

**SAVANNAH ZONING BOARD OF APPEALS**

**ARTHUR A. MENDONSA HEARING ROOM**

**112 EAST STATE STREET**

**June 24, 2008**

**2:30 P.M.**

**REGULAR MEETING**

**MINUTES**

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:**

**Paul Robinson**

**MPC STAFF PRESENT:**

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

**RE: Called to Order**

Mr. Byrne called the June 24, 2008 meeting of the Savannah Zoning Board of Appeals to order at 2:34 p.m.

**RE: MINUTES**

1. Approval of SZBA Minutes May 27, 2008.

**SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals approve the minutes of May 27, 2008 as submitted. Mr. Mackey seconded the motion and it was unanimously passed.**

**RE: Consent Agenda**

**RE: Petition of Kyu Jin Lim  
B-080529-54583-2  
7068 Hodgson Memorial Drive**

The petitioner is requesting approval of a use (Judo School) which must be approved by the Zoning Board of Appeals.

**Findings**

1. The subject property is located at 7068 Hodgson Memorial Drive and is zoned R-I-P-B-1 (residential, medium density).
2. The subject property is a 1,300 square foot storefront in a strip shopping center.
3. The applicant is proposing to teach judo to ages five to adult, with school hours of Tuesdays, Thursdays and Saturdays, from 5 to 8 p.m.
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 would not affect adversely the health and safety of residents or workers.

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

The proposed use would 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 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.**

The proposed use would occupy an adequate square footage in a storefront.

- 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.

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

All standards as discussed above appear to be met.

- 5. Relief, if granted, would not 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 the approval of the applicant’s request appear to be met.

**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 Alvin Williams  
B-080428-32395-2  
0 Staley Avenue**

The petitioner is requesting approval of a special use application to permit the establishment of a church. The application was continued from the May 27<sup>th</sup> meeting because of a missing sign.

**Findings**

- 1. The subject property is a 5.41 acre tract on Staley Avenue in an R-4 (Four-family) zoning District.
- 2. The adjoining properties to the west are small-lot residential properties.
- 3. The adjoining property to the east is a car dealership yard.
- 4. The adjoining property to the north is a city-owned pond.
- 5. The adjoining properties to the south are small-lot residential and commercial properties.
- 6. 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

(8-3163). 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 Future Land Use Map identifies the subject property as “Single Family Residential.”

- 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 the residents and workers in the city.**

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

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

The proposed use will not be detrimental to the use or development of the 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.

- 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, although traffic will increase during limited periods in the vicinity.

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

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

7. Relief, if granted, would not 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 the approval of the requested use appear to be met.

**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: Regular Agenda**

**RE: Petition of Howard Reid  
B-080325-56719-2  
1003 & 1009 West 36<sup>th</sup> Street**

No one was present for the petition.

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.

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

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

**SZBA Action: Ms. Bock made a motion that the Savannah Zoning Board of Appeals continue the petition until the next regularly scheduled meeting July 22, 2008. Mr. Mackey seconded the motion and it was unanimously passed.**

**RE: Petition of Larry Gordon, For  
Solomon Temple  
B-080428-40408-2  
0 Alexander Street**

**Petition was continued because the properly was not property posted.**

**SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals continue the petition until the next regularly scheduled meeting July 22, 2008. Mr. Mackey seconded the motion and it was unanimously passed.**

**RE: Petition of Larry Gordon, For  
Solomon Temple  
B-080527-43074-2  
2005 Augusta Avenue**

**Petition was continued for incorrect sign posting.**

**SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals continue this petition until the next regularly scheduled meeting July 22, 2008. Mr. Mackey seconded the motion and it was unanimously passed.**

**RE: Petition of Dexter M. Treadwell  
B-080325-57165-2  
121 Fair Street**

**Petition was continued per petitioner's request.**

**SZBA Action: Ms. Bock made a motion that the Savannah Zoning Board of Appeals continue this petition until the next regularly scheduled meeting July 22, 2008. Mr. Mackey seconded the motion and it was unanimously passed.**

**RE: Petition of LaTosha Lane  
B-080523-36819-2  
24 Weiner Street**

**Present for the petition was LaTosha Lane.**

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval to establish a use (child care, up to 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 collector or higher designated street.

### Findings

1. The subject property is located at 24 Weiner Drive and is zoned R-6.
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 Weiner Drive, on the corner with Montgomery Crossroads.
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.

All requirements, with the exception of (b), appear to be met. The subject property is located at the intersection of Weiner and Montgomery, adjacent to an arterial road, but not technically located on the arterial road.
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 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 subject property is located on a local residential street at the entrance of a residential loop road. 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 property is not located directly on a collector or arterial street.

5. Relief, if granted, would not 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 the approval of the request appear not to be met.

**Mr. Byrne** asked the petitioner if she owned the property?

**Ms. Lane** stated no.

**Mr. Byrne** asked who owned the property?

**Ms. Lane** stated Ms. Linda Solomon. She said Ms. Solomon was present at the meeting.

**Mr. Jones** asked the petitioner if she would live at the residence?

**Ms. Lane** stated yes.

**Mr. Jones** asked if they were aware of the requirements?

**Ms. Lane** stated yes.

**Mr. Mackey** stated he felt that the only issue was that the property needed to be located on a collector or higher designated street.

**Mr. Butler** stated yes.

**Mr. Morris** stated that he was in opposition because of the traffic trouble a daycare would cause to the neighborhood.

**Mr. Parker** stated that he also was in opposition because he was concerned about the traffic.

**Ms. Solomon** stated that she supported the daycare and felt that it would have a positive impact on the neighborhood.

**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 Joshua Akins  
B-080523-36924-2  
102 West Duffy Street**

Present for the petition was Joshua Akins.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of setback variances to allow “zero lot line” and a lot coverage variance to allow coverage of greater than 60% and a lot area variance to allow a lot of less than 2,100 square feet.

**Findings**

1. The existing parcel is a corner lot of 6,098 square feet with two structures located at the intersection of Duffy and Whitaker streets in a 3-R (Victorian) zoning district.
2. The two structures consist of a single two-story frame residence of 22-foot frontage and 36-foot depth and a two-story frame condominium with a presently vacant, formerly commercial space on the ground floor and three dwelling units of four bedrooms each.
3. The applicant is seeking to subdivide the property such that each structure is on a separate lot.
4. The existing separation between the two buildings is approximately four feet. The proposed property line dividing lots A and B would run through the middle of this space. The minimum side yard setback for detached structures in the 3-R district is five feet.
5. Lot A would consist of the footprint of the condominium structure and would comprise 4,575 square feet. The minimum lot size for three dwelling units in the 3R district is 3,745 square feet (plus the commercial space).
6. Lot B would consist of the footprint of the single-family residence and a rear yard extending to the lane between Duffy and Park streets. Lot B would be 1,767 square feet. The minimum lot size required by the ordinance for a detached single family residence in a 3-R district is 3,000 square feet, requiring a variance of 1,233 square feet (41%) in lot area.
7. A first floor porch on the rear of the structure on Lot B encroaches on the proposed property line and would be removed by the applicant.
8. 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 multiple dwelling units (four) located on a single 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 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 not cause substantial detriment to the public good.

**Summary Of Findings**

All of the conditions necessary for the granting of the requested variances 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. The motion passed 3 - 1. Opposed to the motion was Mr. Jones.**

**RE: Petition of Albert Peetoom  
B-080523-37032-2  
219 East 51<sup>st</sup> Street**

Present for the petition was Albert Peetoom.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a 3% lot coverage variance in order to build a roof over an existing brick porch.

**Findings**

1. The subject property is located at 219 East 51<sup>st</sup> Street and is zoned R-6.
2. The structure on the subject property has a raised brick porch projecting in front of the front door.

3. The applicant is seeking to build a roofed enclosure of this raised brick roof, converting the brick patio to an extension of the building, and increasing the amount of “lot coverage.”
4. Maximum building coverage for a residential lot in an R-6 district is 30%. The extension will result in 33% lot coverage.
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.**

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.**

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, 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. Jones 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 L. Robert Isaacson, For  
The Better School, LLC  
B-080523-37123-2  
1010 East Duffy Street**

Present for the petition was Bob Isaacson.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval to establish a use (child care for 50 children) that must be approved by the Board of Appeals. The petitioner is also seeking a variance to permit the use of on-street parking to meet the required parking for the use. The petitioner is asking for a waiver of the residency requirement since the child care will be provided in property owned by a church.

**Findings**

1. The subject property is located at the corner of Waters Avenue and East Duffy Street and is in an R-4 (four-family residential, up to 12 units per net acre) zoning district.
2. The petitioner is proposing to develop and operate a child care center to house up to 50 children on a site located at 1010 East Duffy Street. Child care centers are an allowed use in the R-4 zoning classification subject to approval by the Zoning Board of Appeals.
3. The subject property is located on a secondary arterial street as classified on the Street Classification Map No. 1 of Chatham County.
4. Section 8-3025 of the Savannah Zoning Ordinance requires Board of Appeals approval to establish a child care center in an R-4 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, b, c, and d (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 50 children, thus requiring 5,000 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 property, although it has an East Duffy Street address, has frontage on Waters Avenue, which is a secondary arterial roadway.

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 East Duffy Street. It is unknown whether the petitioner has submitted the proposed layout to the city for review, but the drop-off will have to be approved by the City's Traffic Engineering Department. The applicant is requesting a variance to permit the use of on-street parking for the center's staff (five).

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 does not indicate fencing plans.

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. However, since the property owner is a church, the applicant asks that this requirement be waived.

5. 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 would not adversely affect the health and safety of residents.

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

The subject property occupies the entire block as defined by roadways and lanes and as such would not be detrimental to “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.**

The subject property and structure are of adequate size for the proposed 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.**

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.**

All 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 applicant is proposing to use on-street parking for staff.

6. Relief, if granted, would not 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 approval of the requested use appear not to be met.

**Mr. Isaacson** stated that there is about 160 feet on-street parking which would accommodate about 20 cars. He said there was also space for about 3 cars on-site.

Mr. Byrne asked if the church owned the parking lot across the street?

Mr. Isaacson stated no.

Ms. Bock stated that when they went on the tour of the property it appeared to have enough space for parking.

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

**RE: Petition of Randolph Chu  
B-080523-37277-2  
7640 Abercorn Street**

Present for the petition was Chris Deem.

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 fascia 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 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, 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.

**Mr. Deem** stated that on the side of the building, there is a loading dock that would be removed and an addition added to expand the building.

**Mr. Mackey** asked if they contacted Portman's Music store?

**Mr. Deem** stated no. He also said this same application was approved before the Board two years ago. The construction was held up and past the 30 days for them to get permits so they had to resubmit plans again for approval.

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

**RE: Petition of Gray & Pannell, For  
The Coastal Bank  
B-080527-41989-2  
703 Whitaker Street**

Present for the petition was Jim Pannell.

Mr. Butler gave the following Staff Report.

The petitioner in accordance with the provisions of Section 8-3161(c) of the City of Savannah Zoning Ordinance, is requesting approval of a variance to allow remote parking on a lot located more than 150 feet distance from the subject property as required by Section 8-3082(r) of the Ordinance. The petitioner is also requesting a variance from the parking requirements of Section 8-3089 (b) of requiring one parking space for every 200 square feet of space in the subject property.

**Findings**

1. The subject property is located at 703 Whitaker Street and is zoned R-I-P-A (Residential, Institutional, Professional, medium density).
2. The subject property consists of a 6,136 square-foot three-story masonry structure facing Forsythe Park and occupying a 36-foot by 130-foot lot with four on-site parking spaces. The structure was previously used as a residence and is proposed to be used as a law office of approximately 4,000 square feet in area.
3. The ordinance would require up to 31 parking spaces for the leased space (one space for each 200 feet of leased area), staff and reception areas.
4. The law office would have five attorneys and four staff persons (nine persons). The practice is expected to have limited visitors during the day, with more than two visitors at the same time only rarely.
5. The applicant proposes to use ten spaces leased in a parking lot for staff that is on the other side of Forsyth Park approximately 900 feet from the subject property.
6. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:

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

The subject property is a conforming lot of record and the parking on-site is adequate for the current uses of the site (residential property).

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

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

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

The conditions described above are not peculiar to the particular piece of property involved.

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

Relief, if granted, would not likely cause substantial detriment to the public good. The granting of the remote parking request would permit the applicant to proceed with the use of the structure on the lot as a law office.

### **Summary Of Findings**

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

**Mr. Pannell** stated that they would like to use the four spaces behind the building for clients and rent ten spaces off site.

**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 Michael Fields  
B-080527-42119-2  
2103 Augusta Avenue**

**Petition was continued because the property was not properly posted.**

**SZBA Action:** **Ms. Bock made a motion that the Savannah Zoning Board of Appeals continue the petition until the next regularly scheduled meeting on July 22, 2008. Mr. Mackey seconded the motion and it was unanimously passed.**

**Petitioner was directed to obtain a survey of the property prior to the July 22, 2008 meeting.**

**RE: Petition of Doug Bean, For  
Hunter's Bluff Apartments  
B-080527-42269-2  
201 West Montgomery Crossroads**

Present for the petition was Doug Bean.

Mr. Butler gave the following Staff Report.

The petitioner, Doug Bean Signs, for Hunter's Bluff Apartments, is requesting approval of a one-foot height variance pursuant to section 8-3112 to permit the installation of a free-standing sign.

### **Findings**

1. The subject property is located at 201 West Montgomery Crossroads and is zoned I-P (Institutional-Professional).
2. The request is to validate an existing sign on the property.
3. The applicant is requesting approval of a variance for the height of the support pillars on which the sign itself is mounted. The sign itself does not exceed the required height, but the supporting pillars are one-foot above the maximum allowed in the district. The ordinance does not specifically mention the support structures in limiting the height of signage. The applicant argues that the supports for the sign are not subject to the limitations on sign height. The Zoning Administrator has determined that the supports of a sign are subject to the same height limitations as the sign.
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 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 require the removal of an installed sign.
  - 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 or impair the purposes and intent of the Savannah Zoning Ordinance, however relief could alter the interpretation of the calculation of sign height in the ordinance.

**Summary Of Findings**

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

**Mr. Jones** asked if they could remove a layer of bricks to bring the pillars down to comply with the Zoning Ordinance?

**Mr. Butler** stated that it would require a redesign of the sign.

**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: Other Business**

**RE: Adjournment**

There being no further business to come before the Savannah Zoning Board of Appeals the meeting was adjourned approximately 4:12 p.m.

Respectfully submitted,

Jack Butler,  
Secretary

**JB/jm**