



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 22, 2014 10:00 A.M.
Minutes

May 22, 2014 Savannah Zoning Board of Appeals

Members Present: Eli Karatassos, Chairman Pro-Tem
Sidney J. Johnson
Thomas E. Branch, III

Members Not Present: Timothy Mackey, Chairman
Brian Reese, Vice Chairman

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

Advisory Staff Present: Tom Bolton, City Zoning Inspector

I. Call to Order and Welcome

1. [Call to Order](#)

Due to the absence of the Chairman and Vice Chairman, Mr. Eli Karatassos served as acting chairman. He called the May 22, 2014 SZBA Meeting to order at 10:05 a.m. and explained the meeting process for the benefit of those attending the meeting for the first time.

II. Notices, Proclamations and Acknowledgements

III. Approval of Minutes

2. [Approval of the April 22, 2014 SZBA Meeting Minutes](#)

Attachment: [April24th.pdf](#)

Board Action:

Approval of the minutes as submitted. - PASS

Vote Results

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

IV. Approval of Final Agenda

3. [Items to Be Continued to June 26](#)

Jack Butler, requested that in addition to the two petitions listed to be continued: 502 and 504 E. Henry Street -14-00992 and 536 Selma Street -14-001000, that 202 E. Gaston Street -14-002004-ZBA, also be added to postponed to the next scheduled SZBA Meeting; June 26, 2014.

Board Action:

Approval of the petitioners' request to continue the items listed to the next scheduled SZBA Hearing; June 26, 2014. - PASS

Vote Results

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

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. [711 Price Street | Structured Parking Setback | 2002](#)

Attachment: [Images 2002.pdf](#)
Attachment: [Staff Report 2002.pdf](#)

Board Action:

The parking setback from which a variance is sought is intended to engage commercial structures with the pedestrian environment by forcing parking to the interior of commercial lots; the standard was not intended to be applied to residential properties.

Staff recommends **approval** of a variance from the “structured parking setback” standard under Section 8-3030(n)(14)b to permit the proposed garage addition as described in 14-001181-COA to be constructed as recommended by the Historic District Board of Review. - PASS

Vote Results

Motion: Sidney J Johnson

Second: Tom Branch

Tom Branch	- Aye
Sidney J Johnson	- Aye
Eli Karatassos	- Aye
Timothy Mackey	- Not Present
Brian Reese	- Not Present

5. [3310 Ogeechee Road | Parking Variance | 2003](#)

Attachment: [Images 2003.pdf](#)

Attachment: [Staff Report 2003.pdf](#)

Board Action:

The proposed development would provide 25 percent more parking than the use requires and would reduce the parking deficit at the shopping center overall by four percent. - PASS

Staff recommends **approval** of the requested 23 space parking variance.

Vote Results

Motion: Sidney J Johnson

Second: Tom Branch

Tom Branch	- Aye
Sidney J Johnson	- Aye
Eli Karatassos	- Aye
Timothy Mackey	- Not Present
Brian Reese	- Not Present

6. [4214 Columbia Avenue | Lot Coverage | 1587](#)

Attachment: [Staff Report 1587.pdf](#)

Attachment: [Images 1587.pdf](#)

Board Action:

Permitting the addition of 900 square feet of building as proposed would grant the petitioner a use of the property that is made by

many of the adjoining property owners, although it would be at the higher end of the scale. The proposed addition could affect drainage on adjoining properties, therefore staff recommends **approval** of the requested 5.2 percent lot coverage variance with the **condition** that approval is contingent on the approval of the Savannah Stormwater Management Department. - PASS

Vote Results

Motion: Sidney J Johnson

Second: Tom Branch

Tom Branch	- Aye
Sidney J Johnson	- Aye
Eli Karatassos	- Aye
Timothy Mackey	- Not Present
Brian Reese	- Not Present

VI. Old Business

VII. Regular Agenda

7. [801 W. 39th Street | Use \(Multifamily\), Lot Area per Dwelling Unit and Parking | 2005](#)

Attachment: [Staff Report 2005.pdf](#)

Attachment: [Images 2005.pdf](#)

Jack Butler gave the following summary;

The petitioner, Michael Linton, as Agent for Wendy Bennett, is requesting approval of variances in order to authorize an accessory dwelling unit in a converted garage. The accessory dwelling unit requires approval of the use, a three-space off-street parking variance, a 3,822-square foot lot area per dwelling unit (49%) variance from the 7,800 square feet required for the use. The subject property is a developed 2,727 square foot residential lot located at 801 West 39th Street at the corner of 39th and Bulloch Street, and comprising an existing single residence and a 440-square foot carriage house apartment. The property is zoned R-4/PNC (Four Family Residential/ Planned Neighborhood Conservation). Both structures exist on the property, however the carriage house was recently converted/renovated as a dwelling. The main house has been converted into a duplex unit. There is a single off-street parking space on the property. In the R-4/PNC neighborhood, the creation of a three-family parcel requires approval of the Zoning Board of Appeals. Staff recommends **denial** of the requested use and associated variance.

The petitioner nor his agent was available for comment.

Board Action:

Staff recommends **denial** of the requested use and associated variance. - PASS

Vote Results

Motion: Sidney J Johnson

Second: Tom Branch

Tom Branch - Aye

Sidney J Johnson - Aye

Eli Karatassos - Aye

Timothy Mackey - Not Present

Brian Reese - Not Present

8. [406 W. 36th Street | Lot Area per Dwelling Unit | 1932](#)

Attachment: [Staff Report 1932.pdf](#)

Attachment: [Images 1932.pdf](#)

Present for the petition was: Mr. Richard Ferguson

Jack Butler gave the following summary:

The petitioner, Richmond Ferguson, is requesting approval of a variance 2,460 square feet (33 percent) in lot area from the 7,500 square feet required in order to construct three residences on a single residential lot. The subject property is a conforming 5,040 square foot located midblock between Montgomery Street and Martin Luther King Jr. Boulevard at 406 West 36th Street. The subject property is zoned R-B (Residential Business). The petitioner proposes to construct a three-family dwelling on the property. The use is permitted in the district. The RB zoning district requires a minimum of 2,500 square feet of lot area per dwelling unit. The subject property is adequate to support two dwelling units. The petitioner requests a variance of 33 percent in the minimum lot area per dwelling in order to add a third dwelling unit. The need for the requested variance is the result of the petitioner's desire to increase the number of living units on the presently vacant property. There is no hardship, and the justification for the variance is exclusively economic and the result of the petitioner's own actions. The Zoning Board of Appeals may not consider economic factors in rendering a decision. Staff recommends **denial** of the requested lot area per dwelling variance.

Speaking on the petition: Richmond Ferguson, petitioner stated his reasons for requesting this variance. He presented the development standards for the R-B district and pointed out that the lot was not a conforming lot of record, that his was not an economic benefit, and that he was actually down zoning the property. He asked that the petition be approved as submitted.

Board Action:

Staff recommends **denial** of the requested lot area per dwelling variance. - PASS

Vote Results

Motion: Tom Branch

Second: Sidney J Johnson

Tom Branch - Aye

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

9. [518 W. 38th Street | Lot Area per Dwelling Unit, Lot Width | 1779](#)

Attachment: [Images 1779.pdf](#)
Attachment: [Staff Report 1779.pdf](#)

Present for the petition was: Eric Jackson, Petitioner

Jack Butler gave the following summary;

The petitioner, Eric Jackson, is requesting approval of approval of a use (#2, two-family dwelling) requiring Zoning Board of Appeals approval, a variance of 3,618 square feet (50 percent) in required lot area per dwelling, and a lot width variance of 30 feet from the 60 feet required in order to convert an existing single-family residence into a duplex. The subject property is an existing two-story frame dwelling on a 30-foot wide, 3,582 square foot in area lot of record located at 518 West 38th Street. The property is zoned R-4 (Four Family Residential). The petitioner proposes to establish a duplex dwelling use at the location. The use requires approval by the Zoning Board of Appeals.

The property is a neighborhood of mixed residential types and is designated "Traditional Neighborhood" on the Future Land Use Map of the Tricentennial Comprehensive Plan. The use is appropriate but does not meet the minimum lot width standard and lot area standards. Residential density is a fundamental characteristic of the R-4 zoning district and cannot be varied by the ZBA. Staff recommends **denial** of the requested use and variances.

Speaking on the petition: Eric Jackson, petitioner stated that he purchased the subject property two years ago as a duplex. The property was zoned for this use but never given a Certificate of Appropriateness. He asked that he be allowed to use the property for its intention.

Board Action:

Approval of the petitioner's request as submitted. - PASS

Vote Results

Motion: Tom Branch

Second: Sidney J Johnson

Tom Branch	- Aye
Sidney J Johnson	- Aye
Eli Karatassos	- Aye
Timothy Mackey	- Not Present
Brian Reese	- Not Present

10. [660 E. Broughton Street | Historic District Standard Variance | 1970](#)

Attachment: [Staff Report 1970.pdf](#)

Attachment: [Images 1970.pdf](#)

Attachment: [ZBA Presentation - Morris Metal Building Windows.pdf](#)

Present for the petition was: Jerry Lominack

Jack Butler gave the following summary:

The petitioner, Jerry Lominack, is requesting approval of a variance in the design standards of the Savannah Historic District Ordinance, Section 8-3030 that require replacement of windows in contributing historic structures with windows that "replicate the original historic windows in composition, design, and material. The subject property is the Kehoe Ironworks located at 660 E. Broughton Street and comprising two historic buildings. The subject building, known as the Kehoe Machine Shop building, was constructed c. 1900 and added to the Historic District Contributing Structures Map in 2010. The property is zoned RIP-B. The petitioner is engaged as an architect for a substantial renovation and remodeling of the building and has been working with the Historic District Board of Review for some time. In March of this year, the HDBR denied the petitioner's proposal to replace the windows in the buildings with simulated divided light, aluminum-clad wooden windows.

The petitioner is requesting a variance from that design standard (8-3030(n)(7)a ii) arguing that the proposed replacement windows have increased durability, environmental effectiveness and energy efficiency. He presented pictures of the windows in question and stated that ordinarily the windows would have been restored but these windows could not be restored and would have to be replaced. The Zoning Board of Appeals may authorize a variance in an individual case upon a finding that there are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size shape, or topography. There are no extraordinary or exceptional conditions pertaining to the property. The windows in the building were deteriorated and needed to be replaced. The ordinance would require replacement with a window that "replicate [s] the original historic windows in composition, design, and material." The application of this chapter to this particular piece of property would create an unnecessary hardship. The standard is established to maintain the historical integrity of the structure and provides a viable alternative to the simulated divided windows proposed by the petitioner.

The Savannah Historic District is not only one of the largest, modest and most popular historic districts in the United States, it is a tremendous economic boon to the city, attracting tourists throughout the year. The integrity of that district is dependent on the integrity of the individual contributing structures within the district. The petitioner has provided no justification for the substitution other than the more modern type of window is better at keeping the weather out and would last longer than the required windows, and argues that the required windows are not " technically or economically feasible." However, the petitioner has failed to prove technical unfeasibility and economic criteria are specifically excluded from consideration by the ZBA in its deliberation. To allow the substitution of windows that appear to mimic the required windows in form, but which are substantively different in character, materials and function, is to abandon the core function of government: stewardship of important community resources. Staff recommends denial of the requested variance in design standard 8-3030 (n) (7) a ii.

He informed the Board that the Historic Preservation Officer, Ellen Harris and Leah Michalak, Historic Preservation Planner were both in the audience available to answer questions specific to Historic Preservation.

Speaking on the petition: Ellen Harris, Historic Preservation Officer pointed out that the pictures that were presented to the Board were not of the actual site but pictures of the main Kehoe Machine Shop. She explained that the actual site was the small metal building in the rear. Both buildings are considered contributing. She added that 24 windows will need to be replaced on this building. She continued that generally from a Historic Preservation perspective staff would like for the windows to be restored whenever possible, however such is not the case in a situation such as this; the original windows will have to be replaced. The ordinance states that the replacements need to match the original historic windows in material, configuration and appearance. She stated the benefits of the proposed modern windows, however, the code allows (in historic buildings) for exceptions to be made in historic buildings so those codes requirements are not binding in historic buildings.

Jerry Lominack, petitioner confirmed that the brick building was not the site for the replacement windows but the smaller metal building in the rear. He addressed the technical issues surrounding the project and respectfully requested that the petition be approved.

Board Action:

Staff recommends denial of the requested variance in design - PASS standard 8-3030 (n) (7) a ii.

Vote Results

Motion: Sidney J Johnson

Second: Tom Branch

Tom Branch	- Aye
Sidney J Johnson	- Aye
Eli Karatassos	- Aye
Timothy Mackey	- Not Present
Brian Reese	- Not Present

VIII. Other Business

IX. Adjournment

11. [Adjournment of the May 22, 2014 SZBA Meeting](#)

There being no other business to come before the Board, Mr. Eli Karatassos, Acting Chairman declared the Savannah Zoning Board of Appeals meeting adjourned at 11:44 am.

Respectfully submitted,

Jack Butler, SZBA 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.