



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
October 24, 2013 10:00 A.M.
Minutes

October 24, 2013 Savannah Zoning Board of Appeals Meeting

Members Present: Timothy Mackey, Chairman
Brian Reese, Vice Chairman
Eli P. Karatossos
Sidney J. Johnson

Members Not Present: William Ronning

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

1. [Approval of the September 26, 2013 SZBA Meeting Minutes](#)

Attachment: [September26th.pdf](#)

Board Action:

Approval of the September 26, 2013 SZBA minutes as submitted. - PASS

Vote Results

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

IV. Approval of Final Agenda

2. [303 Alice Street | Request to Continue to Nov. 27 | 4753](#)

Board Action:

Request to continue to the November 27, 2013
SZBA Agenda. - PASS

Vote Results

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

3. [4118 Walton St | Request to Continue to Nov. 27 | 4411](#)

Board Action:

Request to continue to the November 27, 2013
SZBA Agenda. - PASS

Vote Results

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

VI. Old Business

4. [309 E 34th St. | Appeal of Design Administrator Decision | 3215](#)

Attachment: [IMAGES -003215.pdf](#)

Attachment: [STAFF REPORT -3215.pdf](#)

Attachment: [Staff Decision-COA.pdf](#)

Attachment: [Neighbor Comment ZBA File No13-003215-ZBA.pdf](#)

Present for the petition; Tim Burt, Petitioner, Michael Frank, Architect

Jack Butler gave the following summary:

The petitioner, Timothy Burt, is requesting approval of an appeal of an administrative decision by the Design Administrator to deny the design of a portico installed without prior review on a contributing structure in the Thomas Square-Mid City Historic District. This case is continued from the July 25th Board meeting. The subject property is a conforming 4,893 square foot residential lot located 309 E. 34th Street and comprising a contributing two-story brick residential structure. The property is zoned TN-2 (Traditional Neighborhood, Thomas Square-Mid City zoning). Without review, the petitioner removed an existing, non-historic, corrugated metal awning above the front door and replaced it with a front gable wooden portico. The portico rests on two existing brick and concrete knee walls approximately 5' from the façade, and is approximately 8' wide. Two pilasters are attached to the brick façade and two wooden columns support the roof. The roof is "Weathered Wood" Landmark CertainTeed asphalt shingle. Under the Mid-City Zoning, modifications to the exterior of a structure require a Certificate of Appropriateness from the Historic Preservation Officer. On May 23rd, Design Administrator Ellen Harris refused the petitioner's request for after-the-fact approval. The Design Administrator denied the request for after-the-fact approval finding that the portico installed by the petitioner does not meet the visual compatibility criteria and neighborhood design standards of the district, which are: Rhythm of entrance, porch projection, roof shapes, additions, and roof intent. The petitioners have appealed this ruling without explanation. Section 4.3.6 (a) of the Savannah Mid-City Zoning specifies that "All appeals from decisions of the Design Administrator with regard to interpretation and administration of this part shall be made to the Zoning Board of Appeals in accordance with the provisions of Section 8-3165, Appeals.

Staff examination of the review procedures followed by the Design Administrator with regard to the review and request for after-the-fact approval of the improperly installed portico show no errors or omissions in procedure. The Savannah Mid-City Zoning specifically exempts compatibility factors from review by the Zoning Board of Appeals. The only criteria for appeal would be allegations of violation of procedure or abuse of authority. Staff finds no violation of procedure or abuse of authority and therefore recommends denial of the appeal.

Mr. Karatossos questioned staff of the basis for this petition coming before the board.

Mr. Butler responded that the petitioner had not given him any particulars as to why he wanted to appeal. He stated that in presenting his case the petitioner will more than likely present details as to why he is requesting the appeal.

Speaking on the petition: Tim Burt, petitioner informed the board that he resided here in the city at 413 Whitaker Street. He stated that he purchased the subject property and immediately began restorations. The roof was in need of repair and he began the task of replacing the roof. On the day that work began, the roofer was interrupted by Ms. Sarah Ward, Director of Historic Preservation and instructed that he would have to stop working

due to the fact that he had not obtained a permit.. He then began the process of obtaining permits. He gave a brief history of the previous design of the house. He investigated and presented to Ms. Ward his design for the house. Ms. Ward was opposed to his proposed designs and informed him that he could not change the historic design of the subject property. He asked that his architect be allowed to give further detail on the designs submitted.

Michael Frank, Architect gave a brief summary of the conversations that was had by Ms. Ward, Ms. Harris, Mr. Burt and himself. He stated that after a lengthy conversations with Ellen Harris it was obvious to him that she had no intentions of approving his design. He stated that the efforts of Mr. Burton have been adversely affected by her office and he asked that the petition be approved.

Chairman Mackey asked if a permit had been issued.

Mr. Butler responded no. This was an after the fact approval.

Chairman Mackey asked staff to state the charge of the Board.

Mr. Butler stated that the petitioners are alleging that there was an abuse of discretion. If it is found that there was abuse of discretion by the design administrator then the board has the authority to direct the design administrator to work with the petitioner to find an acceptable solution. If there is no acceptable solution then the design will have to come down.

Mr. Karatossos questioned staff whether or not the petitioner stated in his application if there was abuse, improprieties, or improper procedure by the design administrator. He asked if the petitioner was allowed to present design issues before this board.

Mr. Butler responded that he could not present design issue to this board.

Mr. Karatossos confirmed that the charge before this board is to determine whether or not staff was improper in the way that they conducted themselves regarding this matter.

Mr. Reese questioned Mr. Burt as to the date that Ms. Ward stopped his work.

Mr. Burt responded that this was done on April 5, 2013.

Mr. Reese then questioned Ms. Harris on the date and time that she took the case.

Ms. Harris informed him that the COA was denied on May 23rd, and that Ms. Ward had informed her of the violation that had occurred shortly thereafter.

Mr. Reese asked for the date that Ms. Ward had resigned.

Mr. Harris responded that Ms. Ward gave notice around five weeks in advance and she resigned on June 7th, of this year.

Mr. Reese then questioned Ms. Harris if she at any time worked with Ms. Ward on this case.

Ms. Harris responded that she did not.

He then questioned how close did Ms. Ward live from the subject site.

Ms. Harris stated that to her knowledge, Ms. Ward only lived a block from the subject site.

Mr. Reese then questioned if a project was in the neighborhood of the Design Administrator would he or she be allowed to work on that case.

Ms. Harris answered yes.

Mr. Johnson asked if a work permit was issued for this petition.

Ms. Harris stated that it was not.

Mr. Reese then questioned Mr. Burt; with his experience in this type of work, why did he not know the process.

Mr. Burt responded that all his applications were there. He added that his realtor (with Celia Dunn) had informed him that the subject property was not in the historic district. He stated that all of his permits were pulled and he had several permits; electrical, plumbing, and structural. He did not realize a permit was needed for the removal of a metal awning. The roofer was there; since he needed to replace the roof that had fallen and he needed this to put the shingles on.

He stated that he paid about \$2500.00 in permits. He stated that all the permits were pulled. In addition a dumpster permit was pulled. He has paid about \$1,000.00 in fines over this portico. He attempted to explain why he took the route that he did in order to present his petition to the board.

Chairman Mackey asked if his petition is denied, what recourse would Mr. Burt have.

Ms. Harris stated that the portico would have to be removed and if Mr. Burt would like to propose an alternative design he would be allowed to do so.

Paul Lawrence Johnson, resident at 307 E. 34th Street, questioned, because protocol was not followed, will they now penalize the neighborhood by tearing down what is there which in appearance is much better than what existed prior. Apparently his district has been allowed to do things that should not have been aesthetically approved in the review process. He has resided in this neighborhood since 1974. He was not aware that he was in the Historic District. He stated that he was told that he was in the Victorian District which is a little different in terms of rules and regulations than the Historic District. This is a supporting house and not an historic house.

Mr. Butler clarified that this is the Mid City-Thomas Square Historic District. It was enacted in 2005. It is entirely possible that Mr. Johnson has seen numerous changes that were not reviewed under this ordinance. It has been in place eight years. Though Mr. Johnson was not aware, this ordinance was properly enacted and adopted by the city council on a recommendation by the MPC. The Ordinance has been the law for this portion

of the city for eight years now.

Chairman Mackey reminded the Board that its charge is to determine whether or not there was an abuse of discretion. Not whether or not the applicant had a permit. As far as the permit is concerned, this does not have to be considered. It is about asking staff to reconsider what has been done.

Mr. Karatossos made a motion to approve staff recommendation. The motion died for lack of a second.

Mr. Reese asked staff what was it that made this particular covering improper for the neighborhood.

Ms. Harris thanked Mr. Reese for asking this question and answered that this building is considered an historic building that was built in 1930. She explained that what is done in the review of the changes to historic buildings is to look for historic precedence. Particularly, when it is on the front of a building. This is a key feature. Was there ever a portico on this building; was the awning original. She pointed out architecturally that the steps go all the way to the door. There is no landing so the portico extends over the knee walls and over the steps and not the landing. Adjacent historic buildings that have porticos, have landings. She presented pictures of an adjacent building in its original form without a portico. It was originally designed to not have a portico because there was no landing. She stated that she can surely sympathize with the applicant's desire for some sort of covering for tenants or individuals digging in their purses when coming out of the rain. She added that she has discussed with the applicant some different options that would have less impact than a full portico architecturally on the building, including a bracketed option.

Mr. Reese stated that he now understood that the columns on the house made it historically incorrect.

Board Action:

The Savannah Mid-City Zoning specifically exempts compatibility factors from review by the Zoning Board of Appeals. The only criteria for appeal would be allegations of violation of procedure or abuse of authority. Staff finds no violation of procedure or abuse of authority. - PASS

Staff recommends **denial** of the appeal.

Vote Results

Motion: Eli Karatassos

Second: Brian Reese

Sidney J Johnson - Aye

Eli Karatassos - Aye

Timothy Mackey - Aye

Brian Reese - Aye

5. [1112 E 69th St. | Use, Setback and Parking Variances \(Church\) | 4409](#)

Attachment: [Images 004409.pdf](#)

Attachment: [Sunday Parking Near Church.pdf](#)

Attachment: [Staff Report -4409.pdf](#)

Attachment: [MPC HEARING RENDERINGS.pdf](#)

Present for the petition was: Timothy Kinsey, Agent

Jack Butler gave the following summary:

The petitioner, Timothy Kinsey as agent for Community Bible Church of Savannah, is requesting approval of a use #15 (Church and other places of worship); a variance in the requirement that the church should face an arterial or collector street; a 34 percent lot coverage variance above the 30 percent maximum coverage; a variance to reduce the front yard building setback from the required 50-feet from centerline (25 feet from property line) to 8.5 feet (a 16.5 foot variance); a variance to reduce the side yard setback from 15 feet on East 68th Street to nine feet (a six foot variance); a variance to reduce the rear yard setback from 25 feet to 10 foot (a 15 foot variance); and an 17-space parking variance from the 96 spaces required.

The proposed use, an expansion of an existing church onto adjoining property, would be a substantial traffic generator, and would place heavy demands upon the existing off-street and on-street parking. The ordinance requires such uses to be located on Collector and

Arterial roadways designed to handle a high volume of traffic in order to accommodate that traffic.

The off-street parking requirements for churches (one space for each eight sanctuary seats) are significantly lower than the requirements for any similar traffic generator, and could be deemed lenient. The petitioners are proposing to provide substantially less off-street parking than even that lenient standard requires. The proposed remote parking for the proposed expanded church is already in use by the existing church, and is arguably too little parking for the current demand. The petitioners propose to increase the parking demand by two and a half times while adding little additional parking.

The building setbacks and lot coverage maximums for the R-6 zoning district are set, in part, to preserve a residential character for neighborhoods. The proposal to construct this 8,239 square foot, 767-seat sanctuary will have a substantial impact on the character of this neighborhood.

While recognizing the admirable goal of accommodating more members in a church, it is important that the church not impose on the neighborhood in which those members gather. Staff recommends **denial** of the requested use and variances.

Speaking on the petition: Jim Moppen, Agent for the petitioner, stated that the church has become a vibrant part of the community again. He stated that during conversations with the neighboring residents in the community, the church is welcomed but there are concerns regarding the parking. The church has a 320 person sanctuary. The sanctuary is packed to capacity for three services on Sunday. A parking team has been developed to control the parking issues and the church is still trying to find additional parking spaces.

Craig Randall, resident at 1217 E. 68th Street, presented pictures of parking on a typical Sunday Morning before and after services. He added that services were also held on Wednesday mornings which also created somewhat of a nuisance for parking. He stated that he has served on the Long Range Planning Committee of a church, and one of those things that are done on this committee is to evaluate the present facility and to make future plans and try to get the two in harmony with each other. The church is at three services; if they are all able to be present at one time, there is not going to be an improvement in the neighborhood as far as the parking in the street is concerned. The character and the nature of the neighborhood is not going to look like the 300 member church that that sanctuary presently accommodates in the fashion in which the neighborhood was accustomed. He requested that staff recommendation be approved.

Andy Davis, neighboring property owner stated that he agreed with Mr. Randall. With 800 parishioners in the neighborhood at one time he was concerned that if he needed emergency services whether or not they would have the ability to access his property. He stated that when he developed his property he was held at the same standard as Walmart in Sandfly. He added that his highest and best use was to build a duplex on a residential lot. He stated that he also had to provide parking on his property.

Mr. Bolton, City Zoning Inspector clarified the parking policy. The applicant must have a two year lease that will tie it to the certificate of occupancy. If the parking agreement is null and void the city will pull the certificate of occupancy.

Board Action:

Approval of the petitioner's request. - PASS

Vote Results

Motion: Eli Karatassos

Second: Sidney J Johnson

Sidney J Johnson - Aye

Eli Karatassos - Aye

Timothy Mackey - Aye

Brian Reese - Nay

VII. Regular Agenda

6. [115 W Waldburg St. | Use and Parking Variance Approval | 4492](#)

Attachment: [Staff Report -4492.pdf](#)

Attachment: [22June2010 ZBA Meeting.pdf](#)

Attachment: [Images -4492.pdf](#)

Present for the petition was: Brian Felder, Agent

Jack Butler gave the following summary;

The petitioner, Brian Felder, as agent for Seacrest Seven, LLC, is requesting approval of the establishment of a use, Assembly Hall (#17, §8-3028); a variance of six parking spaces from the 44 spaces required; and a five-foot variance from the five-foot side setback required under the ordinance in order to build a new conference center for the applicant's business.

The subject property is an existing business located in several buildings at 1015 and 1001 Whitaker Street and at 115 West Waldburg Street and comprising 37,600 square feet of lot area. The property is zoned 3R (Residential, Victorian District). The petitioners are proposing to construct a 2-story 2,144 square foot "assembly hall" to serve as a meeting space for their business. The proposed building would be located on the lot at 115 West Waldburg. The use requires approval from the Zoning Board of Appeals. The Board shall hear and decide upon requests for permission to establish uses upon which the Board is required to pass under the terms of this chapter. The application to establish such use shall be approved on a finding by the Board of Appeals that: the use requires approval from the Zoning Board of Appeals, 2) the Board shall hear and decide upon requests for permission to establish uses upon which the Board is required to pass under the terms of this chapter; 3) the application to establish such use shall be approved on a finding by the Board of Appeals that: (1) The proposed use does not affect adversely the general plans for the physical development of the city, as embodied in this chapter, and in any master plan or portion thereof adopted by the mayor and aldermen.

The proposed use (assembly hall) is in keeping with the character of the neighborhood. This property is

designated "Traditional Neighborhood" on the future land use map of the Tricentennial Comprehensive Plan. Traditional neighborhoods frequently include assembly halls for the use of residents and neighborhood-appropriate businesses.

1) The proposed use will not adversely affect the health and safety of residents and workers in the city, 2) the proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood, 3) the proposed use will not be affected adversely by the existing uses, 4) the proposed use will be placed on a lot of sufficient size to satisfy the space requirements of such use, provided the Board approves a variance in the required parking, and 5) the proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement, noise or fume generation or type of physical activity.

Because the proposed use is intended for the existing employees of the petitioners, there should be minimal additional traffic to that already present at the site. There is insufficient parking to accommodate the entirety of the use, but the petitioners have requested a parking variance. The standards set forth for each particular use for which a permit may be granted have been met.

The petitioner is requesting a variance of six parking spaces from the 44 spaces required. The Zoning Board of Appeals may authorize a variance in an individual case upon a finding that: (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography. The proposed assembly hall will be for the use of the petitioner's existing employees and should not generate additional parking to that already required for the existing business.

Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Savannah Zoning Ordinance.

The petitioner is requesting a five-foot variance from the five-foot side setback required on the eastern edge of the property. 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.

The proposed assembly hall will encroach on the petitioner's own parking lot. The requested variance could be eliminated by lot recombination, however this would change the classification of the project to a "group development," which would require a more involved approval process. The application of this chapter to this particular piece of property would prevent the construction of the proposed building.

Staff recommends **approval** of the proposed use, Assembly Hall (#17, §8-3028); **approval** of the requested six space parking variance and; **approval** of the requested five foot setback variance on the east side of the subject property (2-0044 -24-008).

Note that this approval does not remove the requirement for a Certificate of Appropriateness for the building design from the Historic Preservation Officer.

Board Action:

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

Assembly Hall (#17, §8-3028).

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

Staff recommends **approval** of the requested five foot setback variance on the east side of the subject property (2-0044 -24-008). - PASS

Note that this approval does **not** remove the requirement for a Certificate of Appropriateness for the building design from the Historic Preservation Officer.

Vote Results

Motion: Eli Karatassos

Second: Brian Reese

Sidney J Johnson - Aye

Eli Karatassos - Aye

Timothy Mackey - Aye

Brian Reese - Aye

7. [122 Peachtree Dr. | Setback Variance | 4726](#)

Attachment: [Staff Report - 4726.pdf](#)

Attachment: [Images - 4726.pdf](#)

Attachment: [Comment 2 ZBA 13-004726-zba.pdf](#)

Attachment: [Comment ZBA File No 13-004726-ZBA.pdf](#)

Present for the petition was: Deborah Hernandez, Petitioner

Jack Butler gave the following summary;

The petitioner, Deborah Hernandez, is requesting after-the fact approval of a four-foot variance in the five-foot side setback required in the district. The subject property is a 4,748 square foot lot of record located at 122 Peachtree Drive and comprising an existing 1,224 square foot single-family residence. The property is zoned PUD-R (Planned Unit Development – Residential). The petitioner constructed a 6’X21’ (126 square foot) porch addition onto the west side of the property without obtaining building permits. The proposed addition extends to within one foot of the west side property line.

Over the summer, the petitioner constructed the addition on the existing residential structure without obtaining required permits. The addition encroaches to within one foot of the side property line, and the eaves hang on or near the property line.

The Zoning Board of Appeals may authorize a variance in an individual case upon a finding that:

(a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography. The subject property is a conforming lot in the

PUD-R district. There are no extraordinary or exceptional conditions.

(b) The application of this chapter to this particular piece of property would create an unnecessary hardship. The application of this chapter to this particular piece of property would require the removal of the existing building addition.

(c) Such conditions are peculiar to the particular piece of property involved. Such conditions are not peculiar to the particular piece of property.

(d) Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Savannah Zoning Ordinance. Relief, if granted, could be detrimental to the public good by reducing the minimum setback below that which is reasonable, encroaching on the already minimal side separation between the two affected properties, and would legitimize an individual modification of a parcel in a planned high-density residential community.

Staff recommends denial of the requested setback variance.

Speaking on the petition: Ed Garvin stated that he has known the petitioner's for over a year and that the petitioner had purchased the subject property from a realtor but was not informed of the permitting process. He suggested to the board that it communicate to the city and county of the numerous situations that come before this board due to the lack of knowledge regarding this process and ask that notices are sent to new homeowners that would outline the permitting process in the event the homeowner would like to erect a fence, add an addition or make any outdoor improvement that require a permit.

Ms. Jackie Ricks, neighboring resident stated that the petitioner had also erected an addition onto a metal shed in the rear yard. She stated that she and Mr. Ricks did not make any comments regarding this structure at the time, however, this structure is also very close to the fence. Once the subject structure began Mr. Ricks did inquire as to whether or not Mr. Hernandez had obtained a building permit. He responded that he had not but Ms. Hernandez answered that her realtor would come forth with the permit. She stated that she and Mr. Ricks grew more and more concerned but were assured that the realtor would take care of the permitting for this structure. At this point Ms. Ricks made several attempts to contact the city's Development Services Department. Once contact was made, she was informed of the set back variances. She stated that the structure is too close to the house and voiced her concerns regarding its close proximity. She stated that she was opposed to the petition.

Ms. Hernandez stated that this is the first home that she and her husband have owned. She stated that this was a HUD home and that it needed a bit of work. She said that before she and her husband began their work they spoke with the Ricks and several times the Ricks offered their assistance by loaning them tools. Once she was informed that she would need a permit she immediately contact the permitting office to obtain a permit. She was instructed that she would also have to apply for a variance. She did so. She stated that her goal was to enhance their property.

Board Action:

Staff recommends **denial** of the requested setback variance. - PASS

Vote Results

Motion: Brian Reese

Second: Eli Karatassos

Sidney J Johnson - Aye

Eli Karatassos - Aye

Timothy Mackey - Aye

Brian Reese - Aye

8. [401 E Hall St. | Use Approval \(Confectionary\) | 4900](#)

Attachment: [Staff Report -4900.pdf](#)

Attachment: [Images -4900.pdf](#)

Present for the petition was: Josiah Jones

Jack Butler gave the following summary;

The petitioner, Josiah Jones, is requesting approval of the establishment of a use, grocery, confectionary, bakery, pastry shop and similar neighborhood service facilities (#67, §8-3025(a)). Such use requires board approval in the district. The subject property consists of several structures on a 6,415 square foot lot located at 401 East Hall Street located at the corner of Hall and Habersham streets. The property is zoned RIP-A (Residential-Institutional-Professional).

The petitioners propose to open a confectionary in an 800 square foot commercial structure on the property. The proposed business would consist of serving pastries, bread, tea and coffee. The foodstuffs would be prepared elsewhere for sale at the location. The beverages would be prepared on-site. The Board of Appeals shall hear and decide upon requests for permission to establish uses upon which the Board of Appeals is required to pass under the terms of this chapter. The application to establish such use shall be approved on a finding by the Board of Appeals that:

The proposed use does not affect adversely the general plans for the physical development of the city, as embodied in this chapter, and in any master plan or portion thereof adopted by the mayor and aldermen. **The proposed use (confectionary) is in keeping with the residential character of the neighborhood. This property is designated "Traditional Commercial" on the future land use map of the Tricentennial Comprehensive Plan.**

The proposed use will not be contrary to the purposes stated for this chapter. **The proposed use will not be contrary to the purposes stated for this chapter.**

The proposed use will not affect adversely the health and safety of residents and workers in the city. **The proposed use will not adversely affect the health and safety of residents and workers in the city.**

The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood. **The proposed use will not be detrimental to the use of adjacent properties, provided the petitioners secure required parking for the use. There is no available**

parking associated with the property.

The proposed use will not be affected adversely by the existing uses. **The proposed use will not be affected adversely by the existing uses.**

The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of such use. **The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of such use. The petitioners propose to supply necessary parking offsite within 150 feet of the use.**

The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement, noise or fume generation or type of physical activity. **The proposed use will not constitute a nuisance or hazard.**

The standards set forth for each particular use for which a permit may be granted have been met. **The standards set forth for the particular use have been met.**

Staff recommends **approval** of the requested use, confectionary (#67, §8-3025(a)) with the condition that the use be limited in hours of operation from 6 a.m. to 8 p.m. to conform to the residential character of the rest of the blockface.

Speaking on the petition: Dr. Nick Henry stated that he was present to represent the Downtown Neighborhood Association. This neighborhood association is against this petition. He referred to the letter in the Board Member's packets from Mr. Harry Reed, President of the Neighborhood Association. He gave a brief history of the Twelve Tribes Organization, the applicants of the petition. He stated his concerns regarding the confined use of the proposed property; the congested parking situation; the significant increase in traffic, litter, pollution and noise and the poor record of stewardship which has continued. He asked that this petition be denied.

Mr. Walter Burgess stated that his concern was that the organization that is attempting to open this confectionary is not purely commercial but religious in nature and therefore the building could be repurposed later as an outreach or mission. This is deeply concerning for the neighbors.

Josiah Jones, Applicant responded that he owns the subject property. It was purchased in 2005 and it is zoned commercial/residential. He has never operated as a commercial entity. There was a period of questions and answers.

Board Action:

Staff recommends **approval** of the requested use, confectionary (#67, §8-3025(a)) with the **condition** that the use be limited in hours of operation from 6 a.m. to 8 p.m. to conform to the residential character of the rest of the block face. - PASS

Vote Results

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

9. [406 Kinzie Ave. | Front Setback Variance | 4911](#)

Attachment: [Staff Report -4911.pdf](#)

Attachment: [Images -4911.pdf](#)

Present for the petition was: Gerald Fath, Petitioner

Jack Butler gave the following summary;

The petitioner, Gerald Fath, is requesting approval of five foot side and rear setback variances in order to replace a destroyed freestanding garage with a similar structure in the same location.

The subject property is a conforming 8,259 square foot lot of record comprising an 1,818 square foot residence and located at 406 Kinzie Avenue at the corner of Kinzie and Virginia and Alaska avenues. Alaska Avenue is a 15-foot unpaved lane. The property is zoned R-6 (Single-family Residential). In July of this year, the existing garage was substantially destroyed in a fire. The petitioner is proposing to reconstruct the garage in the same footprint as the original structure, which will require a five-foot side setback and a five-foot rear setback from the five feet of building setback required for accessory structures.

Although a now-demolished structure once stood in the location where the petitioner proposes to build his replacement garage, the required building setbacks represent public safety, as well as an aesthetic, standards. Staff recommends **approval** of the requested setback variances, with the condition that the Traffic Engineer must confirm that the placement of the structure does not pose a traffic hazard for vehicles exiting Alaska Avenue.

Board Action:

Although a now-demolished structure once stood in the location where the petitioner proposes to build his replacement garage, the required building setbacks represent public safety, as well as an aesthetic, standards. Staff recommends **approval** - PASS of the requested setback variances, with the condition that the Traffic Engineer must confirm that the placement of the structure does not pose a traffic hazard for vehicles exiting Alaska Avenue.

Vote Results

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

10. [800 Habersham St. | Parking Variance | 5010](#)

Attachment: [Staff Report -5010.pdf](#)

Attachment: [Images -5010.pdf](#)

Present for the petition was: Mark Crapps, Petitioner

Mr. Jack Butler gave the following summary;

The petitioner, Mark Crapps, is requesting approval of an eight-space parking variance from the 31 spaces required in order to open a retail store in a commercial building at the corner of Habersham and Gwinnett streets. The subject property is a 0.61 acre commercial property located at 800 Habersham Street. The petitioners propose to expand the existing commercial building to the east by 20 feet, covering four existing parking spaces and increasing the area of the building by approximately one thousand square feet in order to house a Family Dollar Store.

The loss of existing parking and the building addition would require the petitioner to provide a total of eight more spaces than will fit in the existing parking area. Because the parking deficit will be caused by the petitioner's expansion, staff recommends **denial** of the requested eight space parking variance.

Board Action:

Approval of the petitioner's request. - PASS

Vote Results

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

11. [1508 E 48th St. | Rear Setback Variance | 5023](#)

Attachment: [Staff Report -5023.pdf](#)
Attachment: [Images -5023.pdf](#)

Present for the petition was: Michael Carson, Petitioner

Jack Butler gave the following summary;

The petitioner, Michael Carson, is requesting approval of a 19-foot variance from the 25-foot rear setback required in order to construct a screened porch on the rear of an existing single-family dwelling. The subject property is nonconforming 4,200 square foot residential lot located at 1508 East 48th Street and comprising a 1,333 square foot residential structure and is zoned R-6 (Single-family Residential). The existing house encroaches about a foot into the rear setback and the addition will increase the encroachment with no justification for a new construction increasing encroachment. Staff recommends denial.

Speaking on the petition: Michael Carson, petitioner stated that he had submitted a signed petition by his neighboring residents in support of his petition. He stated that at this time no one was in opposition to the petition.

Board Action:

Approval of the petitioner's request. - PASS

Vote Results

Motion: Eli Karatassos

Second: Brian Reese

Sidney J Johnson - Aye

Eli Karatassos - Aye

Timothy Mackey - Aye

Brian Reese - Aye

12. [4118 Campbell St. | Front Setback Variance | 5050](#)

Attachment: [Staff Report -5050.pdf](#)
Attachment: [Images -5050.pdf](#)

Present for the petition was: Caesar Cuspert, Agent

Jack Butler gave the following summary;

The petitioner, Caesar Cuspert, as agent for Johnnie and Jo-Ann Wilson, is requesting approval of a 23-foot variance in the required 50-foot (from right-of-way centerline) front setback in order to construct a parking shelter. The subject property is already nearly twenty percent over the maximum lot coverage and encroaches on the required rear setback and side setback (on the north side of the property). There is no justification for the

granting of a variance for new construction that will increase an existing non-conformity and add additional non-conforming characteristics to the property. Staff recommends **denial** of the requested variance and the additional lot coverage variance.

Board Action:

Approval of the petitioner's request - PASS

Vote Results

Motion: Eli Karatassos

Second: Brian Reese

Sidney J Johnson - Aye

Eli Karatassos - Aye

Timothy Mackey - Aye

Brian Reese - Aye

13. [4827 Waters Ave. | Use Approval \(Package Store\) | 5110](#)

Attachment: [Images -5110.pdf](#)

Attachment: [Staff Report -5110.pdf](#)

Present for the petition was: Bradley Hadwin, Petitioner

Jack Butler gave the following summary;

The petitioner, Bradley Hadwin, is requesting approval of a use #48c (Package Store) in §8-3163(b). Such use must be approved by the Zoning Board of Appeals. The petitioner submitted the necessary business and Alcoholic Beverage License applications and was granted permits in July, however through oversight, the petitioner was never informed that the particular use in a B-N zoning district requires approval from the ZBA. The proposed use will not be detrimental to the use of adjacent properties. All adjacent properties affected are commercial in nature and include a service station, pharmacy, bank, restaurant and retail shops. The site is located across the street from Memorial Medical Health University Medical Center. Staff is recommending approval of the requested use because the city's interpretation of the liquor ordinance is that the separation requirement is door to door rather than property line to property line.

Board Action:

Staff recommends **approval** of the requested use, #48c (Package Store) in §8-3163(b) of the Savannah Zoning Ordinance. - PASS

Vote Results

Motion: Eli Karatassos

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

VIII. Other Business

IX. Adjournment

14. [Adjournment of the October 24, 2013 SZBA Meeting](#)

There being no further business to come before the board, Chairman Mackey declared the October 24, 2013 SZBA 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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