



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 Meeting Room
112 East State Street, 2:30 P.M.
Minutes

April 24, 2012 Savannah Zoning Board of Appeals Meeting

Members Present: Brian Reese, Vice Chairman
Eli P. Karatassos
William Ronning

Members Not Present: Timothy Mackey, Chairman
Sidney J. Johnson

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

Advisory Staff Present: Tiras Petrea, City Zoning Inspector

I. Call to Order and Welcome

1. [Call to Order](#)

Vice Chairman Brian Reese called the April 24, 2012 Savannah Zoning Board of Appeals Meeting to order at 11:08am. He explained the agenda for the benefit of those attending a meeting for the first time.

II. Notices, Proclamations and Acknowledgements

III. Approval of Minutes

2. [Approve March 27, 2012 Meeting Minutes](#)

Attachment: [03.24.12 MEETING MINUTES.pdf](#)

Chairman Mackey left the meeting immediately after the approval of the minutes.

Board Action:

Approval of the minutes as submitted. - PASS

Vote Results

Motion: Eli Karatassos	
Second: William Ronning	
Sidney J Johnson	- Not Present
Eli Karatassos	- Aye
Timothy Mackey	- Aye
Brian Reese	- Aye
William Ronning	- Aye

IV. 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.

V. Consent Agenda

3. [12825 White Bluff - Approval Extension -33788](#)

Attachment: [Staff Report -33788.pdf](#)

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

Attachment: [Board Decision - 12-21-2010.pdf](#)

Attachment: [Site Plan.pdf](#)

Present for the petition was: Wayne Mathews.

Mr. Jack Butler gave the following summary;

As one of four items on the consent agenda, these are items where the applicant is in agreement with the staff recommendation. Staff has received no objections or contacts regarding these applications. Mr. Butler stated that the items listed could be approved as a block simply by approving the Consent Agenda. He gave a brief overview of the items listed.

The first item, 12825 White Bluff is a request for an extension that was granted in late 2010 for a construction project of a setback and buffer variance that was approved by the Board.

Board Action:

The existing vegetative buffer on the site is of minimal density and screening value. The proposed fence and enhanced vegetative buffer would provide better screening for the adjacent properties than the existing vegetation. Further, the existing and proposed use (residential health care facility for the elderly) is of a low-impact nature and should not generate noise, light, odor or other detrimental impacts which would require a more substantial - PASS buffer. Staff recommends **approval** of the request to extend the 2010 approval until April 24, 2013. This approval consists of

reducing the required buffering on the northern and southern property lines from a 50-foot vegetative buffer to a 15-foot enhanced vegetative buffer and requiring the installation of a 6-foot privacy fence.

Vote Results

Motion: Eli Karatassos
Second: William Ronning
Sidney J Johnson - Not Present
Eli Karatassos - Aye
Timothy Mackey - Not Present
Brian Reese - Aye
William Ronning - Aye

4. [421 West 37th St. - Front Setback Variance -41618](#)

- Attachment: [Staff report -41618.pdf](#)
- Attachment: [Ortho-Zoning-Imagery.pdf](#)
- Attachment: [Site Plan.pdf](#)
- Attachment: [Revised Plans.pdf](#)
- Attachment: [Southview.pdf](#)
- Attachment: [Northview.pdf](#)

Present for the petition was Patrick McMamara

Jack Butler gave the following summary:

The second item on consent, (421 West 37th Street), the petitioner is requesting a setback for a porch. Staff has received no complaints. This petition has the support of SZBA staff and Historic Preservation staff. The Historic Preservation staff only requirement is that the porch is restored as it was originally built. Staff is recommending **approval**.

Board Action:

Although the subject property is not in a historic district (being between the Cuyler-Brownsville and Mid-City historic districts), the structure itself predates zoning. The original structure on the site encroached on the front setback established by zoning throughout its existence, prior to the removal of the porch as part of a renovation effort. The encroachment is equal to the encroachment by other buildings in the immediate vicinity. Staff recommends **approval** of the requested setback variance. - PASS

Vote Results

Motion: Eli Karatassos
Second: William Ronning
Sidney J Johnson - Not Present
Eli Karatassos - Aye
Timothy Mackey - Not Present

Brian Reese	- Aye
William Ronning	- Aye

5. [415 E. 31st St., Frontage Variance -50494](#)

- Attachment: [Staff Report -50494.pdf](#)
- Attachment: [Ortho-Zoning-Imagery.pdf](#)
- Attachment: [Plans.pdf](#)
- Attachment: [COA N-120308-52061-2.pdf](#)

Jack Butler gave the following summary:

The third item, (415 E. 31st Street) Mr. Butler stated that there is a gliche in the Mid City Zoning Ordinance that in order to meet the 70% frontage on a standard lot you have to encroach in the setback. Either the setback has to be met or the 70% frontage . The petitioner in this case is choosing to meet the setback therefore he can not meet the 70% frontage requirement. This is an acknowledged issue in the ordinance and the staff is recommending **approval**.

Board Action:

The proposed structure has been reviewed by the Design Administrator and has received a Certificate of Appropriateness for the design. The construction of any residence on this parcel would require a variance of either building setback or frontage coverage. Since building setback is a public safety issue and frontage coverage is an aesthetic issue, and since the reasonable use of the parcel is to be encouraged, staff recommends **approval** of the requested variance. - PASS

Vote Results

Motion: Eli Karatassos
Second: William Ronning
Sidney J Johnson - Not Present
Eli Karatassos - Aye
Timothy Mackey - Not Present
Brian Reese - Aye
William Ronning - Aye

6. [1006 May Street - Approval Extension -52435](#)

- Attachment: [Staff report -52435.pdf](#)
- Attachment: [Ortho-Zoning-Imagery.pdf](#)
- Attachment: [Board Decision 11-34342.pdf](#)
- Attachment: [Approved Site Plan.pdf](#)
- Attachment: [Southview.pdf](#)
- Attachment: [Westview.pdf](#)

Present for the petition were: Alec Metzger, Jerry Mims and Mathew John

Jack Butler gave the following summary:

Finally, on the last item, the petitioner is requesting approval of an extension on a March 22, 2011 separation and buffer requirement variance for the Gaines Chapel Church as was approved by this Board last year. The petitioner intends to keep the project the same as outlined in the previous year. He is only requesting an extension due to the fact that the construction has not yet started. Staff is recommending **approval**.

Board Action:

There have been no changes in the site or neighborhood in the past 12 months. Staff recommends **approval** of the requested one - PASS year extension.

Vote Results

Motion: Eli Karatassos

Second: William Ronning

Sidney J Johnson - Not Present

Eli Karatassos - Aye

Timothy Mackey - Not Present

Brian Reese - Aye

William Ronning - Aye

VI. Old Business

VII. Regular Agenda

7. [214&216 W. Henry St., Setback Variances -37028](#)

Attachment: [Staff Report -37028.pdf](#)

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

Attachment: [Site Plan.pdf](#)

Attachment: [Northview.pdf](#)

Attachment: [Southview.pdf](#)

Present for the petition was: Joe Duckworth, Agent

Jack Butler gave the following summary;

The petitioner for this case (214 & 216 West Henry Street) Joe Duckworth as Agent for Martha Gray is requesting an approval for a 32.5 foot rear yard setback and 3.5 foot side yard setback in order to join two story garages behind two existing residential properties. Both properties have rather large back yards. The petitioner is proposing to construct two parking garages joined across the two properties. They will be separated by firewall on the property line. They will meet the setback from the lane. The Victorian District does require a backyard 25 ft. setback for the use of parking. Since the structure that is going to be installed here will be a parking structure it meets the requirement and

therefore the variance is not strictly required however; staff is recommending approval to avoid confusion. The side setback since the buildings will be joined and seperated by a firewall the side setback will require a variance. Staff recommends **approval** of the requested variance.

Speaking on the petition: Joe Duckworth, agent for the petitioner stated that renovations have been made at 214 W. Henry Street. Part of this project will be to renovate 216 W. Henry Street in conjunction with the carriage houses as the project continues. He agreed with the staff recommendation.

Board Action:

The property historically had carriage houses according to historic documents. The construction of the proposed carriage houses is permitted in the district, and could be construed as meeting the “parking area” requirement of the rear yard setback requirement. Staff recommends **approval** of the requested variances. - PASS

Vote Results

Motion: Eli Karatassos
Second: William Ronning
Sidney J Johnson - Not Present
Eli Karatassos - Aye
Timothy Mackey - Not Present
Brian Reese - Aye
William Ronning - Aye

8. [310 W. Charlton St., Remote Parking Plan -49721](#)

- Attachment: [Staff Report -49721.pdf](#)
- Attachment: [Ortho-Zoning-Imagery.pdf](#)
- Attachment: [Eastview.pdf](#)
- Attachment: [Southview.pdf](#)
- Attachment: [Streetview.pdf](#)

Present for the petition was: Harold Yellin, Agent

Mr. Butler gave the following summary:

The petitioner, Harold Yellin, agent for Mr. Walt Freeman is requesting approval of a remote parking plan for an in home office utilizing a city parking garage which is 280 feet from the residence. The ordinance requires that remote parking be located within 150ft. The petitioner is proposing to have a 200 square foot commercial office in the structure for his personal use. The use is permitted in the district. The prosed use will

require a dedicated off-street parking space associated with the office. The subject property has no off-street parking associated with it. The petitioner proposes to meet the parking requirements by reserving a space in the Liberty Street Parking Garage. The petitioner is requesting a variance to allow the more distant parking to meet the requirements of his office. Unfortunately, the petitioner has been unable to obtain a dedication of a space in the City's parking garage. However, the use is actually an in home office for the petitioner who is living in the residence. It will produce no more parking demand than the residence has already therefor; staff is recommending a variance from the required parking in this instance rather than an approval of a remote parking plan. This will be a one-space parking variance.

Speaking on the petition: Attorney Harold Yellin, agent for the petitioner noted that the actual address was 310 W. Charlton Street. He asked that the correction be made to the agenda which listed the address as 310 E. Charlton Street. He explained that this property is zoned RIP-A which permits an office as a matter of right. Because the space that is proposed to be used as an office is 200 square feet the code does require one parking space. The petitioner is not allowed to use off street parking or parking on the street although it is available. The petitioner has arranged for a parking space at the city garage. Because this space is over 150ft away he is required to come before the board for a zoning variance. He made mention of the fact that he felt that Mr. Freeman was the most honest man in America. There are numerous people in Savannah and the downtown area with offices that do not ask for a variance. He added that each time he takes his laptop home and works from home he converts his home to an office. There is never a discussion about how many parking spaces he would need. He stated that he asked Mr. Freeman if he wanted to come before this board and he responded that he did. He informed the petitioner that he did not want to say to him not to comply with the ordinance but the average person would not go through this much of an inconvenience. Mr. Freeman's comment was that he wanted to do the thing right. He also mentioned that he had a letter from Mr. Shaun Brandon, Director of Mobility Services that read:

Dear Mr. Freeman,

This letter is to acknowledge that you currently have access to one 24/7 space in the Liberty Street Parking Garage. This space guarantees you a space in the garage with the use of a city issued parking card. The payments are \$95.00 per month and are due by the fifth (5th) day of the month.

Mr. Yellin added that the City once offered a longer term commitment, but the city no longer offers long term agreements. He added that this is a little bit of a disconnect between what the Savannah Zoning Board of Appeals would like to see, such as a five year lease versus what the city would provide us. He concluded that he does have a letter that Mr. Shaun Brandon was willing to give that would guarantee his client a space at the Liberty Street Parking Garage and stated that he was willing to answer any questions or concerns from the board and that Mr. Freeman was also present and would answer questions.

Vice Chairman Reese: asked what type of business the petitioner was in.

Attorney Yellin: responded that the petitioner was in the real estate business.

Mr. Butler reiterated that the letter provided by the City does not meet the requirement for remote parking. It is on a month to month basis and what it is basically saying is that if you purchase a monthly parking pass parking will be allowed. It does not meet the standard for long term parking commitment that is required by remote parking therefore it would be on safer ground to vary the requirement for parking in this instance because the use will generate no additional parking.

Speaking on the petition: Mr. Paul Morganthal, resident at 309 W. Harris Street, asked if a variance is granted here would it set a precedence.

Vice Chairman Reese answered that it would not and that each case is heard on a case by case basis.

Mr. Butler confirmed that the Zoning Board of Appeals cases are evaluated on a case by case basis and that this case would not set a precedence.

Board Action:

Approval of a variance of one off street parking space required - PASS
by the ordinance

Vote Results

Motion: Eli Karatassos

Second: William Ronning

Sidney J Johnson - Not Present

Eli Karatassos - Aye

Timothy Mackey - Not Present

Brian Reese - Aye

William Ronning - Aye

9. [414 E. 35th St., Use Approval and Separation Variance -48152](#)

Attachment: [Staff Report -48152.pdf](#)

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

Attachment: [Streetview.pdf](#)

Attachment: [Separation.pdf](#)

Present for the petition was: Helaine Walker, Agent

Mr. Butler gave the following summary;

The petitioner, Helaine Walker, agent for Wallin Inc., is requesting approval of a use approval for a group care home and a variance from the required 1,000 foot separation between similar uses. The subject property is a 6,220 square foot conforming lot of record located at 414 E. 35th Street at the corner of 35th and Price Streets and comprising a 2,203 square foot residential structure. The petitioner is requesting the establishment of a

use, which is permitted in the district subject to review and approval by the Zoning Board of Appeals. The proposed use (group care home) is in keeping with the residential character of the neighborhood. This property is designated "Traditional Neighborhood" on the future land use map of the Tricentennial Comprehensive Plan. The proposed use will not be contrary to the purposes stated for this chapter. The proposed use will not adversely affect the health and safety of residents and workers in the city. The proposed use will not be detrimental to the use of adjacent properties. The proposed use will not be affected adversely by the existing uses. The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of such use, provided the number occupants is limited to no more than seven. The proposed use could constitute a traffic and congestion problem, depending on the nature of the residents. There is insufficient parking to accommodate more than two vehicles on site. The standards for the particular use have not been met. The petitioner is requesting a variance from the requirement that such uses be separated by at least 1,000 feet from a similar use. The Zoning Board of Appeal may authorize a variance in an individual case upon a finding that: 1) there are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography. **There are no extraordinary or exceptional conditions pertaining to the particular piece of property, other than its proximity to an existing congregate living facility;** 2) the application of this chapter to this particular piece of property would create an unnecessary hardship. **The application of this chapter to this particular piece of property would not create an unnecessary hardship;** 3) such conditions are peculiar to the particular piece of property involved. **Such conditions are not peculiar to the particular piece of property;** 4) relief if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Savannah Zoning Ordinance. **Relief if granted, could cause substantial detriment to the public good or impair the purposes and intent of the Savannah Zoning Ordinance.** The intent of the Zoning Ordinance requirement that a minimum separation of 1,000 feet be maintained between such similar uses is to avoid the creation of a group living "district". The petitioner's property is 250 feet from the nearest similar facility and there are no grounds for granting the variance therefore, staff recommends **denial** of the requested use. There was a brief period of board discussion.

Speaking on the petition: Helaine Walker stated that the subject property was purchased in 2000 or 2001 from Chatham Home Builders. She and two partners initially started a daycare center but it failed. She sold the building in 2007 but now has the opportunity to regain ownership of the property and she would like to do so in order to open a personal care home. She stated that she presently owns a similar care home outside of the city but would like to bring it closer to the city for more conveniences. She stated that she has been approved for six residents and if approved she would only house six.

Vice Chairman Reese asked Mr. Butler to explain the difference (in the zoning ordinance) between a daycare and a group care home.

Mr. Butler explained that there were a number of differences in the requirements. He stated that a daycare center requires an exterior play yard, fenced and screened from the adjoining property with a minimum of 100 square feet of play area for each child being kept on the facility. For a group care home, there are no exterior requirements and the interior arrangements are governed by the health department. He concluded that the key issue here is this separation requirement which was built in the ordinance in order to prevent having a too many facilities in one area and creating a neighborhood of group care

facilities. The idea is that these uses should be disbursed throughout the community rather than concentrated in one area.

Joan Carter, resident stated that the facility has a very low profile. Most of the residents that live in this area do not know that this facility is a group care home.

Board Action:

Approval of the petition with the conditions that the use is limited to the maximum of six residents; that no more than two vehicles be present on the property and; that the residents are limited to senior citizens. - PASS

Vote Results

Motion: Eli Karatassos

Second: Brian Reese

Sidney J Johnson - Not Present

Eli Karatassos - Aye

Timothy Mackey - Not Present

Brian Reese - Aye

William Ronning - Nay

10. [533 & 535 E. Broad Street, Lot Width Variance -89443](#)

Attachment: [Staff Report -89443.pdf](#)

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

Attachment: [Neighborhood.pdf](#)

Attachment: [Site Plan.pdf](#)

Mr. Butler gave the following summary;

The petitioner, Mathew Johns, agent for East Broad Properties LLC, is requesting approval of a 1.2 foot variance from the minimum 20 foot lot width required in order to subdivide a parcel. The subject property is a 40-foot by 67-foot, conforming 2,680-square foot lot located at 533 & 535 East Broad Street and comprising two attached residences. The property is zoned RIP-A (Residential Institutional Professional, medium density) and is located in the Savannah Landmark Historic District. The RIP-A zoning district requires a minimum 20-foot lot width. The petitioner is seeking to subdivide the property so that each existing residence is on a separate parcel. Because the structure is not located precisely in the center of the lot, the proposed subdividdion would create one lot that is .55 feet wider than the minimum lot size and one lot that is 1.13 feet narrower than the minimum lot size. The petitioner is requesting a 1.2-foot lot width variance in order to subdivide the property so that the two existing homes each sit on a seperate lot. There are numerous lots of similiar or smaller size to that proposed by the petitioner. Mr. Butler

presented photos of the subject neighborhood. The proposed subdivision would not change the use or density on the property which already has two residences each with separate addresses and entrances. Staff therefore recommends approval of the 1.2 foot lot width variance.

Board Action:

There are numerous lots of similar or smaller size to that proposed by the petitioner in the immediate vicinity. The proposed subdivision of the lot would not change the use or density on the property, which already has two residences, each with separate addressing and entrances. Staff recommends approval of the requested 1.2 foot lot width variance. - PASS

Vote Results

Motion: Eli Karatassos

Second: William Ronning

Sidney J Johnson	- Not Present
Eli Karatassos	- Aye
Timothy Mackey	- Not Present
Brian Reese	- Aye
William Ronning	- Aye

VIII. Other Business

IX. Adjournment

11. [Adjournment of the April 24, 2012 SZBA Meeting](#)

There being no other business to come before the April 24, 2012 SZBA meeting Vice-Chairman Brian Reese declared the meeting adjourned.

Respectfully submitted,

Jack Butler, Secretary

/cbm

Arthur Mendonsa Meeting Room
112 East State Street, 2:30 P.M.
Minutes

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.