

SAVANNAH ZONING BOARD OF APPEALS

ARTHUR A. MENDONSA HEARING ROOM

112 EAST STATE STREET

October 28, 2008

2:30 P.M.

REGULAR MEETING

MINUTES

MEMBERS PRESENT:

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

TECHNICAL STAFF PRESENT:

Keith Shipman, City Zoning Administrator

MPC STAFF PRESENT:

**Jack Butler, Assistant Secretary
Jessica Mayfield, Administrative Assistant**

RE: Called to Order

Mr. Mackey called the October 28, 2008 meeting of the Savannah Zoning Board of Appeals to order at 2:30 p.m.

RE: MINUTES

1. Approval of SZBA Minutes - September 23, 2008.

SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals approve the minutes of September 23, 2008 as submitted. Mr. Robinson seconded the motion and it was unanimously passed.

RE: Consent Agenda

RE: Regular Agenda

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

Present for the petition was Richard Dodd.

Mr. Butler gave the following Staff Report.

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

Decision of the Board

On September 23, 2008

Motion: J.P. Jones motions to continue the case for 30 days to allow the applicant time to have the property subdivided.

Second: Paul Robinson

Discussion: The applicant requested an extension of the 30-day continuance granted at the June 24th meeting in order to subdivide his property. The applicant is a doctor and could not attend the meeting.

Approved unanimously, with instructions to staff to allow additional continuances as needed for the applicant to complete the subdivision of the property.

On August 26, 2008

Motion: J.P. Jones motions to continue the case for 30 days to allow the applicant time to have the property subdivided.

Second: Stephanie Bock

Discussion: The applicant requested an extension of the 30-day continuance granted at the June 24th meeting in order to subdivide his property. The applicant advised that the subdivision was taking more than a month and asked for an extension of 30 days (to the September 23rd meeting).

Approved unanimously, with instructions to staff to allow additional continuances as needed for the applicant to complete the subdivision of the property.

On July 22, 2008

Motion: Stephanie Bock motions to continue the case for 30 days to allow the applicant time to have the property subdivided.

Second: J.P. Jones

Discussion: The applicant requested an extension of the 30-day continuance granted at the June 24th meeting in order to subdivide his property. The applicant advised that the subdivision was taking more than a month and asked for an extension of 30 days (to the August 26 meeting).

Approved unanimously, with instructions to staff to allow additional continuances as needed for the applicant to complete the subdivision of the property.

On June 24, 2008

Motion: Stephanie Bock motions to continue the case for 30 days to allow the applicant time to have the property subdivided.

Second: Tim Mackey

Discussion: The applicant requested an extension of the 30-day continuance granted at the May 27th meeting in order to subdivide his property. The applicant advised that the subdivision was taking more than a month and asked for an extension of 30 days (to the July 22 meeting).

Approved unanimously, with instructions to staff to allow additional continuances as needed for the applicant to complete the subdivision of the property.

On May 27, 2008.

Motion: Stephanie Bock motions to continue the case for 30 days to allow the applicant time to have the property subdivided.

Second: Paul Robinson

Discussion: Zoning Administrator Randolph Scott said that the proper procedure for constructing the desired second dwelling unit would be to first subdivide the property, then see what (if any) variances were needed to build the desired dwelling unit as a primary structure on the new lot.

Approved unanimously, with instructions to staff to allow additional continuances as needed for the applicant to complete the subdivision of the property.

Findings

1. The subject property is in an R-10 (one-family, four units per acre) zoning district.
2. The subject property has a primary residence and a stand-alone garage with a storage room, as well as several oak trees of substantial size.
3. The subject property is 115 feet wide by 230 feet deep and comprises 1.34 acres.
4. The applicant is requesting the side setback variance in order to subdivide the property and build a dwelling unit on the new property closer to the property line than the required 10 feet.
5. The proposed subdivision would create two conforming lots with an access easement comprising the existing oak tree in the center of the new lot that would require shifting the proposed new dwelling unit to towards the western property line.
6. The minimum lot width in an R-10 zoning district is 80 feet.
7. The Zoning Board of Appeals may authorize a variance in an individual case upon a finding that:
 - a. **There are extraordinary and exceptional conditions pertaining to the**

particular piece of property in question because of its size, shape, or topography.

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

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

The application of this chapter to this particular piece of property would not create an unnecessary hardship.

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

The presence of the large oak tree in the center of the proposed new lot is 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 allow the construction of a structure closer to the property line than is permitted under the ordinance.

Staff Recommendation

All of the conditions required for the granting of a variance are not present. The requested variance is for the construction of a dwelling closer to the property line than is permitted under the ordinance. The applicant asserts that the location of the proposed new dwelling closer to the property line is required to preserve the root structure of a large oak tree. Alternative foundations, easement configurations and building sites could be used to build on the lot without encroaching on the side setback. Staff recommendation is for denial of the side setback variance.

Mr. Dodd stated that he is requesting a 5 foot side setback variance in order to construct a 700 square foot dwelling for his elderly father-in-law.

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 Paul Robinson
B-080723-89787-2
122 West Jones Street**

*Mr. Robinson recused himself from the Board.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a parking variance (thirteen spaces) to allow three residential apartments in an existing nine-unit apartment complex to be used as artist studio/galleries.

Decision of the Board

On August 26th

Motion: Stephanie Bock motioned to continue the case at the applicant's request.

Second: J.P. Jones

Discussion: The applicant requested a 30-day continuance.

Approved unanimously.

On September 23, 2008

Motion: J.P. Jones motioned to continue the case for 30 days at the applicant's request

Second: Chairman Byrne

Discussion: The applicant requested a 30-day continuance due to lack of quorum.

Approved unanimously.

Findings

1. The subject property is located at 122 West Jones Street. The property is zoned RIP-A (Residential-Institutional-Professional) and contains a nine-unit apartment building.
2. The applicant seeks to convert three of the nine residential units for use as artists' studios/galleries.
3. The current apartment structure is non-conforming as to required parking. To meet the requirements of the ordinance, the structure would be required to provide fourteen associated parking spaces. The current apartment structure provides two (two parking spaces).
4. The applicant's proposed conversion of three apartments into studios would require a net increase of one additional parking space (for a total of fifteen), while still providing only two actual parking spaces.
5. The applicant proposes to continue the use of on-street parking to meet the requirements of the structure.
6. The total number of spaces being varied (if approved) will be thirteen.
7. The proposed galleries will operate during daytime hours, during which time most of the residential parking uses are not needed.
8. 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. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.**

The subject parcel is considered a standard 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 district would not cause an unnecessary hardship.

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

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

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

Relief, if granted, would most likely not cause substantial detriment to the public good.

Staff Recommendation

All of the conditions necessary for the approval of the variance appear not to be met. The proposed variance in parking would result in a net increase in dependence on on-street parking of one parking space. However, since the proposed variance would permit the (allowed) use of “artist studio” in apartment units currently used for residential purposes, the proposed variance would shift a portion of the use to daytime uses as opposed to evening/weekend uses, resulting in, at worst, no change in on-street parking demand.

Staff recommendation is for approval of the requested variance.

Mr. Robinson stated that he was requesting a variance for one parking space.

Mr. Day stated he opposed the petition because of insufficient parking.

Mr. Butler stated that he has been by the property at all times of the day and has found many parking spaces available.

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 CAT Holdings, LLC.
B-080728-37302-2
0, 130, 198 East Victory Drive**

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

Present for the petition was Jim Austin.

Mr. Butler gave the following Staff Report.

The petitioner is requesting reconsideration of conditions placed on the approval (see below) of a use (package alcohol sales) pursuant to section 6.3.9. The petitioner seeks to present additional evidence under the provisions of Section 8-3167(f).

Decision of Board

On August 26, 2008

Upon a motion made by Mr. Robinson and seconded by Ms. Bock, the Savannah Zoning Board of Appeals adopts the following resolution:

Resolved, that the Savannah Zoning Board of Appeals does hereby approve the petition as submitted with the condition that the hours of operation shall be 10 a.m. to 9 p.m.

On September 23, 2008

Motion: Paul Robinson motions to accept additional testimony from the petitioner, but to continue the case for 30 days to permit all board members to be present.

Second: J.P. Jones

Discussion: The petitioner will be permitted to present additional testimony and request a reconsideration of the board's August 28th decision to limit the hours of operation to 10 a.m. to 9 p.m.

Approved unanimously – case continued to October 28, 2008, 2008.

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 are 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.

Staff Recommendation

The petitioner seeks to present additional information to the board; specifically hours of operation of similar businesses in the vicinity. The petitioner is asking the board to reconsider extending the limited hours of operation (10 a.m. to 9 p.m.).

Under the ordinance, a rehearing may be approved only if new evidence (not presented in the original hearing) is to be heard. If the board deems the evidence worthy of consideration, the board may vote to receive the evidence at the same meeting and may issue a revised opinion immediately.

Mr. Austin stated that they have gathered the hours of operation from the stores around them and they all have longer hours. He said they are proposing to have the hours of operation extended around their competition. He said their hours of operation would be Monday – Thursday 10 a.m. to 11p.m. and Fridays and Saturdays 10 a.m. to 11:30 p.m.

Ms. Mobley stated that the neighborhood concerns were not the hours opening but it was the closing hours.

Mr. Mackey asked staff if there was anything under the new rules that limited the hours of operation?

Ms. Mobley, resident, stated not in the TC-2 district.

Mr. Mackey asked what street would the front door face?

Mr. Austin stated Abercorn.

SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals approve the extension of the hours for alcohol sales from 10 a.m. to 11 p.m. Monday through Thursday and 10 a.m. to 11:30 p.m. Friday and Saturday. Mr. Robinson seconded the motion. The motion passed 2 - 1. Opposed to the motion was Ms. Bock.

**RE: Petition of Tim Walmsley, For
Offspring on Skidaway
B-080825-39763-2
5106 Skidaway Road**

Present for the petition was Tim Walmsley, Attorney.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a private tennis school and an appeal of a ruling by the Zoning Administrator.

Board Decision

On September 23, 2008

Motion: Paul Robinson motions to continue the case for 30 days to require the petitioner to provide a site plan of the proposed tennis courts.

Second: J.P. Jones

Discussion: The petitioner was directed to prepare an informal sketch plan showing “details” of the two tennis courts, fencing and landscaping to the Zoning Board of Appeals.

Approved unanimously – case continued to October 28, 2008.

Findings

1. The subject property is a single-family residential structure located on 1.15 acres of land at 5106 Skidaway Road. The property is zoned R-6 (Single-family residential).
2. On August 6 of this year, the Savannah Zoning Administrator informed the petitioner that a proposal to use a tennis court built on the lot as a tennis school was a violation of the zoning ordinance and therefore not permitted.
3. The petitioner is seeking to operate a tennis school during “daylight hours” on the residential lot.
4. The use of “outdoor physical education” is not specified in the ordinance; however

private schools (which would include outdoor physical education as a matter of course) are permitted in the R-6 zoning district with board approval.

5. The applicant is seeking a reversal of the decision of the Zoning Administrator and approval of the use of the tennis court on the lot as a tennis school.
6. Staff has received contact from adjoining property owners who expressed concern for the hours of operation of the proposed school, and for possible nuisance (lights and noise), but no objection to the use, per se.
7. 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 Future Land Use Map of the Tricentennial Comprehensive Plan for the City of Savannah identified the subject property as “Residential Suburban Single-family” which use does include “limited civic uses, including schools...”

- 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.

- 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 secondary arterial street (Skidaway 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.

It appears that sufficient space is available in the structure to accommodate the proposed use, however, the proposed drop-off arrangement and parking 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.**

The proposed use could constitute a nuisance as it is noted that the noise and other impacts associated with an outdoor recreation could pose a nuisance to the adjoining properties.

- 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.

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

Staff Recommendation

Staff concurs with the Zoning Administrator's determination that a "tennis school" is not a permitted use in the R-6 zoning district; however private schools (and the associated noise and other impacts of schools) are permitted in the district with board approval. Staff recommends approval of the proposed school with the conditions that no lights be installed, that proper vegetative buffering be installed and maintained to reduce the noise impacts on adjoining properties, that the hours of operation be limited to daylight hours between 10 a.m. and nightfall, and that traffic management and parking requirements for the proposed use be approved by the City Engineer prior to operation of the proposed school.

Mr. Robinson asked staff what would be a proper buffer?

Mr. Butler stated there was existing vegetation on site. He said he felt a vegetative hedge and a fence would be appropriate.

Mr. Shipman City Development Services, stated that Randolph Scott, Zoning Administrator, has reviewed the site plan and approved it.

Mr. Walmsley, Attorney, stated that there is an existing structure on the lot. He said there was a 9 foot fence and there would be two tennis courts in the back.

SZBA Action: Mr. Robinson made a motion that the Savannah Zoning Board of Appeals **approve** the petition with the hours of operation of 8:00 a.m. to 7:00 p.m. Ms. Bock seconded the motion. The motion passed 2 - 1 Opposed to the motion was Mr. Jones.

**RE: Petition of Tim Walmsley, For
World Wholesale, Inc.
B-080825-39884-2
7300 Abercorn Street**

Present for the petition was Tim Walmsley, Attorney.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a “helistop” helicopter landing pad atop a commercial building located at 7300 Abercorn Street.

Board Decision

On September 23, 2008

Motion: At the request of the applicant, Paul Robinson motioned to continue the case for 30 days at the petitioner’s request to allow time for the FAA to complete their review of the proposed “helistop.”

Second: J.P. Jones

Discussion: No discussion.

Approved unanimously – case continued to October 28, 2008,

Under guidelines recently received, witnesses in attendance at the hearing were permitted to present their testimony.

Testimony in opposition to the request was heard from the flight safety officer of Hunter Army Airfield, who presented a slideshow demonstrating the proximity of the proposed use to the landing flight path of the primary runway.

Findings

1. The subject property is located at 7300 Abercorn Street and is zoned B-C (Community Business).
2. The subject property is a two-story office building built with an engineered “helipad” on the roof.
3. The petitioner is seeking to make active use of the helipad.

4. Heliports and helistops are permitted with the B-C zoning district with approval from the Zoning Board of Appeals.
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.**

Approval from the Board of Appeals is required; however the proposed use is consistent with the regional 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 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 proposed use (landing and taking off of rotary-winged aircraft) does pose an inherent danger. Further, arguments that the specific type of helicopter owned by the petitioner are irrelevant, since, if approved, the facility would be open to use by any aircraft capable of landing there.

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

The proposed use will involve substantial, though very occasional, noise and distraction to surface traffic on some of the city's busiest streets, as well as to adjoining properties. The proposed use could have an adverse affect to the uses of adjoining public property (the road right-of-way) by creating a distraction to drivers. Further, arguments that the specific type of helicopter owned by the petitioner are irrelevant, since, if approved, the facility would be open to use by any aircraft capable of landing there.

- 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 initiate a use (a heliport) in an area of fairly densely developed commercial uses.

- 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 involve substantial noise and visual distraction, although the incidence of the distraction will be momentary and very occasional.

- 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, however there are no buffers between the proposed use and areas of public travel/use.

6. Both the FAA and Hunter Army Air Field Safety Office have been apprised of the proposed use. Both the FAA and HAAF have lodged objections to the proposed helipad as “objectionable” and in “conflict” with the operations of the airfield on HAAF.
7. Relief, if granted, could cause substantial detriment to the public good, or impair the purposes and intent of the Savannah Zoning Ordinance.

Staff Recommendation:

The proposed use is permitted on this property in the B-C zoning district with Board approval, however the nature of the associated noise and visual distraction stemming from low-flying helicopters touching down on rooftops adjoining major thoroughfares and adjacent to some of the city’s busiest shopping centers could pose a threat public safety beyond any potential benefit to be gained from the proposed use. Staff recommends denial of the request.

Mr. Walmsley withdrew the petition in order to gather more information on the petition.

**RE: Petition of Jan de Voest
B-061030-34913-2
1701-1709 Lincoln Street**

Petition was continued due to the property was not properly posted.

SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals continue this petition until the next regularly scheduled meeting on November 25, 2008. Mr. Robinson seconded the motion. The motion passed 2 - 1. Opposed to the motion was Ms. Bock.

**RE: Petition of Charlie R. Brewer
B-080929-41535-2
401 East Bay Street**

Present for the petition was Charlie Brewer.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a use (rental vehicle business). The petitioner seeks clarification of a determination by the Zoning Administrator that the proposed business cannot be “directly across the street from any R district.”

Findings

1. The petitioner is seeking to operate a GEM (Global Electric Motorcars) rental business from a large commercial structure on the eastern end of Bay Street.
2. The proposed use would be located in an R-B-C (Residential-Business-Conservation) district.
3. The R-B-C district permits the proposed use, provided the use is not “directly adjacent to or across the street from any R district as listed in the 8-3025(a) schedule.
4. The property across the street from the petitioner’s property is zoned B-B (Bayfront-Business). The property directly adjacent to the petitioner’s property is zoned R-B-C.
5. The property directly behind and across the lane (East Bay Lane) from the petitioner’s property is zoned RIP-A (Residential, Institutional, Professional).
6. The use of the property directly behind and across the lane from the petitioner’s property is a two-car garage.
7. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Savannah Zoning Ordinance.

Staff Recommendation

The petitioner seeks to use an existing commercial structure with a lane-facing garage in a manner that is consistent with the design of the structure. The petitioner seeks to rent quiet and clean electric vehicles without significant noise or odor impact on adjoining properties. The “adjacent” and “across the street” zoning districts are compatible with the proposed use. The rear-facing lane usage should not be considered a “street” in the context of the intent of the zoning code and should not preclude the proposed use. The use on the property across the lane from the petitioner’s property is for a two-car garage with no lane-facing windows or other openings (except for two garage doors). Staff recommends approval of the requested use.

Mr. Jones asked staff if the lane was considered a street?

Mr. Butler stated it's a lane.

Mr. Jones stated that a street is for general traffic and a lane is a service area.

Mr. Brewer stated that he owns an electric car rental store on Tybee Island. He said he felt it has done very well with the tourist and believes that it would be a great asset to the downtown area. He said they are green cars that are very low on noise and small in size.

Mr. Jones asked how many miles can you go before you have to recharge?

Mr. Brewer stated about 35 miles.

Mr. Jones asked what was the length of the six passenger vehicle?

Mr. Brewer stated the maximum length was 144 inches.

Mr. Mataxas stated he was in support of the petition.

Mr. Hansen stated he was in opposition of the petition. He said he felt a lane is considered a street and that the zoning would not allow the use in any R district.

Mr. Sader stated he opposed the petition. He said he felt it would increase the traffic in the lane.

Ms. Chisholm stated that she also opposed the petition because of concern with an increase in traffic. She felt the lane was too small.

Mr. Mackey asked how many vehicles would operate from the store?

Mr. Brewer stated at least 20 vehicles.

Mr. Mackey asked how would the cars exit the property?

Mr. Brewer stated from the back of the store into the lane.

Mr. Mackey asked where would the maintenance take place?

Mr. Brewer stated inside of the building.

Mrs. Oxnard stated she is opposition because she felt the lane was too small for a business.

Mr. Clay Brewer stated he felt that the cars would help the parking and traffic downtown.

SZBA Action: Ms. Bock made a motion that the Savannah Zoning Board of Appeals deny this petition as submitted. Mr. Robinson seconded the motion. The motion passed 2 - 1 Opposed to the motion was Mr. Jones.

**RE: Petition of J. Corde Wilson III, For
Cobblestone Development, LLC
B-080929-41642-2
306/316 East 31st Street**

Petition was continued because the property was not properly posted.

SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals continue this petition until the next regularly scheduled meeting on November 25, 2008. Mr. Robinson seconded the motion and it was unanimously passed.

RE: Other Business

Election of Officers – Chairman and Vice Chairman for 2008-2009.

SZBA Action: Mr. Robinson made a motion that the Savannah Zoning Board of Appeals elected Ms. Bock Chairman for 2008 - 2009. Mr. Jones seconded the motion and it was unanimously passed.

SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals elected Mr. Mackey Vice Chairman for 2008 - 2009. Mr. Robinson seconded the motion and it was unanimously passed.

RE: Adjournment

There being no further business to come before the Savannah Zoning Board of Appeals the meeting was adjourned approximately 4:31 p.m.

Respectfully submitted,

Jack Butler,

Secretary

JB/jm