



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

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

**January 24, 2012 Savannah Zoning Board of Appeals**

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

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

**Advisory Staff Present:** Tiras Petrea, City Zoning Administrator

**I. Call to Order and Welcome**

1. [Call to Order](#)

Chairman Mackey called the January 24, 2012 SZBA meeting to order. He explained the agenda for the benefit of those attending the meeting for the first time.

**II. Notices, Proclamations and Acknowledgements**

**Notices**

2. [Function of the Zoning Board of Appeals](#)

Mr. Butler stated that he would like to give an overview on the functions of the of the Zoning Board of Appeals to the new board members .

Chairman Mackey suggested that a called meeting be scheduled in order to

provide information to the new members and to discuss concerns that he has regarding the SZBA bylaws.

### III. Approval of Minutes

#### 3. [Approval of the December 20, 2011 SZBA Meeting Minutes](#)

Attachment: [December20.pdf](#)

**Board Action:**

Approval of the December 20, 2011 SZBA minutes - PASS  
as submitted.

**Vote Results**

Motion: Sidney J Johnson

Second: Brian Reese

Sidney J Johnson - Aye

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

### VI. Old Business (Election of Officers for 2012)

#### 4. [Election of Officers for 2012](#)

Chairman Mackey stated that this item should be moved to the end of the agenda.

**Board Action:**

Motion to move this item to the end of the agenda - PASS  
under Other Business.

**Vote Results**

Motion: Brian Reese

Second: Eli Karatassos

Sidney J Johnson - Aye

Eli Karatassos - Aye

Timothy Mackey	- Aye
Brian Reese	- Aye
William Ronning	- Aye

## VII. Regular Agenda

### 5. Colonial Dames of America - Approval Amendment

Attachment: [Staff Report Amendment -49495.pdf](#)

Attachment: [Board Decision -49495.pdf](#)

Attachment: [Site Plan.pdf](#)

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

Present for this petition was:

Jack Butler gave the following summary;

In August of last year the Board heard a request for the use approval of a stand alone parking lot. This was on the corner of Drayton and East Charlton Street. To approve this with some conditions the Colonial Dames has filed an appeal of that approval and are requesting instead that the condition that a masonry or other material for a solid wall surrounding the property be removed from the approval and instead that they be allowed to use a vegetative hedge to meet the screening requirement.

Mr. Karatassos questioned the height of the opaque wall.

Mr. Butler replied that it was six feet.

Mr. Karatassos asked if this would be new vegetation .

Mr. Butler explained that the ordinance requires at least a Type G buffer which is three feet high. The petitioners are proposing that the hedge level be at least three feet high at the offset and ultimately would grow to be several feet higher.

Mr. Karatassos asked what if the petitioner would consider lowering the masonry wall.

Mr Butler stated that this was not in their request.

Mr. Karatassos stated that he was not one on vegetative landscaping because it is very inconsistent and it does not do the job. He concluded that if anything is done at all it should be to lower the height of the masonry wall to three or four feet.

Chairman Mackey questioned Mr. Butler if there were any offer that may be considered by Colonial Dames or an agreement between both parties or a resolution that they can agree to.

Mr. Butler stated that the Board made a decision in August of last year and that decision is being appealed in Superior Court. Negotiations occurred between city staff, MPC staff, and the zoning administrator's staff, the engineering department and department of park and

tree; basically to avoid the law suit was to bring this back before the board for the vegetative hedge.

Mr. Karatassos asked if this was the solution of the group or was this offered by Colonial Dames.

Mr. Butler replied that this was the solution offered by Colonial Dames and agreed to by the majority of the parties involved.

Mr. Karatassos made the motion to lower the required masonry wall to three feet and not plant a vegetative buffer. The motion died for the lack of a second.

**Speaking on the petition:** Mr. Walter C. Hartridge, Attorney at 119 E. Charlton Street thanked the Board for approving the use. He stated that the ordinance that was in place at that time and the ordinance that is in place now does not permit the mandating of a solid masonry wall. He stated the he has met with MPC staff and the engineering firms. He stated that the plants are three feet now and that it will grow higher but it is in accordance with the ordinance. He stated that after speaking with Mr. Blackburn and Mr. Gusti the city attorney and the assistant city attorney that he was informed that he could not settle the case through the court because of the nature of the matter it had to be bought back before this body for approval. Staff has recommended approval and all other interested parties are on board with staff decision. He earnestly requested that this petition be approved.

Mr. Peter Gusti, Assistant City Attorney stated that the city attorney's office supports staff recommendation to approve the petition.

Ms. Jane Love, resident @ 24 E. Macon Street stated that she has a view of this lot from her window. She added that a three foot wall would do her no good as far as screening of the lot. The greenery would present better view, however, she would like it to be maintained at six feet. She said that she did not agree the the previous motion but that she can agree with the negotiations made by staff and Colonial Dames.

**Board Action:**

Approval of the requested amendment. - PASS

**Vote Results**

Motion: Sidney J Johnson

Second: Brian Reese

Sidney J Johnson - Aye

Eli Karatassos - Nay

Timothy Mackey - Aye

Brian Reese	- Aye
William Ronning	- Aye

6. [Sign Variance - 21 West Park Avenue - 55465](#)

- Attachment: [Staff Report -55465.pdf](#)
- Attachment: [Ortho-Zoning-Imagery.pdf](#)
- Attachment: [Westview.pdf](#)
- Attachment: [Comment Letter 1.pdf](#)

Present for the petition was: Mr. Mercado and Mr. Omir Mustafa

Jack Butler gave the following summary:

The petitioner, Jovencio Mercado agent for Jeremy McKenzie, is requesting approval of a variance from the maximum size limit on free-standing commercial signage in the Victorian District, to allow a sign of 40 square feet (a 66% increase over the maximum 24 square feet permitted). Staff recommends denial of the requested variance.

**Speaking on the petition:** Mr. Mustafa stated that the sign that he designed was not the type of sign (inaudible). It is similar to most of the signs that are nearby. Some of the sign in the area are larger than his sign. He was not aware of the ordinance prior to building the sign. He added that the problem that he is also having is that the sign is made of aluminum and the sign is larger than the ordinance permits.

Mr. Goldstein, neighboring resident, stated that this is a residential area, this is in the Historic District where they have ordinances in place and they know the rules. He cited the buildings in the neighborhood that had signs and they all meet the requirements. He concluded that he was in agreement with staff and request that this petition is denied.

<b>Board Action:</b>	
Staff recommends <u>denial</u> of the requested variance.	- PASS
<b>Vote Results</b>	
Motion: Eli Karatassos	
Second: Sidney J Johnson	
Sidney J Johnson	- Aye
Eli Karatassos	- Aye
Timothy Mackey	- Aye
Brian Reese	- Aye
William Ronning	- Aye

7. [Re-Activation of Non-Conforming Use - 3107 Waters Ave. - 47727](#)

- Attachment: [Staff Report -47727.pdf](#)
- Attachment: [Ortho-Zoning-Imagery.pdf](#)
- Attachment: [Southview.pdf](#)
- Attachment: [Eastview.pdf](#)

Present for the petition was: William Hartley

Jack Butler gave the following summary:

The petitioner, William Hartley, agent for Hartley Rental Properties, is requesting approval of the re-activation of a nonconforming use in a purpose-built structure (Section 3133 (c)) in order to re-open a commercial building. The structure which has been designed exclusively as a commercial retail structure, has been idle and vacant since the demise of the previous business. This requires approval by the Zoning Board of Appeals. The subject property is zoned R-6. Staff recommends approval of the requested re-establishment of a commercial business with the condition that the structure shall not be expanded on or enlarged (Section 8-3135), and the requirement that the petitioner seek a subdivision of the commercial building lot from the residential portion, and seek rezoning of the property to an appropriate zoning district. The property is proposed to be zoned TC-1 under the Unified Zoning Ordinance now being developed.

**Board Action:**

The subject property and structure (a single-story commercial building) had been operating as a commercial enterprise 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), and the requirement that the petitioner seek a subdivision of the commercial building lot from the residential portion, and seek rezoning of the property to an appropriate zoning district (the property is proposed to be zoned TC-1 under the Unified Zoning Ordinance now being developed).

- PASS

**Vote Results**

- Motion: Eli Karatassos
- Second: William Ronning
- Sidney J Johnson - Aye
- Eli Karatassos - Aye
- Timothy Mackey - Aye
- Brian Reese - Aye
- William Ronning - Aye

8. [Re-Activation of Nonconforming Use - 2904 Hopkins St. - 57357](#)

- Attachment: [Staff Report -57357.pdf](#)
- Attachment: [Ortho-Zoning-Imagery.pdf](#)
- Attachment: [Vicinity MAP.pdf](#)
- Attachment: [PICT0075.pdf](#)
- Attachment: [2904 Hopkins St - Zoning Administrator Determination.pdf](#)

Present for the petition was: Vincent Barnwell

Jack Butler gave the following summary:

The subject property and structure (a two-story building) had been operating as a commercial enterprise with second-story residence for many years. The structure, which has been determined to be a commercial retail structure by the Zoning Administrator, has been idle and vacant since the demise of the previous business. Staff recommends **approval** of the re-establishment of a non-conforming commercial business and the change of non-conforming use from convenience store to barbershop, with the condition that the structure shall not be expanded or enlarged (Section 8-3135), and the requirement that the petitioner file a formal site plan proving adequate parking for the proposed use.

**Speaking on the petition:** Mr. Butler stated that he had received a letter from a neighboring property owner, Ms. Marie Grant, in opposition to the requested use. He read Ms. Grant's letter into the record.

**Board Action:**

The subject property and structure (a two-story building) had been operating as a commercial enterprise with second-story residence for many years. The structure, which has been determined to be a commercial retail structure by the Zoning Administrator, has been idle and vacant since the demise of the previous business. **Staff recommends approval** of the re-establishment of a non-conforming commercial business and the change of non-conforming use from convenience store to barbershop, with the condition that the structure shall not be expanded or enlarged (Section 8-3135), and the requirement that the petitioner file a formal site plan proving adequate parking for the proposed use. - PASS

**Vote Results**

- Motion: Eli Karatassos
- Second: Sidney J Johnson
- Sidney J Johnson - Aye
- Eli Karatassos - Aye
- Timothy Mackey - Aye
- Brian Reese - Aye
- William Ronning - Aye

9. [Standards Variance - 302 E. 40th St. - 55992](#)

Attachment: [Staff Report -55992.pdf](#)  
Attachment: [Ortho-Zoning-Imagery.pdf](#)  
Attachment: [Westview.pdf](#)  
Attachment: [Southview.pdf](#)

Present for the petition was: Blaine Twibell

Mr. Jack Butler gave the following summary;

The petitioner, Gil Sasser, agent for Blaine Twibell, is requesting approval of a variance from sections 8-3222 (7.1.3 Section 6) and (7.1.7 Section D) of the Mid-City/Thomas Square Zoning District for structures listed as contributing in district to allow the use of vinyl replacement windows in an historic residential structure. The petitioner's contractor installed non-conforming windows without consulting the Historic Preservation Officer. The material used by the contractor is not permitted for use in contributing historic structures. Staff recommends **denial** of the requested variance.

Tiras Petrea, City Zoning Inspector stated that this was an actual complaint that the city preservation officer received from a neighbor or someone in the community. He placed a stop work order on the project from development services.

**Speaking on the petition:** Blaine Twibell, property owner stated that she bought the house as investment property and she has restored it herself. She rents the property. She stated that she paints one side of the house every year and this year she went to paint the exterior of the windows in the front of the house and were completely rotted by the touch of the paint brush. She said that she had no choice but to replace the windows. She hired window world, as they came highly recommended. The new windows have made a huge improvement to the house and the house has improved the neighborhood. She added that the tenants in the house can attest to the heat and noise reduction since the replacement of the new windows. She requested that she be permitted to keep her windows.

Mr. Karatassos questioned Ms. Twibell as to whether or not anyone explained to her what the ordinance required or the type of material that could be used in the district.

Ms. Twibell stated that she was unaware that she was not in compliance.

Mr. Karatassos questioned the condition of house next door to Ms. Twibell stating that it has siding.

Mr. Butler explained that siding on this property was damaged in a fire. The siding predates the adoption of the ordinance because of that they would like to replace like with like and the siding that was originally on the property is what the property was replaced with. The windows were not.

Mr. Reese questioned Ms. Twibell as to whether or not the same company that she purchased the windows from did the installation. He also questioned her as to the company that installed the windows, were they aware that they needed a building permit to install the windows.



Mr. Karatassos asked if there were any other renovation done to the house other than the replacement of the windows. He added that it strikes him as one of these beg for forgiveness, type of thing. If we keep forgiving, our actions become the rule. He added that he touched the windows and he did not realized that the exterior of the windows were of a metal material. He added that he felt that her contractors should have advised her properly.

Ms. Twibell stated that there are several houses in the neighborhood that have the same type of windows. She did not know that her windows did not comply with the ordinance or that she needed a permit to install them.

Mr. Butler added that prior to the meeting he received a letter from the Historic Savannah Foundation President and CEO Mr. Daniel Carry. He read the letter into the record. Mr. Carry was opposed to the petition.

After a vote of denial, Ms. Twibell asked Chairman Mackey to clarify whether or not she would have to update the two remaining windows or would she have to remove the newly replaced windows.

Chairman Mackey informed her that she would have to remove the new windows and to set aside some time with Mr. Petrea so that he can advise her as to the type of materials she will be permitted to use.

**Board Action:**

The petitioner's contractor installed non-conforming windows without consulting the Historic Preservation Officer. The material used by the contractor is not permitted for use in contributing - PASS historic structures. Staff recommends denial of the requested variance.

**Vote Results**

Motion: Sidney J Johnson

Second: Brian Reese

Sidney J Johnson - Aye

Eli Karatassos - Aye

Timothy Mackey - Aye

Brian Reese - Aye

William Ronning - Aye

10. [Use Expansion - 6413 Waters Ave. - 54806](#)

Attachment: [Staff Report -54806.pdf](#)

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

Attachment: [Southview.pdf](#)

Present for the petition was: Chris Masters

Jack Butler gave the following summary:

The petitioner, Christopher Masters, is requesting approval of an expansion of an existing use (Section 8-3025(a), Use 22, Private and parochial schools), which must be approved by the Zoning Board of Appeals. Staff recommends **approval** of the proposed use with the condition that the site receive approval through the Site Plan Review development process of the City of Savannah, with particular attention to parking and buffers from adjoining residential uses.

Tiras Petrea, zoning inspector stated that the Zoning Administrator wanted to inform the board that if this had come to the zoning office today staff would have classified this as a personal service school. This is limited to in the RB-1 and RB zoning district, the maximum number of students is 15 during its evening classes and the hours are from 8:00am to 8:00pm. During a conversation with Mr. Masters, he explained that he had 18 students at night and 11 students during the day. The night time currently operates between 5:30 and 9:30pm. We are beyond what we would classify it as but the zoning administrator wanted to make certain that the board (inaudible).

Chairman Mackey voiced his concerns regarding how the city was informed of this particular location.

Mr. Petrea stated that the city was informed by a complaint that this particular structure was placed at this location. A building permit has been applied for but for some reason the agent or the contractor who applied for the building permit had placed the building down.

Chairman Mackey asked if there is a school in a residential district, where there's a maximum number of students, does the zoning administrator's office monitor on an as needed basis.

Mr. Petrea stated that because this went to this body in 2000, this body approved the original request as a private and parochial school which is use number 22. There is no standard for the cases under that criteria. The zoning administrator just wanted to inform the board that if this had come before the board today he would have to rezone the property however, we are beyond that. If the board chooses to limit the number of students at this location that is their prerogative.

Mr. Butler explained further that what happened in the year 2000 is that this was defined as a parochial school rather than as a service industry school. So as it stands now this is a parochial school under the ordinance and therefore it has no limitations on the number of students he has. He is not in violation for having more students. The petitioner could have expanded the property into the residence simply by renovating it and he would not be here today. He could have added an addition onto his metal building and then again he would not be here today. He is here today because a neighbor said you put in a building and it turned out that the building permit which had been applied for had not been completely issued at the time the building was delivered and that is why he is here today and this process is going forward.

**Speaking on the petition:** Mr. Chris Masters described the process and what has occurred. He explained that he had looked into expanding the property and he was looking at a temporary structure to use until he did expand and develop the property more he could do so. He contacted the supplier

of the modular homes and decided to allow them to set up a building on the site. After lengthly conversations with the owner he stated that he had contacted development services and that he would have a building permit at the time of delivery of the modular. The modular was delivered and the contractor explained that he was still involved in conversations with permitting but they had assured him that the permit would be available to him by the end of the day. He did not get it that day. He soon after received a stop work order and notification the he should come in and speak with Mr. Petrea. He did so and also met with Mr. Butler. He was told that development services would need to take a look at it first to determine whether or not it met the requirements. Because it was not put on the property prior to getting the expansion he would have to go before the Board to request the expansion.

Carolyn (last name inaudible) stated that she has had several complaints regarding this facility. She stated that this is a residential area and she has concerns regarding; 1) the buffering, the fact that no one contacted the neighboring property owners to discuss how they felt about this facility coming in next door to them; 3) how long this facility will be in place before it is moved and another one takes it place. If a better looking facility is proposed to come in in two years and a more permanent facility, she asked why not request this facility now and not have to change in another two years. She concluded that she was okay with a facility at this location with decent buffering but she was opposed to the present facility.

Mr. Karatassos questioned staff if this would determine the use of parochial schools and if the zoning administrator is telling us that he is going to change or that he would not change. Is this a personnal use facility or is this a parochial school?

Mr. Petrea answered that based on the decision made by this board in 2000 it is a parochial school. It is a 5013C non profit school that has the necessary creditials from the state and the international crediting board for continueing education. Because this board is reviewing the use if it wants to restrict the number of students and the number of hours or the operation hours it can be considered.

**Board Action:**

Staff recommends approval of the proposed use with the condition that the site receive approval through the Site Plan Review development process of the City of Savannah, with - **PASS** particular attention to parking and buffers from adjoining residential uses.

**Vote Results**

Motion: Sidney J Johnson

Second: Brian Reese

Sidney J Johnson	- Aye
Eli Karatassos	- Nay
Timothy Mackey	- Aye
Brian Reese	- Aye

William Ronning

- Aye

11. [Parking Variance - 1425 Chatham Parkway - 55871](#)

Attachment: [Staff Report -55871.pdf](#)

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

Attachment: [Site Plan.pdf](#)

Present for the petition was: Ryan Smith

Jack Butler gave the following summary:

The petitioner, Ryan Smith agent for Savannah Chatham Parkway Properties, is requesting approval of a variance from the parking standards of Section 8-3039 to reduce the required number of parking spaces for a business from 565 to 390 (a 31% reduction in total parking) in order to construct a commercial building on a remote parking lot. The current remote parking lot is rarely used; the retention of 107 remote parking spaces appears adequate to the demand. Staff recommends **approval** of the requested 175-space parking variance.

**Speaking on the petition:** Mike (last name inaudible) responded to the comment made regarding the Savannah Morning News going out of business. He stated the Savannah News is the number one media vehicle on the market first rate over any TV station. Over 56,000 papers sold and the number one local website. He on to say that the parking lot was built to the code. He stated that he did not believe that he came in to request a zoning variance on the parking lot. The parking lot is never full it was just built to the ordinance or the regulations at that time. As big as this lot is it is a waste.

Ryan Smith, agent stated that he has seven years of zoning data. It is not as though his client came back after a year to request a change. He stated that he feels as though the regulations were to strict for this use. His client would like to rid themselves of a portion of the lot and leave 107 spaces. He stated that 20 spaces is more than enough. He explained that they are leaving more than is necessary but they do need the approval of the board because it is against the current code. But it is not a trick and it will only support what they feel like is being used.

Chairman Mackey stated that he did not want his words misused but what he was attempting to convey was that there is a zoning board here and a planning commission and you have the county board and sometimes we are asked to do things in and of the same. He stated that he has seen things happen in different ways. Sometimes you may have a recommendation where the petitioner will ask for one thing and two or three years later someone will come and ask to change what was done years earlier. When this happens you have to ask where do you set the rules?

**Board Action:**

The current remote parking lot is rarely used; the retention of 107 remote parking spaces appears adequate to the demand. Staff recommends **approval** of the requested 175-space parking - **PASS**

variance.

**Vote Results**  
Motion: Eli Karatassos  
Second: Sidney J Johnson  
Sidney J Johnson - Aye  
Eli Karatassos - Aye  
Timothy Mackey - Aye  
Brian Reese - Aye  
William Ronning - Aye

**VIII. Other Business**

12. [Election of Officers for 2012](#)

**Board Action:**  
Motion to nominate Mr. Brian Reese as Vice  
Chairman and to re-elect Mr. Timothy Mackey as - PASS  
Chairman.

**Vote Results**  
Motion: Sidney J Johnson  
Second: Brian Reese  
Sidney J Johnson - Aye  
Eli Karatassos - Aye  
Timothy Mackey - Aye  
Brian Reese - Aye  
William Ronning - Aye

**IX. Adjournment**

13. [Submittal](#)

There being no other business to come before the Board, the chairman declared the January 24, 2012 Savannah Zoning Board of Appeals Meeting 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.*