

SAVANNAH ZONING BOARD OF APPEALS

ARTHUR A. MENDONSA HEARING ROOM

112 EAST STATE STREET

March 31, 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 March 31, 2009 meeting of the Savannah Zoning Board of Appeals to order at 2:35 p.m.

RE: MINUTES

1. Approval of SZBA Minutes – February 24, 2009.

SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals approve the minutes of February 24, 2009 as submitted. Mr. Robinson seconded the motion and it was unanimously passed.

RE: Consent Agenda

**RE: Petition of Asbury Memorial UMC
B-090223-56830-2
1008 East Henry Street**

Mr. Butler gave the following Staff Report.

The petitioner, Asbury Memorial UMC, is requesting approval of a variance to allow the replacement of a ground-level identification sign that was destroyed in a vehicular accident.

Findings

1. The subject property is a 22,000 square foot corner lot located at the intersection of East Henry Street and Waters Avenue.
2. The subject property is zoned R-4 (Four-family Residential).
3. The petitioner’s use of the subject property is as a church, which is a permitted use in the district.
4. Recently, an automobile ran off the road and damaged the primary use sign.
5. The damaged sign was placed in its former location in the fall of 1998, after an earlier sign at the location was damaged by a “wayward” truck.
6. The petitioner is requesting approval of a substantially similar sign as a replacement to the damaged sign. The proposed replacement sign is 7 feet tall and 5 feet 4 inches in width (37.3 square feet in area).
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.**

The subject property is essentially filled by the church structure on the lot, leaving few possible locations for signage.

- 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 preclude the replacement of an identification and reader-board sign for the church.

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

Such conditions are not peculiar to the particular piece of property.

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

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

Staff Recommendation

Staff Recommends approval of the requested variance to place the 37.5 square foot sign on the same location as the former sign at the intersection of East Henry Street and Waters Avenue.

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 William White &
Victor Jones
B-090223-56948-2
1911 Staley Avenue**

Petition was continued for improper 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 on April 28, 2009. Mr. Jones seconded the motion and it was unanimously passed.

**RE: Petition of Jim Lewellyn
B-090225-39270-2
800 Habersham Street**

Petitioner requested the petition be withdrawn.

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

**RE: Petition of Mark Crapps, For
Kern-Coleman & Co.
B-090223-55785-2
900 Mohawk Street**

Present for the petition was Donald Brown.

Mr. Butler gave the following Staff Report.

The petitioner, Mark Crapps, For Kern-Coleman & Co., is requesting approval of a residential structure as part of a planned group development medical facility; a variance to allow the use of non-standard paving materials in the installation of required parking spaces; and a reduction in the required number of parking spaces (from the required 145 to 142 provided).

Findings

1. The subject property is five parcels (2-0782-05-012,-013,-014,-006 and -007) off of Mohawk Street containing a large office structure, three single-family detached dwellings, and numerous storage structures and outbuildings. The five parcels surround a sixth parcel (2-0782-05-005) that is used by Georgia Power as a power substation.

2. All five parcels in the subject property are zoned P-I-P (Planned Institutional-Professional).
3. The petitioner is proposing to retain the currently occupied home on the property, to be removed “at a later date”
4. Site-built single-family dwellings are permitted in the P-I-P zoning district. The petitioner has not adequately demonstrated to staff how the existing residential structure will be incorporated as a viable part of the medical facility.
5. The petitioner is proposing to construct three new buildings on the property as part of a general expansion: a 7,500-square foot office building, a 3,800-square foot storage building and a 9,892-square foot addition onto the existing large office structure.
6. The petitioner is proposing to use a non-standard paving material (oyster shell) for 50 of the required parking spaces.
7. The petitioner is requesting a reduction in the number of parking spaces in that much of the additional office space being constructed will be used for a laboratory for existing staff, and for file storage – neither of which subsidiary uses will generate significant vehicle traffic, the petitioner maintains.
8. The Zoning Board of Appeals may authorize a variance in an individual case upon a finding that:

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

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

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

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

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

Such conditions are not peculiar to the particular piece of property.

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

Relief, if granted, could cause substantial detriment to the public good or impair the purposes and intent of the Savannah Zoning Ordinance (see Staff Recommendation).

Staff Recommendation

Staff recommends approval of the requested parking variance, reducing the required number of spaces from 145 to a total of 142.

The requested approval of the continued use of the residential structure (already existing on the property), to be part of the medical facility, is a use approval that is outside the authority of the Zoning Board of Appeals. The proposed continued residential function of the structure is not consistent with a medical facility with laboratory, but may be allowed as part of group development approval by the Metropolitan Planning Commission. No action is required of the Zoning Board of Appeals.

The requested use of non-standard building materials is an engineering issue that is outside the authority of the Zoning Board of Appeals. The determination of suitable building materials is an engineering and building standards issue, not a zoning issue, and therefore must be determined by the appropriate city staff. No action is required of the Zoning Board of Appeals.

Mr. Jones asked Mr. Shipman, City Zoning Administrator if there were any other areas that use oyster shells for parking lots?

Mr. Shipman stated yes.

Mr. Brown stated that the reason for the oyster shell is because if concrete would be laid now then at a later date it would have to be pulled up due to the fact of future development in that area. Also it reduces the run off rate for the storm water. The building addition will be about 10,000 square foot that will be used to store old doctor files.

Mr. Francis stated that he is here representing the Church of Christ and they would just like some clarity on the public hearing notice it stated that Blackweiner Road would be connected to an adjacent road.

Mr. Butler stated no.

SZBA Action: Ms. Bock made a motion that the Savannah Zoning Board of Appeals approve this petition for a parking variance reducing the required number of parking spaces from 145 to 142. Petitions for approval of alternative paving materials and the use of a residential structure in the medical facility were not considered by the Board. Mr. Robinson seconded the motion and it was unanimously passed.

**RE: Petition of Baruch Rabhan
B-090223-56621-2
1203 East Walburg Street**

Present for the petition was Mark Crapps.

Mr. Butler gave the following Staff Report.

The petitioner, Baruch T. Rabhan, is requesting approval of a variance of 3-feet, 6-inches (from the required 5-feet) of side yard setback in order to rebuild a demolished residential structure.

Findings

1. The subject property is zoned R-4 (Four-family Residential).
2. The subject property is a non-conforming lot 25 feet wide and 75 feet deep with an area of 1,875 square feet. Standard width for a single-family lot in the R-4 district is 60 feet and minimum lot area is 6,000 square feet.
3. The city approved a renovation of a 1,048-square foot residential structure on the property in 2008.
4. A subcontractor working on the renovation completely demolished the structure without authorization.
5. The applicant is seeking to replace the original structure in the same footprint, with a 17-foot addition onto the rear of the new structure. The addition will not encroach on the 25-foot required rear setback.
6. The original, now demolished, structure was built to within 18 inches of the property line on both sides. The applicant seeks to use this same footprint.
7. There is an existing structure to the east of the subject property within 2'6" of the eastern property line of 1203 E. Waldburg Street.
8. The property to the west of the subject property is currently vacant.
9. 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 25-feet wide, and only 31% of the minimum lot size for a single-family residential lot in an R-4 district.
 - b. **The application of this chapter to this particular piece of property would create an unnecessary hardship.**

Application of this chapter would render the subject property un-buildable.
 - 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.

Staff Recommendation

Staff recommends approval of the requested side setback variances with the condition, due to the resultant proximity of structures on adjacent lots, that the design of any residential structure built on the property be approved by the Fire Marshal's Office prior to the issuance of a building permit.

Mr. Robinson recused himself.

Mr. Jones stated that 18 inch setback would not give any room to allow someone to fit and be able to do work on the house.

SZBA Action: Mr. Jones 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.

**RE: Petition of Jonathan P. Lambright
B-090223-57239-2
211 West 33rd Street**

Present for the petition was Jonathan Lambright.

Mr. Butler gave the following Staff Report.

The petitioner, Jonathan P. Lambright, is requesting approval of a 7.5-foot lot-width variance on each of two proposed lots to permit the division of a 45-foot wide parcel with a duplex structure into two 22.5-foot wide parcels, each with a single dwelling unit.

Findings

1. The subject property is a 45-foot by 117-foot, 5,265 square foot conforming lot of record in a TN-2 (Traditional Neighborhood, Thomas Square/Mid-City) zoning district.
2. The petitioner is in the process of constructing a permitted duplex structure on the subject property. The applicant seeks to separate the subject property into two lots, each containing half of the duplex structure.
3. The proposed new lots would be conforming as to lot size and depth and setbacks, except in terms of lot width. The TN-2 zoning district requires lots to be 30 feet in width and the proposed lots would be 22.5 feet wide. The proposed new lots would contain attached single-family homes, which are permitted in the TN-2 zoning district.
4. Numerous lots in the immediate vicinity, including one on the subject parcel's block face, are of reduced, non-conforming width similar to that requested by the applicant.
5. The Zoning Board of Appeals may authorize a variance in an individual case upon a finding that:

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

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

Such conditions are not peculiar to the particular piece of property.

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

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

Staff Recommendation

Staff recommends approval of the requested lot width variance of 7.5 feet on each of two proposed lots. The subdivision of the parcel would change the legal character of the structure on the parcel (from a duplex to two attached single-family homes), but would otherwise not alter the use on either parcel. Further, the proposed lots would be of similar size to other parcels in the vicinity.

Mr. Jones asked if each house would be on 22 ½ X 117 lot, but the house in the middle would be on the lot line.

Mr. Butler stated yes.

Mr. Lambright stated that he is requesting the variance in order to meet the lot width variance.

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

**RE: Petition of Joel W. Snayd
B-090223-57653-2
114 West Jones Street**

Present for the petition was Joel Snayd.

Mr. Butler gave the following Staff Report.

The petitioner, Joel W. Snayd, is requesting approval of a variance of two parking spaces in order to operate an in-home interior design business.

Findings

1. The subject property is a three-story, 2,700 square foot residence located at 114 West Jones Street. The property has no off-street parking.
2. The property is zoned R-I-P-A (Residential, Institutional, Professional - Medium Density). A wide variety of residential and commercial uses are permitted in this district.
3. The present use of the property is residential and is non-conforming in regards to parking. The ordinance requires two parking spaces for single-family residential units.
4. The petitioner proposes to operate an interior design business with two employees and occasional on-site reception of customers.
5. The proposed use would use two rooms of the subject property (approximately 400 square feet) which would require an additional two parking spaces (one space for each 300 feet of leasable area). The applicant is seeking variance from this requirement, and continued use of the existing two on-street spaces used for the residence.
6. The vicinity of the proposed use has several businesses already dependant on daytime on-street parking, including a restaurant and a salon, which the petitioner describes as “bustling.”
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.
 - 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, could exacerbate an existing parking shortage to the detriment of the public good.

Staff Recommendation

Because the subject property is already in non-conformity in regards to parking in its role as a residence, the evening use may be continued. The applicant argues that staff will walk to work at the site and will not need parking spaces. The applicant states that customer visits to the subject property would be “by appointment only.” The primary hours of demand for on-street parking are during the lunch hours from 11 a.m. to 2 p.m.

Therefore, staff recommends the granting of a variance for two parking spaces to permit the use of the structure for a commercial use (interior design business), and that the board limit the times for permissible customer appointments to times outside the times of 11 a.m. to 2 p.m. Staff further recommends that no on-street employee parking for the petitioners business be permitted on the 100-block of West Jones Street.

Mr. Snayd stated that the two employees that will be working both walk to work and my spouse works off site so they are not in need of parking spaces.

Mr. Day stated he is in opposition of the variance due to the lack of parking on Jones Street because of the businesses and residents.

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

**RE: Petition of Harry Williams
B-090223-57835-2
67 Clay Street**

Present for the petition was Harry Williams.

Mr. Butler gave the following Staff Report.

The petitioner, Harry Williams, for Affordable Housing of Savannah, is requesting approval of a 13.7-foot rear-yard setback variance to allow the construction of an addition on an existing dwelling to within 11.3 feet of the rear property line.

Findings

1. The subject property is a non-conforming 1,896 square foot lot (0.044 acres) located on Clay Street off of Louisville Road near the intersection of Louisville Road and Stiles Avenue adjacent to the Norfolk Southern Railroad right-of-way. The subject property is 25-feet wide by between 70 and 80 feet in depth, varying because of the rear adjoining property.

2. The subject property is in an R-4 (Four-family Residential) zoning district. The minimum lot size in an R-4 district is 6,000 square feet (single-family home), at least 60 feet in width.
3. The subject property is occupied by a single-story frame residence of 21-feet in width and 34-feet in depth (area of 714 square feet).
4. The petitioner seeks to add a 21-foot by 15-foot (315 square foot) addition to the rear of the existing structure.
5. The proposed addition will bring the rear of the structure to within between 21.6 feet and 11.3 feet (varying because of the irregular shape of the rear property line).
6. The applicant is seeking a rear setback variance of 13.7 feet to allow the construction of the proposed addition.
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.**

The subject property is nonconforming, consisting of less than one-third the minimum lot area for the use and district.

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

The application of this chapter would not create an unnecessary hardship.

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

Such conditions are peculiar to the particular piece of property involved. The subject property is bounded by the railroad right-of-way to the rear, creating a “skewed” rear property line.

- 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.

Staff Recommendation

Staff recommends approval of the requested variance.

Mr. Williams stated that there was already an extension on the house but it was in bad condition so I had to removed and he would just like to replace it but extend it to the same width of the house.

Ms. Oglesby asked if the petitioner would be living in the house and also if the request conforms with the guidelines that have been put in place for the Brickyard?

Mr. Butler stated that the request is for this property only.

Mr. Wimpy stated that the house would be remodeled and rented out to low income families.

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

**RE: Petition of Constantinos Papaconstantinou
B-090223-57942-2
1806 Martin Luther King Boulevard**

Present for the petition was **Constantinos Papaconstantinou**.

Mr. Butler gave the following Staff Report.

The petitioner, Constantinos Papaconstantinou, is requesting approval of a front setback variance of 15 feet to permit the reconstruction of a building in the same footprint as an existing structure.

Findings

1. The subject property is a conforming 1,800 square foot (60 foot by 30-foot) lot, 30 feet north of the intersection of Martin Luther King Jr. Boulevard and Kline Street occupied by an existing, dilapidated building.
2. The subject property is zoned B-C (Community Business).
3. Martin Luther King Jr. Boulevard is a Major Arterial road according to Street Classification Map No. 1 of the Savannah Zoning Ordinance.
4. The B-C zoning district requires a front setback of 50-feet from the centerline of a major arterial road.
5. The existing structure is 35 feet from the centerline of the right-of-way of Martin Luther King Jr. Boulevard.
6. The petitioner seeks to replace the existing structure with a new structure in the same “footprint,” encroaching on the front setback by 15 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.**

The subject property is only 30 feet in depth. To meet the front and rear setbacks of the zoning district would leave only 15 feet of buildable depth on the lot.

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

The application of the chapter to this particular piece of property would make the lot virtually unusable.

- c. **Such conditions are peculiar to the particular piece of property involved.**
Such conditions are not peculiar to the particular piece of property. The adjoining parcel is of a similar depth.

- 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.

Staff Recommendation

Staff recommends approval of the requested variance. The approval will allow the replacement of the damaged structure and will enhance the use of the property.

Mr. Mitchell stated that he a part of the MLK and Montgomery renewal and this request will conform with the new plans of this area.

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

**RE: Petition of Donna Butler, For
Harper Fowlkes House
B-090223-58469-2
230 Barnard Street**

Present for the petition was Donna Butler.

Mr. Butler gave the following Staff Report.

The petitioner, Donna Butler, For Harper Fowlkes House, is requesting approval of a variance from the required 13 parking spaces for a house museum.

Findings

1. The subject property (Harper Fowlkes House) is located on Orleans Square in the Landmark Historic District and is zoned R-I-P-B (Residential-Institutional-Professional).
2. The subject property was built in 1842 and is used (and will continue to be used) as a residence. The structure has been restored, with extensive gardens and carriage house added to the rear of the property. There is no on-site parking, at present.
3. The petitioner is seeking to open the property to tours for 15 hours a week, Wednesday through Friday, 10 a.m. to 3 p.m. Such use (Accessory Tour House) is a permitted use in the R-I-P-B zoning district, and the proposed hours of operation fall within the limits prescribed in the ordinance [Section 8-3025 (a), use 60b].
4. Under the provisions of Section 8-3092, the Zoning Administrator shall make determination of the amount of required parking where such requirements are not specified in the ordinance for a given use. The Zoning Administrator has determined to base the required parking for this facility on the square footage required for art galleries and museums (one space for each 400 square feet of usable area).
5. The petitioner is proposing to open 4,400 square feet of the subject structure to tours, which would require 11 additional parking spaces. At present, there are no parking spaces on-site, and on-street parking is used to meet the two spaces required by the residential use.
6. The petitioner is requesting an increase in the off-site parking from 2 to 13 spaces.
7. The petitioner asserts that the immediate neighborhood includes commercial, residential and civic uses, and is close to the Civic Center parking lot. The petitioner also asserts that the majority of the visitors to the proposed house museum would be walk-ups or tour bus drop-offs, and would not add significantly to the parking in the vicinity.
8. The Zoning Board of Appeals may authorize a variance in an individual case upon a finding that:

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

There particular piece of property is a historically significant structure, and although there is space on the property to provide the required parking, the paving required would change the historic character of the property significantly.

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

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

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

Such conditions are not peculiar to the particular piece of property involved.

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

Relief, if granted, would not cause substantial detriment to the public good. It is plausible that the majority of visitors to the site would not be driving personal vehicles, and what parking will be required could utilize existing public parking facilities other than curbside spaces.

Staff Recommendation

Staff recommends approval of the requested 13-space variance, provided the applicant receives assurance from the City that off-site parking will be available at the Civic Center parking lot or other city-operated parking facilities in the vicinity.

Ms. Butler stated that the original owner of the house left it to trustees in order for it to be able to educate people.

Ms. Wood stated she supports the request because she feels that it would be a great asset to the City.

SZBA Action: Mr. Jones 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 Peter Callejas, For
Queensborough National Bank & Trust Co.
B-090223-59819-2
216 West Highway 80**

Present for the petition was Peter Callejas.

Mr. Butler gave the following Staff Report.

The petitioner, Peter Callejas, for Queensborough National Bank & Trust Co., is requesting approval of a variance to permit the extension of a side entrance landing on an existing structure to within 4-feet, 2-inches of a side property line.

Findings

1. The subject property is a branch bank building constructed on a 0.5-acre lot at the corner of US Hwy. 80 West and Budreau Street.
2. The subject property is in a B-H (Highway Business) zoning district.

3. The existing structure is located within 6.1 feet of the south property line (Budreau Street). The side setbacks in a B-H zoning district are 10 feet from a right-of-way. The current configuration of the structure encroaches on the side setback by 3.9 feet.
4. The existing structure is being renovated, and brought into compliance with construction codes, in particular the Americans with Disabilities Act, for access. There is already an ADA-compliant entrance to the rear (east) of the structure.
5. In order to provide a ramped entryway and landing adequate to code at the side entrance, the petitioner is seeking to expand an existing landing on the south side of the building by 1.9 feet, increasing the encroachment on the south property line.
6. The proposed expansion of the landing would remain behind (to the north of) the existing sidewalk.
7. The petitioner is seeking a 5.8-foot setback variance to permit the construction of the proposed entry landing.
8. The Zoning Board of Appeals may authorize a variance in an individual case upon a finding that:

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

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

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

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

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

Such conditions are not peculiar to the particular piece of property 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.

Staff Recommendation

There is already an ADA-compliant entrance to the building on the eastern (rear) side of the building. The proposed addition would increase the existing encroachment on the city right-of-way. While the proposed addition would improve access to the structure, there do not appear to

be sufficient reasons under the ordinance to approve the variance. Staff recommends denial of the requested variance.

Mr. Callejas stated the reason the variance is being requested is to move the front door around to the side and there would be a handicap ramp located at the back of the bank.

Mr. English stated that the reason for moving the main entrance from the back to that side is the safety of the cashiers and customers.

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

**RE: Petition of James Burton
B-090223-59983-2
2017 Lewden Street**

Present for the petition was James Burton.

Mr. Butler gave the following Staff Report.

The petitioner, James Burton, is requesting a variance of the requirement that accessory structures be located in a rear yard.

Findings

1. The subject property is a conforming 6,400-square foot single-family lot of record located on Lewden Street between Jenks and Brittany streets. The rear property line is on an un-opened city lane.
2. The subject property is zoned R-4 (Four-family residential) with a 23-foot wide, 947-square foot, single-story residence located to the eastern side of the 60-foot residential lot.
3. The petitioner seeks to construct a two-story stand-alone accessory structure with a 400-square foot footprint. The accessory structure will have a garage first floor and a finished second floor with bathroom and kitchen facilities. The petitioner characterizes the second floor as a “recreation room.”
4. The petitioner proposes to situate the accessory structure in a side yard. The proposed accessory structure would meet setbacks for the R-4 zoning district (five foot side yard setback, 25-foot rear yard setback).
5. Section 8-3011 (Location of accessory uses or buildings) requires that accessory structures be located in the rear yard. The petitioner is seeking a variance from this requirement.
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 existing residence on the subject property is set somewhat further back on the property (front setback) than the structures on neighboring properties, limiting the available area to the available building area.

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

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

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

Such conditions are not peculiar to the particular piece of property.

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

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

Staff Recommendation

Staff recommends approval of the requested variance. The lot appears to be a double lot, intended for two residential structures. The construction of the stand-alone garage will meet all construction standards, except for the rear-yard location requirement. Approval of the variance will improve the use and value of the property, and increase the safety of parking.

Mr. Burton stated he would like to open storage in the rear of the property and a two door garage on the side of the property with a storage area on top.

Mr. Mackey asked what kind of stuff will be stored?

Mr. Burton stated big equipment, bikes etc.

Mr. Franklin stated that the old structure was destroyed and a new will be rebuilt and everything with the house has been approved we just need approval of the garage and the open storage in the back.

Mr. Jones asked how would you access the garage?

Mr. Franklin stated off Lewden Street

Mr. Robinson asked the width of the garage?

Mr. Franklin stated 21 X 22 foot.

Ms. Oglesby stated she was in opposition due to the fact that the lot is too small for what they are requesting.

Mr. Mackey asked what the area above the garage will be used for?

Mr. Burton stated a game room.

SZBA Action: Ms. Bock made a motion that the Savannah Zoning Board of Appeals approve 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 Paul Hansen
B-090223-57745-2
100 Bull Street**

Present for the petition was Paul Hansen and John Neely.

Mr. Butler gave the following Staff Report.

The petitioner, J. Paul Hansen, FAIA, is requesting approval of a height variance to permit the construction of two additional stories onto an existing four-story structure.

Findings

1. The subject property is a four-story, mixed-use structure at the corner of Bull and Broughton streets.
2. The subject property is zoned B-C-1 (Central Business) and is a conforming property.
3. The petitioner has received a Historic District Board of Review Certificate of Appropriateness (dated February 11, 2009), certifying that the proposed two-story addition is visually compatible and of a design that is consistent with the requirements of the district.
4. The petitioner is requesting that the Zoning Board of Appeals approve a variance from Zoning Ordinance Section 8-3030 (k) (6a), which provision requires that the height of structures be “visually compatible with adjacent structures.”
5. The sole “adjacent” structure to the subject property is a modern-built one-story commercial building.
6. Currently, all four corners of the intersection of Bull and Broughton streets are occupied by four-story structures.
7. The next block north of Broughton on Bull Street, Congress Street, has a 10-story structure.

8. The Zoning Board of Appeals may authorize a variance in an individual case upon a finding that:

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

There are 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.**

Such conditions are not peculiar 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, but could impair the intent of the Savannah Zoning Ordinance, in that the restrictions on building height are intended to limit the height of buildings in the downtown area.

Staff Recommendation

Staff recommends approval of the variance. The other buildings in the vicinity on opposing corners are of similar height (four-stories), and the non-compatible single-story adjacent building is both in a mid-block location, rather than a corner lot, and is a non-historic building whose characteristics are not in consideration by the Historic District ordinance section which is under consideration for a variance.

Mr. Hansen stated the request as already went for the Historic Review Board and got approval. The reason for the request is the district attorneys need to expand their office space they would love to stay in this building because it's so close to the court house. On the design we will be setting back the two stories 20 foot off Brought Street and 10 foot off Bull Street. As staff reported the Historic Review Board said that the project was visually compatible and the design was consistent with the guidelines of this district.

Mr. Neely stated that the U. S. Attorneys needed 45,000 square feet of space and that they cannot accommodate them in the building without expanding. There were very few places in the downtown area that could accommodate that much square footage in an office building. He said that if they could not accommodate them that there was strong chance the 60 or 70 employees would relocate away from the court area downtown.

Mr. Daniel Carey (Historic Savannah Foundation) stated that there are three reasons this request should be denied one is the height, reconstruction, or additions to existing structures shall be within the height limits as shown on the Historic District Height Map. Two when the Historic Review Board made their finding a fact that the two story height variance was visually compatible they did so because they thought it would improve the looks of the building. The last one would be the potential economic benefit of this space.

Mr. Steube stated that he agrees with the Historic Savannah Foundation that height, reconstruction, or additions to existing structures shall be within the height limits as shown on the Historic District Height Map.

Mr. Mitchell stated that he is in opposition with the request because the ordinance should be followed with the height variance.

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

RE: Other Business

RE: Adjournment

There being no further business to come before the Savannah Zoning Board of Appeals the meeting was adjourned approximately 4:00 p.m.

Respectfully submitted,

Jack Butler,
Secretary

JB/jm