



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 Mendonsa Hearing Room
112 East Street, 2:30 P.M
Minutes

December 21, 2010 Savannah ZBA Meeting

Members Present: Timothy Mackey, Chairman
Paul Robinson, Vice Chairman
Sidney Johnson
John P. Jones

Members Not Present: Brian Reese

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

Chairman Timothy Mackey called the December 21, 2010 Savannah Zoning Board of Appeals Meeting to order. He explained the agenda for the benefit of those attending a meeting for the first time.

II. Approval of Minutes

2. Approval of the November 23, 2010 SZBA Minutes

Attachment: 23November.pdf

Board Action:

Approval of the November 23, 2010 SZBA Meeting Minutes. - PASS

Vote Results

Motion: Johnnie P. Jones, Sr
Second: Paul Robinson
Sidney J Johnson - Aye
Johnnie P. Jones, Sr - Aye
Timothy Mackey - Aye
Paul Robinson - Aye

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

3. 1004 Abercorn - Use Request (Package Store)

Attachment: Staff Report 59351.pdf
Attachment: Westview.pdf
Attachment: Ortho-Zoning-Imagery.pdf
Attachment: Petition - Opposed - 7 signatures.pdf
Attachment: Petition - Opposed - 14 signatures.pdf
Attachment: Moody Letter.pdf
Attachment: Dionjlove Letter.pdf
Attachment: CPD ZBA PETITION REVIEW.pdf

Chairman Mackey informed everyone that the petition for 1004 Park Avenue SZBA File No. B-101025-59351-2 has been withdrawn and that there will be no testimony taken.

Board Action:

Petitioner has requested to withdraw the petition. - PASS

Vote Results

Motion: Paul Robinson
Second: Johnnie P. Jones, Sr
Sidney J Johnson - Aye
Johnnie P. Jones, Sr - Aye
Timothy Mackey - Aye
Paul Robinson - Aye

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

4. Coastal Empire Habitat for Humanity - Variances -52398

Attachment: Staff Report -52398.pdf

Attachment: Site Plan.pdf
Attachment: Ortho-Zoning-Imagery.pdf
Attachment: Existing Buildings.pdf

Present for the petition was:

Jack Butler gave the following summary;

The petitioner, Coastal Empire Habitat for Humanity as agent for James and Ella Williams, is requesting approval of a 30-foot lot width from the 60 feet required, a 10 percent lot coverage variance from the 30 percent maximum allowed, a 7-foot front yard setback variance from the 25 feet required, a 13.5-foot rear yard setback variance from the 25 feet required, a one-space reduction in the required parking from the two spaces required, a 4-foot rear setback variance from the 5-foot rear setback required for accessory structures, and a 4-foot side setback variance from the 5-foot side setback required for accessory structures in order to construct a single family residence. Staff recommends **approval** of the requested setback variances and the one-space parking variance.

Speaking on the petition: Ms. Virginia Brown, Executive Director of the Coastal Empire Habitat for Humanity stated Habitat for Humanity has a fairly large presence in the Tremont Park Neighborhood. They currently have about 20 houses in the neighborhood. She asked that the variance be approved in order to build an additional home for a family in need.

Board Action:

Staff recommends approval of the requested setback variances and the one-space parking variance. - PASS

Vote Results

Motion: Johnnie P. Jones, Sr

Second: Paul Robinson

Sidney J Johnson - Aye

Johnnie P. Jones, Sr - Aye

Timothy Mackey - Aye

Paul Robinson - Aye

5. Savannah Youth University - Expansion of Nonconforming Use - 61629

Attachment: Existing Buildings.pdf
Attachment: Existing Plat.pdf
Attachment: Ortho-Zoning-Imagery.pdf
Attachment: Proposed Plat.pdf
Attachment: Staff Report -61629.pdf

Present for the petition was: Chad Zittrouer

Jack Butler gave the following summary;

The petitioner, Chad Zittrouer as agent for Tibet Executive Investors, LLC dba Savannah Youth University is requesting approval of an expansion of a non-conforming use in order to replace two dilapidated existing structures with a single new building. The number of students served by the facility (approximately 200) is nonconforming for the district (the maximum allowed is 35) and will remain unchanged. Staff recommends **approval** of the requested extension of a nonconforming use.

Speaking on the petitioner: Chad Zittrouer agent for the petitioner requested that board members support staff recommendation. This will allow the petitioner to better serve the community and its students.

Board Action:

Staff recommends **approval** of the requested extension of a nonconforming use. - PASS

Vote Results

Motion: Paul Robinson

Second: Johnnie P. Jones, Sr

Sidney J Johnson - Aye

Johnnie P. Jones, Sr - Aye

Timothy Mackey - Aye

Paul Robinson - Aye

6. Heritage Park Healthcare Properties - Buffer Reduction - 60288

Attachment: Staff Report - 60288.pdf

Attachment: Ortho-Zoning-Imagery.pdf

Attachment: ZBA File No. B-101122-60288-2 - Opposition letter.pdf

Attachment: Site Plan.pdf

Present for the petition: Sean Murphy

Jack Butler gave the following summary;

The petitioner, Southeastern Engineering as agent for Heritage Park Healthcare, Inc., is requesting approval of a variance from the requirements of Section 8-3039 (c) (i) to grant a reduction in the required 50-foot landscaped buffer along the southern and northern property borders to a 15-foot enhanced vegetative buffer and a six-foot privacy fence of approved materials. Staff recommends **approval** of the request to reduce the required buffering on the northern and southern property lines from a 50-foot vegetative buffer to a 15-foot enhanced vegetative buffer and a 6-foot privacy fence.

Speaking on the petition: Sean Murphy, from Southeastern Engineering corrected staff stating that the current buffer on the southside of the property, on the drive aisle going along the left side of the building is non conforming. He informed board members that he would answer any questions that they may have and that a representative from the Healthcare facility was also present to answer questions.

Board Action:

Staff recommends approval of the request to reduce the required buffering on the northern and southern property lines from a 50-foot vegetative buffer to a 15-foot enhanced vegetative buffer and a 6-foot privacy fence. - PASS

Vote Results

Motion: Johnnie P. Jones, Sr

Second: Paul Robinson

Sidney J Johnson - Aye

Johnnie P. Jones, Sr - Aye

Timothy Mackey - Aye

Paul Robinson - Aye

7. New Hope Apostolic Holiness Church - Setback and Buffer Variance -59545

Attachment: Staff Report -59545.pdf

Attachment: Site Proposal.pdf

Attachment: Ortho-Zoning-Imagery.pdf

Attachment: Building Coverage.pdf

Present for the petition was: Roger Hunter

Jack Butler gave the following summary:

The petitioner, Roger Hunter as agent for New Hope Apostolic Holiness Church is requesting approval of a 2-foot variance from the 25-foot rear setback required, an 8 percent variance from the maximum 30 percent lot coverage allowed, and a reduction in the required Type B buffer (a six foot privacy fence and 15-foot planted vegetative buffer) to the use of a 6-foot privacy fence only in order to build additions onto the west and north sides of the existing church. Staff recommends approval of the requested variances.

Speaking on the petition: Roger Hunter explained that the church is requesting approval of the various in order that they might beautify the area surrounding the church. He added that he would be in agreement with the request from staff to construct a privacy fence as a buffer.

Board Action:

Staff recommends approval of the requested variances. - PASS

Vote Results

Motion: Paul Robinson

Second: Johnnie P. Jones, Sr

Sidney J Johnson - Aye

Johnnie P. Jones, Sr - Aye

Timothy Mackey - Aye

Paul Robinson - Aye

8. Matt Green - Lincoln Street Variances Reapproval - 58373

- Attachment: Staff Report - 58373.pdf
- Attachment: Ortho-Zoning-Imagery.pdf
- Attachment: Vicinitymap.pdf
- Attachment: aerial map.pdf
- Attachment: decision.pdf

Present for the petition was: Matt Green

Jack Butler gave the following summary:

The petitioner, Matt Green as agent for the Live Oak Group, LLC, is requesting approval of a fourth extension of variances originally granted in 2006. The original request was for a five-foot side setback variance, a 4,779 square foot lot area variance and a 10 percent building coverage variance. The variances were renewed in 2007, 2008 and 2009, however the construction of the proposed structure on the site has yet to commence. Due to the extensive time (four years) between the initial application and the present, conditions in the location have changed. All approval documents from associated reviewing agencies have expired, and in many cases the ordinances and standards governing the project have changed.

It is therefore recommended that the petition for an extension of the 2006 approval be denied and the petitioner be required to re-apply for such variances as they may need when their project is closer to becoming reality.

Speaking on the petition: Matt Green stated that he understood the concerns of Mr. Butler but that firm has no ability to control the market and had hoped that the project would have been completed sooner. He stated that the plan has been consistent and that nothing has changed in the past four years. He added that the reason he has done nothing on this lot is purely economics. He asked that the board approve his request.

Board Action:

Recommended that the petition for an extension of the 2006 approval be denied and the petitioner be required to re-apply for such variances - PASS as they may need when their project is closer to becoming reality.

Vote Results

Motion: Johnnie P. Jones, Sr

Second: Paul Robinson

- Sidney J Johnson - Aye
- Johnnie P. Jones, Sr - Aye
- Timothy Mackey - Aye
- Paul Robinson - Aye

9. Phillip McCorkle - 507-509 E. 65th St.- Remote Parking-56848

Attachment: Staff report -56848.pdf
Attachment: Ortho-Zoning-Imagery.pdf
Attachment: Site Plan.pdf

Present for the petition was: Phillip McCorkle, Agent

Jack Butler gave the following summary:

The petitioner, Phillip R. McCorkle, Esq. as agent for Stephen S. Green, is requesting approval of the design and location of a proposed remote off-street parking facility as required by Section 8-3093. The proposed remote parking facility will serve a proposed two-story medical office building on an adjoining lot. The subject properties are 507 and 509 East 65th Street and comprise two lots totaling 1.1 acres. The property is zoned R-6 (Single Family Residential) up to this point then it becomes B-G (General Business). The petitioner is proposing to construct a 2 story medical office building with parking locations on the adjoining lot. The project calls for a total of 88 parking spaces, the petitioner is proving 89 parking spaces. Staff recommends **approval** of the proposed remote parking plan.

Speaking on the petition: Phillip McCorkle agent for Stephen Green stated that he appreciated the recommendation from staff and that he would be happy to answer any questions.

Trisha Sugarek, property owner asked if the subject property would be rezoned and stated her concerns regarding lighting pollution, declining of property values, one way entrances to parking, and the increase in traffic.

Mr. McCorkle addressed Ms. Sugarek's concerns stating that the petitioner is requesting that the board review the design and the location of the parking within the lot. Mr. McCorkle explained that Ms. Sugaret's concerns were mostly a rezoning type list of issues and that the petitioner is not requesting a rezoning. This is simply the approval of the design and location of parking where allowed. He explained that the design meets all the requirements and that Ms. Sugaret's concerns regarding light pollution is a site plan issue. He asked that the board review the design and the location of the parking within the lot and agree that it meets the requirements and that the petition be approved.

Ms. Sugarek asked if she could be notified of the site plan review regarding the lighting surrounding this property so that she can address her concerns.

Jack Butler responded that the lot design is a matter of meeting standards set by the city. There is no additional public input on that process. He explained that her suggestions about an access on 66th is certainly something that city will consider and that he will make sure that it is made a part of the record. He re-emphasized that the only matter that is being approved today is whether or not the petitioner can use the very large currently vacant lot as remote parking for this site.

Ms. Sugaret asked if she could address the design issues at this meeting.

Jack Butler explained that this meeting was not a design meeting. This is a Zoning Board of Appeals review for the remote parking only.

Chairman Mackey asked where would be the forum for Ms. Sugarek to ask or post any comments that she would have.

Jack Butler explained that the site plans design process is a matter of meeting standards that are set by the city and in doing so there is no public input process it is a staff level review. The applicant either meets the standards or they do not. In the terms of lighting all lighting must be kept on the site. There can be no spill off of the property of any lights that they have on the site. In terms of traffic access there are traffic engineers that determine the loading onto roads and the best way to do that and these suggestions that Ms. Sugarek has made can be part of the record of this board but they are non binding on the petition.

Mr. Jones suggested that Ms. Sugaret send her concerns to Mr. Butler and that he forward them over so that they may be viewed during the final review of the plans.

Mr. McCorkle volunteered to notify Ms. Sugarek when he comes in for another site plan review so that she may attend and express her concerns.

On a final note Mr. McCorkle stated that he had read that Mr. Jones would be retiring and he wanted to let him know that he appreciated the service that he has given the community over the years.

Board Action:

Staff recommends approval of the proposed remote parking plan, with the condition that the concerns of Ms. Sugaret are - PASS addressed at the site plan review.

Vote Results

Motion: Paul Robinson

Second: Johnnie P. Jones, Sr

Sidney J Johnson - Aye

Johnnie P. Jones, Sr - Aye

Timothy Mackey - Aye

Paul Robinson - Aye

VII. Other Business

VIII. Adjournment

10. Submittal

There being no other business to come before the board, the chairman declared the December 21, 2010 Savannah Zoning Board of Appeals adjourned.

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.