



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
110 E. State Street- 10:00 A.M.
MINUTES

September 24, 2014 Savannah Zoning Board of Appeals Meeting

Members Present: Timothy Mackey, Chairman
Brian Reese, Vice Chairman
Sidney J. Johnson
Eli P. Karatassos
Thomas Branch III

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

Advisory Staff Present: Thomas Bolton, City Zoning Inspector

I. Call to Order and Welcome

1. [Call to Order](#)

Chairman Mackey called the September 24, 2014 SZBA meeting to order. He explained the agenda for the benefit of those attending for the first time.

II. Notices, Proclamations and Acknowledgements

III. Approval of Minutes

2. [Approval of the August 28, 2014 SZBA Meeting Minutes](#)

Attachment: [August28th SZBA Meeting Minutes .pdf](#)

Board Action:

Approval of the August 28, 2014 Meeting Minutes - PASS
as submitted.

Vote Results

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

IV. Approval of Final Agenda

3. [Items Requesting to be Continued to October 23, 2014](#)

Mr. Butler read for the record that there were two items; 1) 31 E. Jones Street -14-002878-ZBA, which was awaiting a HDBR determination, and; 2) 421 Abercorn Street - 14-003918-ZBA, which was awaiting an negotiated settlement; that the petitioners have requested to be continued to the next schedule SZBA hearing, October 23, 2014.

Board Action:

Approve requested continuances.	- PASS
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Vote Results

Motion: Eli Karatassos	
Second: Tom Branch	
Tom Branch	- Aye
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

4. [109 Martin Luther King Jr. Blvd. | Sign Variances | 4350](#)

Attachment: [Staff Report 4350.pdf](#)
Attachment: [Maps & Images 4350.pdf](#)

The Chairman asked if there was anyone in the audience that was opposed to this petition.

There was no response.

Board Action:

Approval of staff recommendation. - PASS

Vote Results

Motion: Eli Karatassos

Second: Brian Reese

Tom Branch - Aye

Sidney J Johnson - Aye

Eli Karatassos - Aye

Timothy Mackey - Aye

Brian Reese - Aye

5. [20 E. Broad Street | Lot Coverage Variance | 4361](#)

Attachment: [Staff Report 4361.pdf](#)

Attachment: [Maps & Images 4361.pdf](#)

Chairman Mackey asked if there was anyone present today that was opposed to the petition at 20 E. Broad Street; lot coverage variance, if so this was his/her opportunity to speak.

There was no response.

Board Action:

Approval of the staff recommendation. - PASS

Vote Results

Motion: Eli Karatassos

Second: Brian Reese

Tom Branch - Aye

Sidney J Johnson - Aye

Eli Karatassos - Aye

Timothy Mackey - Aye

Brian Reese - Aye

6. [1201 Washington Avenue | Setback Variances | 4075](#)

Attachment: [Staff Report 4075.pdf](#)

Attachment: [Maps & Images 4075.pdf](#)

Chairman Mackey asked if there was anyone in the audience opposed to 1201 Washington Avenue, setback variance.

There was no response.

Board Action:

Approval of the staff recommendation. - PASS

Vote Results

Motion: Eli Karatassos

Second: Brian Reese

Tom Branch - Aye

Sidney J Johnson - Aye

Eli Karatassos - Aye

Timothy Mackey - Aye

Brian Reese - Aye

7. [130 E. 49th St. | Lot Coverage Variance | 4314](#)

Attachment: [Staff Report 4314.pdf](#)

Attachment: [Maps & Images 4314.pdf](#)

Chairman Mackey asked if there was anyone in the audience opposed to the lot coverage variance for 130 E. 49th Street.

There was no response.

Board Action:

Approval of staff recommendation. - PASS

Vote Results

Motion: Eli Karatassos

Second: Brian Reese

Tom Branch - Aye

Sidney J Johnson - Aye

Eli Karatassos - Aye

Timothy Mackey - Aye

Brian Reese - Aye

8. [107 St. Mary's Circle | Setback Variance | 4358](#)

Attachment: [Maps & Images 4358.pdf](#)

Attachment: [Staff Report 4358.pdf](#)

Chairman Mackey asked if there was anyone in the audience opposed to the setback variance for 107 St. Mary's Circle.

There was no response.

Board Action:

Approval of the requested two-foot rear setback variance. - PASS

Vote Results

Motion: Eli Karatassos

Second: Brian Reese

Tom Branch - Aye

Sidney J Johnson - Aye

Eli Karatassos - Aye

Timothy Mackey - Aye

Brian Reese - Aye

VI. Old Business

9. [City Attorney Question](#)

Chairman Mackey asked if the City Attorney was present or if the Assistant City Attorney was present to speak. Since neither attorney was present; the chairman stated that if either attorney appeared later that he would allow him to address the board.

Mr. Butler explained that Mr. Branch had requested that the city attorney appear in order to clarify the standards for review on appeals by other boards and officials.

VII. Regular Agenda

10. [536 E. Anderson St. | Use Approval - Inn | 4352](#)

Attachment: [Staff Report 4352.pdf](#)

Attachment: [Maps & Images 4352.pdf](#)

Present for the petition: Marian Mata, Petitioner

Jack Butler gave the following summary;

The petitioner is requesting the approval of a use, (#6, Inn or Apartment Hotel) which is permitted in the district with ZBA approval. The subject property is located at 536 E. Anderson Street and zoned 1-R in the Victorian District. The proposal is to operate the business as a vacation rental. Staff recommendation is for approval of the requested use with the condition that no more than two bedrooms be rented out at a time.

Speaking on the petition: Marian Mata, petitioner stated that she has been renting the property as a vacation rental for the past three years. She added, that she has been instructed not to rent for less than thirty days at a time-- it has effected her income. She stated that she does not rent by the room or to different parties but the house is rented to one party at a time.. She asked that the petition be approved as submitted.

Mr. Butler added that this meets the conditions and that the major concern was the parking. The petitioner must provide sufficient parking to meet the demand. He added that at the present time a revision to the ordinance is being sought to make it a more streamline process, but at present all vacation rentals and short term rentals come through the ZBA board and are regarded as inns and apartment hotels. However; they only come before the board if it is located in a district that permits the use. The 1-R district was added to the district, permitting the use, two months ago by special action of city council.

Board Action:

Approval of the requested use with the **condition** that no more than two bedrooms be rented out at a - PASS time.

Vote Results

Motion: Brian Reese

Second: Sidney J Johnson

Tom Branch - Aye

Sidney J Johnson - Aye

Eli Karatassos - Aye

Timothy Mackey - Aye

Brian Reese - Aye

11. [544 E. Duffy St. | Use Approval - Inn | 4357](#)

Attachment: [Staff Report 4357.pdf](#)

Attachment: [Maps & Images 4357.pdf](#)

Present for the petition was: Karen Coney, Petitioner

Jack Butler gave the following summary;

The petitioner is requesting approval of a use, (#6, Inn or apartment hotel) which is permitted in the district with the Zoning Board of Appeals approval. The subject property is zoned 1-R (residential, Victorian District Zoning). The petitioner intends to offer the home as "vacation rental" use. Staff recommends approval of the requested use with the condition that the proposed use be limited to rental of two bedrooms at a time. The petitioner had asked for a two parking space variance; however, that is not in keeping with staff's understanding of the intent of these inns. They must be required to provide all required parking.

Speaking on the petition: **Karen Coney** informed board members that she has lived in the community for over ten years. She has served as vice president for several years; she loves the integrity of the community and plans to do more to enhance it. She asked that the petition be approved.

Donald Gaston: neighboring property owner voiced his concerns regarding the

maintenance of the subject property and added that there is no space for additional parking in the rear of the property. He asked staff to clarify the difference between rental property and vacation rentals. He stated that he was opposed to the petitioners request.

Mr. Butler explained that the primary difference between rental property and vacation/short-term rentals was the length of occupancy. Thirty days or less is considered a short term or vacation rental.

Board Action:

Denial of the requested two parking space variance.

Approval of the requested use with the **condition** - PASS
that the proposed use be limited to rental of two bedrooms at a time.

Vote Results

Motion: Tom Branch

Second: Brian Reese

Tom Branch	- Aye
Sidney J Johnson	- Aye
Eli Karatassos	- Aye
Timothy Mackey	- Aye
Brian Reese	- Aye

12. [1115-A Whitaker Street | Use Approval - Salon | 4351](#)

Attachment: [Staff Report 4351.pdf](#)

Attachment: [Maps & Images 4351.pdf](#)

Present for the petition was: Robert McCorkle, Agent

Jack Butler gave the following summary;

The petitioner is requesting approval of a use, (#25, Nail and Hair Salon) in the Victorian District Zoning, which is permitted with Zoning Board of Appeals approval. The subject property is located at 115A Whitaker Street and comprising a two-story 4,677 square foot footprint building with residential upper floors and commercial spaces on the ground floor. The property is zoned 3-R (Residential, Victorian District Zoning). The petitioner is proposing to open a nail salon on the ground floor. Staff recommends approval of the requested use, #25 (Personal Service Shop).

Speaking on the petition: Robert McCorkle, agent for the petitioner stated that he would answer any questions that the board may have regarding this petition; that he

supported the staff recommendation; and asked that the petition be approved as submitted.

Board Action:

Approval of the requested use approval for use #25 (Personal Service Shop). - PASS

Vote Results

Motion: Eli Karatassos

Second: Sidney J Johnson

Tom Branch	- Aye
Sidney J Johnson	- Aye
Eli Karatassos	- Aye
Timothy Mackey	- Aye
Brian Reese	- Aye

13. [1006 Lynes Avenue | Standards Variance | 4311](#)

Attachment: [Staff Report 4311.pdf](#)

Attachment: [Maps & Images 4311.pdf](#)

Attachment: [Associated Documents 4311.pdf](#)

Present for the petition was: Harold B. Yellin, Agent

Jack Butler gave the following summary:

The petitioner is requesting approval of a five-person variance from the maximum 50 inmates who may be housed in a use, #10(n) (Community Correctional Center), which is permitted in the district. The property is located at 1006 Lynes Avenue and zoned I-H (Heavy Industrial). The subject property has been operated as a residential re-entry center for returning prisoners, offering housing, job placement, substance abuse treatment, and socialization counseling under contract to the state. Under the zoning regulations, the facility is permitted to house up to 50 individuals transitioning between prison and the community at large. Under a request from the federal government, the petitioner seeks to increase the population at the facility from the current statutory maximum of 50 individuals, to be permitted to house and serve up to 55 individuals. The use is permitted in the heavy Industrial zoning district. It has been in operation at the site for four years without incident. The proposed increase (five individuals) is modest, and the use can be accommodated in the existing structure without modification. Staff recommends approval of the requested five-person variance in the maximum number of clients served at once. He added that staff has received several letters of support regarding this petition; 1) Reverend Chester A. Ellis for Carver Village Neighborhood; 2) Rich Leather International Inc.; 3) Air-Therm Company Inc.; 4) Pye Barker-Fire & Safety, Inc.; 5) Savannah Impact Program; 6) Terry Enoch, Assistant Police Chief and; 7) Rev. Gary Hardmayer, Bishop of Savannah.

Speaking on the petition: Harold Yellin, agent for the petitioner stated that the petitioner Dismas Charities is governed by federal guideline and responsive to the Federal Bureau of Prisons and they have put out an RFP for a fifty-five bed facility. Whether it is this facility or not there will be a fifty-five bed facility. This facility is a fifty bed facility and can without construction accommodate the extra five beds. He added that it is believed that this is the right location for this request and have also received those letters of support. He respectfully requested that the staff recommendation be approved.

Board Action:

Approval of the staff recommendation and that the use as currently in effect be specifically limited to - PASS 55.

Vote Results

Motion: Eli Karatassos

Second: Tom Branch

Tom Branch	- Aye
Sidney J Johnson	- Aye
Eli Karatassos	- Aye
Timothy Mackey	- Aye
Brian Reese	- Aye

14. [317 E. Broad Street | Parking Variance | 4359](#)

Attachment: [Staff Report 4359.pdf](#)

Attachment: [Maps & Images 4359.pdf](#)

Present for the petition was: James Wubbena, Agent

Jack Butler gave the following summary;

The petitioner is requesting approval of a variance of six parking spaces from the six required for a proposed business at the subject property. The subject property is located at 317 E. Broad Street and is zoned RIP-A (residential institutional professional). There appears to be adequate space on site to provide the required parking. City policy precludes the use of on-street parking in calculating parking requirements. Staff recommends **denial** of the requested parking variance.

Speaking on the petition: James Wubbena, agent for the petitioner stated that in order to access parking on site, the petitioner would have to remove the on-street parking on Harris Street. After consideration, it was determined that the lot would have to be paved; consideration to the specific size parking spaces; the specific size lanes and access

which would greatly reduce the actual spaces that could be put on the lot. It was determined that four parking spaces could be put on the lot with the access from Harris Street and remove two spaces off Harris Street on-street parking. Two spaces would be gained by the business but two spaces would be removed on the on-street parking. In summary, he stated that the feasibility of gaining six spaces on this lot was zero. The parking demand for staff here is very little. After further consideration, it was determined that it would be more feasible to turn it into a green-space. It would be landscaped and turn it into something that was more aesthetically pleasing than a parking lot.

Michael Conner, partner with faciliCare stated that he was informed by historic preservation staff that he would not be allowed to make a curb cut on East Broad (due to safety reasons) the cut would have to come in on off of Harris Street. He added that the likelihood of getting six parking spaces on this lot and to meet the code is zero. Conforming to the code would allow him only three spaces. He has met with the city's development services staff to discuss options but after careful review it appeared as though presenting this variance request to the board would be the best course.

Tom Bolton, Zoning Inspector stated that once approached by the petitioners for service, he calculated the required off-street parking as determined by the ordinance. According to the ordinance he would need six off street parking spaces. He added that in a second meeting with Mr. Wubbena, Mr. Connor, Geoff Goines, Zoning Administrator and himself, the petitioners were instructed to contact traffic engineering regarding the parking situation. In conclusion, he advised them that two parking spaces on the subject property would be better than the attempt to get six. And their only other option would be to request a parking variance from this board. He verified that he did not think that by going by the standards of the ordinance, that physically or functionally the petitioners would be able to get six parking spaces on this lot.

Larry Hess, 531 E. Macon Street voiced his concerns regarding the parking. He stated that there is parking space available on the premises and it should be utilized without removing parking spaces from the residents in the area. He offered suggestions to add parking spaces in the area. He added that the solution should be that which would serve the community as a whole. He was in opposition to the variance requested.

Andrew Hasbrook, 526 E. Harris stated that he did not understand why a business that exists primarily in a residential area should be granted a variance. He was opposed to the petitioner's request.

Joshua Harris, 546 E. Harris Street stated that he felt that the residents that were against granting the variance were missing the big picture. They were looking at the minutia. He asked that the members of the board think outside the narrow constraints of the ordinance.

Board Action:

Continuance to the next schedule SZBA hearing

(October 23, 2014) to allow petitioner to work - PASS
with traffic engineering.

Vote Results

Motion: Tom Branch

Second: Sidney J Johnson

Tom Branch	- Aye
Sidney J Johnson	- Aye
Eli Karatassos	- Aye
Timothy Mackey	- Aye
Brian Reese	- Aye

15. [426 Barnard Street | Parking Variance | 3920](#)

Attachment: [Staff Report 3920.pdf](#)

Attachment: [Maps & Images 3920.pdf](#)

Attachment: [Comment ZRA file No_ 14-003920-ZBA \(426 Barnard Street\).pdf](#)

Present for the petition was: Ashleigh Madison, Agent

Jack Butler gave the following summary:

The petitioner, Ashleigh Madison, agent for Theresa Feldstein Trust, is requesting approval of a five-space parking variance from the seven spaces required by the ordinance. The subject property is an historic townhouse located at 426 Barnard Street. The property is zoned RIP-A (residential-institutional professional). The petitioner intends to operate a law office from the building. The parking demand for the proposed use is seven off-street parking spaces. The subject property provides two off-street parking spaces. While the use of the subject property as a law office is permissible, and the activity it will bring to the site is advantageous, the increase demand on the available street parking is unacceptable. In similar circumstances, the Board has required petitioners to seek remote parking for employees, reserving the on-site parking for clients and visitors. The petitioner in this case has not proposed remote parking; therefore, staff recommendation is **denial** of the requested five-space parking variance.

Speaking on the petition: Ashleigh Madison, agent stated her concerns regarding, providing remote parking. She stated that she has two assistants, who were female, and noted that her concern was their safety especially moving into the winter hours. She added that her law office is a civil litigation firm where she does have two off-street garage spots. There is very little foot traffic; predominately meetings where the clients come and go very quickly. She noted that there was also a surplus of parking on Chatham Square. She concluded, that she was requesting a variance from the requirement for the southern off-street parking space requirement based on the low demand that the law office has in the area.

Board Action:

Approval of the petitioner's request. - PASS

Vote Results

Motion: Eli Karatassos

Second: Tom Branch

Tom Branch - Aye

Sidney J Johnson - Aye

Eli Karatassos - Aye

Timothy Mackey - Not Present

Brian Reese - Aye

16. [2122 Bona Bella Avenue | Buffer Variance | 4326](#)

Attachment: [Staff Report 4326.pdf](#)

Attachment: [Maps & Images 4326.pdf](#)

Present for the petition was: Ben McKay, Agent

Jack Butler gave the following summary;

The petitioner, Ben McKay is requesting approval of a 20 foot variance from the 25 foot buffer requirement on the western portion of the property in order to install a self storage mini-warehouse. The subject property is located at 2122 Bona Bella Avenue and is zoned P-B-N (Planned Neighborhood Business). The petitioner is proposing to raze accessory structures behind the commercial strip to construct five mini-self storage warehouses. There is adequate space on the property to accommodate abundant storage units without sacrificing the Type "D" buffering requirements that are intended the ordinance to separate such uses from adjoining residential properties. The petitioner has proposed as an alternative a minimal buffer (a single line of plantings backing the rear wall of the westernmost row of mini warehouses). Staff recommends **denial** of the request.

Speaking on the petition: Jay Maupin, gave a brief history of the subject property.

Donald Dyches, petitioner stated that he has spoken with neighboring property owners and has not received any opposition to the request.

Gerry Helmy and Cindy Courson, 2111 Bacon Park Drive, stated that this was the first that they had heard of this petition. Ms. Helmy gave a brief history of the neighboring properties and voiced her concerns regarding the lack of security around the proposed structures and the interference that they will have to suffer due to the proposed structures. They voiced concerns regarding the maintenance of the subject property and the lack of concern for the neighboring property owners. They were opposed to the petition and asked that it be denied.

Board Action:

Approval of the petitioner's request. - PASS

Vote Results

Motion: Eli Karatassos

Second: Tom Branch

Tom Branch - Aye

Sidney J Johnson - Aye

Eli Karatassos - Aye

Timothy Mackey - Not Present

Brian Reese - Aye

17. [2014 Desoto Street | Use Approval - Gas Station/Retail | 4363](#)

Attachment: [Staff Report 4363.pdf](#)

Attachment: [Maps & Images 4363.pdf](#)

Attachment: [Design Standards TC-1.pdf](#)

Attachment: [Comment Letters.pdf](#)

Present for the petition was: Parker Morgan, Agent

Jack Butler gave the following summary;

The petitioner, agent for Robert and Arlene Williams, is requesting approval of a special use, Gas Station with Convenience Retail, which is permitted in the district with Zoning Board of Appeals approval. The subject property is located at 2014 Desoto Street between Desoto and Bull Street on 37th Street. The site has been used for a variety of commercial purposes and has not operated as a gas station in many years. The former use of a gas station is "not" grandfathered to the site. The property is zoned TC-1(Traditional Commercial, Mid-City Zoning). The site has a number of constraints; however, its former use as a service center and the restrictions that will be placed upon it by the ordinance, for use as a convenient store service station, staff feels is sufficient to protect the interest of the adjoining property owners. Staff recommends **approval** of the proposed use, with the condition that the petitioner meet all design standards for the use as stipulated.

Speaking on the petition: Parker Morgan, agent stated that Mr. Sam Patel is looking to acquire the subject property from his clients Robert and Arlene Williams. The Williams are looking to have the use approved prior to sale of the property. He highlighted that approval of the use was the first step in the process. He added that he was aware of the concerns regarding obtaining an alcohol license with the site in such close proximity to the public library and a church across the street but he assured members of the board that the way the ordinance is written, it is not an issue for distance requirements. Additionally, he noted, there were also design standards that will have to be complied with. He respectfully requested that the board adopt the recommendation of staff.

Kelly Kalikow, 909 Abercorn Street stated that she felt that there was a better potential for this space.

David Guggeilheim, adjacent property owner voiced concerns regarding alcohol sales and the decrease in the value of neighboring properties if this gas station/convenient store use is approved. He stated that the property owners have invested in the neighborhood with the current zoning and asked that the petitioner's request be denied.

Virginia Mobley, asked that the property site be reviewed as to the impact this use, if approved, would have on the quality of life in the neighborhood.

Board Action:

Denial of the petitioner's request. - PASS

Vote Results

Motion: Eli Karatassos

Second: Sidney J Johnson

Tom Branch - Aye

Sidney J Johnson - Aye

Eli Karatassos - Aye

Timothy Mackey - Not Present

Brian Reese - Aye

VIII. Other Business

18. [Officers Nominating Committee](#)

Mr. Butler informed the SZBA Board members that Chairman Mackey has requested the following; 1) to appoint a nominating committee to the board; 2) to have the nominating committee return at the October 23rd SZBA meeting with a slate of officers; and 3) to elect officers to become, Chairman, Vice-Chairman, and treasurer of the Savannah Zoning Board of Appeals.

Board Action:

Mr. Sidney Johnson and Mr. Brian Reese appointed to the SZBA - PASS

Nominating Committee.

Vote Results

Motion: Eli Karatassos

Second: Tom Branch

Tom Branch - Aye

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

IX. Adjournment

19. [Adjournment of the September 24, 2014 SZBA Meeting](#)

There being no other business to come before the board, the Vice Chairman declared, the September 24, 2014, SZBA Meeting adjourned.

Respectfully submitted,

Jack Butler, SZBA Secretary

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The Chatham County - Savannah Metropolitan Planning Commission provides meeting summary minutes which are adopted by the respective Board. Verbatim transcripts of minutes are the responsibility of the interested party.