



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 State Street, 2:30 P.M.
Minutes

February 28, 2012 Savannah Zoning Board of Appeals Meeting

Members Present: Timothy Mackey, Chairman
Eli P. Karatassos
Sidney J. Johnson
William Ronning

Members Not Present: Brian Reese, Vice Chairman

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 February 28, 2012 Savannah Zoning Board of Appeals Meeting to order. He thanked everyone for taking the time out of their busy schedules to attend the meeting. He explained the meeting process and read the agenda in the order the items were listed. He stated that he would like to deviate from the call to order and move on to Item VIII, which is Other Business; Appointment of the Board Secretary. He stated that he would like to nominate Mr. Jack Butler as the SZBA Board Secretary. The motion was seconded and approved.

Board Action:

Appointment of Jack Butler as Secretary of the Savannah Zoning Board of Appeal. - PASS

Vote Results

Motion: Timothy Mackey
Second: Eli Karatassos
Sidney J Johnson - Aye

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

II. Notices, Proclamations and Acknowledgements

III. Approval of Minutes

2. [Approval of the January 24, 2012 SZBA Meeting Minutes](#)

Attachment: [January 24.pdf](#)

Board Action:

Approval of the January 24, 2012 SZBA Meeting Minutes as submitted. - PASS

Vote Results

Motion: Sidney J Johnson

Second: Eli Karatassos

Sidney J Johnson - Aye

Eli Karatassos - Aye

Timothy Mackey - Aye

Brian Reese - Not Present

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. [Broughton Street Sign Appeal - 125 E. Broughton - 49636](#)

Attachment: [Staff Report -49636.pdf](#)

Attachment: [Historic Review Board Decision 4568 \(Continued\) 2-8-12.pdf](#)

Attachment: [Northview.pdf](#)

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

Attachment: [Rendering.pdf](#)

Present for the petition: Mr. Jovencio Mercado

Jack Butler gave the following summary:

He stated that during the site tour it was discovered that the petitioner had not posted their sign. It was only posted on the previous day. It can not be heard at the present time

because it has not been properly advertised. The petitioner is requesting a called meeting to approve the petition. She does not have signage at this point and feels that the lack thereof is limiting business. Mr. Butler noted that there have been no objections from the surrounding property owners regarding this petition.

Board Action:

Due to signs not being posted by petitioner's agent, the petitioner requested a Special Meeting. March 15, 2012 at 9:00am. - PASS

Vote Results

Motion: Eli Karatassos

Second: Sidney J Johnson

Sidney J Johnson - Aye

Eli Karatassos - Aye

Timothy Mackey - Aye

Brian Reese - Not Present

William Ronning - Aye

VI. Old Business

VII. Regular Agenda

4. [HRB Appeal - Fence, 102 East Gaston Street - 87492](#)

Attachment: [Staff Report - 87492.pdf](#)

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

Attachment: [Gaston Street view \(West\).pdf](#)

Attachment: [Street View.pdf](#)

Attachment: [COA 102 E. Gaston Street - HRB denied.pdf](#)

Attachment: [Submittal Packet II-Pictures.pdf](#)

Present for the petition was: Charles & Barbara Cortese

Mr. Butler gave the following summary:

The petitioners, Charles & Barbara Cortese, are requesting approval of an appeal of a January 11, 2012 decision by the Historic Board of Review to prevent the alteration of an iron fence along Gaston Street as a contributing historic element (HRB case # H-11-4566-2).

The subject property is an Historic Mansion located 102 E. Gadson Street on the corner of Drayton and East Gadson. This is a 1600 square foot lot with a 4100 square foot of buildings and the main structure having been constructed in 1927. The property is zoned RIP-A and is located in the national landmark historic district. The petitioners are seeking to remove a section of iron fence. With the condition that the removed railing be preserved and the design meeting the approval of the Historic Preservation Officer, staff recommends **approval** of the petitioners' appeal.

Speaking on the petition: Alexander Santana, architect for the project corrected Mr. Butler comment regarding the denial of the proposal. He added that the proposal was denied due to the original portion of the iron fence is original to the house and should not be removed. The iron fence does not allow privacy but the petitioner is willing to retain the iron portion on the property stored in the garages of the house for future historical use and reference. The project was not denied because it did not meet historic review guidelines it was denied because that portion of fence is original to the property. He noted that the entirety of the rod iron fence around the property extends 110 feet. The petitioner is proposing to remove 26 feet of those 110 feet of iron original 1927 circa fence. He added that simply removing 26 feet of an original iron fence that extends 110 feet to provide privacy for a backyard; the only backyard that the owner has is a little senseless.

Mr. Karatassos asked what was the height of the existing iron fence.

Mr. Santana replied that the height of the fence that surrounds the entire property is six feet high.

Mr. Karatassos asked what the height would be of the proposed fence.

Mr. Santana answered that at the highest point the new stucco wall is ten feet. There will be four additional feet added to the wall and the material of the fence. He noted that the guidelines for Historic Review Board states that fences and walls are allowed to be constructed in the Historic District as long as they do not exceed 11 feet. He added that the petitioner is proposing 10 feet.

Mr. Ronning questioned the decision's denial based on Section 8-3030 L1. But everything it says under the petition says that the standard is met. He stated that he was confused as to the rationale for denying the decision.

Mr. Butler stated that as it has been explained to him the fencing was regarded to be a contributing factor or element of the structure which is a rated structure in the district and therefore according to the HRB can't be changed. Removing the section of fence rail out changes the character of the structure.

Mr. Santana interjected that the character of the house provided by the iron fence is provided along 110 feet of fence; we are replacing 26 feet. This will not, we believe, change the historic character of the property.

Mr. Karatassos asked the petitioner if he were suggesting that if all the historic fences in Savannah were shortened we would not be changing the character of all the fences.

Mr Santana answered no.

Mr. Ronning pointed out that along the fence there is a gate in the corner section where the rod iron begins and where the house is. He asked what type of material was this structure made of.

Ms. Linda Ramsey, Chairman of the Historic District Board of Review explained that there was a walkway here but that there was no attachment from the fence to the house.

Ms Ramsey explained the process that brought this petition to the SZBA and why the HRB made the decision it made on this petition. She read into the record the standards set by the board. She added that if the Review Board abuses its discretion or preforms any procedural errors the next step would be to appeal to the Zoning Board of Appeals.

Chairman Mackey questioned Mr. Butler as to the charge of the ZBA regarding this petition.

Mr. Butler stated that-it is the Board's charge to determine whether or not the Historic Review Board accurately made a decision based on the evidence and the recommendation of staff.

Mr. Mackey then questioned if the decision that this board is being asked to make, will it determine whether or not the petition can or can not replace the fence or will the board be determining that the HRB has misused or abused its discretion.

Mr. Butler stated that his understanding was that if the ZBA overturns the decision of the HRB it will approve the fence as submitted.

Mr. Karatassos stated that he has had the pleasure of being around and working with the mayor when this was adopted. It is newsworthy to him that this board can overturn the Historic Review Board and allow something to be constructed in the Historic District. He asked who decides or if every appeal comes before the ZBA.

Mr. Butler replied essentially yes.

Mr. Karatassos asked on what basis. If this was an abuse of discretion or is it discretion or lack of procedure or is it absolute. If someone is turned down by the Review board they automatically have an appeal available to them by this Board. He asked will the petitioner be allowed to come before this Board whenever there is an appeal.

Mr. Butler replied no.

Mr. Karatassos asked why the subject petition was before this Board today.

Mr. Butler stated that this was contrary to or that there were multiple decisions made in this case. A solid wall was approved which would not have maintained the area open space wrought iron fence that is now being preserved by this decision. The decisions have been made on this wall that are of such a wide range that there is no clear message as to what it is that is being upheld here.

Mr. Karatassos asked who decides this. Who decided to bring this before the ZBA.?

Mr. Butler stated that he did. He decided to pass it through-

Mr. Karatassos interrupted and stated was it was not clear when the decision was made that the Board would not take down the iron fence and replace it with a 10 foot stucco fence. He stated though it was not clear to Mr. Butler it was clear to him to leave the fence.

Mr. Butler stated that Mr. Karatassos' vote would be obvious. He added that the case is here because a petitioner has a legitimate appeal based on a variety of different decisions that have been made by the Historic Review Board.

Mr. Chairman directed his comment to Ms. Ramsey stating that Mr. Santana in his statement recited something that stated that the standard was 11 feet; is this correct? He also questioned if the use of the courtyard was for the owners' enjoyment.

Ms. Ramsey replied that it is correct that the standard is 11 feet. She added that it is permitted to build to 11 feet, but it must be visually compatible. She agreed that the use of the courtyard is for the owners enjoyment and that they can continue to use the courtyard, if they went with the decision that was approved, which allowed them to have the fence behind the existing railing and not have it removed.

Mr. Chairman stated that the task before the board is that the appeal is being made and to render a decision as to whether or not they can or cannot construct this wall.

Ms. Ramsey added that what the petitioner is proposing with this proposal is to build a ten foot concrete wall on the top of a base encoping that was built in 1923 to support an iron fence. She stated that she thought that this was virtually impossible to do because the base and the coping were not design to support a 10 foot concrete block fence. She added that the board should have been provided with a section thru new construction and they were not provided with that. She said that she could not see how the petitioner would be able to place rebars through the existing base without completely destroying the base and the coping which they say that they are going to maintain

Mr. Cortese, petitioner stated that he has the approval to build the wall 10 feet. He stated that his objection was that it would look pretty bad from his perspective to have a wall behind an existing fence and have to maintain a garden between a wrought iron fence and a stone fence. The original reason for asking to build the wall is to keep out the sound and for privacy. In terms of administrative procedure, he was told that he could appeal the decision but when the second presentation was given it was denied but there was a time frame given that we were unaware of and that time lapsed. Thus we applied a third time just to be able to get an appeal. He added that this appeal is to determine whether it is aesthetically better to keep a wrought iron fence, 18 inches of bushes and an 11 foot concrete wall as opposed to just replacing the existing 26 foot of wrought iron. He also added that in the first review there was a recommendation of a wood wall behind the fence that he felt was not in character with the architecture of the house which is stucco.

Barbara Cortese, petitioner stated that she moved to Savannah 12 years ago because it is a beautiful historic city and they wanted to preserve that. She stated that they did not want to do anything that would take away from the beauty of the city. She added that their master bedroom is on the main floor and it is extremely noisy. The sound that come down Drayton Street in the evening has a very high noise level. She stated that the stone fence will aid in abating the noise. The issue is not the visablity she stated because they have been approve to build a wooden fence and a fence behind the wrought iron fence but to build a fence behind a fence is unappealing. She went on to say that she did not feel that any architect at any point in any history would ever build anything like that. She feels that this is a bad asthetic decision.

Sarah Ward, Preservation Officer stated that she would like to clarify as far as process and procedures. It was indicated that the decision or the staff report that went to the Historic Review Board said that the standards were met and she wanted to clarify that the specific designs are met that you can have a fence or a wall that goes up to eleven feet the petitioner met that but the board determined however that they did not meet the preservation standards that are in the ordinance and that is what the Chair of the Board outlined a moment ago. Ms. Ward went on to explain that there are ten preservation standards that are in the ordinance and the Board determined that they did not meet those standards.

Mr. Ronning asked if the petitioner would have to meet all ten standards.

Ms. Ward replied that they did not.

Mr. Ronning asked if the petitioner would have to meet the majority of them.

Ms. Ward stated that it does not say, one way or another.

Mr. Ronning asked if there is one standard that is not met, do they throw them all out?

Ms. Ward replied that this would be up to the discretion of the Board.

Chairman Mackey asked to whose discretion.

Ms. Ward replied up to the HBR. There are ten standards in that ordinance and the Board determines if they have or have not been met. If one has not been met and the board can find away to mitigate that or come up with a solution that they are comfortable with they can still approve the petition.

Chairman Mackey asked if the petitioner has met one standard and did not meet the other nine and the Historic Review Board was comfortable with that. You said that there is no number. You said that there is no ceiling. You said that there are ten standards and that there is no magical number for them to have so if they met one and nine was not met and the board was okay with that then it goes. If nine were met and one was not met and the board was not okay with that, then it is cut. You said that it was their discretion.

Ms. Ward apologized and stated that she mis-spoke. She was trying to say that the board could conditionally approve something or it could try to come up with some sort of mitigation where they would ultimately find that they met all the standards. In the initial staff report staff was recommending approval stating that the preservation standards had been met provided that they retain the historic fencing wall and retain it on site for future restoration. The Board determined that that was not met.

Mr. Ronning stated that to him this is the question that this board is being asked to determine. To review what the Historic Board has decided, this board is asked to revisit it and determine whether to agree with it or not. He asked Mr. Butler to confirm. He concluded asking if this board is to also consider if the petitioner has met the ten standards from the ordinance.

Ms. Ward also read from the Historic District Ordinance City of Savannah Zoning

Ordinance Section 8-3030, the process for appeals to the Zoning Board of Appeals by people that are adversely affected by a determination by the Board. She added that most appeals come to this Board but some may go to the Mayor and Aldermen such as a case for demolition.

Mr. Butler stated that the Board is being asked by the petitioner to consider if an abuse of discretion has occurred if this is determined by this Board, then this board can either modify the decision or remand it to the Historic Review Board for reconsideration.

Mr. Ronning asked to clarify that staff recommendation is to approve the petitioner's request, which is basically to overturn the Historic Board decision. What is this based on?

Mr. Butler stated that the Historic Preservation officer made a recommendation to her board to approve the proposal subject to the condition that the wrought iron fence be retained. But the Board said no. The Cortezes came in to put a nine foot wall behind the railing fence which would have caused a nine inch gap and the petitioner came back in order to get approval of some type of wall. They changed their minds and said what they really wanted was an eleven foot wall on top but the appeals window had expired. So they reapplied for the eleven foot wall and again they were turned down as they had been previously and then the appeal was brought to this board.

Mr. Santana explained that to make this crystal clear for everyone, he outlined the decision process; 1) the removal of the wrought iron portion of 27 feet and putting a wall in its stead of 11 feet originally was denied; 2) leaving the rod iron portion of 27 feet and putting the same stone wall 18 inches behind it nine feet behind it was approved and; 3) now taking the wrought iron fence out and putting the same stone wall 10 feet high was denied.

Board Action:

Motion to remand the petition to the Historic Review Board for further mediation. If an agreement can not be made, the petition will be reheard by this body. - PASS

Vote Results

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

5. [Non-Conforming Use \(Car Wash\) - 1301 Lincoln St. - 48284](#)

Attachment: [Staff Report - 48248.pdf](#)

Attachment: [Street View.pdf](#)

Attachment: [Letter of Opposition.pdf](#)

Attachment: [2012-02-20_10-26-50_807 Business Open.pdf](#)

Present for the petition was: Joseph Brannen

Mr. Butler gave the following summary:

The petitioner, Joseph Brannen, is requesting approval of the re-establishment of a non-conforming use (Section 8-3028, #45) in a purpose-built structure under the provision of Section 8-3133 (c) in order to open a car detailing business. Such use must be approved by the Zoning Board of Appeals. The proposed use (auto detailing and car wash with light servicing) will be of less impact than the former business in this location. The structure was built as an auto service station. Staff recommends **approval** of the re-activation of the non-conforming use, with the condition that the commercial activity, including the washing of vehicles, take place within the building (and not in the parking lot), that no vehicles, parts, materials or debris from the operation remain on premises after business hours, that the business maintain compliance with City of Savannah Stormwater Regulations, and that the business hours be set at 7 a.m. to 7 p.m.

Speaking on the petition: Joseph Brannen, petitioner stated that he would like to open a car detailing car wash/spa. He stated that one of the former issues with the previous owner was the car pile up and drainage. He added that he will also change car tires and perform oil changes at this location.

Mr. Butler informed board members that their charge was to deny or approve the reactivation of a non conforming use in a purpose built structure and may set standards. He added that there are concerns regarding the site that made staff recommend various conditions, such as hours of operation and location of operation.

Mr. Ronning explained to the petitioner that he felt that he had a large mountain to climb in order to establish his business. He informed him that he would have to have an approval for the stormwater run-off and a cost benefit analysis at this location. He also informed him that to get an approval for a car wash is a very difficult thing and it would be very costly. He advised him to have a consultation with a professional before making his decision.

George Fuller, neighborhood property owner stated that this particular site has been a problem in the neighborhood for some time. He stated that the neighborhood has changed for the better and that it is still growing. He stated that he felt that it would be a huge mistake to allow this type of business in the neighborhood due to the criminal element associated with it. He stated that there is a huge difference between an auto detail center car wash and an auto repair business. There is a lot more volume dealing with an auto detail shop than a standard repair business. He also voiced his concerns regarding the parking in the area. He asked that the board consider carefully before making their decision.

Mr. Brannen stated that he only wanted to make an honest living with a skill that he has but if it is going to be this difficult for him to obtain the building and with this much opposition from the neighbors he would like to withdraw his petition.

Board Action:

Motion to deny the petition after the petitioner withdrew his petition and left the room. - PASS

Vote Results

Motion: William Ronning

Second: Eli Karatassos

Sidney J Johnson - Aye

Eli Karatassos - Aye

Timothy Mackey - Not Present

Brian Reese - Not Present

William Ronning - Aye

6. [Non-Conforming Use \(Awning\) - 3504 Edwin Ave. - 89550](#)

Attachment: [Staff Report -89550.pdf](#)

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

Attachment: [Eastview.pdf](#)

Attachment: [Southview.pdf](#)

Attachment: [Westview.pdf](#)

Attachment: [Site Proposal.pdf](#)

Present for the petition was:

Jack Butler gave the following summary:

The petitioner, Richard A. Cowart, Agent for Peter Patel, is requesting approval of an extension of a non-conforming use under the provisions of Section 8-3163 (d), which must be authorized by the Zoning Board of Appeals. The proposed expansion of the nonconforming use was discussed with staff last year. The subject property is recommended to be designated as a limited light industrial zoning under the Unified Zoning Ordinance, which would consolidate the zoning on the property and make the existing use and the proposed expansion conforming. The proposed roof expansion will not change the character or extent of the commercial operation, and is taking place on that portion of the subject parcel that is zoned for commercial operations. Staff recommends **approval** of the requested expansion of the non-conforming use to allow the installation of the roof as shown on the submitted documents.

Speaking on the petition: Richard Cowart, agent for the petitioner explained the condition of the roof and the plans to make repairs. He also outlined the proposed expansion of the roof.

Board Action:

Approval of the petition as submitted. - PASS

Vote Results

Motion: Eli Karatassos

Second: Sidney J Johnson

Sidney J Johnson - Aye

Eli Karatassos - Aye

Timothy Mackey - Not Present

Brian Reese - Not Present

William Ronning - Aye

VIII. Other Business

IX. Adjournment

7. [Submittal](#)

There being no other business to come before the board Mr. Sidney J. Johnson declared the February 28, 2012 Savannah Zoning Board of Appeals Meeting adjourned.

Respectfully submitted,

Jack Butler, 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.