

SAVANNAH ZONING BOARD OF APPEALS

ARTHUR A. MENDONSA HEARING ROOM

112 EAST STATE STREET

August 26, 2008

2:30 P.M.

REGULAR MEETING

MINUTES

MEMBERS PRESENT:

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

MEMBERS ABSENT:

James Byrne, Chairman

MPC STAFF PRESENT:

**Jack Butler, Assistant Secretary
Jessica Mayfield, Administrative Assistant
Keith Shipman, City Zoning Administrator**

RE: Called to Order

Mr. Byrne called the August 26, 2008 meeting of the Savannah Zoning Board of Appeals to order at 2:34 p.m.

RE: MINUTES

1. Approval of SZBA Minutes July 22, 2008.

SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals approve the minutes of July 22, 2008 as submitted. Ms. Bock seconded the motion and it was unanimously passed.

RE: Consent Agenda

RE: Regular Agenda

**RE: Petition of Paul Robinson
B-080723-89787-2
122 West Jones Street**

Petition was continued per petitioner's request.

SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals **continue** the petition until the next regularly scheduled meeting September 23, 2008. Ms. Bock seconded the motion and it was unanimously passed.

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

Petition was continued per petitioner’s request.

SZBA Action: Ms. Bock made a motion that the Savannah Zoning Board of Appeals **continue** the petition until the next regularly scheduled meeting September 23, 2008. Mr. Jones seconded the motion and it was unanimously passed.

**RE: Petition of Dexter M. Treadwell
B-080523-36585-2
121 Fair Street**

Present for the petition was Dexter Treadwell.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval to re-activate a non-conforming use (restaurant) that was more than 75 percent damaged by fire more than 12 months in the past. Continuation of such non-conforming use must be approved by the Zoning Board of Appeals.

Findings

1. The subject property is located at 121 Fair Street in an R-6 (Single-Family Residential) zoning district.
2. A commercial enterprise had been located on the property beginning in 1982 when the applicant’s mother opened a beauty salon as a non-conforming use. In 2000, the applicant opened a take-out restaurant from the structure, continuing the non-conforming commercial operation. The structure burned in 2006 by an act of arson, with the building suffering substantial damage.
3. In order to re-open the business, the Board must grant approval for the continuation of the non-conforming commercial operation. By the ordinance, (Section 8-3131(d)) “A building which housed or houses a nonconforming use shall not be re-occupied by a nonconforming use after it has been damaged to the extent of 75 percent or more of the total value unless authorized to do so by the board of appeals.”
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. The use existed for six years in the subject location.

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

The resulting traffic associated with the proposed use 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.**

The proposed use would occupy the same location that proved adequate for six years.

- 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.

- 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 not to be met.

Mr. Treadwell stated he would like to have a take out restaurant.

Mr. Robinson asked how long was the restaurant in business?

Mr. Treadwell stated about 1 year before it burned down.

Mr. Ware stated he felt that the site was not good for a restaurant because it sits on a bend across from a railroad track. He said the lot is about 40ft x 50ft which was not enough room for parking and a restaurant. He said he felt it would will bring too much traffic into the neighborhood.

Ms. Womi stated that their family would like to reopen the restaurant without the beauty salon.

Mr. Robinson asked if there was a time frame in which you are allowed to reapply for a operation that has been grandfathered?

Mr. Butler stated that ordinarily there is a twelve month time frame. He said in this case the business was damaged by arson so there was an ongoing investigation by the Fire Marshall’s office so special circumstances would apply in this case.

Mr. Robinson asked if there was any record of when the fire took place?

Mr. Butler stated yes, 2006.

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

Petition was continued for incorrect sign posting.

SZBA Action: Mr. Robinson made a motion that the Savannah Zoning Board of Appeals continue the petition until the next regularly scheduled meeting September 23, 2008. Mr. Jones seconded the motion and it was unanimously passed.

**RE: Petition of Diana Lynn Rogers
B-080623-40151-2
2418-2424 Bull Street**

Petition was denied for incorrect sign posting.

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 St. Peters Missionary B.C.
B-080723-46811-2
403 West 56th Street**

Present for the petition was Ellaree Peters.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of use (after school learning center) and remote parking.

Findings

1. The petitioner is proposing to develop and operate an after-school learning center to house up to 25 children on a site located at 403 West 56th Street, just off of Montgomery Street in the Feiler Park/Hussars Terrace, Dittmerville neighborhood. Child care centers, educational facilities and similar uses are allowed in the R-4 zoning classification subject to approval by the Zoning Board of Appeals, however the ordinance requires that child care centers be located on collector streets or higher, and when located on residential streets, the maximum number of children is limited to 12 (as adopted by council June 5, 2007).
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 an interior corner lot fronting on West 56th Street, two houses removed from a vacant lot (also owned by the church) which is proposed for use as parking.
3. The applicant is proposing an after-school tutorial center, with hours of operation from 2:30 to 6 p.m.
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 (the closest similar use in the index) 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.

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 an after-school tutorial center for up to 25 children. Unlike a child-care center, the focus of the proposed facility will be academic tutoring in the afternoon and will not include outdoor recreation.

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 a vacant lot two lots to the east of the subject property that is owned by the petitioner. It is unknown whether the petitioner has submitted the proposed layout of the parking area to the city for review, but the drop-off 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 did not submit a site plan with the application.

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. The petitioner is a religious organization (a Baptist church) and as such seeks a waiver of the residency requirement.

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 could affect adversely the health and safety of residents as it is noted that West 56th 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 residential street just off an arterial street (Montgomery Street). 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.

The petitioner's proposed use will be conducted indoors. It appears that sufficient space is available in the structure to accommodate the proposed student population, however, the proposed drop-off arrangement and curb cuts for the remote parking location 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.

All of the standards as discussed above appear not to be met.

5. 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 approving the variances requested appear not to be met.

Ms. Peters stated that they would like to have a place for the children of the church to be able to come after school to do their work and projects.

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 Harriet Holmes
B-080723-89488-2
1819 East 58th Street**

Present for the petition was a Harriet Holmes.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval to establish a use (child care for 15 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 15 children on a site located at 1819 East 58th Street mid-block between Ewell and Lamar streets. The use is an approved use in the R-6 zoning district subject to approval by the Zoning Board of Appeals, however the ordinance requires that child care centers be located on collector streets or higher, and when located on residential streets, the maximum number of children is limited to 12 (as adopted by council June 5, 2007).
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 mid-block lot fronting on East 58th Street, with a rear backing up to the right-of-way of Hwy. I-516.
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 15 children, thus requiring 1,500 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 modify the residential driveway into a u-shaped drive to use as a drop-off area. It is unknown whether the petitioner has submitted the proposed layout to the city for review, but the drop-off and additional curb cut 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 four-foot chain fence around the rear yard play area, buffered by shrubbery. The parking area is apparently a two-car carport located on the property.

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. The petitioner has stated that the structure shall remain 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 58th 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 residential street in the middle of a block. 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.

All standards as discussed above appear not to be met. The required screening to adequately buffer the play area from adjacent properties should be required and

the property is not located on a collector or arterial street.

5. 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 granting approval of the use sought appear not to be met.

Ms. Holmes stated that she would like to operation a day care out of her home for up to 15 children.

SZBA Action: **Ms. Bock made a motion that the Savannah Zoning Board of Appeals approve the petition as submitted with the use limited to a maximum of 12 children. Mr. Robinson seconded the motion. Opposed to the motion was Mr. Jones. The motion passed 2 - 1.**

**RE: Petition of Thomas C. Madison
B-080723-89868-2
2414 Hawaii Avenue**

Present for the petition was Thomas Madison.

Mr. Butler gave the following Staff Report.

The petitioner, Thomas C. Madison, is requesting approval of a five-foot lot width variance and an 8.3% (500 square foot) lot area variance.

Findings

1. The subject property is located at 2414 Hawaii Avenue. The property is zoned R-6 (Single-family Residential).
2. The petitioner is proposing to divide a conforming 119-foot lot into two lots. The subdivision will consist of a conforming 60-foot lot with an existing one-story frame house and a second 55-foot adjoining lot of 5,500 square feet.
3. The minimum lot area in the R-6 district is 6,000 square feet. The proposed second lot requires a lot area variance of 500 square feet (8.3%) and a lot width variance of 5 (five) feet (8.3%).
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 existing lot of record is a conforming 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. 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 purpose 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.

Mr. Madison stated that he would like to divide the property because his tenants did not take care of the vacant lot.

Mr. Shepard stated he felt if the petitioner decided to build on the other lot that it would increase traffic into the neighborhood and the tenants already park in front of my residence.

Mr. Bruderback stated that they would like clarification on what the petitioner is requesting. He said the major concern is the traffic problem that another home will bring to 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 Dan Marino, For
Rustica Pizza
B-080723-89948-2
1919 Bull Street**

Present for the petition was Dan Marino.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a use (alcohol sales, beer and wine) in an existing restaurant.

Findings

1. The subject property is located at 1919 Bull Street. The property is zoned TC-1 (Traditional Commercial).
2. Alcohol sales in restaurants is allowed within the TC-1 zoning district subject to approval by the Zoning Board of Appeals. The request for permission to establish a use must follow the procedures outlined in Section 8-3163 of the Ordinance.
3. A restaurant (Pizza Rustica) is currently located on the parcel. According to the petitioner's submittal, the petitioner is seeking to sell beer and wine for on-premises consumption with meals.
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.**

Approval from the Board of Appeals is required, however the proposed use is consistent with the traditional commercial land use designation of the City's Tricentennial Comprehensive Plan.

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

The proposed use is not contrary to the purposes stated in Article H of the Savannah Zoning Ordinance.

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

Though not expected to adversely affect the health and safety of area residents, the petitioner must remain vigilant in the control of patrons both inside and outside the establishment.

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

With proper monitoring, the proposed use should not pose a detriment to the use or development of adjacent properties or the general neighborhood. However, if

not properly monitored, the proposed use could constitute a nuisance.

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

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

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

The petitioner intends to add a use (beer and wine sales) to an existing restaurant.

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.

As noted in 3 (above), the petitioner or operator of the store will have to be vigilant in enforcing rules and regulations regarding assembly, loitering, cruising, etc. In and of itself, the proposed use is not a hazard, but care will be required to assure conformance to the ordinances as well as other potential neighborhood nuisances.

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

The parcel is of sufficient size to accommodate the proposed use.

Summary Of Findings

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

Mr. Marino stated the restaurant is a family restaurant. He said he would also would like to serve wine and beer with the food.

Mr. Jones asked if there was any law on the distance between alcohol sales and a public library?

Ms. Bock stated that there is also a church on the corner next to the library.

Mr. Shipman, City Zoning Administrator stated that there are restriction on the distance between alcohol sales and churches, but he was not sure about the distance on libraries.

Ms. Mobley stated that her concern is the distance requirement between alcohol sales and place where children gather.

SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals continue this petition until the next regularly scheduled meeting September 23, 2008. Ms. Bock seconded the motion and it was unanimously passed.

**RE: Petition of Harley Krinsky
B-080728-27442-2
2305 Habersham Street**

Present for the petition was Bob Isaacson.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a 15-percent lot coverage variance (75% instead of 60%), and a 2-foot rear-yard setback variance (3 and 4 feet instead of the 5-feet required) in order to subdivide an 8,962-square foot lot containing two existing structures into two separate lots.

Findings

1. The subject property is located at 2305 Habersham Street. The property is zoned TN-2 (Traditional Neighborhood).
2. The property is a conforming lot of record with two primary structures: a two story commercial building and a two story residential building.
3. In 2001, the petitioner was granted multiple variances (lot width, lot area, lot coverage, setbacks) by the Zoning Board of Appeals in order to accomplish the same subdivision, but for unspecified reasons, never completed the subdivision of the property. In the 2005 adoption of the Thomas Square/Mid-City zoning, the petitioner's property was rezoned from R-B to TN-2, which changed the development standards on the parcel.
4. Under the TN-2 zoning district, a five-foot rear-yard setback is required. The petitioners' two existing structures are within seven feet of each other.
5. Under the TN-2 zoning district, maximum lot coverage is 60 percent. On Lot A, the commercial structure covers 75% of the lot area of the proposed lot.
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 subject property is a conforming lot in the zoning district.

- 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, 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 not to be met.

Mr. Isaacson stated that the petitioner would like to subdivide the two properties in case they want to sell in the future.

SZBA Action: Ms. Bock 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 Natasha Collins
B-080728-36403-2
11 Cornwell Street**

Present for the petition was Natasha Collins.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a use (child care center for up to 18 children), and a waiver of the requirement that said use must be located on a collector street or higher, which must be approved by the Zoning Board of Appeals.

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 11 Cornwall Street mid-block near the intersection of Cornwall and Stiles streets. The property is zoned RIP-B (Residential-Institutional-Professional, medium density). The use is an approved use in the RIP-B zoning district, however the ordinance requires that child care centers be located on collector streets or higher, and when located on residential streets, the maximum number of children is limited to 12 (as adopted by council June 5, 2007).

2. The subject property is located on a local street as classified on the Street Classification Map No. 1 of Chatham County. The listed property owners are “Warren Anderson and Alberta Royal”; no documentation from the property owners authorizing the petition was included with the application.
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.

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, 1,440 square feet of outdoor play space is available, which can accommodate up to 14 children.

Article (b) requires that a child care center be located on a collector or arterial street. The petitioner’s property is located on a local residential street, 190 feet from Stile Avenue, a major arterial road Street Classification Map No. 1 of Chatham County. 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 modify the residential driveway into a u-shaped drive to use as a drop-off area. It is unknown whether the petitioner has submitted the proposed layout to the city for review, but the drop-off and additional curb cut 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 has not specified fencing for the property and it does not appear that suitable visual buffers presently exist.

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. The petitioner

has stated that the structure shall remain 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 58th 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 residential street in the middle of a block. 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 space for only 14 children, rather than the 18 children requested. No site plan was submitted indicating sufficient space available to accommodate the required parking, however, the proposed drop-off arrangement, parking 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.**

All standards as discussed above appear not to be met. The required screening to adequately buffer the play area from adjacent properties should be required, traffic and parking plans have not been submitted, and the property is not located on a collector or arterial street.

5. 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 granting approval of the use sought appear not to be met.

SZBA Action: Ms. Bock made a motion that the Savannah Zoning Board of Appeals approve the petition as submitted with the use limited to a maximum of 12 children. Mr. Robinson seconded the motion and it was unanimously passed.

**RE: Petition of Dennis Murphy
B-080728-36795-2
113A-113B West 35th Street**

Present for the petition was Mark Shawe.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a 5-foot side yard setback variance, a 2.89-foot lot width variance and a 2,189-square foot lot area variance in order to subdivide an existing lot of record with three structures on it, into three separate parcels.

Findings

1. The subject property is located at 113A-113B West 35th Street. The property is zoned TN-2 (Traditional Neighborhood).
2. The subject property contains three structures (see also files number B-080728-36797 and B-08072836970).

3. The petitioner is seeking to divide the existing parcel (PIN 2-0065-07-001) into three individual parcels, each with a single structure. The proposed parcel containing the structure at 113A-113B West 32nd Street (Lot C) would be 810 square feet (27.11 feet X 30 feet). The minimum lot area in the TN-2 district for a detached residence is 3,000 square feet. The minimum lot width in the TN-2 district (smaller dimension) is 30 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.**

The existing lot of record is a conforming 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. **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 purpose 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.

Mr. Shawe stated that the petitioner would like to subdivide these lots so each one will be its own parcel. He said he felt this would also help if they decided to sell the property.

SZBA Action: Mr. Robinson 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 Dennis Murphy
B-080728-36797-2
115A-115B West 35th Street**

Present for the petition was Mark Shawe.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a 3.3-foot side yard setback variance, and a 2,057-square foot lot area variance in order to subdivide an existing lot of record with three structures on it, into three separate parcels.

Findings

1. The subject property is located at 115A-115B West 35th Street. The property is zoned TN-2 (Traditional Neighborhood).
2. The subject property contains three structures (see also files number B-080728-36970 and B-08072836795).
3. The petitioner is seeking to divide the existing parcel (PIN 2-0065-07-001) into three individual parcels, each with a single structure. The proposed parcel containing the structure at 115A-115B West 32nd Street (Lot B) would be 946 square feet (30 feet X 31.54 feet). The minimum lot area in the TN-2 district for a detached residence is 3,000 square 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.**

The existing lot of record is a conforming 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. **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 purpose 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.

Mr. Shawe stated that the petitioner would like to subdivide these lots so each one will be its own parcel. He said he felt this would also help if they decided to sell the property.

SZBA Action: Mr. Robinson 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 Dennis Murphy
B-080728-36970-2
1902 Barnard Street**

Present for the petition was Mark Shawe.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a 3.3-foot side yard setback variance, and a 695-square foot lot area variance in order to subdivide an existing lot of record with three structures on it, into three separate parcels.

Findings

1. The subject property is located at 1902 Barnard Street. The property is zoned TN-2 (Traditional Neighborhood).
2. The subject property contains three structures (see also files number B-080728-36797 and B-08072836795).
3. The petitioner is seeking to divide the existing parcel (PIN 2-0065-07-001) into three individual parcels, each with a single structure.
4. The proposed parcel containing the structure at 1902 Barnard Street (Lot A) would be 2,305 square feet (30 feet X 76.84 feet). The minimum lot area in the TN-2 district for a detached residence is 3,000 square feet.
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 existing lot of record is a conforming 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. 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 purpose 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.

Mr. Shawe stated that the petitioner would like to subdivide these lots so each one will be its own parcel. He said he felt this would also help if they decided to sell the property.

SZBA Action: Mr. Robinson 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 CAT Holdings, LLC.
B-080728-37302-2
0,130,198 East Victory Drive**

Present for the petition was Rick Ricci.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a use (package alcohol sales) pursuant to section 6.3.9, which requires Zoning Board of Appeals approval.

Findings

1. The subject property is located at 0, 130, 198 East Victory Drive. The property is zoned TC-2 (Traditional Commercial).
2. Alcohol sales in package shops is allowed within the TC-2 zoning district subject to

approval by the Zoning Board of Appeals. The request for permission to establish a use must follow the procedures outlined in Section 8-3163 of the Ordinance.

3. A commercial structure is currently located on the parcel. According to the petitioner's submittal, the building houses a convenience store. The petitioner is seeking to sell alcohol for off-premises consumption. Parking is to be provided on the parcel.
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.**

Approval from the Board of Appeals is required, however the proposed use is consistent with the traditional commercial land use designation of the City's Tricentennial Comprehensive Plan.

- b. **The proposed use will not be contrary to the purposes stated for this chapter.** The proposed use is not contrary to the purposes stated in Article H of the Savannah Zoning Ordinance.
- c. **The proposed use will not affect adversely the health and safety of residents and workers in the city.**

Though not expected to adversely affect the health and safety of area residents, the petitioner must remain vigilant in the control of patrons both inside and outside the establishment.

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

With proper monitoring, the proposed use should not pose a detriment to the use or development of adjacent properties or the general neighborhood. However, if not properly monitored, the proposed use could constitute a nuisance.

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

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

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

The petitioner intends to convert a use (convenience store) to package alcohol sales.

- 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.**

As noted in 3 (above), the petitioner or operator of the store will have to be vigilant in enforcing rules and regulations regarding assembly, loitering, cruising, etc. In and of itself, the proposed use is not a hazard, but care will be required to assure conformance to the ordinances as well as other potential neighborhood nuisances.

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

The parcel is of sufficient size to accommodate the proposed use.

Summary Of Findings

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

Mr. Jones asked if the underground gas tanks will have to be removed?

Mr. Butler stated yes.

Mr. Austin stated that the petitioner owns the new Chevron across the street. He said they would close down the store and have the under pumps taken out in order to put in a high class package store.

Ms. Cargill, President of the Ardsley Park/Chatham Crescent Neighborhood Association, stated that for years their neighborhood has put up with litter, loitering and lawlessness at this corner. She said they felt putting a package store in the neighborhood would encourage what type of environment.

Ms. Victor stated that she has watched this corner with great concern for the past 16 years and it has never looked worse than it does right now. She said it has been a problem and an eye sore to the neighborhood. She said at first, she was not in favor of the package store. In doing some research she found out that the same person that built the Chevron was also the same person for the package store and because of that it changed how she felt. The corner that the Chevron is located on is one of the most attractive corners in the neighborhood. She said she has a sense that Mr. Awad will come through with everything that he promised for a very nice operation.

Mr. Richie stated he supports the petition and felt anything would be better than what was there.

Ms. Mobley stated that she could not support the petition because the Board was not approving him they are approving a use. She said the use would stay with the property even if he sells it.

Mr. Henry stated he felt that the use the petitioner was requesting was not compatible with the

neighborhood.

Ms. Stone stated she was concern because the use stays with the property and not the owner. She said she wanted to know exactly what they would be selling.

Mr. Mackey stated for the record this Board does not issue liquor licenses.

Mr. Butler stated that the petitioner was asking for an additional use of package sales.

Ms. Back asked what are the hours of operation?

Mr. Awad stated hours of operation would be of 10 am to 9 pm. He said they will also sell fine chesse and sausages to go with the wine.

SZBA Action: **Mr. Robinson** made a motion that the Savannah Zoning Board of Appeals approve the petition as submitted with the condition that the hours of operation shall be 10 a.m. to 9 p.m. **Ms. Bock** seconded the motion. The motion passed 2 - 1. Opposed to the motion was **Mr. Jones**.

**RE: Petition of John Sumner, For
JSRB Ventures
B-080728-38170-2
0 East 32nd Street**

Present for the petition was John Sumner.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of lot width variances of 1-foot, 9-inches for two lots and 6-foot, 9-inches for a third lot in order to subdivide a parcel on East 32nd Street.

Findings

1. The subject property is located midblock on East 32nd Street between Habersham and Price streets. The property is zoned TN-2 (Traditional Neighborhood).
2. The petitioner is proposing to divide a vacant conforming 80-foot lot into three lots for attached dwelling units. The subdivision will consist of two lots of 28’3” and one lot of 23-feet, three inches. The larger lots are 94% of the required 30-foot lot width, and the smaller lot is 77% of the required lot width. All three lots meet the requirements of Section 3009 in terms of lot width.
3. Lots 1 and 3 will be approximately 2,800 square feet. Lot 2 will be 2,300 square feet. The minimum lot area for attached housing in the TN-2 district is 2,200 square 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.**

The TN-2 zoning district requires a minimum lot size of 2,200 square feet for attached housing and 3,000 square feet for detached housing. The existing lot of record is 0.18 acres (approximately 8,000 square feet) 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. **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 purpose 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.

Mr. Sumner stated that the variance is needed to subdivide one property into three lots so he could build three attached townhomes with separate pin numbers.

SZBA Action: Ms. Bock 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 John Carrington
B-080728-38252-2
1224 East 49th Street**

Present for the petition was John Carrington.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a 5-foot rear yard setback variance in order to locate an accessory building (carport/shed) directly on the rear property line.

Findings

1. The subject property is located at 1224 East 49th Street. The property is zoned R-6 (Single-family Residential).
2. The petitioner is proposing to construct a shed and covered car port at zero setback in the rear of the property. The property has a city lane separating the rear lines of properties on 48th and 49th streets.
3. The petitioner's property is one of the few in the neighborhood without a rear-access shed fronting directly on the lane.
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 existing lot of record is a conforming 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. **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 purpose 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.

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: Other Business

RE: Adjournment

There being no further business to come before the Savannah Zoning Board of Appeals the meeting was adjourned approximately 5:45 p.m.

Respectfully submitted,

Jack Butler,
Secretary

JB/jm