



C I T Y O F S A V A N N A H  
Z O N I N G B O A R D O F A P P E A L S

Arthur A. Mendonsa Hearing Room  
112 E. State Street, Savannah 11:00 AM  
Minutes

**April 27, 2010 Savannah ZBA Meeting**

**Members Present:** Timothy Mackey, Chairman  
Paul Robinson, Vice Chairman  
Brian Reese  
John P. Jones

**Members Not Present:**

**Staff Present:** Jack Butler, Assistant Secretary  
Constance Morgan, Administrative Assistant

**Advisory Staff Present:** Randolph Scott, City Zoning Administrator

**I. Call to Order and Welcome**

1. [Call to Order](#)

Vice Chairman Paul Robinson called the April 27, 2010 Savannah Zoning Board of Appeals Meeting to order at 11:00 A.M. He explained the agenda for the benefit of those attending a meeting for the first time.

**II. Approval of Minutes**

2. [Approval of the March 23, 2010 SZBA Minutes](#)

Attachment: [March 23, 2010 SZBA Minutes.pdf](#)

**Board Action:**

Approval of the minutes as submitted. - PASS

**Vote Results**

Motion: Johnnie P. Jones, Sr	
Second: Brian Reese	
Johnnie P. Jones, Sr	- Aye
Timothy Mackey	- Not Present
Brian Reese	- Aye
Paul Robinson	- Aye

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

The Consent Agenda consists of items for which the applicant is in agreement with the staff recommendation and for which no known objections have been identified nor anticipated by staff. Any objections raised at the meeting will result in the item being moved to the Regular Agenda.

### IV. Consent Agenda

### V. Old Business

### VI. Regular Agenda

#### 3. [2105 Hagood Street - Rear Setback Variance](#)

Attachment: [Staff Report.pdf](#)  
Attachment: [Ortho-Zoning-Imagery.pdf](#)  
Attachment: [Aerialmap.pdf](#)

Jack Butler stated that while visiting the site, 2105 Hagood Street, it was determined that the signage was not visible from the right of way as required. He has instructed the applicant that the petition will be rescheduled to the next SZBA hearing on May 25, 2010.

#### **Board Action:**

Motion to continue	- PASS
--------------------	--------

#### **Vote Results**

Motion: Johnnie P. Jones, Sr	
Second: Paul Robinson	
Johnnie P. Jones, Sr	- Aye
Timothy Mackey	- Not Present
Brian Reese	- Aye
Paul Robinson	- Aye

#### 4. [1411 East 57th St. Front Setback Variance](#)

Attachment: [Staff Report.pdf](#)  
Attachment: [Ortho-Zoning-Imagery.pdf](#)  
Attachment: [Taxmap.pdf](#)  
Attachment: [Vicinitymap.pdf](#)

Present for the petition was: Mr. Melvin Washington

Jack Butler gave the following summary:

The petitioners Melvin & Susan Washington, are requesting approval of a 23-foot front yard setback variance and a 12 percent lot coverage variance in order to attain approval of a building extension in the front of an existing house.

The petitioners constructed the garage without proper permitting. The structure encroaches on the line of sight of their neighboring properties and results in an excessive lot coverage. Staff recommends denial of the requested variances.

**Speaking on the petition:** Mr. Washington, petitioner stated that the existing structure was completed ten years ago. At the time he was unaware that the extension should have been attached to the existing house and that he should have obtained permitting. He stated that he would be willing to demolish the existing structure and rebuild in order to be in compliance. He asked that the Board approve his request.

Sandra Attaway: neighbor stated that there are several houses in the neighborhood that are not in compliance. She added that the petitioner's property is well maintained and that he should not be penalized at this point.

#### **Board Action:**

The petitioners constructed the garage without proper permitting. The structure encroaches on the line of sight of their neighboring properties and results in an excessive lot coverage. Staff recommends denial of the requested variances. - PASS

#### **Vote Results**

Motion: Brian Reese

Second: Johnnie P. Jones, Sr

Johnnie P. Jones, Sr

- Aye

Timothy Mackey

- Not Present

Brian Reese

- Aye

Paul Robinson

- Aye

#### 5. 36 E. 51st St. - Rear Setback and Lot Coverage Variance

Attachment: [Staff Report.pdf](#)

Attachment: [Ortho-Zoning-Imagery.pdf](#)

Attachment: [Vicinitymap.pdf](#)

Present for the petition: Mr. Billy Pitt

Jack Butler gave the following summary:

The petitioner, Bill Grotheer, Agent for Billy Pitt, is requesting approval of a rear setback variance of 5 feet and a lot coverage variance of five percent (above the 30 percent coverage permitted in the district) in order to construct a garage/workroom.

The petitioner is proposing to replace a destroyed building with one that more closely conforms to the requirements of the ordinance. The proposed zero rear setback for the garage on the lane is prevalent in the neighborhood. Staff recommends approval of the requested 5 percent lot coverage and 5 foot rear and side setback variances for the proposed garage.

**Board Action:**

The petitioner is proposing to replace a destroyed building with one that more closely conforms to the requirements of the ordinance. The proposed zero rear setback for the garage on the lane is prevalent in the neighborhood. Staff recommends - PASS approval of the requested 5 percent lot coverage and 5 foot rear and side setback variances for the proposed garage.

**Vote Results**

Motion: Johnnie P. Jones, Sr

Second: Brian Reese

Johnnie P. Jones, Sr

- Aye

Timothy Mackey

- Not Present

Brian Reese

- Aye

Paul Robinson

- Aye

6. [222 E. Montgomery Cross Roads - Appeal of Ruling](#)

Attachment: [Staff Report.pdf](#)

Attachment: [Ortho-Zoning-Imagery.pdf](#)

Attachment: [Vicinitymap.pdf](#)

Attachment: [Proposed Machine.pdf](#)

Jack Butler gave the following summary:

The petitioner, Bobby Hughes, is requesting approval of an appeal of a decision by the Zoning Administrator disallowing the installation of an exterior, 12-square foot ice vending machine.

Staff contends that the lower limit of 30-square feet for "Ice Vending Units" in the ordinance is intended to avoid regulating smaller vending units under the provisions of use number 46(a). Were machines of 12 square feet or less that make ice forbidden, machines which are designed to dispense chilled drinks, ice cream and similar materials would likewise be forbidden. Staff recommends that the board **approve** the request of the petitioner with the condition that the petitioner submit a site plan for review, addressing traffic, parking, pedestrian access, utilities and other issues as may be raised by the reviewing departments of the City of Savannah.

**Discussion:**

Randolph Scott, Zoning Administrator asked if the ice vending machine was allowed in the B-N zone.

Mr. Butler responded yes. However, this machine is not an ice vending machine. It does not fall under the characteristics that are intended to be regulated under the ordinance that governs ice vending machines. He added that an ice vending machine under the ordinance is between 30 and 120 square feet.

Randolph Scott repeated in order to clarify; that ice vending machines are not allowed in the B-N district. However this is an accessory use and can be permitted anywhere including the Historic District or any other neighborhood/place that this note was made. When this size machine is approved it no longer has to come before the board and it does not have any limitations.

**Board Action:**

Staff contends that the lower limit of 30-square feet for “Ice Vending Units” in the ordinance is intended to avoid regulating smaller vending units under the provisions of use number 46(a). Were machines of 12 square feet or less that make ice forbidden, machines which are designed to dispense chilled drinks, ice cream and similar materials would likewise be forbidden. - PASS  
Staff recommends that the board **approve** the request of the petitioner with the condition that the petitioner submit a site plan for review, addressing traffic, parking, pedestrian access, utilities and other issues as may be raised by the reviewing departments of the City of Savannah.

**Vote Results**

Motion: Paul Robinson  
Second: Brian Reese  
Johnnie P. Jones, Sr - Nay  
Timothy Mackey - Aye  
Brian Reese - Aye  
Paul Robinson - Aye

7. 1 E. Victory Drive - Setback Variances

- Attachment: [Staff Report.pdf](#)
- Attachment: [Ortho-Zoning-Imagery.pdf](#)
- Attachment: [Plans of Garage Unit.pdf](#)
- Attachment: [Zoning Action Email for 1 E Victory Drive.pdf](#)

The petitioner was not present.

Jack Butler gave the following summary:

The petitioner, Khoa Nguyen, is requesting approval of a five-foot rear setback variance and a five-foot side setback variance (from the five feet required in both cases) in order to complete the construction of an accessory structure situated on the rear and side property lines.

The garage structure is located such that it may access East Victory Lane, which runs beside the east property line of the subject parcel. The requested variances would allow the already existing structure to be completed. However, the petitioner initiated construction of a major structure without a building permit, which would have made the petitioner aware of the setback, use restriction and other requirements for constructing a large accessory building. The petitioner, after being advised by the Zoning Administrator’s staff that accessory dwelling units are not permitted in the R-6 district, submitted a supplemental page with his application (number “2” of the Plan Detail) indicating the inclusion of a bedroom, a bath, a “nook,” a “preparing area” and a “great room” on the second floor, indicative of his intention to use the second floor as a dwelling unit. Staff recommendation is that the board deny the requested variances.

**Speaking on the petition:** James Allen provided images of the subject property for the board to view. He stated that once he realized that the petitioner was adding a second story to the garage he contacted a city representative.

**Board Action:**

The garage structure is located such that it may access East Victory Lane, which runs beside the east property line of the

subject parcel. The requested variances would allow the already existing structure to be completed.  
However, the petitioner initiated construction of a major structure without a building permit, which would have made the petitioner aware of the setback, use restriction and other requirements for constructing a large accessory building. The petitioner, after being advised by the Zoning Administrator's staff that accessory dwelling units are not permitted in the R-6 district, submitted a supplemental page with his application (number "2" of the Plan Detail) indicating the inclusion of a bedroom, a bath, a "nook," a "preparing area" and a "great room" on the second floor, indicative of his intention to use the second floor as a dwelling unit.  
Staff recommendation is that the board deny the requested variances.

**Vote Results**

Motion: Johnnie P. Jones, Sr

Second: Brian Reese

Johnnie P. Jones, Sr - Aye

Timothy Mackey - Aye

Brian Reese - Aye

Paul Robinson - Aye

8. 701 Martin Luther King Jr. Blvd. - Parking Variance

Attachment: [Staff Report.pdf](#)

Attachment: [Ortho-Zoning-Imagery.pdf](#)

Attachment: [Scanned Application \(from applicant\).pdf](#)

Attachment: [Vicinitymap.pdf](#)

Present for the petition was Mr. Harold Yellin.

Jack Butler gave the following summary:

The petitioner, Harold B Yellin, Agent for Carver State Bank, St. Phillip AME Church, and Bank Properties, Ltd, is requesting approval of a parking variance (82 spaces instead of the 210 required by the ordinance) and remote, shared parking (sections 8-3082 (q) and 8-3082 (r)) in order to build and operate a grocery store and a bank on property adjacent to and sharing parking with an existing church.

**Speaking on the petition:** Harold Yellin, agent for the petitioners introduced the petitioners present; Rev. John Foster for Saint Phillip AME Church, Bob and Robert James for Carver State Bank, and Patrick Shay, the project architect. He stated that this petition comes with the full support of the City of Savannah, the Savannah Development Renewal Authority, the MLK Montgomery Revitalization Committee and the MLK Montgomery Visitors Association. Mr. Yellin recapped the petitioners request to the board and gave a brief presentation. In conclusion he asked that the board approve the petitioners' request as submitted.

Bob James, President of Carver State Bank stated that though he had designed the subject property as his first financial institution he has realized that: 1) the need for the Food Lion store at this location; and 2) that online banking has taken the place of customers coming to the banks to do their banking. He added that he is excited about the possibility of using the land as a shared use and that the bank will stay in this neighborhood though it will be of a smaller footprint and require less parking.

Dr. Clifford E. Hardwick, St. Phillip member stated that he has seen the changes evolve in this neighborhood for some time and that he feels that the partnership developed with Carver State Bank and the community will make this venture a successful one.

Arthur A. Mendonsa Hearing Room  
112 E. State Street, Savannah 11:00 AM  
Minutes

Patrick Shay, Architect point out that the site plan viewed today is a work in progress however, all other issues regarding this plan has been resolved and the Historic Board of Review has issued a certificate of appropriateness for the project.

Lisa Sundrla, SDRA said that reviving this corridor is critical. She stated that her agency is working closely with the Unified Zoning process to make these changes. She added that this grocery store fits the need of the corridor. She asked that the board support the petitioners' requests.

Rev. Foster, Paster of Saint Phillip AME Church began by asking that the church members present in the audience stand in order to show recognition of their support for this petition. He stated that the church has been involved in this process for many years and are excited to add to the parking facility.

Mr. Cooper, SDRA stated that the project has been about partnership. He concluded that the objective of Savannah Development Renewal Authority is to bring back the corridor and this opportunity is a true catalyst to this approach.

Mark Nelson, Liason for the Development Services stated that this project has the full support of the City of Savannah. His department has worked closely with the development team in order to come up with a high end design to benefit the community. In conjunction with this project he would do the necessary streetscape to ensure the safety of the patrons and the residents and to beautify the area as well.

Ms. Dione Washington, substitute teacher asked; 1) if any residents of Kayton Homes would have to be relocated; 2) what impact will this project have on the residents in the area; 3) will there be security in the parking area.

Robert James II, agent for the development answered; 1) there will be no relocation of the residents who live in Kayton Homes; 2) this project will have no impact on the project that is owned by the housing authority; 3) in terms of security there is an extensive lighting plan for the parking lot and this will also extend to the landscape area of the church and; 4) Food Lion has also allowed in its human resource plan security guards during store operational hours (7:00am- 10:00pm).

Anthony Phillips stated that this will be a great opportunity for the residents in this area. He asked if the requirements lessen for the parking in the area due to the fact that 30% of the residents will be walk ups.

Rev. Benny Mitchell, Paster at Connor's Temple thanked the board for the opportunity to comment regarding the Food Lion Development. He stated that the community embraces this new beginning. He urged the board to keep the safety of every citizen at the top of their priority and to be mindful that the church as a number of elderly members that utilize their parking lot which means that they are crossing the street to get to the church and that neighboring children and other residents are constantly on the move in the area. He recognizes that vehicular traffic will increase therefore he asked that a measure of maximum degree be allotted for safety. He concluded by congratulating Food Lion and the development.

**Board Action:**

Staff recommends approval of the requested parking variance and remote/shared parking plan as submitted.

- PASS

**Vote Results**

Motion: Brian Reese	
Second: Johnnie P. Jones, Sr	
Johnnie P. Jones, Sr	- Aye
Timothy Mackey	- Aye
Brian Reese	- Aye
Paul Robinson	- Aye

**VII. Other Business**

**VIII. Adjournment**

9. [Submittal](#)

There being no further business to come before the Board the April 27, 2010 Savannah Zoning Board of Appeals adjourned at approximately 12:25 P.M.

Respectfully submitted,

Jack Butler,

Assistant Secretary

***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.***