

SAVANNAH ZONING BOARD OF APPEALS

ARTHUR A. MENDONSA HEARING ROOM

112 EAST STATE STREET

November 25, 2008

2:30 P.M.

REGULAR MEETING

MINUTES

MEMBERS PRESENT:

**Timothy Mackey, Vice - Chairman
Paul Robinson
Stephanie Bock**

MEMBERS ABSENT:

John P. Jones

TECHNICAL STAFF PRESENT:

Keith Shipman, City Development Services

MPC STAFF PRESENT:

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

RE: Called to Order

Mr. Mackey called the November 25, 2008 meeting of the Savannah Zoning Board of Appeals to order at 2:30 p.m.

RE: MINUTES

1. Approval of SZBA Minutes - October 28, 2008.

SZBA Action: Mr. Robinson made a motion that the Savannah Zoning Board of Appeals approve the minutes of October 28, 2008 as submitted. Ms. Bock seconded the motion and it was unanimously passed.

RE: Consent Agenda

RE: Regular Agenda

**RE: Petition of Jan deVoest, For
Greenline Architecture
B-061030-34913-2
1701-1709 Lincoln Street**

Present for the petition was Jan deVoest and George Stathis.

Mr. Butler gave the following Staff Report.

The petitioner is seeking an extension of a previously approved variance request. On November 28, 2006, the petitioner requested approval of a five foot side yard setback variance on each side from the five foot side yard setback requirement; a 4,779 square foot lot area variance from the

11,000 square foot lot area requirement; and building coverage variance to allow lot coverage of 70 percent as opposed to the 60 percent lot coverage allowed by Part 8, Section 3, Article K, Section 5.6.5 of the Savannah Zoning Ordinance in order to construct five attached residential units. The subject property, located at 1701 – 1709 Lincoln Street, is zoned TN-2 (Traditional Neighborhood). The Zoning Board of Appeals voted unanimously to approve the request. An extension to the previously approved variance was first granted in 2007.

Board Decision

On October 28th, because of a missing or improperly posted sign, the board voted to continue the case to the November 25th meeting, with instructions to the applicant to make certain the sign was properly posted on the property.

Findings

1. The petitioner is proposing to construct five attached residential units on a currently vacant parcel zoned TN-2. The subject parcel is considered a standard lot, measuring approximately 95 feet wide and approximately 62 feet deep, and containing a total of 6,221 square feet.
2. Ordinance requirements include a five foot side yard setback; a minimum lot area of 2,200 square feet for each attached unit; and a maximum lot coverage of 60 percent. The petitioner is seeking variances from these provisions in order to construct the five units as envisioned.
3. The project has been reviewed by and given the support of the City’s Historic Preservation Officer based upon the historical building patterns in the area and on the parcel in question specifically. Additionally, the requested project has the support of the Historic Savannah Foundation.

Summary Of Findings

Based upon the previously approved actions, it is recommended that a one year extension be granted.

Mr. Stathis stated that the petitioner is requesting a one year extension because of the economy..

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

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

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

Present for the petition was Charlie Brewer and Thomas Mahoney, Attorney.

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. Mahoney, Attorney, stated that they felt the reason the petition was denied last month was because the property was adjacent to a R-zoning district. He said the property that is adjacent was RIP-A and not R zoning. He said they felt this use was permitted.

Mr. Robinson asked how many cars would be in the store.

Mr. Brewer stated there would be a maximum of 18 cars.

Mr. Robinson asked the petitioner if they were going to improve the look on the outside of the building?

Mr. Brewer stated yes.

Mr. Cone, Georgia Power, stated that they support this petition.

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

**RE: Petition of J. Corde Wilson, III, For
Cobblestone Development, LLC
B-080929-41642-2
308/316 East 31st Street**

Present for the petition was Corde Wilson.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a one-foot rear yard variance, a five-foot lot width variance, a 550-square foot lot area variance and a 15 percent lot coverage variance in order to subdivide a property with an existing multifamily structure into separate lots with a single dwelling unit per lot.

Board Decision

On October 28th, because of a missing or improperly posted sign, the Board voted to continue the case to the November 25th meeting, with instructions to the applicant to make certain the sign was properly posted on the property.

Findings

1. In 2008, the petitioner constructed Cobblestone Row, a multifamily structure intended to be sold as condominium units (with common underlying property).
2. Changes in the petitioner’s marketing strategy have led him to seek to sell the units as separate townhouses rather than as condominium units.
3. 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

Approval of the requested variance would result in no changes to the physical structure already existing on the lot. The requested variance will permit the applicant to sell the existing dwelling units under a different marketing strategy, representing a different legal status for ownership of the dwelling units. Approval of the request will not result in any changes to the location or use of the structure. Staff recommends approval of the request.

Mr. Wilson stated he has not been able to get the condos financed because of the economy. He said they would like to subdivide the condos into townhomes so they can be financed.

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 Barry Koncul
B-081027-26217-2
2817 Ryals Avenue**

Present for the petition was Barry Koncul.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a four-foot, ten-inch front setback variance from the required 25-foot front setback requirement in order to construct a single-family residence within 20 feet, two inches of the right-of-way.

Findings

1. The subject property is a vacant lot of record located on an undeveloped block face of Ryals Avenue, a 50-foot wide paved city right-of-way. One parcel across the right of way has been developed.
2. The subject property is located in an R-6 (Single-family Residential) zoning district.
3. The subject property is a 3,000 square foot, 30-foot wide lot of record.
4. The R-6 zoning district requires a minimum lot area of 6,000 square feet and a minimum lot width of 60 feet.
5. The R-6 zoning district requires a 50-foot front yard setback from the center of the right-of-way and a 25-foot rear yard setback.
6. The applicant seeks to construct a 24-foot wide, 54-foot, 10-inch deep single family residence on the existing lot. In order to fit this structure on this lot, either a front or rear setback variance would be required.
7. In accordance with Section 8-3163(c), (Powers and Duties Generally, Request for a Variance), the Board of Appeals can approve a variance from the requirements of the Zoning Ordinance provided that it is not contrary to the public interest and [because of] special conditions, a literal enforcement of the provisions of this chapter [Zoning Ordinance] will, in an individual case, result in unnecessary hardship.” In consideration of a variance, the spirit of the Zoning Ordinance “shall be observed, public safety and welfare secured, and substantial justice done.” 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 property is regular in size, shape, and topography. The property is non-conforming in lot area and lot width.

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

Application of the standards in the ordinance would preclude the construction of the proposed structure.

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

The majority of parcels in the vicinity are similarly non-conforming in shape and area.

- 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 would not cause substantial detriment to the public good and impair the purposes and intent of the Savannah Zoning Ordinance.

Staff Recommendation

Because of the non-conforming nature of the lot, staff recommends approval of the requested front setback variance of 4 feet, 10 inches.

Mr. Koncul stated he is requesting a variance so he can construct a single family residence that would be in keeping with the neighborhood.

Mr. Law stated he supports the petition as long as it complies with the neighborhood.

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 Harold Yellin, For
Shoppes on Abercorn Street
B-081027-87311-2
2514 Abercorn Street**

Present for the petition was Harold Yellin.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a use (restaurant, alcohol sales with food) which must be approved by the Board of Appeals.

Findings

1. The subject property is a recently constructed two-story building located one block north of Victory Drive on the east side of Abercorn Street.

2. The subject property is zoned TC-1 (Traditional Commercial, Mid-City/Thomas Square zoning district).
3. The proposed use (restaurant with alcohol sales) is permitted in the TC-1 district, with approval from the Zoning Board of Appeals.
4. The subject property is located directly across the street from the site of a former bar, The Caledonian, and diagonally across the street from a recently approved package store on the corner of Victory Drive and Abercorn Street. The subject property is located adjacent to a convenience store selling beer.
5. The subject property is designated to be developed as “Traditional Commercial” on the Future Land Use Map of the Tricentennial Comprehensive Land Use Plan. All nearby properties are also designated as “traditional commercial.”
6. 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 establish a use (restaurant with alcohol sales) in an existing commercial structure.

- 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 above, the petitioner or operator of the store will have to be vigilant in enforcing rules and regulations regarding assembly, loitering, cruising, noise, 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 site is of sufficient size to accommodate the proposed use.

Staff Recommendation

All of the requirements necessary to the approval of the request appear to be met. Barring legal requirements forbidding the use, staff finds that the proposed use would be appropriate to the location and venue.

It must be stressed that approval of the use, if granted by the Zoning Board of Appeals, does not constitute vesting of any rights to or expectations of approval of business licenses or alcoholic beverage licenses to the petitioner by the City of Savannah.

Mr. Yellin stated that the petitioner is requesting approval of alcohol sales with food that is under the TC-1 with Board approval. The petitioner believes that this is a great location for this restaurant. Many of the surrounding properties have alcohol sales.

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 Thomas Olson, For
Ken Rule
B-081027-87436-2
2315 Louisville Road**

Present for the petition was Thomas Olson.

Mr. Butler gave the following Staff Report.

The petitioner is requesting use approval of a Cultural Facility and Warehouse.

Findings

1. The subject property is a warehouse located on Louisville Road in an I-H (Heavy Industrial) zoning district.
2. The petitioner is seeking to open artists' studios and warehouse facilities in the structure.
3. The proposed use ("cultural facilities") is permitted in the I-H district, with approval from the Zoning Board of Appeals.
4. The subject property is located in the midst of warehouses and across Louisville Road from a railroad right-of-way.
5. The subject property is designated to be developed as "Downtown Expansion" on the Future Land Use Map of the Tricentennial Comprehensive Land Use Plan. All nearby properties are also designated as "Downtown Expansion." Downtown Expansion district includes areas in close proximity to the Central Business District that are identified for growth of retail, office, entertainment, institutional, civic and residential uses.
6. 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 Downtown Expansion 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.**

The proposed use was added as a conditional use recently to the Light Industrial and Heaving Industrial zoning districts after determination was made that such uses were not detrimental to the existing industrial uses.

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

The proposed use should not pose a detriment to the use or development of adjacent properties or the general neighborhood and is in keeping with the intended direction of development in the vicinity.

- 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 establish a use (artists' studios and warehousing) in an existing warehouse structure.

- 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 is not a hazard in itself; however some forms of artistic creation can present potential hazards that should be monitored by the applicant for safety measures and compatibility.

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

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

Staff Recommendation

All of the requirements necessary to the approval of the request appear to be met. Staff recommends approval of the proposed use.

Mr. Olson stated that the petitioner is requesting the use approval of an already existing use as a cultural facility and warehouse.

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: Other Business

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

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

SZBA Action: Ms. Bock made a motion that the Savannah Zoning Board of Appeals **elect** Mr. Robinson, Vice Chairman for 2008 - 2009. Mr. Mackey 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 3:45 p.m.

Respectfully submitted,

Jack Butler,
Secretary

JB/jm