulated limitations on the number and placement of signs, "signable area" consists exclusively of the portion of a structure occupied by a given business. In the case of the applicant's business, this would mean the western half of the duplex building only.
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.

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.

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

Such conditions are not peculiar to the 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, could cause substantial detriment to the public good.

Summary Of Findings

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

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

***Mr. Mackey left approximately 3:38 p.m. for an appointment.**

**RE: Petition of Richard F. Dodd
B-080428-38607-2
103 East Back Street**

Present for the petition was Richard F. Dodd.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a five-foot side setback variance from the ten-foot side setback requirement of Section 8-3025 of the Savannah Zoning Ordinance in order avoid encroachment on the root structure of a 250-year-old live oak tree in the construction of an accessory dwelling unit. The subject property is located at 103 East Back Street.

Findings

1. The subject property is in an R-10 (one-family, four units per acre) zoning district.
2. The subject property has a primary residence and a stand-alone garage with a storage room.
3. The applicant is requesting the side setback variance in order to construct an auxiliary living unit on the property.
4. The R-10 zoning district does not permit auxiliary living units.

5. The subject property is 115 feet wide by 230 feet deep and comprises 1.34 acres.
6. The minimum lot width in an R-10 zoning district is 80 feet.
7. 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 in question.
 - 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.
 - 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 may not be granted to approve a use (accessory living unit) that is not permitted in the zoning district.

Summary Of Findings

The conditions required for the granting of a variance are not present. The requested variance is for the creation of accessory living unit, which is not a permitted use in the R-10 zoning district and therefore may not be varied.

Mr. Byrne asked if he was saying that the accessory living unit was not permitted in the R-10 zoning district?

Mr. Butler stated yes.

Mr. Scott stated that Mr. Dodd should get the lot subdivided first.

SZBA Action: Ms. Bock made a motion that the Savannah Zoning Board of Appeals continue the petition until the next regular schedule meeting on June 24, 2008. Mr. Robinson seconded the motion and it was unanimously passed.

RE: Other Business

RE: Adjournment

There being no further business to come before the Savannah Zoning Board of Appeals the meeting was adjourned approximately 3:58 p.m.

Respectfully submitted,

Jack Butler,
Secretary

JB/jm