



City of Savannah Zoning Board of Appeals

Virtual Meeting
December 17, 2020 - 10:00 A.M.
Minutes

December 17, 2020 City of Savannah Zoning Board of Appeals

This is a quasi-judicial proceeding. All those wishing to give testimony during these proceedings will please sign in. Witnesses will be sworn-in prior to giving testimony.

All proceedings of the Savannah Zoning Board of Appeals are recorded. Decisions of the Savannah Zoning Board of Appeals are final. Challenges to the decisions of the Savannah Zoning Board of Appeals must be filed through the Superior Court of Chatham County.

Note: All persons in attendance are requested to so note on the "Sign-In Sheet" in the meeting room on the podium. Persons wishing to speak will indicate on the sheet

I. Call to Order and Welcome

II. Invocation and Pledge of Allegiance

III. Notices, Proclamations and Acknowledgements

IV. Item(s) Requested to be Removed from the Final Agenda

V. Item(s) Requested to be Withdrawn

VI. Approval of Minutes

[1. Approval of the November 19, 2020 Meeting Minutes](#)

📎 [November 19, 2020 MEETING MINUTES.pdf](#)

The minutes were approved as submitted.

Motion

Approve minutes as submitted.

Vote Results (Approved)

Motion: Michael Condon

Second: Trapper Griffith

Stephen Merriman, Jr. - Abstain

Karen Jarrett - Aye

Michael Brown - Aye

Trapper Griffith - Aye

Hunter Hall - Aye

Michael Condon - Aye

VII. Approval of Final Agenda

2. Approval of the Final Agenda

The agenda was approved as submitted.

Motion

Approve the agenda as submitted.

Vote Results (Approved)

Motion: Trapper Griffith

Second: Karen Jarrett

Stephen Merriman, Jr. - Abstain

Karen Jarrett - Aye

Michael Brown - Aye

Trapper Griffith - Aye

Hunter Hall - Aye

Michael Condon - Aye

VIII. Consent Agenda

IX. Old Business

X. Regular Agenda

3. 504 East 48th Street | Variance | 20-005582-ZBA

📎 [Application.pdf](#)

📎 [Staff Report.pdf](#)

📎 [Map.pdf](#)

📎 [Aerial Map.pdf](#)

📎 [Photos.pdf](#)

📎 [Jones Architectural Site Plan AS101 Colored.pdf](#)

📎 [Jones Architectural Site Plan AS102.pdf](#)

📎 [Jones Architectural Site Plan AS103.pdf](#)

📎 [Jones Context Photos Context Photos P101.pdf](#)

📎 [Jones Context Photos Context Photos P102.pdf](#)

📎 [Jones Context Photos Context Photos P103.pdf](#)

Mr. Jordan Holloway, Development Services Planner, stated the petitioner is requesting approval of a variance to expand a nonconforming use (duplex) by proposing an addition on the rear of the building.

The subject property is located at 504 E. 48th Street within the RSF-5 (Residential Single Family-5) Zoning District on a .12-acre conforming lot with an up/down duplex.

The petitioner would like to add a 150 square foot addition (300 square feet total) on the rear of the existing residence with an 80 square foot screened porch. Per Section 11.4.2.b, "A nonconforming use shall not be enlarged or expanded to occupy a greater area of land or of a structure unless authorized by the Zoning Board of Appeals in accordance with Sec. [3.24](#), Relief for Nonconforming Uses and Structures."

The provided site plan shows that the rear addition would be setback twenty (20) feet from the lane, which meets ordinance requirements.

The subject property is currently approximately 28% lot coverage, and the proposed addition would increase the lot coverage to approximately 32% overall, which is below the maximum 40% lot coverage maximum allowance.

It is important to note that of the eleven properties on this block, four of those are duplexes.

Per Article 3 Section 3.24.8, as it relates to the expansion of a nonconforming use, the Zoning Board of Appeals shall make a finding that the request does comply or does not comply with each individual criterion provided below. If there is non-compliance with at least **one** of the criteria below, the request shall not be approved.

a. The proposed nonconforming use of a building is not detrimental to the public interest, health, safety, welfare, function, and the adjacent uses or general vicinity by reason of any one or more of the following: the number, area, location, height, orientation, intensity (such as traffic, noise, odor, hours of operation), or relation to the neighborhood or other adjacent uses.

MPC Comment: The nonconforming use is not detrimental to the public interest, health, safety, welfare, function, or adjacent uses.

b. The use of the expanded area has the same operational characteristics as the existing nonconforming use.

MPC Comment: The expanded area would have the same operational characteristic as the existing nonconforming use.

c. The General Site Standards of this Ordinance relating to the original use are complied with to the extent possible.

MPC Comment: The general site standards for the RSF-5 Zoning District are complied with.

d. The design of the building cannot readily accommodate a permitted use of the zoning district in which it is located.

MPC Comment: The design of the building can readily accommodate a permitted use in the RSF-5 Zoning District.

e. The building has not been subsequently redesigned to house other uses.

MPC Comment: The building has not been redesigned to house other uses.

Mr. Jeff Jones, petitioner, stated we tried to address the concerns of the Board including the setbacks. We are making the building a bit smaller and adding the porch so that it's clear we can't be adding another room. It is intended solely to meet our needs.

Ms. Elaine Jones, petitioner, stated they have sized down the addition. The reason we need this addition is because I have had a hip and knee replacement and very bad arthritis. I need to have access to a shower because getting in and out of a tub is difficult. In a bathroom, I need a door bigger than 24 inches because that will not accommodate a walker. I need to make accommodations to the house to meet my mobility needs.

Mr. Peter Callejas, agent for the petitioner, stated the Ordinance and building codes don't always fit certain situations. That's why we have a Zoning Board of Appeals Board to grant certain variances. We have a home that was built in the mid 1900s, back when the kitchens and bathrooms were very small and the hallways were narrow. The only reason we are trying to do this is because they need more space to function.

No Public Comments

Motion

Approve the requested expansion of a nonconforming use by a rear addition.

Vote Results (Approved)

Motion: Michael Condon

Second: Michael Brown

Stephen Merriman, Jr. - Abstain

Karen Jarrett - Nay

Michael Brown - Aye

Trapper Griffith - Aye

Hunter Hall - Aye

Michael Condon - Aye

[4. 608 & 612 East 39th Street | Variance | 20-005602-ZBA](#)

[Aerial Map.pdf](#)

[FINAL PLAT.pdf](#)

[General Developmen Plan.pdf](#)

[Application.pdf](#)

[SZBA Staff Report.pdf](#)

[Map.pdf](#)

[30' lot in 2 block radius.pdf](#)

Mr. Jordan Holloway, Development Services Planner, stated the petitioner is requesting a 343 square foot lot area variance from the required 3,000 square foot minimum, as required by the Ordinance, and a one (1) space parking variance at 608 and 612 East 39th Street.

The subject properties are located at 608 and 612 East 39th Street within the PD (Planned Development) Zoning District on .18- and .12-acre conforming lots.

The petitioner recently submitted a subdivision/lot recombination plan to the City of Savannah and the MPC for review. Staff at the MPC recommended approval of the subdivision/lot recombination, with a condition of making 608 East 39th Street the required 3,000 square feet or request a variance.

The proposed subdivision of these parcels would remove the existing off-street parking for 608 East 39th Street, thus the requirement to request a variance.

Staff understands that Lot B (612 East 39th Street) will become a parking lot for proposed apartments at 601 East 39th Street.

Mr. Bob Isaacson, petitioner, stated these properties are within a PUD, and the PUD was created for the East Broad and 39th Street development back in 2010 and amended in 2018. The purpose of the amendment was to authorize the construction of these 36 mixed use units. It is my belief that the PUD takes precedence over the general intent of the Ordinance. We cannot accomplish the purpose and the intent of the PUD unless we provide adequate off-street parking. We will not have sufficient parking without the requested variance.

Mr. Scottie Hendrix II, agent for the petitioner, stated this pattern of development that we are trying to accomplish is consistent with the block and surrounding neighborhoods. Over 50 percent of our block is

currently non-conforming, and our project would actually result in four of those lots becoming conforming.

Public Comments:

Mr. Joshua Yellin, spoke in favor of the project.

Alderwoman Alicia Miller Blakely, asked if the project would be affordable housing? If so, what would the rent be?

Mr. Isaacson, stated we are not planning for it to be affordable housing, in the sense that there will be a low income tax credit deal . The project is HUD supported and we have a very favorable interest rate, so that reduces our cost and our idea is that it will be affordable because our cost will be less. We plan to rent them for as low as we can. The apartments across the street started off in the \$750.00 to \$900.00 dollar range.

Motion

Approve the requested variances.

Vote Results (Approved)

Motion: Michael Brown

Second: Trapper Griffith

Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Aye
Michael Brown	- Aye
Trapper Griffith	- Aye
Hunter Hall	- Aye
Michael Condon	- Nay

[5. 22 East 38th Street | Variance | 20-005540-ZBA](#)

[Map.pdf](#)

[Application.pdf](#)

[Photos of proposed structure location.pdf](#)

[22 East 38th St site plan.pdf](#)

[Staff Report .pdf](#)

[A-2-X-ALTERNATE SITE PLANS-COCALIS.pdf](#)

Mr. Kiakala Ntemo, Contract Planner, stated the petitioner, Shauna Kucera, is requesting a variance to the rear and side yard setbacks to an accessory structure from the required five (5) feet to zero (0) feet for the rear yard setback and three (3) feet to zero (0) for the side yard setback.

The subject property is located at the northwest corner of the intersection of East 38th Street and Drayton Street within the TN-2 (Traditional Neighborhood 2) Zoning District and the Streetcar Historic Overlay District.

The subject property is an 8,026 sq. ft. lot and is developed with a single-family residential building of approximately 1,878 sq. ft. This structure was built in 1898 and is a contributing building. The building complies with the districts' setback regulations and has a side yard (Drayton Street) setback of 11.5 feet.

The proposed accessory structure is a one-story storage garage with the height of 13.5 feet and approximately 130 sq. ft. The proposed location is behind the main building, in the northeast corner of the lot abutting the rear and side property lines. According to historic documentation, an accessory structure

once stood at the location of the proposed building.

The storage garage proposes two points of entry: one from the interior of the yard, and the other from an overhead garage door facing the Drayton Street right of way.

The roof eaves of the proposed accessory structure would encroach the right of way (sidewalk) and the property abutting to the rear. This would necessitate the property owner to sign encroachment agreements with the City and the abutting neighbor.

Ms. Shauna Kucera, agent for the petitioner, stated we did go through the COA process and we were approved. I did ask the HPC staff to make a recommendation to this Board based on this proposal, and they found that, in regards to general consistency, the variance is intent with the Ordinance. It is also compatible with the garage that was on this site historically. The special conditions factor they feel exists here because there was a garage in this exact location. We do not have access to a lane. This garage is not for a vehicle, it is storage for bikes, lawn equipment. The existing curb cut on Drayton would not be altered, and there would not be any vehicle traffic contributing to Drayton Street. If the Board feels the garage door would be a safety hazard, we would be willing to rethink that maybe we just put windows facing Drayton Street. Regarding the 12 inch encroachment on the neighbor's property to the north and into the right of way on Drayton Street, I would like to suggest we move the garage 12 inches off of that corner so that we do not need an encroachment permit.

Ms. Kucera proposed a different alternative to what was originally submitted. Option 3 would be 12 inches off rear and side property lines, replace garage door with windows and keep man-door away from ROW.

No Public Comments

Motion

Approve the request for setback variances at 22 East 38th Street with the condition that the accessory structure and its roof does not encroach on either the rear or side property lines.

Vote Results (Approved)

Motion: Michael Condon

Second: Michael Brown

Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Aye
Michael Brown	- Aye
Trapper Griffith	- Aye
Hunter Hall	- Nay
Michael Condon	- Aye

[6. 4307 Liberty Parkway | Nonconforming Use | 20-005580-ZBA](#)

📎 [4307 Liberty St photos.pdf](#)

📎 [Application.pdf](#)

📎 [Map.pdf](#)

📎 [DRAFT Staff Report Liberty Parkway.pdf](#)

📎 [Opposition from Liberty City community.pdf](#)

Mr. Kiakala Ntemo, Contract Planner, stated the petitioner, Arpit Patel, is requesting the re-establishment of a nonconforming use for a convenience store in a residentially zoned neighborhood.

The subject property is located on the northwest corner of the intersection of Liberty Parkway and

Pendleton Street within an RSF-6 zoning district and is developed with a one story, 1,880 sq. ft. building. The subject property abuts residential property to the north and to the west. There are no other non-residential uses in the immediate vicinity.

The subject property previously operated as a convenience store and is a nonconforming use. The nonconformity exists because the use is not permitted in the RSF-6 zoning district.

Historically, the subject property has been commercial. It has operated as a daycare and convenience store at different times. The current owner acquired the property in 2018, which is the last year a City of Savannah Business Tax Certificate had been granted for the property. At that time, the property was residentially zoned and nonconforming as it is now.

A Chatham Area Transit bus stop is located on the corner of the subject property. This area is also used for Chatham County School bus drop off and pick up. The bus stop adjacent to the subject property is poorly marked and very close to Liberty Parkway. Liberty Parkway is a two-lane Residential Collector classified roadway that extends south from Mils B. Lane, approximately one mile to Staley Avenue. Importantly, this section of Liberty Parkway is a non-stop section which tends to lead to increased vehicular speeds.

Mr. Arpit Patel, petitioner, stated the reason we closed the business and did not apply for a new business license is because we wanted to renovate the property to make it more sustainable as a community store. We are doing inside and outside renovations. We wanted to have a kitchen and grocery store. We do not plan to have a tobacco or alcohol license. I have met with Dr. Shabazz and Mr. Bryant and they both agreed on this and said this was a good vision. They supported this.

Mr. Ntemo, stated that there was a petition was submitted with well over 100 signatures in opposition of the request.

Public Comments

Ms. Glenda Jones, spoke in opposition. She stated this property has been a problem for the neighborhood for many years. We want reassurance that he does what he says he will do. We do not want alcohol in the neighborhood.

Mr. Ulysses Bryant, President of the Liberty City, Southover, and Richfield Neighborhood Association, spoke in opposition. He stated he did meet with Mr. Patel, but did not give his approval of anything. The residents have a lot of concern about the quality of life and what impact this non-conforming use will have on our community if it is granted.

Ms. Donna Meyers, spoke in opposition. This building was built as a ice cream stand to serve the community. There is very little space for parking to run a business. This store in the past has created lots of trash in the neighborhood. This location has not brought anything positive into the community.

Alderwoman Dr. Estella Shabazz, spoke in opposition. This has been a problem area since it started being a convenience store. My City Council colleagues and I worked very hard to bring a Alcohol Overlay District to this area. This location is under that district; therefore, there will never be an alcohol license issued for this area as long as I'm the Alderwoman. I did meet with Mr. Patel, but I did not approve of anything at this location. We will continue to fight for the quality of life in this community. We do not want a convenience store.

Mr. Ken Law, spoke in opposition. He wanted clarity if a convenience store can sell beer and wine without a liquor license?

Mr. Marcus Lotson, Director of Development Services, stated this property is part of an Alcohol Overlay District, so any business in that Overlay District is not permitted to sell alcohol and that includes beer and wine.

Motion

Petitioner requested to withdraw the petition.

Vote Results (Approved)

Motion: Michael Condon

Second: Karen Jarrett

Stephen Merriman, Jr. - Abstain

Karen Jarrett - Aye

Michael Brown - Aye

Trapper Griffith - Aye

Hunter Hall - Aye

Michael Condon - Aye

XI. Other Business

[7. Election of Chairman](#)

Mr. Stephen Merriman was elected as Chairman.

[8. Election of Vice-Chairman](#)

Mr. Michael Condon was elected as Vice-Chairman.

XII. Adjournment

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