



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  
May 23, 2013  
Minutes

**May 23, 2013 Savannah Zoning Board of Appeals Meeting**

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

**Members Not Present:** Timothy Mackey, Chairman

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

**Advisory Staff Present:** Tom Bolton, Zoning Inspector

**I. Call to Order and Welcome**

1. [Call to Order](#)

**Board Action:**

Due to the absence of the Chairman and the Vice Chairman at the beginning of the meeting, the members of the board suggested that Mr. Karatassos serve as Pro-tem. Mr. Reese arrived during "Old Business" but elected to allow Mr. Karatassos to continue to chair the meeting. - PASS

**Vote Results**

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

Brian Reese	- Not Present
William Ronning	- Aye

## II. Notices, Proclamations and Acknowledgements

### III. Approval of Minutes

#### 2. [Approval of the March 28, 2013 SZBA Meeting Minutes](#)

Attachment: [March28.pdf](#)

##### **Board Action:**

Approval of the March 28, 2013 SZBA Meeting Minutes as submitted. - PASS

##### **Vote Results**

Motion: William Ronning

Second: Sidney J Johnson

Sidney J Johnson - Aye

Timothy Mackey - Not Present

Brian Reese - Not Present

William Ronning - Aye

Eli Karatassos - Aye

#### 3. [Approval of the April 25, 2013 SZBA Meeting Minutes](#)

Attachment: [April25th.pdf](#)

##### **Board Action:**

Approval of the April 25, 2013 SZBA Meeting Minutes as submitted. - PASS

##### **Vote Results**

Motion: William Ronning

Second: Sidney J Johnson

Sidney J Johnson - Aye

Eli Karatassos - Aye

Timothy Mackey - Not Present

Brian Reese - Not Present

William Ronning - Aye

### IV. Approval of 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

### 4. [322 W. Broughton St. | Lot Area per Dwelling Variance](#)

Attachment: [Staff Report -001515 revised.pdf](#)

Attachment: [Images -001515.pdf](#)

Present for the petition was: Patrick Phelps, Agent

Jack Butler gave the following summary:

He stated that this petition has been continued from last month. The signage was initially posted so as that it could not be seen from the street and the vast majority of the advertisement that were sent to the individual property owners in the building were returned as undeliverable. Staff elected to post signage and trust in word of mouth amongst the various residents to get the word out regarding the hearing. Staff has met the standards for proper notification at this time. He proceeded with the summary;

The petitioner, Patrick L. Phelps, AIA as agent for Mr. Oliver Pan, is requesting approval of a variance from the requirements of section 8-3025 (c) which require 600 square feet of lot area per dwelling unit to allow 14 residential units in a building instead of 10. The subject property is a three-story brick building with a 5,534-square foot footprint. The ground floor of the building is retail and the upper two stories are being converted into residential. The property is zoned B-C-1. (central business district) The BC-1 zoning district requires at least 600 square feet of area for each living unit. A literal interpretation of the standards in the BC-1 district results in a calculated 395 square feet of lot area per living unit (14 units on 5,535 square feet of lot area). The petitioners are seeking a variance to allow an average 395 square feet of lot area for 14 living units. Staff agrees that the method of unit density calculation in the BC-1 zoning district results in an unreasonably low residential density. The proposed unit size and configuration of the project at 322 West Broughton Street would result in few adverse impacts on the community. At least three times (in 2006, 2007 and 2012), similar lot area variances were granted by the Zoning Board of Appeals in the district which resulted in increased density and few negative impact. Therefore staff recommends **approval** of the requested lot area requirement variance. However it has come to the attention of staff that this is not a stand alone development. This is the final third of a three-building development. In fact the three buildings are internally connected. Although staff has recommended approval in the published version staff has reservations about changing the design of a single project midway through when others have bought into the project based on a single design. The original design was for ten units to be in each building. Staff's revised recommendation is for denial; not due to density, but because the petition was presented as a single stand alone project.

**Speaking on the petition:** Patrick Phelps, agent stated that the building is comprised of residential tenants on the second and third floor of these three buildings and commercial is on the ground floor. As evidence that this petition was presented as a phased project Mr.

Phelps presented a plat of the project that depicted the different phases; 1, 2, and 3. He added that he had asked staff from the beginning how he would go about presenting this project since it was a phased project and the zoning ordinance reads that the number of units is depended upon the lot area. There are three separate lots that each of the properties are located on and they still have to find property areas. The determination for the number of units on one building is pre-determined by one per 600 square feet of what that lot area is. For this specific lot there are an allowable nine units. He stated that his request is to take the two units in the back which are larger units and convert them from larger square footage units to smaller square footage units. He also stated that he has approached the homeowners association and the property owner to obtain permission. He explained that it is the intent of the owner to provide long term leasing of these units. Having the change in the number of increase of the units will not change the occupancy levels of the building. He also added that there are no parking issues because this are no parking requirements in the B-C-1 district. In conclusion he stated that he would be happy to answer any questions from the board.

**Mr. Ronning** questioned how long ago did the owner decide that he wanted to change the number of units in this building.

**Mr. Phelps** responded that the owner purchase the property with the intent and hopes of making the increase to 14 units. It is for marketing reasons to be able to market a two bedroom larger apartment in this area is difficult. This concurs with staff's original opinion.

**Mr. James Dedr**, neighboring resident stated that he was in opposition of the variance request. He ask that the do what is necessary to encourage ownership in this building and not have it as a leasing agreement. He ask that this petition be denied.

**Miki Skelton**, Representing Neighborhood Association stated that 20% of the units are owner occupied and that 60-70% are student occupied. She explained how the owner obtained the property, the design of the property, and the repairs needed in the buildings. She was opposed to the variance.

**Lynda English**, resident stated that she purchased her property because her daughter wanted to live downtown, not just as a student, but as a downtown resident. She added that when she initially purchased the property this is not what she was told the design would be. She was opposed to the variance.

**Mary Jo Bush**, resident owner stated that she owns the apartment but she does lease it out. She stated that her last tenant, a professional, gave up his lease with great peril to his reputation because of the noise, both inside and out. She added that she was afraid that more tenants would create more noise; more people and more pets. She stated that this would be a detriment to the property owners. She asked that the proposal be rejected.

**William Kolhoff**, resident owner stated that collectively the owners feel that there is no warrant to increase the density. He added that the homeowners vehemently oppose increasing the dorm-like atmosphere.

**Board Action:**

Staff recommends **Denial** of the requested lot area requirement variance. - PASS

**Vote Results**

Motion: Sidney J Johnson

Second: William Ronning

Sidney J Johnson

- Aye

Eli Karatassos

- Nay

Timothy Mackey

- Not Present

Brian Reese

- Abstain

William Ronning

- Aye

**VII. Regular Agenda**

5. [202 W. Park Ave. | Setback and Parking Variances](#)

Attachment: [Staff Report -001703.pdf](#)

Attachment: [Images -001703.pdf](#)

Attachment: [Documents -001703.pdf](#)

Present for the petition was: Alex and Robin Moore

Jack Butler gave the following summary;

The petitioner, Alex Moore, is requesting approval of a variance from the required off-street parking standards of two spaces per dwelling, and a rear setback variance of 15 feet (from the 35 feet required in the district) in order to subdivide a 4,402-square foot lot of record into two separate lots. The subject property is a conforming lot located at 202 West Park Avenue (between West Park and the unpaved Waldburg Lane). The property consist of a two- story frame house and a 750-square -foot two-story carriage house with ground floor parking and a second story apartment. The property is zoned 3-R (35-60 units per acre, Victorian District). The petitioner seeks to subdivide the property so that the carriage house becomes a stand alone parcel. The Zoning Administrator has determined that, because the carriage house provides the parking for both residences, the main house will require a variance from the requirement to provide off-street parking. The Zoning Administrator has determined that the proposed subdivision will create a rear yard of 20 feet for the main house, which is 15 feet less than the 35-foot rear yard required in the district. The petitioner is requesting a 15 foot rear-yard setback variance for the main house. The Zoning Administrator has determined that all other sub-standard conditions that would be created by the subdivision constitute "existing conditions" and do not require variances. In considering the variance request staff has been asked to consider the four criteria: 1) there are no extraordinary or exceptional condition; the subject property is configured like many in the Victorian district, with a main house and a subordinate carriage house where the driveway accesses to the main street.

**Alex Moore**, property owner stated that staff was right with their evaluation and criteria except in this particular incidence. As a practical matter for the past 12 years there has been no off-street parking. It has been available but it has not been utilized. The garage is being used for personal storage. Granting the variance would in fact free what is now being used as storage for the owner and convert it into two off-street parking spaces. Additionally, he stated that he could meet the requirements to add off-street parking to the main house but unfortunately there is a telephone utility box located exactly where the curb cut should be. He concluded that through no fault of his own he is precluded from compliance. As far as addressing the injury to the public, the staff is correct in theory, but as a practical matter the on street parking would be enhanced as a result of granting this variance. Additionally it would create affordable housing other than condominiums. He asked that the variance be approved.

**Robin Moore**, property owner stated that the house has been on the market for quite some time in its present condition. The plan is to renovate it and to split it off. She stated that she and her husband would like to create more affordable housing. There have been no carriage houses for sale. The plan is to market this carriage house for \$125,000.00. She added that there is a need for young professionals and more people wanting to own and live downtown. She asked that the variance be approved.

**Board Action:**

Staff recommends **denial** of the requested - PASS variances.

**Vote Results**

Motion: William Ronning

Second: Brian Reese

Sidney J Johnson - Aye

Eli Karatassos - Aye

Timothy Mackey - Not Present

Brian Reese - Aye

William Ronning - Aye

6. [1839 Cokesbury Dr. | Home Occupation Use Standards Variance](#)

Attachment: [Staff Report -001912.pdf](#)

Attachment: [Images -001912.pdf](#)

Present for the petition was: Tricia Kelly Learman

Jack Butler gave the following summary:

The petitioner, Tricia Kelley Learman, is requesting approval of a variance from the standard in Section 8-3002 defining a Home Occupation (page 11) Beauty Parlor as being operated "in a room separate from, but attached to a dwelling unit" in order to operate a one-station salon from a 144-square foot stand-alone shed. The subject property is a conforming 13,974 square foot (0.32) parcel located at 1839 Cokesbury Drive. The

property comprises a 1,087 square foot-single-family residence with attached 96 square-foot sunroom; a carport; a 96-square foot laundry shed; and a stand-alone 144 square foot shed. The petitioner is proposing a standard which amounts to a standard for home occupation. The basic standard for a home occupation is that it be operated from within a home. The Zoning Board of Appeals may authorize a variance on the condition of the following; 1)there are no extraordinary or exception conditions pertaining to the particular piece of property; 2) the application of this chapter to this particular piece of property would not create an unnecessary hardship; 3) such conditions are not peculiar to the particular piece of property involved in fact they are common throughout the city; and 4) relief, if granted, could cause substantial detriment to the public good and impair the purposes and intent of the Savannah Zoning Ordinance. The intent of the Home Occupations section of the ordinance is to limit commercial enterprises in residential neighborhoods to those that have minimal impact on adjoining residential properties and do not change the residential character of the subject properties. Operating a commercial enterprise from an outbuilding creates the potential for an impact on adjoining properties, and violates the basic premise of the Home Occupation provisions of the ordinance by establishing a stand-alone commercial structure in a residential neighborhood. While a single-chair beauty salon is arguably low-impact, other permitted home occupation would have considerably greater impact if operated from out-buildings. The proposed salon could be operated from within the residence without violating the ordinance and without requiring a variance. Staff recommends denial of the requested variance.

**Speaking on the petition:** Tricia Kelly Learman, homeowner stated that the house is a two bedroom 800 square foot house. She stated that there is no way that she could place a salon in the house. She stated that she has created a space for off-street parking and presented pictures depicting how the clients would enter and exit the home. She stated that this is her only option in supporting her daughter. She added that she has spoken to the president of the neighborhood association. She stated that although he voiced that he had some concerns he was not opposed to her petition however she did receive opposition from one of the residents.

**Board Discussion:** Board members asked questions regarding licensing, permitting, hours of operations and the length of time the petitioner has operated this business.

**Mr. Karatassos** asked if this petition could be continued in order to give the petitioner an opportunity to speak with the neighborhood association and its residents to gain their support.

**Board Action:**

Continue to the next scheduled SZBA meeting; - PASS  
June 27, 2013.

**Vote Results**

Motion: Sidney J Johnson

Second: Brian Reese

Sidney J Johnson

- Aye

Eli Karatassos

- Aye

Timothy Mackey

- Not Present

Brian Reese	- Aye
William Ronning	- Aye

7. [220 Eisenhower Dr. | Sign Standards Variance](#)

Attachment: [Staff Report -001983.pdf](#)

Attachment: [Images -001983.pdf](#)

The Board moved to waive the staff presentation due to the absence of the petitioner and approve the recommendation of staff to deny the petition.

**Board Action:**

Motion to waive staff presentation and approve staff recommendation. - PASS

**Vote Results**

Motion: Brian Reese

Second: Sidney J Johnson

Sidney J Johnson - Aye

Eli Karatassos - Aye

Timothy Mackey - Not Present

Brian Reese - Aye

William Ronning - Aye

**VIII. Other Business**

**IX. Adjournment**

8. [Adjournment of the May 23, 2013 SZBA Meeting](#)

There being no further business to come before the Board; the Chairman Pro-Tem, Mr. Eli Karatassos declared the May 23, 2013 Savannah Zoning Board of Appeals Meeting adjourned.

Respectfully submitted,

Jack Butler, SZBA Secretary

/cm



**Note: Minutes of the meeting are not official until signed.**

*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.*