



## Chatham County Zoning Board of Appeals

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### August 24, 2021 Chatham County Zoning Board of Appeals

This is a quasi-judicial proceeding. All those wishing to give testimony during these proceedings will please sign in. Witnesses will be sworn-in prior to giving testimony. All proceedings of the Chatham County Zoning Board of Appeals are recorded.

Decisions of the Chatham County Zoning Board of Appeals are final. Challenges to the decisions of the Chatham County Zoning Board of Appeals must be filed through the Superior Court of Chatham County.

**Note:** All persons in attendance are requested to so note on the "Sign-In Sheet" in the meeting room on the podium. Persons wishing to speak will indicate on the sheet.

#### I. Call to Order and Welcome

#### II. Pledge of Allegiance

#### III. Notices, Proclamations and Acknowledgements

#### IV. Petitions Ready for Hearing

#### V. Approval of Minutes

##### 1. Approval of the July 27, 2021 Meeting Minutes

[July 27, 2021 Meeting Minutes.pdf](#)

#### **Motion**

The Chatham County Zoning Board of Appeals does hereby approve the July 27, 2021 Meeting Minutes.

#### **Vote Results ( Approved )**

Motion: Jeff Notrica

Second: Benjamin Polote, Jr.

James Coursey	- Aye
Lucy Hitch	- Absent
Coren Ross	- Absent
Meredith Stone	- Aye
Robert Vinyard	- Absent
Jeff Notrica	- Aye
Benjamin Polote, Jr.	- Aye

#### VI. Item(s) Requested to be Removed from the Final Agenda

#### VII. Consent Agenda

#### VIII. Old Business

## IX. Regular Agenda

### [2. 2302 E Gwinnett Street | Appeal of a Zonign Determination | File No. 0821-000153](#)

- 📎 [Staff Report.pdf](#)
- 📎 [Determination.pdf](#)
- 📎 [Map.pdf](#)
- 📎 [Letter-opposition.pdf](#)
- 📎 [Letter - Support.pdf](#)
- 📎 [Aerial.pdf](#)
- 📎 [Letter for ZBA 0521 00127.pdf](#)

**Mr. Marcus Lotson, Director of Development Services**, explained that the petitioner is appealing a determination made by the Chatham County Zoning Administrator regarding allowed uses for the subject property at 2302 East Gwinnett Street. The petitioner requested a determination be made regarding the ability to extend a previously nonconforming use (lumber yard) in an R-1 zoning district. The Zoning Ordinance states that a nonconforming use is defined as any lawful use of land or building existing on the effective date of this Ordinance, or on the effective date of any subsequent amendments hereto and located within a zoning district in which it is not permitted as a new use by this Ordinance.

**Mr. Lotson** said that in a letter to the applicant dated July 1, 2020, the Zoning Administrator made the determination that the proposed use of the subject property was not a permitted use in the R-1 zoning district and that the previous use as a lumber yard had ceased operation more than 6 months ago, thereby losing the nonconforming status. The applicant is requesting the Board allow the use based on Section 8-3(b)(4) which gives the Board discretion to authorize the reuse of the building after it has been vacant for greater than 12 months if the building has not been subsequently redesigned to house other uses and the use is found not to be detrimental to the adjacent uses or adverse to the livability of the area's residential land uses. The burden of proof, as to the determining factors to allow reuse, is on the appellant.

**Mr. Lotson** explained that staff received a number of correspondences regarding this decision both in support and in opposition. Letters of support were received from Brian Musing, neighbor; Historic Savannah Foundation; AIA Savannah, Scott Boylston; T. H. Guerry Lumber; NAWIC; and WODA Cooper Companies, Inc. The following adjacent residents oppose the request: Anne Coast, Dominique Williams, Debra Allen, and Mary Wilder.

**Mr. Notrica** asked staff when did Guerry Lumber cease operation at this site and when did Re:Purpose begin operation at this site?

**Mr. Lotson** stated that the Zoning Administrator would be able to answer the questions regarding the lumber yard, but his records indicate that the lumber yard ceased operation approximately 12 months ago. Mr. Lotson believed, however, that it has been longer than 12 months, but as he said, the Zoning Administrator could answer the question. Mr. Lotson said the question regarding Re-Purpose should be directed to Attorney Yellin.

### **PETITIONER COMMENTS**

**Attorney Joshua Yellin** stated he was representing the property owner, Mr. Harry Rosenzweig, along with the tenant, Re:Purpose Savannah. Attorney Yellin gave the background data on this property. He said since the 1950s, the property was owned and operated by Daniel Lumber Company as a "lumber yard." When they put in their variance request, they asked for reinstatement of a nonconforming use under Section 10-6.3 of the Chatham County Zoning Ordinance, to request a variance from the standard that required nonconforming uses to be reopened within one year. Attorney Yellin explained that based upon their belief, Daniel Lumber's use of the property as a "lumber yard" because the term in the use table lumber yard does not exist in the Chatham County ordinance. Re:Purpose's use of the property as a lumber yard was substantially similar. He pointed out that this was how it was configured in 2003 when Daniel Lumber was in full use of the property.

**Attorney Yellin** said their request to reinstate the use after the 12 month period had expired based upon the zoning determination letter which determined that the Repurpose business model was not a lumber yard, but should be considered contracting and repair services. The zoning administrator's decision was appealed to the Chatham County Zoning Board of Appeals (CZBA). He explained, however, in any event this application was going to come before the CZBA whether as an appeal from the Zoning Administrator or as a variance request. They are trying to accomplish the same goal.

**Attorney Yellin** stated that as Mr. Lotson mentioned, Section 8-3 (b)(4) of the Zoning Ordinance, specifically authorizes the CZBA to allow the reuse of the building after it has been vacant greater than 12 months if the building has not been subsequently redesigned to house other uses and if the uses have not been found to be detrimental to the adjacent uses or adverse the livability of the area. Attorney Yellin said first and foremost, they believe that Daniel Lumber and Re:Purpose offer substantially the same services and uses, regardless of the classification. If they want to call the use lumber yard, sale of building supplies or if the county wants to call it wholesale building and electrical activities, contractor or repair services whether retail sales or building materials, they believe that Daniel Lumber and Re:Purpose, be it on a vastly different scale, are offering the same service. When you look at Daniel Lumber's old listing for the property, it was described as "building supplies." When you look at Daniel's current website, they discuss the sale of lumber, plywood building products, but also millwork and hardware, cabinets, countertops, and backsplashes. Basically, these are building supplies with limited contracting. This is the same type of activity that is currently engaged here by Re:Purpose Savannah, be it as a nonprofit where they offer the wholesale of lumber supplies and custom working. The difference is that Re:Purpose supplies come from structure removal. They come from the nonprofit salvaging or demolishing offsite historic structures and then they are brought onsite, as opposed to Daniel Lumber buying lumber directly from the sawmill and lumber yards and then bringing these materials onsite. Attorney Yellin said at the end of the day, though, the uses are very similar.

**Attorney Yellin** said, therefore, since they believe that the past use and the current use are substantially the same, as has been mentioned, this Board can reinstate the use provided that the building has not been redesigned. He explained that regarding the redesign of the existing building onsite, it has not been redesigned since Daniel Lumber. He showed the Board a configuration of Daniel Lumber from 2009, which showed an open lot. The building has been used to store building materials and here today they have the open lot in different condition, along with the buildings that are used to store the materials. Secondly, as was mentioned, the Board can reinstate this use if it is not detrimental to the livability of the area's residential land uses. They contend that Re:Purpose's operation is one of the lowest uses in the areas. All sales are done by appointment only. Typically, there are less than four vehicles on the site at any time. Lumber deliveries from the demolished houses are brought onsite via pickup trucks and trailers, but not by large delivery trucks. This is not an intensive use and it is not detrimental to the neighbors.

**Attorney Yellin** respectfully requested that the Board approve their request and authorize the reuse to the property to Re:Purpose of Savannah under Section 8-3(b)(4) of the Chatham County Zoning Ordinances. He said that Re:Purpose's Executive Director and President of the Board of Directors are present online to answer the Board's questions.

**Mr. Coursey** asked Attorney Yellin for clarification if he said he was representing the owner or the tenant?

**Attorney Yellin** answered that he was present on behalf of the property owner, who has a close relationship with the tenant. The property owner has authorized them to speak on his behalf.

**Mr. Coursey** asked who is the applicant for the business license. Is it the owner or the tenant?

**Attorney Yellin** explained that the tenant applied for the business license along with the variance for the property. He is present on behalf of the property owner.

**Mr. Lotson** explained that it is not unusual for them to hear cases where the owner and the applicant are not the same person, as long as the owner has given permission for the applicant to seek such relief. Per the application, there is a signed affidavit from the owner to allow the applicant to be before the Board today.

**Ms. Mae Bowley, Director of Re:Purpose Savannah, and Ms. Clara Fishel, President of the Board of Directors**, were sworn-in by Mr. Coursey. Ms. Bowley thanked the Board for hearing their petition. She showed the Board several slides pertaining to Re:Purpose Savannah. They are funded by several grant organizations. Ms. Bowley explained that they have received recognition for their work from the local and state levels. Re:Purpose Savannah's mission is "to prevent the landfilling of historic building materials, preserve the architectural and cultural fabric of the area, and train women for careers in construction as a positive, unique, and much needed force in the community."

**Mr. Coursey** asked if they are well beyond the 12 months requirement.

**Attorney Yellin** answered that he is not positive when Daniel Lumber Company went out of business. However, he believes that Mr. Rosenzweig purchased the property in 2013, but he was not sure when the operation ceased. The time limit as provided in the nonconforming section is greater than 12 months. Therefore, as long as the business has ceased and the time period has been greater than 12 months, you may reinstate that use.

**Mr. Coursey** said he wanted to ensure that they are beyond the 12 months period.

**Attorney Yellin** explained that based on the historic photographs, some of the buildings must have been beyond repair and were taken down. The buildings that are currently in use are the same as they were when they were used by Daniel Lumber Company.

### **PUBLIC COMMENTS**

**Mr. Ryan Arvay of the Historic Savannah Foundation (HSF)** said their mission of saving historic buildings is challenging. They cannot save every historic building as much as they would like to. It is vital that an organization, such as Re:Purpose Savannah, exists to salvage as much of these historic buildings as possible. Mr. Arvay said he has visited the lumber yard many times and has seen property owners reuse the lumber and materials in their restoration projects. These are the materials that you cannot get any longer. He has seen numerous wood works created out of lumber that Re:Purpose Savannah sells. It is a vital community resource. The operation here is similar to the long time use of Daniel Lumber.

**Ms. Rebecca Fenwick** spoke in favor of this business. Ms. Fenwick said this is the only organization that she is aware of that offers this service. It is unique and innovative. Re:Purpose contributes greatly to the sustainability of our city, while also operating as a nonprofit entity.

**Ms. Kirsten Connor** provided a message of support via Chat.

**Ms. Brianna Flosicki, Chairwomen of Preservation Action**, spoke in favor of the petition. Ms. Flosicki commended Re:Purpose for their work.

### **BOARD DISCUSSION**

The Board was in agreement to reverse the determination of the the Zoning Administrator to deny the business permit, but uphold the appeal as requested by the petitioner.

#### **Motion**

The Chatham County Zoning Board of Appeals does uphold the appeal as requested by the petitioner and reverse the determination of the Zoning Administrator. This decision is limited to the development plan submitted and reviewed by the Chatham County Zoning Board of Appeals.

#### **Vote Results ( Approved )**

Motion: Jeff Notrica

Second: Benjamin Polote, Jr.

James Coursey

- Aye

Meredith Stone	- Aye
Jeff Notrica	- Aye
Benjamin Polote, Jr.	- Aye

[3. 6 Brisbane Court | Front Yard Setback Variance Request | File no. 0821-000156](#)

- [Aerial.pdf](#)
- [6 Brisbane Court Site Plan Peter's Residence Page 1.pdf](#)
- [6 Brisbane Court Site Plan Peter's Residence Page 4.pdf](#)
- [Staff Report.pdf](#)

**Mr. Marcus Lotson, Director of Development Services**, stated that the petitioner is requesting a 7 ½ foot front yard setback variance from the twenty-five-foot required front yard setback requirement in conjunction with additions to an existing single-family residence. The new setback would be 17 ½ feet.

**Mr. Lotson** reported that staff recommends approval of a 7 ½ foot front yard setback variance from the twenty-five-foot rear yard setback requirement for 6 Brisbane Court. The new setback would be 17 ½ feet.

**Mr. Lotson** entertained questions from the Board.

**Mr. Coursey** asked if this is a private drive.

**Mr. Lotson** answered that as he understands, all the streets within the Landings Subdivision are private.

**PETITIONER COMMENTS**

**Mr. Brian Felder** said Mr. Lotson did a comprehensive job in explaining this petition. He informed the Board that the Landings has approved the additions and the setbacks. Mr. Felder entertained questions from the Board.

**PUBLIC COMMENTS**

None.

**BOARD DISCUSSION**

The Board was in agreement with staff's recommendation.

**Motion**

The Chatham County Zoning Board of Appeals does hereby approve the petition as submitted based on the variance criteria and the unique dimensions of the lot. This decision is limited to the development plan submitted and reviewed by the Chatham County Zoning Board of Appeals.

**Vote Results ( Approved )**

Motion: Benjamin Polote, Jr.

Second: Jeff Notrica

James Coursey	- Aye
Meredith Stone	- Aye
Jeff Notrica	- Aye
Benjamin Polote, Jr.	- Aye

**X. Other Business**

**XI. Adjournment**

***The Chatham County - Savannah Metropolitan Planning Commission provides meeting summary minutes which are adopted by the respective Board. Verbatim transcripts of minutes are the responsibility of the interested party.***