



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
March 28, 2013 10:00 A.M.
Minutes

March 28, 2013 Savannah Zoning Board of Appeals Meeting

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

Members Not Present: Brian Reese, Vice Chairman

Staff Present: Jack Butler, Secretary
Jessica Hagin, Assistant Secretary

Advisory Staff Present: Tom Bolton, Zoning Inspector

I. Call to Order and Welcome

1. [Call to Order](#)

Chairman Mackey called the March 28, 2013 SZBA meeting to order. He outlined the agenda items and explained them to those attending the meeting for the first time.

II. Notices, Proclamations and Acknowledgements

III. Approval of Minutes

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

2. [1800 East 63rd Street, Variance \(Height\) and Use Approval \(Care Home\)](#)

Jack Butler stated that this item is pending a rezoning from City Council. There was no action taken on this item at the last meeting. The petitioner is requesting that this item be continued until next month or until action is taken by council.

Speaking on the petition: Interested property owner residing at 1801 E. 62nd Street stated that he received notice of today's hearing but was not noticed that the petitioner had withdrawn his petition. He stated that he has scheduled time off from his job to attend the hearing. He asked if there was some sort of process where he could be notified in the event a petition was removed from the agenda.

Mr. Butler stated that staff received noticed from the petitioner's agent late yesterday that this item was to be removed from the agenda. The petitioner is waiting for final confirmation from the City Council but no action have been taken and there was no time to send out additional information. The process is that having brought this item to the agenda staff could not remove the item from the agenda administratively. He apologized for the inconvenience and informed the gentleman that no action has been taken.

Chairman Mackey encouraged the resident to contact the inspections department.

Board Action:

Request to be removed from the Final Agenda. - PASS

Vote Results

Motion: William Ronning

Second: Sidney J Johnson

Sidney J Johnson - Aye

Eli Karatassos - Aye

Timothy Mackey - Aye

Brian Reese - Aye

William Ronning - 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

3. [234 E. 55th Street, Lot Coverage Variance -000938](#)

Attachment: [Images-000938.pdf](#)

Attachment: [Staff Report -000938.pdf](#)

Jack Butler gave the following summary;

The petitioner, Stephen Szczecinski, Agent for J. Roger and Angela Straight, is requesting approval of a 10.43 percent variance from the lot coverage standard in order to construct an addition onto an existing single-family residence, increasing the coverage of the subject property to 40.43 percent; the maximum lot coverage allowed under the ordinance is 30 percent.

The proposed addition would be built over an existing paved driveway and would not increase the actual impervious surface of the lot. The proposed lot coverage is within the coverage levels on nearby lots (see lot coverage map). The proposed addition would observe required setbacks. Staff recommends **approval** of the requested 10.43 percent lot coverage variance.

Board Action:

The proposed addition would be built over an existing paved driveway and would not increase the actual impervious surface of the lot. The proposed lot coverage is within the coverage levels on nearby lots (see lot coverage map). The proposed addition would observe required setbacks. Staff recommends **approval** of the requested 10.43 percent lot coverage variance. - PASS

Vote Results

Motion: William Ronning

Second: Sidney J Johnson

Eli Karatassos - Aye

Timothy Mackey - Aye

Brian Reese - Aye

William Ronning - Aye

Sidney J Johnson - Aye

VI. Old Business

4. [702 West Oglethorpe Street, Parking Variance, -002205](#)

Attachment: [Images -002205.pdf](#)

Attachment: [Staff Report -002205 3-28-13.pdf](#)

Jack Butler stated that the petitioner had requested to put this case (Old Business) on hold for one month so that both cases may be brought before the board concurrently. They are closely related that they both deal with the same structure.

He gave the following summary;

The subject property is at 702 West Oglethorpe Avenue, it consist of a 27,736 square foot (0.63 acre) commercial property comprising a 4,465-square foot commercial building that formerly operated as a branch bank. The property is zoned BC (Community Business). The petitioners intend to raze the existing structure in order to construct an 8,000 square foot

commercial building to house a Family Dollar Store. The proposed new building would be one-story and 25 feet in height. This site has been before the Historic Review Board and they are recommending approval subject to the approval of the necessary variances. Because of this, staff is recommending approval of the parking variance.

Board Action:

The proposed parking variance would reduce the available parking on-site to 28 spaces. However, there are four spaces on the site which may be reclaimed, if the access drives are reconfigured to meet the standards of the Savannah Landmark Historic District. Also, the proposed store will see a large percentage of pedestrian traffic from the nearby Transit Center and from high-density residential units of public housing and the Savannah College of Art and Design.

Therefore, staff recommends **approval** of the requested four-space parking variance.

Vote Results

Motion: William Ronning

Second: Sidney J Johnson

Sidney J Johnson - Aye

Eli Karatassos - Aye

Timothy Mackey - Aye

Brian Reese - Aye

William Ronning - Aye

VII. Regular Agenda

5. [1703 Abercorn Street, Special Use, -000543](#)

Attachment: [Staff Report -000543.pdf](#)

Attachment: [Images -000543.pdf](#)

Jack Butler, SZBA Secretary stated that the petitioner, Mr. David Kaul is requesting that this item be advanced on the agenda due to the necessity that he attend another business meeting. The Board agreed and this item was advanced to the first item; number five under Regular Business.

Present for the petition was: David Kaul, Petitioner

Jack Butler gave the following summary:

The petitioner, David Kaul, is requesting approval of a conversion to convert a single-family residence into a duplex. The use is permitted in this district, however the addition of living space on any residence requires Board Approval in this district. The subject property is a conforming 5,000 square foot lot located at 1703 Abercorn Street, on Abercorn and 33rd Lane. The property is zoned TN-2 (Traditional Neighborhood, Thomas Square-Mid-City Zoning District).

Under the Mid-City zoning, a residential unit with a lot area of at least 3,500 square feet may be converted to add an additional unit or units following an approval of the conversion as a special use, but shall be subject to the following conditions: a) No more units shall be permitted than permitted in the underlying district, and in no case shall an individual unit be less than 300 square feet. The petitioner proposes only a single additional unit, which is within the maximum permitted in the TN-2 zoning district. The additional unit will be approximately 450 square feet.

The petitioner proceeded with the conversion of the dwelling without obtaining necessary permits or approvals and is under a Cease and Desist Order pending the ruling of the Zoning Board of Appeals. The proposed use of the property is permitted by right, and the conversion is within the standards of the district. Staff recommends approval of the requested conversion to provide additional dwelling units in an existing structure in order to add a single living unit at the subject property.

Speaking on the petition: Virginia Mobley stated that the petitioner is truly asking for forgiveness. More and more of this is being seen as more and more of this is becoming apparent to the city. This building was operated as a rooming house. Part of the back porch has been converted to an apartment. It has limited access and the main house has one access. In the event of a fire this can be a major problem. The bedroom to this is underground. She went on to explain about the houses that were constructed in this area. Where this bedroom is, is where the cold shoot and the boilers were located for these houses. It has no safety exist. She added that the petitioner owns several houses in this block that operate as rooming houses. She asked that the Board take this into consideration.

David Kaul, owner of the property stated that the bedroom of this property is located on the first floor. The basement now serves as a storage area. The property is no longer a rooming house but is a single family residence.

Maria (last name unclear) property manager stated that she and the petitioner have gone to court to change the properties to make sure that it functions as a single family and not a rooming house. They now meet all the standards that the city inspectors have imposed.

Mr. Johnson asked the petitioner if he has received a certificate of occupancy.

Mr Butler explained that petitioner has not yet obtained a CO; he is under a Cease and Desist Order. He added that Mr. Kaul is in the process of obtaining a certificate pending this Board's action.

Board Action:

The petitioner proceeded with the conversion of the dwelling without obtaining necessary permits or approvals and is under a Cease and Desist Order pending the ruling of the Zoning Board of Appeals. The proposed use of the property is permitted by right, and the conversion is within the standards of the district. Staff recommends **approval** of the requested conversion to provide additional dwelling units in an existing structure in order to add a single living unit at the subject property.

Vote Results

Motion: William Ronning
Second: Sidney J Johnson

6. [702 West Oglethorpe Street, Standards Variance, -000986](#)

Attachment: [Staff Report -000986.pdf](#)

Attachment: [Images -000986.pdf](#)

Jack Butler gave the following summary;

The petitioner, Jeffrey Lamberson, Agent for Twin Rivers Capitol, is requesting approval of a variance from the number of floors required in the Savannah Landmark Historic District, to construct a single-story building instead of the minimum two-story building required in the ordinance (section 8-3030 (n) (2) (b) (ii)). This item was also forwarded from the Historic Review Board. It is an approval for the number of floors required under the Land Mark District. Under these regulations structures facing a major street have to be two stories at least. However the bus depot is one story and there are other single story buildings in the immediate vicinity. Historic Board of Review has reviewed the proposed Family Dollar Store and found this structure is of appropriate design and recommend approval of the necessary variance. Staff recommends approval of the petitioner's request.

Board Action:

Staff recommends **approval** of the requested variance from the number of floors required in the

Savannah Landmark Historic District, to construct a single-story building instead of the minimum two-story building required in the ordinance (section 8-3030 (n) (2) (b) (ii)). - PASS

Vote Results

Motion: William Ronning

Second: Sidney J Johnson

Sidney J Johnson - Aye

Eli Karatassos - Aye

Timothy Mackey - Aye

Brian Reese - Not Present

William Ronning - Aye

7. [3704 Bull Street, Use Approval \(Child Care\), -000796](#)

Attachment: [Staff Report -000796.pdf](#)

Attachment: [Images -000796.pdf](#)

Present for the petition was; Jana Biggins, Agent

Jack Butler gave the following summary;

The petitioner, Jana Biggins, Agent for Fresh Fire from Heaven Church, is requesting approval of a use (22b – Day Nursery and Kindergarten). Approval from the Zoning Board of Appeals is required in order to establish such use in this location. The subject property is located at the corner of Bull Street and 54th Street in a church building. The current use is listed as institutional. The petitioner proposes to open a 6 a.m. to 6 p.m. day nursery and kindergarten at the church for children ages 3 months to 4 years of age. The proposed use will include day care and after-school tutoring for children. The petitioner hopes to eventually expand the use to include older children up to 12 years of age. Such use requires the approval of the Zoning Board of Appeals. The proposed use is in keeping with the residential character of the neighborhood. 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 could have detrimental impacts on the adjacent properties if adequate buffers and screening are not provided and if the use is permitted to expand beyond a limited number of students. The petitioner proposed to fence an outdoor play area to the rear of the church, which is approximately 8,000 square feet in size, total. A 10-space parking lot is also proposed, accounting for around 3,000 square feet, leaving 5,000 square feet for play area. The space requirements of use #22 are 100 feet of outdoor play area for each child, limiting the maximum number of students possible to no more than 50. The proposed use could constitute a traffic and congestion problem, given the busy nature of Bull Street and the relatively quiet, residential nature of 54th Street. There is sufficient parking to accommodate the 10 vehicles proposed for the staff and visitors on site, however providing those spaces and a maximum play area will entail dedicating much of the current church parking area to a play area. The impact of such a plan on the church's operation during religious functions could force parking onto the surrounding streets. Also, there are no adequate provisions for off-street pick-up and loading of students. The standards set forth for the particular use have

not been met. Staff finds that there is sufficient space for up to a 2,500 square foot fenced play area while still allowing through traffic between 54th Street and 54 Lane and 10 off-street parking spaces. Staff therefore recommends approval of the proposed use with the condition that the number of students is limited to 25 maximum and the petitioner obtain approval from the Traffic Engineer for the off-street parking and pick-up and drop-off traffic plan. Petitioner will also have to meet the standard for buffering and off-street parking area from the adjoining residential uses.

Speaking on the petition: Jana Biggins stated that she did speak with Mr. Butler regarding changes. The property was purchased about three years ago from United Methodist Church. Meetings have been held with surrounding businesses and the residents. The community has stated that they need affordable child care. She added that the petitioner is willing to commit to whatever it is that needs to be done as regards to traffic for the drop-off and pick up of children. Their first objective is safety for the children and the neighborhood.

Chairman Mackey explained that the Board has the discretion to dictate amount of children and the operation times. The issues of pick up and drop off being that this is very close to an arterial (Bull Street) is critical. He added that how this property would be buffered in terms of protection for the residents is critical. He explained that six children in a center are allowed by right, but any more than six and the decision would come from the board.

Mr. Ronning referred to Findings in the staff report and questioned staff; he stated that the in the report the petitioner stated that he hopes to expand the use to older children up to 12 years of age. Such use requires approval of the Zoning Board of Appeals. He asked does this mean if the petitioner goes to older children that he will have to return to the board.

Mr. Butler responded, if the petitioner wishes to change the character from a kindergarten daycare to an actual parochial school, yes the petitioner will have to return to the board.

Mr. Karatassos asked if the petition has gone through site plan review.

Mr. Butler stated that it has not.

Mr. Karatassos asked; that site plan review is going to deal with traffic engineering and everything else that it will need to.

Mr. Butler responded yes this was correct along with the necessary buffering for the parking and the play area. He added that the board can also set the standard limitations.

Deacon Henry Gibbs III, stated he would like to help the community and to aid in the education of the young children in this area. He added that education is the key to success for the future of the youth. He stated that he is aware of the traffic problems in this area and that everything will be done to eliminate any further traffic detriment. He asked that consideration be given and that he would support whatever decision the board makes.

Flossy Williams, educator, stated that she was in support of the center and would help in the education of the youth. She asked that the board consider the request before them and vote to approve.

Bishop Lee Jenkins stated that the church wants to be an asset to the community. He agreed that there is a need for this child care center in the community. He also confirmed that the decision of the board would be honored.

Karen Halloran, neighboring resident stated concerns regarding traffic, safety, parking, and the quality of life that would be affected by the approval of the petitioner's request. In conclusion, she stated that this would also change the character of the neighborhood.

William Kotic, neighboring resident stated that he is delighted to see the church in the neighborhood but his concern is the parking. He was not objecting in principle to the objective of the church but traffic can be dangerous in this area. He stated that he did not think that some of the questions were fully refined or answered. This makes it difficult to object until you know if the project was thoughtfully advanced.

Mr. Karatassos asked if the area would be fenced so that it is for playground only or will it be used for playground and parking.

Deacon Gibbs responded no. The playground would be on the actual property of the playground itself.

Mr. Butler stated that the proposal is to use this church facility as a daycare facility. The church intends to fence a portion of the rear parking area for their play yard. This will allow a continued use of thru traffic for pick up and drop off. Their primary parking for the church and for the daycare is located across the street and is not a part of the request however; the petitioner will still have to meet their parking standards.

Chairman Mackey stated that the board has the right to see the sight plan.

Mr. Butler agreed but stated that staff does not have a site plan. He stated that if the board would like to review a more complete site plan it would be in their right to continue this item to allow the applicant to provide a more complete site plan. However; the applicant can not take it to site plan review until it is an approved use.

Board Action:

Motion to postpone this item in order to allow the petitioner to prepare a site plan for site plan analysis. The site plan will be bought back to this board prior to going before the site plan review. - 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. [20 West Gaston Street, Parking Variance, -000918](#)

Attachment: [7042-01 ZBA Application Narrative.pdf](#)

Attachment: [Staff Report -000918 amended.pdf](#)

Attachment: [Images -000918.pdf](#)

Attachment: [Alternative Parking Plan - File No. 13-000918-ZBA.pdf](#)

Present for the petition was: Robert McCorkle, Agent

Jack Butler gave the following summary;

The petitioner, Robert L. McCorkle, Agent for Tom J. Morrison, is requesting approval of a three-space variance from the parking standards of the ordinance that would require six spaces at the subject property in order to operate a Bed & Breakfast Inn. Subject property is located at 20 West Gaston Street and is zoned RIPA (residential-institutional professional). The proposed use is permitted in the district by right. The Zoning Administrator has determined and the petitioner concurs that the use would require six parking spaces. There are three spaces available on-site. The petitioner is requesting to allow these to operate with three parking spaces only. In the initial staff review, it was found that there is no justification for approving a variance in this case. The petitioner cannot provide the parking but should have the parking. They are requesting a variance on the basis of a conversion that does not presently exist. It is a self created issue and therefore staff is recommending denial of the variance. However; staff was contacted recently whereas the petitioner has acquired surface parking at the Colonial Dames Lot. This will be 1500 feet from the proposed inn. The ordinance allows a maximum separation of remote parking facilities of 150 feet. Therefore staff recommends approval of a variance in the separation distance in order to permit the use leased parking 1,500 feet distant from the proposed inn.

Speaking on the petition: Robert McCorkle agent for the petitioner explained the design and size of the inn. He stated that initially the applicant proposed to have the three space requirement waived. He now would like to have two choices brought before the board; 1) is to waive the parking space requirement or; 2) to allow the parking in the Colonial Dames parking lot. He went through a list of Inns that do not have parking spaces and those that only have less than half the spaces compared to the number of rooms. He asked that this new business be treated in the same manner in which all of the old businesses that are all in the same area. He stated that he has not received any opposition to the inn. He stated that almost every commercial business downtown either is grandfathered in and has no parking or has obtained a waiver or has obtained a waiver for off-site parking.

Mr. Karatassos asked; the Inn is now requesting six spaces, what would be the long term for this site.

Mr. McCorkle responded that there is the possibility of having up to eleven rooms. This

would require some changing around of the carriage house. He added that there are two potential plans one allowing nine rooms and the other allowing eleven. He stated that he would have to come back to the board in the future if he wanted to make changes.

Mr. Karatassos stated that he would prefer to approve the use with three spaces only and not allow a three space variance because that three space variance could change when or if you increase the size of the building and you would return to obtain another variance for a larger number of spaces. He stated that he would be more inclined to approve the three spaces.

Mr. Butler stated that the use is permitted by right. The board is being asked to grant a parking variance for three parking spaces. He added that the board can grant a variance for seven parking spaces.

Mr. Karatassos stated that if the board does grant the variance for the three spaces and the petitioner adds two more rooms then he would have to come back for another variance.

Mr. Butler answered not if the board grants as many parking spaces as the board thinks that the applicant will need.

Mr. Karatassos stated that that is what he would like to do, grant a variance for up to eleven rooms.

Mr. McCorkle interjected so that he would only have to have three spaces. Are three spaces on site enough.

Mr. Karatassos stated that he was working for him, so he could be quiet. What he was saying was that he would rather just do this and get it over with and this would make the applicant consistent with all the other inns or even ahead of every other inn around them because they would have at least three parking spaces.

Mr. Ronning stated that he has preserved at least ten right now. This will meet the requirement down the road.

Mr. Karatassos yes, but if that ten spaces were or if they were to sell the lot or build another building or something then his building would lose those ten spaces because he is being asked to do something that virtually every other inn downtown is not required to do.

Mr. Butler made two points; 1) this is not an inn at the moment. It is a single family residence with a carriage house that he is asking to convert into an inn he is placing additional demand on the parking and the ordinance specifically says that you cannot waive parking requirements. You can provide alternatives for parking requirements or issue variances from parking requirements where there is a good reason to do so. The fact that other inns are operating without parking is not germane to the question; 2) the parking that he has reserved is at the Colonial Dames Parking Lot which the board was involved in in the consideration of quite recently. They have just recently spent \$50,000 upgrading that into an approved parking lot per the standards that the board has established. This lot is not going to go away in the next decade.

Mr. McCorkle stated that part of what the Board of Appeals can do is grant variances. He

said that the board just today waived four parking spaces for the family dollar. The board has the ability to grant variance for parking and this happens fairly regularly. He added that he was not asking for anything that is not commonly asked for. There is a provision in the ordinance that says if you have off-street parking that is required parking for your business you cannot change the building or change the structures to reduce the number of spaces that you are required to have. The Board of Appeals does have the ability to decide that this business is allowed to exist with only three parking spaces.

Mr. Ronning asked if Mr. McCorkle had had any conversation with the Bowen Falligant Firm.

Mr. McCorkle stated that he had received a call from them and asked what it was that he was trying to do or whether or not he would be interested in renting parking spaces from them at night. He said that he responded that he did not think that this would make a lot of sense because this firm was active at 8:00a.m in the morning and how would they be able to get the guest to have their cars moved so that they could have use of their parking lot.

Mr. Ronning commented that this firm has doubled in size. If the applicant has to go here to reserve spaces for 48 hours, in his opinion this would make this situation worse. The relief would be to find an alternative space to place these cars.

Mr. McCorkle stated that he did not receive any objections. He feels fairly safe regarding the people in this 200 foot radius.

Mr. Ronning asked if he had had any discussion regarding the plans to increase the size of the inn.

Mr. McCorkle stated that he had not.

Mr. Karatassos responded that the agent's statement was that he would not increase the size of the building but that he would potentially add more rooms within building up to eleven rooms. He asked if the code required one parking space for each room.

Mr. McCorkle responded yes, plus a parking space for the staff.

Mr. Karatassos clarified that there are three parking spaces now and if those spaces are used now and the applicant expanded to eleven rooms plus staff then the ten that he now has will probably work.

Mr. Johnson made the motion to approve staff recommendation.

Mr. Karatassos asked that Mr. Butler repeat staff recommendation.

Mr. Butler read staff recommendation as follows; Denial of the three space variance and approval of the separation variance between the reserve parking at the Colonial Dames parking lot and the proposed use.

Mr. Karatassos stated that this needs to be separated because..... he asked Mr. Johnson if he was recommending the denial of the variance or that the board.....

Mr. Johnson stated that his recommendation was to approve the variance.

Mr. Karatassos asked if that variance would be limited or would it have a certain number of spaces.

Mr. Johnson stated that he thought that it was numbered. He asked how many number did staff recommend.

Chairman Mackey stated that the first proposal....

Mr. McCorkle stated there were two choices; 1) to waive any additional parking so that the three spaces were enough and there would be no need for off site parking; 2) the other choice would be to approve the off site parking at the Colonial Dames parking lot.

Mr. Karatassos stated that the motion here was close to the first idea but he did not think that it was to eliminate but to grant a variance that would be sufficient and that that number would be eleven. He wants to make a specific variance of eleven spaces for your

Mr. McCorkle stated that it would be a variance for eight spaces because he has the three.

Mr. Karatassos stated that there is also staff to consider. This is a requirement, too.

Mr. McCorkle responded yes.

Mr. Karatassos asked if the variance is for 10 spaces that would meet your plans for what was intended on the other property and not require you to do that.

Mr. Ronning stated that he was unclear on what how he was to vote.

Mr. Karatassos explained that Mr. Johnson's motion was to approve a variance of up to ten parking spaces for this business period, with no requirement for any planned off street facility. It is a variance and its number of spaces is ten. He asked Mr. Johnson to confirm if this was his intention.

Mr. Johnson responded that it was.

Mr. Ronning asked if the applicant would have to go to get ten spaces.

Mr. Karatassos stated that he would not. He stated that the board is giving him a variance basically saying that what he has would be adequate for his business. Now and if he expands.

Mr. Ronning asked if Mr. Karatassos was saying that the three spaces would be adequate.

Mr. Karatassos stated that what he was saying is that three parking spaces is what the board is requiring, whether or not it is adequate. He only has six. He will not be required to have any additional parking.

Mr. Ronning confirmed that the applicant has three spaces. He will not have any additional

requirement.

Mr. Karatassos stated that this is what the motion is.

Mr. Ronning stated that he wanted to be sure on what he was voting. If the board is saying basically we are granting Mr. McCorkle what the client has met. The three spaces that he has with up to an eleven room inn.

Mr. Karatassos stated that in his recognition, in spite of what Mr. Butler's saying, was irrelevant but in his mind and his thinking on how he would vote on this matter is how does this stack up against other Bed & Breakfast in the area and have no parking and have no rooms or have fewer rooms and has one or two parking spaces. It is a mixture and this was his thinking--- this is the motion that is on the floor.

Board Action:

Motion to approve a variance for 10 parking spaces for this business with no requirement for any planned off-street facility. - PASS

Vote Results

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

9. [3104 Gibbons Street, Setback and Buffer Variances, -000942](#)

Attachment: [Staff Report -000942.pdf](#)

Attachment: [Images -000942.pdf](#)

Present for the petition was: Chris Wynn, Agent

Jack Butler gave the following summary;

The petitioner, Chris Wynn, Agent for JACP Properties, LP, is requesting approval of a variance from the requirements of ordinance section 8-3025 (b) Use #51a (Vehicle Service, Major), subsection (a) which requires a 150-foot separation between vehicle storage and residential units, and a variance from the requirements of buffering, Type D, to reduce the required buffering from a 25-foot vegetative buffer to a 5-foot vegetative buffer.

The subject property is a 6,282-square foot vacant lot located at 3104 Gibbons Street and associated with a car repair business located at 3103 Skidaway Road. The property is zoned B-G (General Business). The subject parcel has been used as a storage yard for vehicles awaiting repair or awaiting collection by customers for a number of years. There are several residential properties in close proximity to the storage yard. Given the relatively low intensity of the proposed use (which will involve no outside repair or dismantling of vehicles), and the enhanced screening for the use above what is normally required for a parking lot, staff recommends approval of the requested 20-foot variance from the 25-foot vegetative buffer requirement and the 150-foot separation requirement.

Speaking on the petition: Chris Wynn, as agent for the JACP Properties, LP stated the reason for requesting the variance is that the 25-foot setback would eliminate all but 40ft of the back lot. He explained that there is 90ft there now and to remove 25ft from both sides there would only be 40ft remaining. The lot would be left unbuildable. He concluded that the lot has been cleaned by order of the city's property maintenance dept. and he would like to see it remain this way. As an effort to keep it from becoming an eye sore to the neighborhood he would like to do the fencing and whatever vegetation is required.

John Thorpe, resident at 3115 Gibbons Street across from the subject property stated that the subject property has been neglected and there is a chain link fence where the cars are kept but there are several dogs there that jump on the top of the cars and can potentially jump the fence and attack. He stated that his wife goes out every morning for work and that she is very concerned that the dogs will get out of the fence and she will be attacked. He also voiced his concerns regarding the standing water there in the old tires that breeds mosquitos. He concluded that he would only ask that the owner secure the dogs, clean the property and maintain it.

Mr. Butler added that the dismantled car is not permitted to be on the subject property. If the variance for the use is approved this car would be removed. This is a vehicle storage yard not a junk yard. It is prohibited keep dismantled cars, outdoor supplies, piled up tires, engine blocks or axles or any other debris from their process. It is only for the storage of cars that are either waiting to be serviced or have been serviced and are waiting to be picked up by the owner. Anything else is a violation and the owner is presently under a city citation.

Board Action:

The intent of the ordinance is to protect residential uses from negative impact by commercial and industrial uses. An automotive storage yard, however, is effectively a parking lot for vehicles associated with a repair business. The petitioner has proposed to install an 8-foot opaque screen wall of approved materials and a 5-foot vegetative buffer to further screen the use from adjoining residential uses.

- PASS

Given the relatively low intensity of the proposed use (which will involve no outside repair or dismantling of vehicles), and the enhanced screening for the use above what is normally required for a parking lot, staff recommends **approval** of the requested 20-foot variance from the 25-foot vegetative buffer requirement and the 150-foot separation requirement.

Vote Results

Motion: William Ronning

Second: Sidney J Johnson

Sidney J Johnson

- Aye

Eli Karatassos

- Aye

Timothy Mackey

- Aye

Brian Reese

- Aye

William Ronning

- Aye

VIII. Other Business

IX. Adjournment

10. [Adjournment of the March 28, 2013 SZBA Agenda](#)

There being no further business to come before the board, Chairman Mackey adjourned the March 28, 2013 SZBA Meeting.

Respectfully submitted,

Jack Butler, SZBA Secretary

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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.