



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 2:30PM
Minutes

October 3, 2011 Savannah Zoning Board of Appeals Meeting

Members Present: Timothy Mackey, Chairman
Brian Reese
Sidney Johnson

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

Advisory Staff Present: Thomas Bolton, City Zoning Inspector

I. Call to Order and Welcome

1. [Call to order](#)

Chairman Mackey called the October 3, 2011 SZBA Meeting to order at 2:48 P.M. He explained the agenda for the benefit of those attending a meeting for the first time.

II. Notices, Proclamations and Acknowledgements

Notices

2. [The Next SZBA Meeting: October 25, 2011 at 2:30 P.M. in the Arthur Mendonsa Hearing Room](#)

III. Approval of Minutes

3. [Approval of the August 23, 2011 SZBA Meeting Minutes](#)

Attachment: [August23.1.pdf](#)

Board Action:

Approval of the August 23, 2011 Meeting Minutes - PASS
as submitted.

Vote Results

Motion: Sidney J Johnson

Second: Brian Reese

Sidney J Johnson - Aye

Timothy Mackey - Aye

Brian Reese - Aye

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

4. [1114 E. 56th St., Remote Parking Plan -39325](#)

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

The petitioner requested that this item be removed from the Final Agenda.

Board Action:

Approval of petitioner's request. - PASS

Vote Results

Motion: Sidney J Johnson

Second: Brian Reese

Sidney J Johnson - Aye

Timothy Mackey - Aye

Brian Reese - Aye

5. [905 E. 69th St. - Remote Parking - 41204](#)

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

Petitioner requested that this item be removed from the Final Agenda. He requested another continuance in order to obtain a lease or deed to long term parking.

Board Action:

Approval of the requested continuance. - PASS

Vote Results

Motion: Sidney J Johnson

Second: Brian Reese

Sidney J Johnson - Aye

Timothy Mackey - Aye

Brian Reese - 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.

V. Consent Agenda

6. [530 Maupas Ave - Setback Variance - 41845](#)

Attachment: [Staff report -41845.pdf](#)
Attachment: [Ortho-Zoning-Imagery.pdf](#)
Attachment: [Dimensions 530 Maupas.pdf](#)
Attachment: [Construction Elevations.pdf](#)
Attachment: [Re 530 Maupas Ave.pdf](#)

The petitioner was not present for the petition.

Jack Butler gave the following summary:

The petitioners, Eric and Yvette Upton, are requesting approval of a four-foot side setback variance (from the five feet required) and a 13 percent lot coverage variance (43 percent instead of the 30 percent permitted) in order to re-construct a carport on an existing building pad. Staff recommendation is for **approval** of the proposed variance.

There was no opposition to the proposed variance. The motion was for approval and seconded.

Board Action:

The petitioners property is 12 percent over the maximum lot coverage allowed by the Ordinance; the addition of the carport would increase the coverage by only one percent. The proposed site for the car port is already a paved pad that once was the foundation for the former car port. The replacement of the structure will not increase the impervious surface of the property. Staff recommends **approval** of the requested variances. - PASS

Vote Results

Motion: Brian Reese
Second: Sidney J Johnson
Sidney J Johnson - Aye
Timothy Mackey - Aye
Brian Reese - Aye

VI. Old Business

7. [5514 Waters Drive - Setback Variance - 40103](#)

Attachment: [Staff Report -40103.pdf](#)
Attachment: [Ortho-Zoning-Imagery.pdf](#)
Attachment: [Southview.pdf](#)
Attachment: [Building Footprints.pdf](#)
Attachment: [Eastview.pdf](#)

Present for the petition were: Tim Wamsley, Agent
Thurmond Howard, Petitioner

Jack Butler gave the following summary;

The petitioner, Thurmond Howard, is requesting approval of a five foot side setback variance in order to expand a carport and driveway to the edge of the property. The case was continued in August to allow the petitioner to prepare an alternative proposal. Staff recommendation is **denial**.

Speaking on the petition: Attorney Tim Wamsley agent for the petitioner submitted letters from neighboring property owners that do not object to the petitioner's request and photographs of other properties in the neighborhood that have the same type of carports on the property. He argued that the petitioner was not setting a precedence that there were similar carports in the neighborhood and that the proposed location of his carport was the most feasible. He added that this was not inconsistent to what is in the neighborhood and that his client would only like to solve his parking problem.

Board Action:

Approval of the petitioner's request. - PASS

Vote Results

Motion: Sidney J Johnson

Second: Brian Reese

Sidney J Johnson - Aye

Timothy Mackey - Aye

Brian Reese - Aye

VII. Regular Agenda

8. [1610 West Bay Street - Separation Variance - 48648](#)

Attachment: [Staff Report -48648.pdf](#)
Attachment: [Ortho-Zoning-Imagery.pdf](#)
Attachment: [Separation Use Residential.pdf](#)

Present for the petition were: Robert McCorkle, Agent
Donald & Deborah Joyner, Petitioners

Jack Butler gave the following summary:

D.P. and Deborah Joyner, are requesting approval of a variance from the 300-foot separation from residential properties requirement in order to establish a use (Temporary Day Labor Employment Center, Section 8-3025 (b), Use # 47 (d)). The subject property is a conforming 25,964 square foot commercial lot located at 1610 West Bay Street. The ordinance requires that such a use be located at least 300 feet from the nearest residential property. The petitioner is requesting a variance of 100 feet from the 300 foot separation requirement. The property is zoned B-G. Staff recommends **approval** of the requested variance.

Speaking on the petition: Robert McCorkle, agent for Donald and Deborah Joyner informed board members of his client's business history and stated that his client is not affected by the neighboring non conforming use. The residential property at issue is less than .06 acres. It is a rental house that is surrounded by commercial use. The operation of the petitioners' business would not have a deleterious effect on the residential property. He asked that the petition be approved as submitted.

Chairman Mackey voiced his concerns regarding the establishment's hours of operations and propensity for excessive loitering.

Mr. McCorkle explained that the site has a large fence that goes up along side of the building going east towards the residential property and the customers of his clients will be inside the building behind the fence. There should not be any sort of loitering issue.

Billy Robinson, petitioner explained the coverage this company provides in Chatham, Effingham, Bryan and Liberty Counties. He has been in the Savannah area for over fifteen years. His stated that the office hours will be from 5:30 A.M. until 7:00 P.M. He added that he will also have office hours on Saturday and Sunday.

Board Action:

The proposed use would be operated primarily within an enclosed yard and would be essentially invisible to even adjoining properties (all of which are zoned B-G and used for commercial/industrial uses). The residential property in question is adjoined on both sides by commercial properties and is across West Bay Street from a motel. The operation of the petitioners' proposed business would not have a deleterious effect on the residential property. Staff recommends **approval** of the requested use separation variance. - PASS

Vote Results

Motion: Brian Reese

Second: Sidney J Johnson	
Sidney J Johnson	- Aye
Timothy Mackey	- Aye
Brian Reese	- Aye

9. [5427 Montgomery Street - Queuing Length Variance - 52492](#)

Attachment: [Staff Report -52492.pdf](#)
Attachment: [Ortho-Zoning-Imagery.pdf](#)
Attachment: [Site Plan.pdf](#)

Petitioner was not available for questions.

Jack Butler gave the following summary:

The petitioner, Donald Austin, is requesting approval of a variance to allow the reduction in required queuing length of 19 feet for lane one and 30 feet for lane two for a two-lane, drive-thru coffee stand. The subject property is a conforming 19,853 square foot lot of record located at 5427 Montgomery Avenue just south of DeRenne. Property is zoned B-H for Highway Business. Petitioner is seeking to construct and operate a two lane drive thru coffee shop from the location. Because of limitation of the lot size there is not sufficient space for the lot to provide the minimum 200 feet of queuing length ordinarily required for this use. Petitioner is seeking a variance for queuing length. There are no extraordinary conditions pertaining to the lot and the application of this chapter will not create a hardship. Staff recommended approval of requested variance but noted that approval of the queuing distance variance does not represent an approval of the site or development plans in the petitioner's existing structure and site work may not be approvable.

Board Action:

The petitioner has not shown that the proposed site layout is the only possible arrangement on the property. Shortening the queuing distance could result in cars lining up on 73rd Street in the right-of-way. Staff defers to the City of Savannah Traffic Engineer in determining that the proposed variance will not impact the safe queuing distance at this location, and recommends **approval** of the - PASS requested variance.

Staff also notes that, if granted by the Board, approval of the queuing distance variance does not represent an approval of site or development plans, and the petitioner's existing structure and site work may not be approvable by the City of Savannah.

Vote Results

Motion: Brian Reese
Second: Sidney J Johnson

Sidney J Johnson	- Aye
Timothy Mackey	- Aye
Brian Reese	- Aye

10. [1201 Habersham Street - Reactivation of Nonconforming Use - 52955](#)

Attachment: [Staff Report -52955.pdf](#)
Attachment: [Ortho-Zoning-Imagery.pdf](#)
Attachment: [Site Photo and Plan.pdf](#)
Attachment: [Community Comment.pdf](#)

Petitioner was not present.

Jack Butler gave the following summary;

The petitioner, Thomas Sharpe, agent for Tsz K Ho, is requesting approval of the reoccupation of a purpose built structure by a non-conforming use (Section 8-3133 (c)) in order to re-open a fish market. The subject property has been operating as a fish market for many years. The structure which is designed exclusively as a commercial retail structure has been idle and vacant since the demise of the previous business. Subject property is located at the corner of East Duffy and Habersham. It is obviously a commercial structure. Mr. Butler added that staff had received a letter from Ms. Marilyn Sharp in opposition to the re-opening of the fish market. She wrote that the aroma from the market was offensive. Mr. Butler stated that the board is not charged with the business of how a former business operated or violations of nuisance laws or health regulations at this site. What staff is being asked to consider is the use of a non conforming commercial structure to be reused. Staff recommendation is for approval.

Speaking on the petition: Mr. Thomas Sharpe, petitioner stated that the business that will be conducted at this location is the same type of business that has been operated the past ten years at this location. This location has been a retail store for the past twenty years. He asked that the petition be approved.

Board Action:

The subject property and structure (a single-story commercial building fronted by a parking lot) had been operating as a fish market for many years. The structure, which is designed exclusively as a commercial retail structure, has been idle and vacant since the demise of the previous business. Staff recommends **approval** of the re-establishment of a commercial business, with the condition that the structure shall not be expanded or enlarged (Section 8-3135). - PASS

Vote Results

Motion: Brian Reese
Second: Sidney J Johnson
Sidney J Johnson - Aye
Timothy Mackey - Aye
Brian Reese - Aye

11. [5451 Magnolia Avenue - Standards Variance - 54767](#)

Attachment: [Staff Report -54767.pdf](#)
Attachment: [Ortho-Zoning-Imagery.pdf](#)
Attachment: [Site Photo.pdf](#)
Attachment: [Neighbor Comment.pdf](#)
Attachment: [Plat-5447 Magnolia Park.pdf](#)

Present for the petition was: Mr. Willene Cobb, Petitioner

Jack Butler gave the following summary:

The petitioner, Walter Sparks, Agent for Willene Cobb, is requesting approval of an after-the-fact four-foot side setback variance and a variance from the requirement that accessory units shall be located on side or rear yards only in order to allow an existing front-yard car port to continue encroachment on the required five foot setback. The subject property is a conforming 13,580 square foot lot located at 5451 Magnolia Avenue. The property is zoned R-6. The petitioner has installed a 20x17 foot two car carport on the front of the residence without a building permit. Subsequently it was determined that the car port encroaches on the required side setback by at least four feet. The neighboring property owner alleges that the carport encroaches over the property line and did in fact supply a site plan drawn by a surveyor. Mr. Butler added that staff has received several letters of opposition to this structure. Staff recommendation is **denial**.

Discussion:

Mr. Mackey asked what was wrong with the carport.

Mr. Butler explained that the carport was too close to the side property line.

Mr. Mackey asked where the side property lines were.

Mr. Butler responded that it was off camera to the right.

Mr. Reese asked how long had the carport been erected.

Mr. Butler answered that it had been up about a year. He was corrected and he stated that it had only been up two months.

Mr. Mackey if there was a picture available of the side view and what was the staff recommendation.

Mr. Butler answered that staff recommendation is for denial.

Mr. Mackey asked what would happen to the carport.

Mr. Butler answered that the carport would have to be moved.

Mr. Johnson asked if the petitioner had a permit prior to the construction of the carport.

Mr. Butler answered; no.

Mr. Mackey asked to view the pictures of the property again. He asked how would the petitioner move the carport without tearing it down.

Mr. Butler explained that the carport was a pole barn and it would have to be shifted.

Mr. Mackey stated that there was a roof line.

Mr. Butler explained that it was not attached to the main structure. It is a stand alone structure.

Mr. Reese asked if the driveway encroached on the property also.

Mr. Butler answered that driveways do not encroach. The driveway is within the setback but it is allowed to be.

Mr. Johnson asked if the carport could be diminished to accommodate only one car.

Mr. Butler answered not practically. No.

Mr. Mackey stated that as chairman he would like to ask for a continuance in order to go out to visit the site. He asked if anyone was in opposition.

Speaking on the petition: Ms. Willene Cobb, petitioner stated that she had pictures that better depicted the size and range of the car port and attempted to present them to board members. She agreed however to hold all comments and pictures until the board had the opportunity to go out and view the subject site.

Board Action:

Motion to continue petition to the October 25, 2011 meeting in order to give board members an - PASS opportunity to go out and view the subject site.

Vote Results

Motion: Brian Reese

Second: Sidney J Johnson

Sidney J Johnson - Aye

Timothy Mackey - Aye

Brian Reese - Aye

12. [1318 Abercorn Street - Use Approval - 56452](#)

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

Attachment: [Neighbor Comment.pdf](#)

Attachment: [Staff Report -56452.pdf](#)

Jack Butler gave the following summary:

The petitioner, Ke Tao, is requesting approval of a use, Photography Studio (use #34 in the Victorian District Zoning), which requires Zoning Board of Appeals approval. The subject property is conforming 2,234 square foot row house property located at 1318 Abercorn Street. It is the middle unit among a five unit attached housing block. The property is zoned 2-R (residential victorian district) the requested use is permitted with ZBA approval. The petitioner proposes to operated the business on an appointment only basis during normal business hours, 9:00am - 6:00pm. Signage on the property will be approved by the design review officer. The petitioner proposes to utilize two reserve parking spaces attached to the property and the two shared parking spaces associated with the housing block to meet the minimum requirement of the business. The proposed use does not adversely affect the Future Land Use Plan. The proposed use to establish a photgraphic studio in a residence in a row housing in the victorian district should not adversely affect the health or safety of residents or workers. It should have little impact on surrounding property however adjoining residential property owner has expressed concern regarding the proposed business on parking in the housing block. Staff recommends **approval of the use with the conditions** that the hours of operation are from 9a-6p Monday thru Friday.

Board Action:

Staff recommends **approval** of the use, a photographic studio, with the condition that the hours of operation shall be from 9 a.m. - **PASS** to 6 p.m., Monday through Friday.

Vote Results

Motion: Brian Reese

Second: Sidney J Johnson

Sidney J Johnson - Aye

Timothy Mackey - Aye

Brian Reese - Aye

13. [1701-1709 Lincoln Street - Lot Standard Variances - 59123](#)

Attachment: [Staff Report -59123.pdf](#)

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

Attachment: [OLD DECISION -2010.pdf](#)

Attachment: [Site Plan.pdf](#)

Jack Butler gave the following summary:

The petitioners, John Summer and Read Brennan, Agents for Jerry Wardlaw Construction, are requesting approval of variances in order to subdivide a corner into three lots, including a 1.35-foot lot width variance (from the 30-foot lot width requirement), a 1.67-foot lot side yard setback variance on each side of each of the three proposed lots (3.34 feet per lot total) from the five foot side setback requirement, and a 1,203 square foot (40%) lot area reduction from the 3000 square feet required on each of the three proposed

lots.

There was no opposition to the proposed variance.

Board Action:

The requested variances would result in a development of 40 percent less density (three units instead of five) than the proposal approved in 2006 and reapproved through 2009. The design of the structures eventually constructed must be approved - PASS by the Historic Preservation Officer. The requested variances are minimal in order to construct three residences on the property. Staff recommends approval of the requested variances.

Vote Results

Motion: Brian Reese

Second: Sidney J Johnson

Sidney J Johnson - Aye

Timothy Mackey - Aye

Brian Reese - Aye

VIII. Other Business

IX. Adjournment

14. [Submittal](#)

There being no other business to come before the board, the chairman declared the meeting adjourned.

Respectfully submitted,

Jack Butler,

Assistant Secretary

/cm

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.