



SAVANNAH ZONING BOARD OF APPEALS

STAFF REPORT

PETITIONER: Robert McCorkle for Kat 5 Studios
FILE NO: 21-004360-ZBA
ADDRESS: 2442 Fort Argyle Road
DATE: August 26, 2021

Nature of Request

The applicant is requesting a 15-foot height variance from the 45-foot height maximum for the development of a film industry office complex and theater proposed at 2442 Highway 204. The variance, if approved would permit a maximum height of 60-feet.

Findings

1. The subject property is located at the southeast corner of the intersection of Fort Argyle Road and Highgate Boulevard. It's an undeveloped 30-acre site within the New Hampstead Planned Development and has a commercial designation. Highgate Boulevard is a 4-lane divided roadway with a 140-foot right-of-way and Fort Argyle Road, an extension of Highway 204, has a 100-foot right-of-way. Per the New Hampstead Development Guidelines, a 50-foot buffer is required to be maintained along both of these roadways.
2. The development pattern in the vicinity is in the process of converting from rural to suburban with a number of single and multifamily residential developments underway. The eastern and northern boundaries of the site abut a property which is identified on the Master Plan as a future multifamily development where a minimum 100-foot buffer would apply. In addition, the applicant has agreed to an additional 100-foot setback along the northern and eastern property lines for any building over 35 feet in height (see attached buffer exhibit).
3. The height variance request is pursuant to the development of the site as a film industry related office and theater space. The maximum permitted height in the district is 45 feet. The abutting multifamily designated property also permits a maximum height of 45 feet but is undeveloped. Although a site plan has not been submitted, the applicants has stated that the requested variance is to accommodate the theater / soundstage space and is necessary for sound, lighting, and other media related design features for the space.
4. Because no site plan has been submitted, staff cannot verify where or to what extent the proposed variance would be applied. Although it is a 30-acre site that will be buffered significantly from adjoining property, as submitted, the variance would apply to the entire site. Although unlikely, if approved without conditions, the entire area other than the 200-foot setback and buffer would be subject to a maximum height of 60 feet. This 30-acre site is most likely to be developed with multiple buildings. Staff finds that the size and location

of the site, the commercial designation and the proposed buffers are all mitigating factors that could support a variance. However, limitations should be placed on the instances of additional height.

5. The Zoning Board of Appeals may grant variances to certain development standards, including height. Per Section 3.21.10 the granting of variances shall be based on the following criteria:

- a. **General Consistency**

The variance shall be consistent with the intent of this Ordinance and the Comprehensive Plan and shall not be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare.

Staff Comment: The property does have a commercial designation and abutting property is likely to develop as multifamily residential. The type of development proposed for the subject property, from a land use standpoint, is consistent with the plan. Because of required buffers and proposed additional buffers, impacts on adjoining property is likely to be minimal.

- b. **Special Conditions**

- i. Special conditions and/or circumstances exist which are peculiar to the land, buildings or structures involved and which are not applicable to other lands, buildings or structures in the same zoning district.
- ii. The special conditions and/or circumstances do not result from the actions of the applicant.
- iii. The special conditions and/or circumstances are not purely financial in nature so as to allow the applicant to use the land, buildings or structures involved more profitably or to save money.

Staff Comment: There are special conditions related to the land. The property is within the New Hampstead Planned Development. The Development Guidelines require approval by the New Hamstead Development Review Committee (NHDRC) who support the variance request (see attached letter). Other special conditions include the proposed 200-foot combined buffer and setback for any building exceeding 35-feet. This should mitigate any impacts to adjacent property.

- c. **Literal Interpretation**

Literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Ordinance and would result in unnecessary and undue hardship on the applicant.

Staff Comment: No undue hardship is created by the literal interpretation of the ordinance. Other properties in the same zoning district are subject to these regulations.

d. **Minimum Variance**

The variance, if granted, is the minimum variance necessary to make possible the reasonable use of land, buildings, or structures.

Staff Comment: The land can be developed under the current regulations; however, the proposed use could only be developed at this height in an industrial zoning district.

e. **Special Privilege Not Granted**

The variance would not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district.

Staff Comment: The variance would not confer special privilege as recommended below.

Staff Recommendation: Based upon the review criteria, and special circumstances outlined in the report, staff recommends **approval with conditions** of the requested variances at 2442 Highway 204.

- A 100-foot undisturbed buffer shall be required adjacent to the northern and eastern property lines.
- No building over 35-feet in height shall be within 200 feet of the northern and eastern property lines.
- The requested variance shall only apply to one building on site. If the applicant proposes multiple buildings that exceed the maximum height, a variance for each will be required.
- Should the land use designation change to residential, this variance shall not apply to any residential building on site.

Note: This recommendation could change subject to new information provided at the Zoning Board of Appeals meeting. Final decisions will be made by the Zoning Board of Appeals at the public hearing based on information provided at the meeting, as well as information submitted for the staff report.