



## METROPOLITAN PLANNING COMMISSION

*"Planning the Future - Respecting the Past"*

### STAFF REPORT

**To:** The Planning Commission  
**Through:** Melanie Wilson, Executive Director and CEO  
**From:** Subhashi Karunaratne, Planner Development Services  
**Date:** May 12, 2026  
**Subject:** Variance for Development Plan  
**Owner:** Progressive One Realty, Ingrid and Donovan Smith  
**Agent:** Paul B. Smith, Bartow Site Engineering, LLC  
**Address:** 5510 Waters Ave  
**PIN(s):** 20114 19001  
**Site Area:** 0.4 acres  
**Alderman District:** 3 - Linda Wilder-Bryan  
**Chatham County Commission District:** 2 – Malinda Scott Hodge  
**File Number:** 26-001714-ZA

#### Request

The petitioner is requesting MPC approval of variances to a Development Plan in order to establish a restaurant and retail space within the B-N (Neighborhood Business) zoning district.

The requested variances are as follows:

1. Reduce the parking setback along Waters Avenue from 15 feet to 10 feet.
2. Reduce the parking setback along East 69th Street from 10 feet to 2.41 feet.
3. Reduce the off-street parking buffer along East 69th Street from 3 feet to 2.41 feet.

The subject site consists of two parcels: 5510 Waters Avenue and 1103 East 69th Street. The property at 1103 East 69th Street was rezoned to B-N on August 14, 2025, subject to the following conditions:

1. Removal of the drive-through component, as the proposed stacking length did not meet the minimum 160-foot requirement and was anticipated to create traffic congestion impacting adjacent neighborhood streets.
2. The rezoning shall be tied to the conceptual site configuration reviewed during the zoning process.
3. The site plan shall return to the MPC for review and approval.

The requested variances are necessary due to the dedication of right-of-way to the City of Savannah, which reduced the buildable area available for parking. The variances are therefore required to accommodate the minimum parking requirement while maintaining consistency with the conceptual site configuration approved as part of the rezoning.

## **Facts and Findings**

### **Site**

The subject site consists of two parcels, 5510 Waters Avenue and 1103 East 69th Street, which together form an “L”-shaped site totaling approximately 0.61 acres (26,561 square feet). The properties include approximately 185 feet of frontage along Waters Avenue and a depth of approximately 185 feet along East 69th Street. The site is currently vacant and located within the South Garden neighborhood. The parcel at 5510 Waters Avenue is located within an Alcohol Density Overlay District, which may affect alcohol-related uses on the combined site. Although the parcel at 1103 East 69th Street is not within the overlay, the proposed recombination and unified restaurant use may trigger review under applicable overlay provisions. MPC staff recommend that any site plan or business license application demonstrate compliance with all applicable overlay district requirements.

### **Proposed Development**

The applicant intends to develop the combined site with a single structure containing a restaurant of 2100 square feet and a retail space of 600 square feet. The building will be new construction and will serve as the relocated and updated home of Sweet Spice restaurant, which currently operates across the street. A total of 22 parking spaces is proposed and that meets the parking requirement. Vehicle access will be from East 69th Street and exit circulation to East 70th Street.

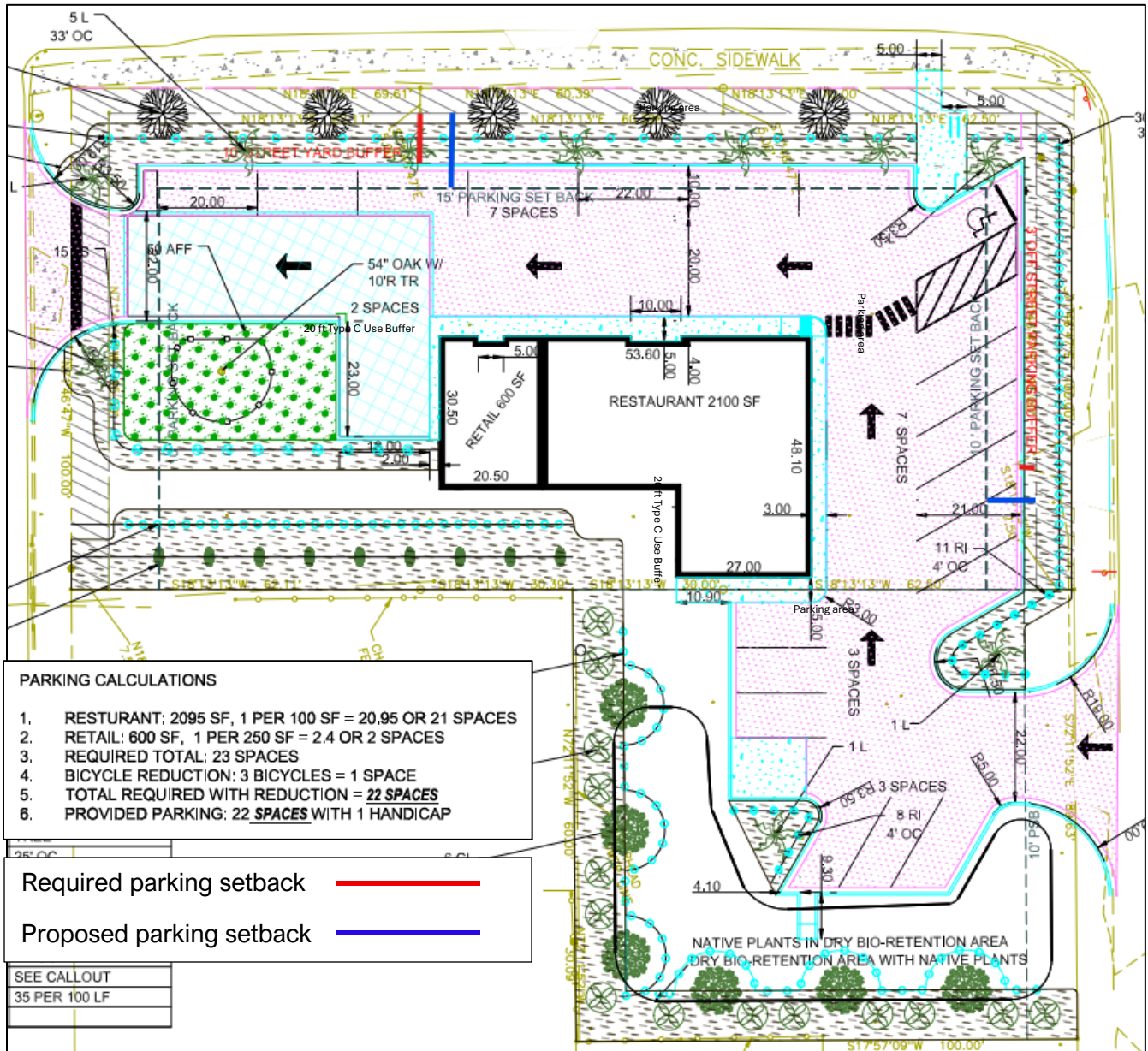
### **Existing Zoning and Development Pattern**

The properties are zoned as B-N (Neighborhood Business), and the parcels north and west are primarily zoned for commercial uses. Residential zoning districts RSF-6 abut the subject site to the east and south

| <b>Location</b> | <b>Land Use</b> | <b>Existing Zoning</b> |
|-----------------|-----------------|------------------------|
| <b>North</b>    | Commercial      | B-N                    |
| <b>South</b>    | Residential     | RSF-6                  |
| <b>East</b>     | Residential     | RSF-6                  |
| <b>West</b>     | Commercial      | B-N                    |

### **Public Notice**

Mailed notice of the Planning Commission meeting was sent to all property owners within 300-feet of the subject property, signs were posted on site and required newspaper advertisements were run at least 15 days prior to the meeting.



Site Plan – 5510 Waters Avenue

### Standards at Issue

1. Section 5.16.6 of the Zoning Ordinance requires lots within the B-N zoning district to maintain 15 feet parking area setback from collector and arterial street right-of-way and 10 feet parking area setback from local street rights-of-way. The proposed development would encroach into these setbacks by 5 feet along Waters Avenue and 7.59 feet along East 69th Street.

| 5.16.6 Development Standards for Permitted Nonresidential Uses                                                                                                                                                                                                                                                                                                                                                                                    |     |     |     |     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|-----|-----|
| Standards                                                                                                                                                                                                                                                                                                                                                                                                                                         | B-L | B-N | B-C | B-M |
| <b>Parking Area Setback (min ft)</b>                                                                                                                                                                                                                                                                                                                                                                                                              |     |     |     |     |
| From collector and arterial street rights-of-way                                                                                                                                                                                                                                                                                                                                                                                                  | 15  | 15  | 15  | 15  |
| From local street rights-of-way                                                                                                                                                                                                                                                                                                                                                                                                                   | 10  | 10  | 10  | 10  |
| Abutting lane or access easement                                                                                                                                                                                                                                                                                                                                                                                                                  | 5   | 5   | 5   | 5   |
| [1] Buildings proposed within 50 feet of a Residential zoning district shall be subject to the height restrictions established in such Residential zoning district and then may increase in height one (1) foot for every one (1) foot of distance from the Residential zoning district. For example, the portion of the building that is 65 feet from a Residential zoning district with a 36-foot height limit cannot exceed 51 feet in height. |     |     |     |     |

2. Section 9.5.4.f of the Zoning Ordinance requires a 3 feet wide planted area as the off street parking lot buffer and the proposed development encroaches into this buffer by 2.41 feet and requests a variance to reduce the buffer by 0.59 feet along East 69th Street.

**f. Off-Street Parking Lot Buffer**

The purpose of this buffer is to screen vehicular parking areas from adjacent properties and street rights-of-way.

**i. Applicability**

1. This buffer shall be required along a parking lot containing four (4) or more parking spaces that adjoins other properties or where a parking lot abuts a street right-of-way. This buffer shall also be required for the drive aisles associated with such parking lot.
2. An Off-Street Parking Lot Buffer shall not be required where a Use Buffer is required.
3. The off-street parking lot buffer requirement shall not include areas designated for display of vehicle sales, rentals or leasing.

**ii. Design Standards for the Off-Street Parking Lot Buffer**

1. This buffer shall be comprised of either a minimum three (3) foot high opaque fence or wall or a minimum three (3) foot high hedge within a three (3) foot wide planted area.
2. Shrubs shall be a minimum of two (2) feet in height at the time of planting and spaced no more than three (3) feet on center.
3. When an Off-Street Parking Lot Buffer is located within a Street Yard Buffer, the plantings for the Off-Street Parking Lot Buffer may be used to meet the planting requirements of the Street Yard Buffer.

## **Zoning Ordinance Review**

### **General Development Plan with Variances – Sec. 3.21.9.b.i**

The Planning Commission is authorized to grant variances to the standards of *Article 5, Base Zoning Districts*, upon the basis of the criteria established in *Sec. 3.21.10*.

The following review criteria for Variances are prescribed in the Savannah Zoning Ordinance *Sec. 3.21.10*:

#### **A. General Consistency**

*The variance shall be consistent with the intent of this Ordinance and the Comprehensive Plan and shall not be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare.*

**MPC Comment:** The requested variances are not fully consistent with the development standards of the zoning district. However, they are necessitated by the dedication of right-of-way to the City of Savannah, which reduced the buildable

area available for parking. The variances allow the site to meet the minimum parking requirements while maintaining consistency with the conceptual site configuration approved as part of the rezoning. Further, the proposed development represents an improvement to the site through the introduction of a coordinated building design, defined access, and on-site parking, and is not expected to be injurious to the surrounding neighborhood or detrimental to public health, safety, or welfare.

## **B. Special Conditions**

*i. Special conditions and/or circumstances exist which are peculiar to the land, buildings or structures involved and which are not applicable to other lands, buildings or structures in the same zoning district.*

**MPC Comment:** While right-of-way dedication is a common requirement, the subject property is constrained by its configuration and frontage conditions, which, in combination with required setbacks and buffers, reduce the buildable area available for parking. Additionally, the rezoning approval tied the development to a specific conceptual site configuration, limiting the ability to significantly redesign the layout. Together, these factors create a site-specific condition that restricts the ability to meet development standards in a manner typical of other properties within the zoning district.

*ii. The special conditions and/or circumstances do not result from the actions of the applicant.*

**MPC Comment:** The special conditions are not the result of the applicant's actions.

*iii. The special conditions and/or circumstances are not purely financial in nature so as to allow the applicant to use the land, buildings or structures involved more profitably or to save money.*

**MPC Comment:** The request is likely financial in nature.

## **C. Literal Interpretation**

*Literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Ordinance and would result in unnecessary and undue hardship on the applicant.*

**MPC Comment:** A literal interpretation of the Ordinance would create difficulty due to site constraints, by limiting the ability to accommodate required parking in a manner typical of other properties in the zoning district.

## **D. Minimum Variance**

*The variance, if granted, is the minimum variance necessary to make possible the reasonable use of land, buildings, or structures.*

**MPC Comment:** The variance is not required to make use of the subject property; However, the requested variance is the minimum necessary to accommodate the proposed development.

#### **E. Special Privilege Not Granted**

*The variance would not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district.*

**MPC Comment:** Granting the variance would confer a special privilege, however, it is intended to address site-specific constraints and allow development consistent with other properties in the zoning district.

#### **Staff Recommendation**

The variances are required to accommodate the minimum parking requirements following right-of-way dedication while maintaining consistency with the conceptual site configuration approved as part of the rezoning.

Accordingly, MPC Staff recommends **approval** of the following variances:

1. Reduce the parking setback along Waters Avenue from 15 feet to 10 feet.
2. Reduce the parking setback along East 69th Street from 10 feet to 2.41 feet.
3. Reduce the off-street parking buffer along East 69th Street from 3 feet to 2.41 feet.