



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
February 27, 2014 10:00 A.M.
Minutes

February 27, 2014 Savannah Zoning Board of Appeals

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

Members Not Present: Sidney J. Johnson

Staff Present: Jack Butler, Secretary
Constance Morgan Assistant Secretary

Advisory Staff Present: Tom Bolton, City Zoning Inspector

I. Call to Order and Welcome

II. Notices, Proclamations and Acknowledgements

III. Approval of Minutes

IV. Approval of Final Agenda

1. [Requests to be Continued](#)

Board Action:

Approve the continuance to the March 27, 2014
SZBA meeting. - PASS

Vote Results

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

Brian Reese	- Aye
William Ronning	- Aye

2. [Request to be Removed](#)

Board Action:

Approve the withdrawal of the petition for 500 Staley Avenue. The petitioner is no longer considering expansion of the salvage yard. - PASS

Vote Results

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

3. [Request for Reconsideration](#)

Attachment: [Board Decision 6214.pdf](#)
Attachment: [Images 6214.pdf](#)
Attachment: [Request for Reconsideration 6214.pdf](#)

Present for the petition: Mr. Douglas Kaufman, petitioner

Mr. Jack Butler gave the following summary;

The petitioner Douglas Kaufman (case # 13-006214-ZBA, 422 W. 43rd St.) requests that the board reconsider his petition, which was denied on January 23rd.

Speaking on the petition: Mr. Kaufman thanked board members for their reconsideration and for allowing him to return to have his petition heard. He gave a brief history of the proposed site and asked that his request be approved as submitted.

Board Action:

Request to reconsider to re-hear Mr. Kaufman's case. - PASS

Vote Results

Motion: Eli Karatassos

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

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

4. [115 East Waldburg St. | Special Use \(Inn\) | 158](#)

Attachment: [Staff Report 158.pdf](#)

Attachment: [Images 158.pdf](#)

Jack Butler gave the following summary;

He informed board members that the following petitions were listed on the Consent Agenda and that the Board could approve them as a block item. The petitions were:

- 1) *115 E. Waldburg St;*
- 2) *222 E. Waldburg St;*
- 3) *315 E. Park Ave;*
- 4) *521 & 523 W. Jones St;*
- 5) *222 E. Gordon St and;*
- 6) *313 E. Park Ave.*

Chairman Mackey stated that he questioned the conversation that's with the city council as far as verbiage or new language as it applies to inns and how they will be listed, categorized or zoned. He asked if the listed items were in the context of that conversations.

Mr. Butler responded that the aforementioned items are vacation rental properties. They are in zoning districts that permit the use with ZBA approval. He added that staff has not received any objections or concerns from adjoining property owners.

Chairman Mackey stated that if new language is being proposed, he would not want a flood of request to come before this board prior to the new language.

Mr. Butler agreed and added that this is the procedure that the zoning administrator has requested staff undertakes in the interim in order to bring those that are in districts that will permit the use.

Mr. Karatassos asked if these were the short term rentals.

Mr. Butler responded yes. The city struggles now to develop an ordinance to deal with

these short term vacation rentals. But the City has asked that where the bed & breakfast and small Inn use is in existence, which is the Mid City and the Victorian district, they ask that staff approve these as Inns. This will not change the use or the structure but it does allow the city to regulate it and put in advance regulatory actions.

Mr. Karatassos stated that he shared the chairman's concerns regarding these short term rentals. He stated that questioned should be asked but that he was satisfied with the process.

Mr. Reese asked staff if the action that the board was taking was to grandfather in these businesses for usage because they have been in existence for some time.

Mr. Butler explained what was being requested of the board and what would result from the board's action.

Speaking on the petition: Susan Piper-Head stated that there were two factors that had not come in. She stated that she rents her property when she is not using it but most of the time she was in it. However, there is a tax revenue that comes back to the city that has been paid and should be considered.

Mr. Karatassos interjected and suggested that the speaker may want to wait until her petition was before the board.

Ms. Piper-Head responded that her property was located next door to 315 E. Park Avenue which was under consent. She did not understand with the close proximity why her property was not listed here.

Mr. Butler interjected that this was a glitch in the system and that Ms. Piper- Head's property should also be listed under Consent Agenda. He asked that the petition be removed from Regular Agenda and placed under Consent.

Mr. John Watson, owner of 315 E. Park Avenue informed the board that he and his wife had recently retired and were looking for a place and after touring the whole south decided on Savannah. After purchasing the property 315 Park Avenue a winter home they decided that when they were not staying here that they would rent the property out as a short term rental.

Board Action:

The City of Savannah has recently decided to begin regulation of vacation rental properties. As no "vacation rental" designation exists, the city has directed that the properties shall be regarded as "inns or apartment hotels," which are use #6 in the Victorian District zoning. Barring any issues arising from the specific behavior of a specific tenant of the property, the use of the property should be indistinguishable from the use of the property for long-term rental or owner occupancy. - PASS

Staff recommends approval of the proposed use.

Vote Results

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

5. [222 E. Waldburg St. | Special Use \(Inn\) | 325](#)

Attachment: [Staff Report 325.pdf](#)

Attachment: [Images 325.pdf](#)

Board Action:

The City of Savannah has recently decided to begin regulation of vacation rental properties. As no “vacation rental” designation exists, the city has directed that the properties shall be regarded as “inns or apartment hotels,” which are use #6 in the Victorian District zoning. Barring any issues arising from the specific behavior of a specific tenant of the property, the use of the property should be indistinguishable from the use of the property for long-term rental or owner occupancy. - PASS

Staff recommends approval of the proposed use.

Vote Results

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

6. [315 E. Park Ave. | Special Use \(Inn\) | 359](#)

Attachment: [Staff Report 359.pdf](#)

Attachment: [Images 359.pdf](#)

Board Action:

The City of Savannah has recently decided to begin regulation of vacation rental properties. As no “vacation rental” designation exists, the city has directed that the properties shall be regarded as “inns or apartment hotels,” which are use #6 in the Victorian District zoning. Barring any issues arising from the specific behavior of a specific tenant of the property, the use of the property should be indistinguishable from the use of the property for long-term rental or owner occupancy. - PASS

Staff recommends approval of the proposed use.

Vote Results

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

7. [521&523 W. Jones St. | Standards Variance \(Fence\) | 448](#)

Attachment: [Staff Report 448.pdf](#)

Attachment: [Images 448.pdf](#)

Board Action:

Staff recommends **approval** of the variance as recommended by the Historic District Board of Review. - PASS

Vote Results

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

8. [222 E. Gordon St. | Variance \(Enclosed Porch\) | 358](#)

Attachment: [Staff Report 358.pdf](#)

Attachment: [Images 358.pdf](#)

Board Action:

Staff recommends **approval** of the requested materials variance for the rear porch, subject to the conditions as recommended by the Historic District Board of Review, which are:

That the petitioner match the color to the existing windows and trim;

That the petitioner add shutters to all windows on the south and east facades sized to fit the window opening and that the horizontal rail corresponds to the location of the meeting rail; and

That the petitioner enclose the existing rear porch, first and second levels with wood French doors with sidelights and hardiboard trim and details.

- PASS

Vote Results

Motion: Eli Karatassos

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

9. [313 E. Park Ave. | Special Use \(Inn\) | 326](#)

Attachment: [Staff Report 326.pdf](#)

Attachment: [Images 326.pdf](#)

Board Action:

The City of Savannah has recently decided to begin regulation of vacation rental properties. As no “vacation rental” designation exists, the city has directed that the properties shall be regarded as “inns or apartment hotels,” which are use #6 in the Victorian District zoning. Barring any issues arising from the specific behavior of a specific tenant of the property, the use of the property should be indistinguishable from the use of the property for long-term rental or owner occupancy. - PASS

Staff recommends **approval** of the proposed use.

Vote Results

Motion: Eli Karatassos

Second: William Ronning

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

VI. Old Business

10. [27 W. Charlton St. | Special Use \(Day Care/Kindergarten\) | 5946](#)

Attachment: [Staff Report 5946.pdf](#)

Attachment: [Images 5946.pdf](#)

Present for the petition was: Brian Culver

Mr. Jack Butler gave the following summary;

The petitioner, Brian Culver as agent for St. John’s Church, is requesting approval of a use #22a (Day Nursery and Kindergarten) for a facility of up to 50 children, and a variance in play and lot area are required and parking were requested. Parking, traffic flow and other specifics of site design have been adequately addressed. The site is of adequate size to accommodate the proposed 50 children. The dedication of a 5,000 square foot lot solely to private playground area is not a reasonable requirement in the neighborhood. Public parks

in the vicinity of the church are also available for recreational use. Provided use of the fenced playground area is staggered, with no more than 12 children using the playground at a time, the site should be adequate to the proposed use.

Staff recommends **approval** of the proposed use #22a (Day Nursery and Kindergarten) for a facility of up to 50 children, and **approval** of the requested 3,621 square foot variance in fenced outdoor play area.

Board Action:

The proposed use could be accommodated at the site. Parking, traffic flow and other specifics of site design have been adequately addressed. The site is of adequate size to accommodate the proposed 50 children. The dedication of a 5,000 square foot lot solely to private playground area is not a reasonable requirement in the neighborhood. Public parks in the vicinity of the church are also available for recreational use. Provided use of the fenced playground area is staggered, with no more than 12 children using the playground at a time, the site should be adequate to the proposed use. **PASS**

Staff recommends **approval** of the proposed use #22a (Day Nursery and Kindergarten) for a facility of up to 50 children, and **approval** of the requested 3,621 square foot variance in fenced outdoor play area.

Vote Results

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

VII. Regular Agenda

11. [702 W. 60th St. | Setback& Coverage Variance | 324](#)

Attachment: [Staff Report 324.pdf](#)

Attachment: [Images 324.pdf](#)

Present for the petition was: Alethia Candy

Jack Butler gave the following summary;

The petitioner, Alethia R. Canady, as agent for Carl and Gwen Martin, is requesting approval of a variance of 6% in the allowable 30% maximum lot coverage, and a 10-foot variance from the 15 foot street side yard setback required, in order to construct an addition onto a single-family residence. The proposed building addition would result in a 1,996 square foot residence, which is not unusual. The unusual configuration of the property would result in the addition creating a lot that is in closer conformity to the standard design of the neighborhood than the present lot layout. The additional lot coverage is high for the neighborhood, but is exceeded by the coverage on two nearby lots.

Staff recommends **approval** of the requested 6% lot coverage variance (up to 36 percent), and **approval** of the requested 10-foot street side yard setback variance.

Board Action:

Approval of the requested 6% lot coverage variance (up to 36 percent), and **approval** of the requested 10-foot street side yard - PASS setback variance.

Vote Results

Motion: Eli Karatassos

Second: William Ronning

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

12. [2362 Wilemere Place | Setback Variance | 338](#)

Attachment: [Staff Report 338.pdf](#)

Attachment: [Images 338.pdf](#)

Present for the petition was

Jack Butler gave the following summary;

The petitioner, William Tyson, is requesting approval of a 10-foot variance in the required 25-foot rear yard setback in order to construct a 1,300 square foot residence. The property is located on Wilemere at the corner of Laroche. This is an oddly shaped lot. Because of the unusual diamond shape at the rear of the lot the construction will encroach in the required rear setback. Staff recommends **approval** of the request.

Speaking on the petition: Ayesha Sabree neighboring property owner stated that the encroachment will be on her property. She expressed her concerns regarding fire safety. She stated that the previous construction also encroached onto her property and there was a fire that because of its close proximity she was forced to dampen her structure to prevent

the spread of the fire. She added that if the new construction is allowed to encroach this too will put her property at risk. She stated that she disagrees with the close proximity of the proposed property. She asked that the request be denied.

Mr. Butler explained the layout and presented an aerial view of the property. He added that the encroachment would only be at one corner of the property. The remainder of the house is within the setback area. He also ensured Ms. Sabree that the proposed house will be at least 17 off the property line and well outside of the fire code. This separation should be adequate to protect against any mischance.

Van Tyson, stated that the pre-existing house was only 900 square feet. He stated that it was not worth it to him to build a 900 square foot property nor did he think that he could build a house at this size with the setbacks as they are.

Board Action:

Staff recommends approval of the requested 10-foot rear-yard building setback variance. - PASS

Vote Results

Motion: Eli Karatassos

Second: William Ronning

Sidney J Johnson - Not Present

Eli Karatassos - Aye

Timothy Mackey - Aye

Brian Reese - Aye

William Ronning - Aye

13. [5801 Abercorn St. | Variances \(Hotel\) | 418](#)

Attachment: [Staff Report 418.pdf](#)

Attachment: [Site Plans & ELevations.pdf](#)

Attachment: [Comment 5801 Abercorn St.pdf](#)

Attachment: [Images 418.pdf](#)

Attachment: [20140227084354630 \(2\).pdf](#)

Present for the petition was: Harold Yellin, Agent

Jack Butler gave the following summary;

Mr. Butler stated that staff had received a number of comments from the community. He read from the list of those that were in favor and from the list of those in opposition. After the completion of reading the lists he gave the following summary;

The petitioner, Harold Yellin, agent for Ameris Bank is requesting approval of variances to enable the construction of a hotel on the subject property. The requested variances are: a building height variance of 39 feet above the 50 feet permitted in the district; a lot coverage variance of 17 percent above the 50 percent permitted in the district; a 17-foot front building setback (from the 50-feet from centerline required) to allow the structure to encroach to within 33 feet of the centerline of Johnston Street; a 5-foot rear yard setback variance from the 25 feet required in the ordinance; and a 10-foot side yard setback variance (from the 10-foot side setback required) on the western property line of the subject property. Staff recommends approval of the requested variances:

a building height variance of 39 feet above the 50 feet permitted in the district;
a lot coverage variance of 17 percent above the 50 percent permitted in the district;
a 17-foot front building setback (from the 50-feet from centerline required) to allow the structure to encroach to within 33 feet of the centerline of Johnston Street;
a 5-foot rear yard setback variance from the 25 feet required in the ordinance; and
a 10-foot side yard setback variance (from the 10-foot side setback required) on the western property line of the subject property.

Speaking on the petition: Harold Yellin, Agent for Ameris Bank informed the Board of the present zoning and added that a 50 foot hotel is permitted by right in the present R-I-P district. He gave a brief background on North Point Hospitality hotels and gave a brief summary on the petitioner's request for the height variance. In conclusion, he stated that he would answer any questions that the board may have and requested that the petition be approved as submitted.

Steven Ross, concerned property owner stated that he was overwhelmed by the scale of the proposed hotel. He stated that he was opposed to some of the existing problems that have not been addressed. He listed those concerns; 1) parking; 2) building height; 3) light pollution; and 4) area coverage. He stated that he was opposed to the petition.

Melvyn P. Galin, stated that most of the residents here have invested in the City of Savannah and take pride in the community. His concerns were the flight plans in this area. He explained that the flight plans for the airplanes were different from the helicopter plans. He also voiced concerns regarding civil engineering plans and stated that he was opposed to Mr. Yellin's comments regarding the canal. He addressed his concerns regarding the potential flooding that could occur in the rear of the shopping center and along the houses on Johnston Street.

Dr. Ross, neighboring property owner stated that she has a medical office in the rear of the proposed hotel. She noted that her husband when speaking earlier stated their concerns regarding the parking but had forgotten to mention emergency access to her facility. She stated that she was not opposed to the hotel but that the petitioners do the right thing regarding the parking.

Attorney Yellin acknowledged that the guest of the hotel park on Johnston Street and stated that they have the right to park there; it is a public street. If the neighbors believe that there should be parking on one side of the street only he added that he and his client would be happy to meet with the neighbors to discuss a solution. He also addressed the concerns of Mr. Galin regarding the drainage. In summary, he stated that the height of the hotel will not affect the water run-off.

Board Action:

Staff recommends **approval** of the requested variances:
a building height variance of 39 feet above the 50 feet permitted in the district;
a lot coverage variance of 17 percent above the 50 percent permitted in the district;
a 17-foot front building setback (from the 50-foot from centerline required) to allow the structure to encroach to within 33 feet of the centerline of Johnston Street;
a 5-foot rear yard setback variance from the 25 feet required in the ordinance; and
a 10-foot side yard setback variance (from the 10-foot side setback required) on the western property line of the subject property.

Vote Results

Motion:
Second:

14. [422 W. 43rd Street](#)

Present for the petition was:

Mr. Jack Butler gave the following summary;

Board Action:

Approval of the petitioner's request - PASS

Vote Results

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

William Ronning

- Aye

VIII. Other Business

IX. Adjournment

15. [Adjournment of the February 27, 2014 SZBA Meeting](#)

There being no other business to come before the February 27, 2014 Savannah Zoning Board of Appeals Meeting, the chairman declared the meeting adjourned.

Respectfully submitted,

Jack Butler, Secretary

/cm

NOTE: Minutes 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.*

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