

SAVANNAH ZONING BOARD OF APPEALS

ARTHUR A. MENDONSA HEARING ROOM

112 EAST STATE STREET

April 28, 2009

2:30 P.M.

REGULAR MEETING

MINUTES

MEMBERS PRESENT:

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

MEMBERS ABSENT:

John P. Jones

TECHNICAL STAFF PRESENT:

Tiras Petra, City Zoning Inspector

MPC STAFF PRESENT:

**Jack Butler, Assistant Secretary
Mary E. Mitchell, Administrative Assistant**

RE: Called to Order

Mr. Mackey called the April 28, 2009 meeting of the Savannah Zoning Board of Appeals to order at 2:35 p.m.

RE: MINUTES

1. Approval of SZBA Minutes – March 31, 2009.

SZBA Action: Mr. Robinson made a motion that the Savannah Zoning Board of Appeals approve the minutes of March 31, 2009 as submitted. Ms. Bock seconded the motion and it was unanimously passed.

RE: Consent Agenda

**RE: Petition of Shelley Smith
B-090330-39596-2
1611 Habersham Street**

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a use (restaurant with alcohol sales). Such use may be permitted with Zoning Board of Appeals approval.

Findings

1. The subject property is 0.13-acre existing lot of record located at 1611 Habersham Street, the former site of “Queenie’s” restaurant.
2. The property is zoned TC-1 (traditional Commercial, Mid-City/Thomas Square zoning district).
3. The property is occupied by a 1,408-square foot commercial structure.
4. The applicant is requesting approval of a use (restaurant with alcohol sales) that is permitted with Zoning Board of Appeals approval.
5. In accordance with Sections 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals shall hear and decide upon requests for permission to establish uses upon which the Board of Appeals is required to pass under the terms of this chapter. The application to establish such use shall be approved on a finding by the Board of Appeals that:

- a. **The proposed use does not affect adversely the general plans for the physical development of the city, as embodied in this chapter, and in any master plan or portion thereof adopted by the mayor and aldermen.**

The proposed use 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 adversely the health and safety of residents and workers in the city.**

The proposed use will not adversely affect the health and safety of area residents.

- 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.

- 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 serve alcohol with meals in a neighborhood

restaurant.

- g. The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement, noise or fume generation or type of physical activity.**

The proposed use should not constitute a nuisance or a hazard. However, care must be taken by the petitioner with serving of alcoholic beverages to ensure that customer behavior on-site and in the vicinity does not pose a nuisance or a hazard.

- 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

All of the conditions necessary for approval appear to be met. Barring objections from adjoining property owners, Staff recommends approval as part of the Consent Agenda.

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

**RE: Customs Fit Coaching and Training, Inc.
B-090330-40548-2
1001 Whitaker Street**

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a use (fitness training), which requires Zoning Board of Appeals approval.

Findings

1. The subject property is an 18,372 square foot conforming lot of record located at 1001 Whitaker Street. There is a multi-unit, 9,142 square foot structure on the property, along with ten parking spaces.
2. The property is zoned 3-R (Victorian District, residential and mixed use). The proposed use (fitness trainer) is permitted in the district with Zoning Board of Appeals approval.
3. The property is designated “Traditional Neighborhood” on the Tricentennial Future Land Use Map. Neighborhood-serving businesses are “encouraged” to locate in this area under the plan.
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 shall hear and decide upon requests for permission to establish uses

upon which the Board of Appeals is required to pass under the terms of this chapter. The application to establish such use shall be approved on a finding by the Board of Appeals that:

- a. **The proposed use does not affect adversely the general plans for the physical development of the city, as embodied in this chapter, and in any master plan or portion thereof adopted by the mayor and aldermen.**

The proposed use 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.**

The proposed use will not adversely affect the health and safety of area residents.

- 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.

- 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 use a portion of a commercial structure for fitness training.

- 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 should not constitute a nuisance or a hazard.

- 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

All of the conditions necessary for approval appear to be met. Barring objections from adjoining owners, Staff recommends approval as part of the Consent Agenda.

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

**RE: Kenneth Wilson, for
New Saint Luke African Methodist Church, Inc.
B-090330-40992-2
1008 Wolf Street**

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a use (personal care home for the elderly) to house up to eight clients. Such use may be permitted with Zoning Board of Appeals approval.

Findings

1. The subject property includes a 4500 square-foot, four-unit structure located at 1008 Wolf Street.
2. The property is zoned R-4 (Four Family Residential).
3. The proposed use, group care home for the elderly 7-15 persons (Section 8-3025(a) use 18(f) is permitted in the R-4 zoning district with Zoning Board of Appeals approval.
4. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals shall hear and decide upon requests for permission to establish uses upon which the Board of Appeals is required to pass under the terms of this chapter. The application to establish such use shall be approved on a finding by the Board of Appeals that:
 - a. **The proposed use does not affect adversely the general plans for the physical development of the city, as embodied in this chapter, and in any master plan or portion thereof adopted by the mayor and aldermen.**

The proposed use is consistent with the residential 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 will not adversely affect the health and safety of area residents.

- 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.

- 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 use a quad-plex residential structure for multiple residents (up to eight).

- 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 not constitute a nuisance or a hazard.

- 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

All of the conditions necessary for approval appear to be met. Barring objections from adjoining property owners, Staff recommends approval as part of the Consent Agenda.

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

**RE: Petition of Adam Kaminsky
B-090330-40824-2
1220 Sweetbriar Circle**

Above item moved from Regular Agenda to Consent Agenda

Mr. Butler gave the following Staff Report

The petitioner is requesting approval of a 1-foot, 9-inch side yard setback variance and a 3 percent building coverage variance in order to construct an addition onto an existing residence.

Findings

1. The subject property is a 0.24-acre conforming lot of record located at 1220 Sweetbriar Circle.
2. The subject property is occupied by a 2-story residential structure with a stand-alone garage.
3. The property is zoned R-6 (Single-Family Residential).
4. The existing garage on the property is located approximately three feet (varying between 2.9 and 3.1 feet) from the east side property line of the parcel.
5. The minimum side setback requirement in the R-6 zoning district is five feet.
6. The petitioner proposes to build a 1,011 square-foot addition onto the eastern end of the existing residential structure, encroaching to within approximately 3 feet of the eastern property line.
7. The maximum lot coverage in the R-6 zoning district is 30 percent.
8. The proposed addition will bring the percentage of the lot covered by structure to approximately 34 percent (3,611 square feet of structure on 10,511 square feet of lot).
9. The petitioner is seeking a 2-foot side setback variance and a 4 percent lot coverage variance.
10. The Zoning Board of Appeals may authorize a variance in an individual case upon 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 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.

Summary Of Findings

Staff recommends approval of the required 2-foot side setback variance and 4-percent lot coverage variance to permit the construction of the proposed addition.

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

RE: Regular Agenda

**RE: Petition of Robert Reeves, for
Hutchinson Island Development Co.
B-090330-39995-2
123 Hutchinson Island Road**

Petitioner requested that the petition be continued.

SZBA Action: Mr. Robinson moved that the petition be continued to the next regularly scheduled meeting of May 26, 2009 as requested by the petitioner. Ms. Bock seconded the motion and it was unanimously passed.

**RE: Petition of William White and
Victor Jones
B-090223-56948-2
1911 Staley Avenue**

Present for the petition were William White and Victor Jones.

Mr. Butler gave the following Staff Report.

The petitioners are requesting approval of a lot coverage variance of 6.15% above the zone maximum 30% to allow construction of a 2,350-square foot home on a 6,500 square foot lot.

Findings

1. The subject property is the front lot of a 19-lot subdivision on Staley Avenue approved in January, 2008.
2. The subject property is a 6,500 square foot lot zoned R-6 (Single-family residential) and is a conforming lot of record.
3. The petitioners have selected four basic floor plans for the subdivision, of which the smallest is 2,350 square feet in area.
4. The proposed floor plan would meet all setback requirements for the zoning district.

5. The proposed floor plan would cover 36.15% of the lot, exceeding the maximum 30% lot coverage by 6.15%.

6. The Zoning Board of Appeals may authorize a variance in an individual case upon 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 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

The proposed structure meets all setbacks on a lot that is 8.3% larger than the minimum lot size for the district. The revision of the zoning ordinance now under way would allow 35% lot coverage by right on this parcel. Staff recommends approval of the requested lot coverage variance of 6.15%.

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: Philippe Madhere, for
Yousef Linjawi
B-090330-39474-2
1502 Price Street**

Present for the petition was Philippe Madhere.

Mr. Butler gave the following Staff Report.

The petition is requesting approval of a 22-foot rear yard setback variance in order to construct a deck on the rear of an existing residence to within three feet of the rear property line.

Findings

1. The subject property is a 1,784 square foot non-conforming lot of record located at 1502 Price Street. There is a 1,222-square foot residence located on the property.
2. The property is zoned RM-25 (Multifamily Residential, 25 units per acre). The development standards for a single-family lot in an RM-25 district is 6,000-square feet in area.
3. The petitioner is seeking to add a 420-square foot addition to the rear of the structure. The proposed addition would encroach 22 feet into the required 25-foot rear setbacks for the zone.
4. The petitioner seeks a variance of 22 feet in rear setback to permit the construction of the addition.
5. The parcel directly to the rear of the subject parcel is a vacant lot facing 31st Street.
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 particular piece of property is less than one third the minimum standard lot size for the zoning district.
 - b. **The application of this chapter to this particular piece of property would create an unnecessary hardship.**

The application of this chapter to this particular piece of property would not create an Unnecessary hardship.
 - c. **Such conditions are peculiar to the particular piece of property involved.**

Such conditions are not peculiar to the particular piece of property.
 - 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 denial of the request rear setback variance. The proposed addition would encroach on the separation from the rear property and would extend the subject structure to much closer to the rear property line than is common on the block face.

Mr. Butler reported that the construction is already under way and that he received a fax from a citizen at 512 East 32nd Street in opposition.

Mr. Madhere verified that the rear portion of the construction is under way, but he has advised the owner to remove it.

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.

**RE: Petition of Boris Dilbert
B-090330-39680-2
711 West 51st Street**

Present for the petition was Mr. Boris Dilbert.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a 3% building coverage variance in order to build an extension on an existing residence.

Findings

1. The subject property is a non-conforming .07 acre lot of record located at 711 West 51st Street.
2. The subject property is 32-feet wide by 100- feet deep (3,200 square feet).
3. The property is occupied by a 732-square foot residential structure, 28-feet in depth by 24 feet in width with a 12-foot by five-foot porch.
4. The property is zoned R-6 (Single-Family Residential).
5. The standard lot size in an R-6 zoning district is 6,000 square feet with a minimum lot width of 60 feet. Maximum lot coverage in the R-6 zoning district is 30 percent. However, a “substandard lot,” ordinance section 8-3067 permits coverage equal to a percentage of the degree of deficiency. A 3,200 square feet lot is 53% of the minimum size for the zone, with a variance therefore of 43%.
6. The petitioner proposes to construct a building addition of approximately 31-feet in depth by 24-feet in width (744 square feet) to make a total building area of 1,476 square feet.
7. The proposed building area would constitute a lot coverage of 46 percent, which is three percent more than allowed under the provisions of 8-3067.

8. The applicant is requesting a lot coverage variance of 3 percent in order to construct the proposed addition.
9. The Zoning Board of Appeals may authorize a variance in an individual case upon 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 petitioner's property is 53% the size of the standard minimum lot in an R-6 zoning district, being only 31-feet in width.

- 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 petitioner's property is typical of lots in the immediate vicinity.

- 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 3% lot coverage variance. The proposed building addition would make the petitioner's house similar in size to others in the neighborhood.

Ms. Bynes resides at 537 East 33rd Street and is in opposition. Ms. Bynes' owns property at 715 West 51st Street. She opposes the petition because she has plans for her property. She owns two lots here.

Mr. Dilbert explained that his property is not adjacent to Ms. Bynes' property.

Mr. Bynes stated that after hearing the presentation, he believes that the addresses are out of sequence. His mother's property is further down the street from Mr. Dilbert's property.

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 Anthony Sapone
B-090330-40458-2
2112 Colorado Avenue**

Petition was continued because the sign was not posted.

SZBA Action: Mr. Robinson made a motion that the Savannah Zoning Board of Appeals continue the petition until the next regularly scheduled meeting on May 26, 2009. Ms. Bock seconded the motion and it was unanimously passed.

**RE: Petition of Alfonso Irving
B-090330-40628-2
1129 East Bolton Street**

Present for the petition was Alfonso Irving.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval to re-activate a lapsed non-conforming use (convenience store) in a residential property.

Findings

1. The subject property is a 3,860-square foot lot located at 1129 East Bolton Street.
2. The property is zoned R-4 (Four-family Residential).
3. The subject property contains a 3,043-square foot single-story residential structure.
4. The subject property was operated as a neighborhood store by a former owner. The Zoning Administrator indicates that no business license was ever issued for this property, so the business was operated illegally.
5. The petitioner has repaired the residential structure and wishes to open the structure as a convenience store.
6. Under Section 8-3133 (b), “a building which is designed to house one or more of the conforming uses in the district in which such building is located shall not be re-occupied by a nonconforming use after it has been vacant of a nonconforming use for a continuous period of 12 months.”
7. There is no evidence that the non-conforming use was ever legally present in the structure. The structure is a residence, which is a conforming use in the R-4 zoning district.

Staff Recommendation

Under the conditions of the ordinance, the petitioner’s request cannot be approved. Recommend denial.

Mr. Mackey asked Mr. Petra what was his position on this matter.

Mr. Petra answered that he concurs with the Zoning Administrator.

Mr. Mackey asked the petitioner to contact Mr. Butler for possibly another option.

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

**RE: Petition of Stewart Dohrman
B-090330-4077742-2
1220 East 49th Street**

Present for the petition was Stewart Dohrman.

Mr. Butler made the following Staff Report.

The petitioner is requesting approval of a 2 percent lot coverage variance (from the 30 percent maximum required) in order to construct a porch and bedroom addition on a residential structure.

Findings

1. The subject property is a 6,510 square foot conforming lot of record located at 1220 East 49th Street.
2. The property is zoned R-6 (Single-Family Residential).
3. The subject property contains a 1,850 square foot residential structure.
4. The petitioner is seeking to add a 229-square foot addition to the rear of the structure. The proposed addition would not encroach on required setbacks for the zone.
5. The resultant 2,079-square foot residence would constitute lot coverage of 32 percent. The maximum allowed lot coverage in the R-6 zoning district is 30 percent.
6. The petitioner seeks a variance of two percent in lot coverage to permit the construction of the addition.
7. The Zoning Board of Appeals may authorize a variance in an individual case upon 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 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, 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 of 2 percent lot coverage. The variance will allow the petitioner to expand the structure in question to a similar size of those on adjoining properties.

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

RE: Other Business

RE: Adjournment

There being no further business to come before the Savannah Zoning Board of Appeals, the meeting was adjourned at 3:10 p.m.

Respectfully submitted,

Jack Butler,
Assistant Secretary

JB/jm