

SAVANNAH ZONING BOARD OF APPEALS

ARTHUR A. MENDONSA HEARING ROOM

112 EAST STATE STREET

February 24, 2009

2:30 P.M.

REGULAR MEETING

MINUTES

MEMBERS PRESENT:

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

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 February 24, 2009 meeting of the Savannah Zoning Board of Appeals to order at 2:33 p.m.

RE: MINUTES

1. Approval of SZBA Minutes - January 27, 2008.

SZBA Action: Mr. Robinson made a motion that the Savannah Zoning Board of Appeals approve the minutes of January 27, 2009 as submitted. Ms. Bock seconded the motion and it was unanimously passed.

RE: Consent Agenda

**RE: Petition of Rosezenna Roberts
B-090127-41710-2
1320 East 56th Street**

Mr. Butler gave the following Staff Report.

The petitioner, Rosezenna Roberts, is requesting approval of a 4-foot, 4-inch rear yard setback variance to allow the construction of an addition on the rear of an existing residential structure to within 20-feet, 8-inches of the rear property line, instead of the 25-feet required by the ordinance.

Findings

1. The subject property is located at 1320 East 56th Street. The property is zoned R-6 (Single-family Residential).
2. The subject property is 7,712 square feet and is a conforming lot of record.
3. The property contains a single residence of 997 square feet and an “L” shaped storage shed. The storage shed is located approximately 10 feet from the rear property line.
4. The minimum rear yard in an R-6 zoning district is 25 feet.
5. The petitioner proposes to build an extension onto the rear of the existing residence, adding 632 square feet to the structure and 13.25 feet of length to the structure. The existing structure with extension would be 1,629 square feet in area (including a garage) and 48.5 feet in length.
6. The extension would bring the main structure to within 20 feet 8 inches of the rear property line, requiring the requested variance of 4 feet, four inches.
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; the particular piece of property is a conforming lot of record.

- 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 any unnecessary hardship. However, the applicant would not be able to construct the proposed addition.

- 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. The requested variance would allow the petitioner to substantially improve the principal dwelling and would encroach on the rear setback less than the existing storage building.

Staff Recommendation

Staff recommends **approval** of the requested variance.

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

RE: Regular Agenda

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

SZBA Action: Mr. Robinson made a motion that the Savannah Zoning Board of Appeals **approve** to rehear the petition. Mr. Jones seconded the motion and it was unanimously passed.

Present for the petition was Charlie Brewer.

Mr. Butler gave the following Staff Report.

Staff is requesting that the ZBA re-hear evidence in the November decision to approve an interpretation of the R-I-P-A (Residential-Institutional-Professional) zoning district.

In November, 2008, the board granted a rehearing to the petitioner, Charlie R. Brewer, who was requesting reconsideration of a decision (October 28, 2008) to deny 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.”

In preparing the case for the re-presentation in November, staff did not separately notify property owners in the vicinity of the pending request for re-hearing. A determination has been made that such re-hearing requests must be advertised prior to consideration by the ZBA.

Findings

1. The petitioner is operating a GEM (Global Electric Motorcars) rental business from a large commercial structure on the eastern end of Bay Street.
2. The use is located in an R-B-C (Residential-Business-Conservation) district.
3. The R-B-C district permits the 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 R-I-P-A (Residential, Institutional, Professional). Among the uses permitted by right in an R-I-P-A district are banks, pharmacies, bars, catering businesses and automobile sales lots.

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 continue 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 adjoining properties are zoned R-I-P-A, which is a multi-use district and therefore is not to be considered a "residential" zoning, as proscribed by the ordinance. Staff recommends **approval** of the requested use.

Mr. Mahoney stated that the petitioner agreed with the City attorney that a lane is not considered a street. He said the petitioners have taken out a loan in the amount of \$149,000 so they could get the business started. He said they also had the building fixed up and signed a seven year lease.

Ms. Chisholm stated her and all the neighbors are opposed to the petition because they felt it would be too much traffic coming in and out of the back of the building. She said they also felt that the address should not be Bay Street since the cars come out on Bryan Lane.

Mr. Sadler stated he opposed the petition because of the heavy traffic that it would create in the lane.

Ms. Hansen stated she opposed the petition because of people parking in the lane blocking cars from coming and going.

Mr. Brewer stated that he talked with some of the neighbors to let them know his business would be a good neighbor. He said they would not rent to anyone under 21 and they would also have to have valid insurance.

Mr. Robinson asked if the petitioner had access to Bay Street?

Mr. Brewer stated yes.

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

**RE: Petition of Jamie Csizmadia, For
Hurricane Bay Car Wash
B-081224-38697-2
2001 Victory Drive**

Present for the petition was Jamie Csizmadia.
Mr. Butler gave the following Staff Report.

The petitioner, Jamie Csizmadia, for Hurricane Bay Carwash, is requesting approval of variances to permit the use of “shark character” graphics framing two existing menu board signs and the use of supplemental signage on installed canopies at the business.

Findings

1. The signs in question were installed at the Hurricane Bay Car Wash without permits.
2. The property in question is a car wash recently constructed at 2001 Victory Drive. The property is zoned B-C (Community Business).
3. The dimensions for the actual car wash building are under the 100-foot limit of frontage that would allow additional square foot of fascia signs.
4. Under the sign ordinance (8-3112 (j)), the maximum aggregate area for supplemental fascia signage for the business would be 25 square feet.
5. The shark character menu boards have been identified by the Zoning Administrator as “announcement signs,” since there is no section of the existing ordinance defining “menu signs.”
6. The supplemental signage on the canopies covering the car vacuum stations are two fascia signs 27-inches (2.25 feet) tall by 30-feet in length for a total of 135 square feet. An additional fascia sign 24-inches (2 feet) tall by 10-feet in length is located on the end of the canopy covering the car vacuum station for a total of 20 square feet. This equals an aggregate supplemental fascia signage of 155 square feet (more than six times the statutory limit).
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 and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.
 - b. **The application of this chapter to this particular piece of property would create an unnecessary hardship.**

The application of 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 cause substantial detriment to the public good, or impair the purposes and intent of the Savannah Zoning Ordinance.

Staff Recommendation

Staff recommends granting of the variance request for the “shark character” menu boards, which are only visible from the interior of the property and therefore do not constitute “announcement signs” under the ordinance. Staff further recommends that the ZBA move to direct staff to develop supplemental language and standards for the ordinance to address the issue of menu boards, which are not currently covered under the Savannah Zoning Ordinance.

Staff recommends **denial** of the requested variances for the fascia signage, which were installed without prior review and exceed the ordinance standards by over six hundred percent. The applicants’ justifications (see package) for the excess signage – that car vacuums are a unique service of the car wash and the car wash location was once a restaurant – are neither applicable under the stipulated requirements for granting variances, nor are they compelling arguments.

Mr. Byrd stated that they were unaware of the signs being put up without permits and the petitioner would like to have everything comply with the ordinance.

Mr. Shipman stated that the City will review the request for the removal of the signage, to see if what the petitioner is requesting, is within the guidelines of the ordinance.

Mr. Robinson asked what was the square foot of signage that was allowed within the ordinance?

Mr. Butler stated 25 foot. The petitioner is still requesting to have two free vacuum signs on either sides of the canopy which also did not comply with the ordinance. The petitioner would have to remove all signs in order to meet the guidelines.

Mr. Byrd stated that he had letters in support of the petition from some of the surrounding businesses.

Mr. Jones asked if the letters were smaller if that would help to meet the guidelines?

Mr. Byrd stated that if the letters were smaller they would not be visible to the traffic on Victory Drive.

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

SZBA Action: **Ms. Bock made a motion that the Savannah Zoning Board of Appeals that the 8 ½ foot shark boards are not announcement boards. Mr. Jones seconded the motion and it was unanimously passed.**

**RE: Petition of Jamie Csizmadia, For
Hurricane Bay Car Wash
B-081230-60376-2
10000 Abercorn Street**

Present for the petition was Jamie Csizmadia.

Mr. Butler gave the following Staff Report.

The petitioner, Jamie Csizmadia, for Hurricane Bay Carwash, is requesting approval of variances to permit the use of “shark character” graphics framing two existing menu board signs and the use of supplemental signage on installed canopies at the business.

Findings

1. The signs in question were installed at the Hurricane Bay Car Wash without permits.
2. The property in question is a car wash recently constructed at 10000 Abercorn Street. The property is zoned B-C (Community Business).
3. The dimensions for the actual car wash building are under the 100-foot limit of frontage that would allow additional square foot of fascia signs.
4. Under the sign ordinance (8-3112 (j)), the maximum aggregate area for supplemental fascia signage for the business would be 25 square feet.
5. The shark character menu boards have been identified by the Zoning Administrator as “announcement signs,” since there is no section of the existing ordinance defining “menu signs.”
6. The supplemental signage on the canopies covering the car vacuum stations are two fascia signs 27-inches (2.25 feet) tall by 30-feet in length for a total of 135 square feet. An additional fascia sign 24-inches (2 feet) tall by 10-feet in length is located on the end of the canopy covering the car vacuum station for a total of 20 square feet. This equals an aggregate supplemental fascia signage of 155 square feet (more than six times the statutory limit).
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 - 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 and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.

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

The application of 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 cause substantial detriment to the public good, or impair the purposes and intent of the Savannah Zoning Ordinance.

Staff Recommendation

Staff recommends granting of the variance request for the “shark character” menu boards, which are only visible from the interior of the property and therefore do not constitute “announcement signs” under the ordinance. Staff further recommends that the ZBA move to direct staff to develop supplemental language and standards for the ordinance to address the issue of menu boards, which are not currently covered under the Savannah Zoning Ordinance.

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Mr. Jones asked if the letters were smaller if that would help to meet the guidelines?

Mr. Byrd stated that if the letters were smaller they would not be visible to the traffic on Victory Drive.

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

passed.

SZBA Action: Ms. Bock made a motion that the Savannah Zoning Board of Appeals that the 8 ½ foot shark boards are not announcement boards. Mr. Jones seconded the motion and it was unanimously passed.

RE: Other Business

SZBA Action: Ms. Bock made a motion that the Savannah Zoning Board of Appeals develop language on menu boards. Mr. Jones 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 4:00 p.m.

Respectfully submitted,

Jack Butler,
Secretary

JB/jm