



## City of Savannah Zoning Board of Appeals

Arthur A. Mendonsa Hearing Room  
August 25, 2022 10:00 A.M.

### AUGUST 25, 2022 CITY OF SAVANNAH ZONING BOARD OF APPEALS

Present: Stephen Merriman, Jr., Chair  
Michael Condon, Vice Chair  
Larry Evans  
Hunter Hall  
Karen Jarrett  
Betty Jones

Member Absent: Stephen M. Plunk

Others Present: Melanie Wilson, MPC Executive Director  
Pamela Everett, Esq., Assistant Executive Director  
Marcus Lotson, Development Services Director  
Melissa Paul-Leto, Development Services Planner  
Niirav Gandhi, Development Services Planner and Historic Preservation Planner  
Julie Yawn, Systems Analyst  
Mary Mitchell, Administrative Assistant

City of Savannah: Tom Bolton, Zoning Plans Examiner

#### I. Call to Order and Welcome

##### [1. Call to Order and Welcome](#)

**Mr. Merriman** called the meeting to order at 10:00 a.m. He explained that 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.

#### II. Invocation and Pledge of Allegiance

##### [2. Invocation and Pledge of Allegiance](#)

The Invocation was given by **Chairman Merriman**. The Pledge of Allegiance was recited in unison.

#### III. Notices, Proclamations and Acknowledgements

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

##### [3. 2819 Ogeechee Road | Re-establishment of a nonconforming use | 22-003124-ZBA](#)

##### **Motion**

The Savannah Zoning Board of Appeals does hereby approve the request to remove 2819 Ogeechee Road from the Final Agenda.

**Vote Results ( Approved )**  
 Motion: Betty Jones  
 Second: Michael Condon  
 Stephen Merriman, Jr. - Abstain  
 Karen Jarrett - Aye  
 Hunter Hall - Aye  
 Michael Condon - Aye  
 Larry Evans - Aye  
 Betty Jones - Aye

[4. VARIANCE REQUEST | 230 Vernonburg Dr | File No. 22-003568-ZBA | Accessory Building in Front Yard](#)

**Motion**  
 The Savannah Zoning Board of Appeals does hereby approve to continue this item to the September 22, 2022 ZBA Meeting as requested .

**Vote Results ( Approved )**  
 Motion: Betty Jones  
 Second: Michael Condon  
 Stephen Merriman, Jr. - Abstain  
 Karen Jarrett - Aye  
 Hunter Hall - Aye  
 Michael Condon - Aye  
 Larry Evans - Aye  
 Betty Jones - Aye

[5. VARIANCE REQUEST | 2111 East Victory Drive | File No. 22-003586-ZBA | Parking Reduction](#)

**Motion**  
 The Savannah Zoning Board of Appeals does hereby continue this petition to the September 22, 2022 Meeting Agenda as requested by the petitioner.

**Vote Results ( Approved )**  
 Motion: Betty Jones  
 Second: Michael Condon  
 Stephen Merriman, Jr. - Abstain  
 Karen Jarrett - Aye  
 Hunter Hall - Aye  
 Michael Condon - Aye  
 Larry Evans - Aye  
 Betty Jones - Aye

**V. Item(s) Requested to be Withdrawn**

**VI. Approval of Minutes**

[6. Approve July 28, 2022 Meeting Minutes](#)

📎 [July 28, 2022 Meeting Minutes.pdf](#)

**Motion**

The Savannah Zoning Board of Appeals does hereby approve the Meeting Minutes of July 28, 2022.

**Vote Results ( Approved )**

Motion: Karen Jarrett

Second: Betty Jones

Stephen Merriman, Jr. - Abstain

Karen Jarrett - Aye

Hunter Hall - Aye

Michael Condon - Aye

Larry Evans - Aye

Betty Jones - Aye

**VII. Approval of Final Agenda**

**VIII. Consent Agenda**

**IX. Old Business**

**X. Regular Agenda**

[7. VARIANCE - 520 East 45th Street - 22-002531-ZBA](#)

📎 [SITE VISIT.pdf](#)

📎 [Letter of Concern.pdf](#)

📎 [MAP - STREETVIEW WITH ZONING.pdf](#)

📎 [APPLICATION.pdf](#)

📎 [520 East 45th Street Letters of Support.pdf](#)

📎 [STAFF REPORT.pdf](#)

📎 [Riddle Letter of Support.pdf](#)

📎 [Petitioner's supplementary information.pdf](#)

**Ms. Melissa Paul-Leto** gave the staff report. This petition was continued from the June 23, 2022 meeting. The applicant is requesting variances to the minimum rear yard setback and to the maximum building coverage requirements to connect the existing carriage house to the principal dwelling at 520 East 45th Street.

**Ms. Paul-Leto** explained that:

1. The subject property is located on the north side of East 45th Street with East 44th Lane on the south side in the Ardsley Park/Chatham Crescent Neighborhood within the RSF-6 (Residential Single-Family – 6) zoning district.

2. 520 East 45th Street is .15 acre, or 6,534 square feet in lot area. There is an existing two-story dwelling facing 45th Street on the subject property, which includes three (3) bedrooms and three (3) bathrooms and a two-story carriage house to the rear of the property.
3. The petitioner is proposing to demolish the existing elevated deck, that is connected to the rear of the principal dwelling, to construct an addition that will connect the living room to the carriage house. The addition would include a laundry room, closet space, and small office space. The carriage house would be renovated, so that the finished ground floor would meet the elevation of the principal dwelling. The petitioner is proposing the carriage house would become a primary bedroom for Jason and Elizabeth Eichholz and will include a bathroom and closet.

**Ms. Paul-Leto** stated that based on the proposed site plan, the subject parcel would require the following variances for property located within the Residential-Single-Family-6 (RSF-6) zoning district:

- A rear yard setback of 20-feet proposed from the 20-foot minimum rear yard setback requirement.
- A building coverage of 45% proposed from the 40% maximum building coverage requirement.

**Ms. Paul-Leto** reported that based upon the variance criteria, staff recommends denial of the variance requests for 520 East 45th Street. She entertained questions from the Board.

**Mr. Condon** said it appears that three of the houses in the neighborhood, one directly to the right and two houses further down the street, have carriage houses directly connected to the building. They also seem to have in excess of 40 percent lot coverage. Mr. Condon asked Ms. Paul-Leto when she was in this area, did she notice or was given information pertaining to this?

**Ms. Paul-Leto** answered that she noticed this in the photo, but this is triggered to new construction and also the NewZO Code. She believes that the agent, Ms. Ellen Harris, will show an exhibit that better display this. There is a pattern of homes that have the rear yards' encroachment and the connection to the carriage house. However, staff needs to review it according to the Code.

**Ms. Jarrett** asked what was the Zoning Code before NewZO was instituted? Would that code allow the other houses to be built?

**Ms. Paul-Leto** answered "no" that code would not have allowed this.

**Ms. Jarrett** stated anyway, this was done in this area.

**Ms. Paul-Leto** stated that staff does not know if this was permitted. If so, was it prior to NewZO or if it was just done.

**Ms. Jones** said one of the neighbors had a concern about flooding in the area as the yard was paved. How will this be corrected?

**Ms. Paul-Leto** said the neighbor's letter was received prior to the June meeting. The property owners spoke with the neighbor and the architect revised the drawings to include a gutter, so the water will not go onto the neighbor's property.

#### **PETITIONER COMMENTS**

**Ms. Ellen Harris of Ethos Preservation** was sworn-in earlier by Mr. Merriman. Ms. Harris explained that the owners apologized for not being able to attend the meeting in person. Their personal attendance is unavoidable, but they are on-line. She thanked staff for presenting their petition. She explained that the request is triggered by the Eichholz's desire to construct a one-story connector between the main house and carriage house. The carriage house currently sits at Zero Lot line along the lane, which is fairly typical for the neighborhood. But, because of the new connector, it is no longer considered an accessory structure. It is a part of the main structure or it would be with this connector, and, therefore, this is triggering the 20 foot rear yard setback that is being asked to meet. The connector is in compliance

with the 20 foot rear yard setback. The existing lot coverage is currently 45 percent and the proposed lot coverage is 45 percent. It remains unchanged because of the conversion of the decks into the connector and is triggering a variance request.

**Ms. Harris** explained that if one looks at the request in the overall context, she believes they will see what Mr. Condon was alluding to. The property is shown in the center with the red star. They have gone one block in every direction to look at similar configurations in the block. They have found at least 22 properties, at least one on every block, does not meet the 20 foot rear yard setback. Ms. Harris said 14 of these properties are connected to the carriage house. In the same block as the Echholz, there are two properties, including one directly adjacent, next door, has the same configuration of a connected carriage house. There is a third property directly across the lane.

**Ms. Harris** said she took a picture of what these connectors look like. The main house, the carriage house, and the connector are not typically visible from the street. But, it would be visible from a corner lot. In the Echholz case, it will not be visible from the street. She explained that regarding the variance criteria, they feel that this is consistent with the intent of the Ordinance. It is not injurious to the neighborhood. The literal interpretation would deprive the applicants of rights that are commonly enjoyed by other properties. A special privilege would not be granted that is denied to other property owners. The connector is a common sense way to adopt the historical structure to accommodate a growing family in a sensitive and compatible way. Within this neighborhood, connectors are seen throughout the district.

**Ms. Harris** explained that 11 neighbors in this block have sent letters of support, which are attached to the agenda, including the neighbor that is directly adjacent, who potentially would be most impacted. Additionally, the letter of concern from the Riddles, they have addressed their concern of the drainage issue, have also submitted a letter of support for the variances. Ms. Harris entertained questions from the Board.

### **PUBLIC COMMENTS**

None.

### **BOARD DISCUSSION**

The Board had no further discussion on this request. **Mr. Merriman** entertained a motion.

#### **Motion**

The Savannah Zoning Board of Appeals does hereby approve the variance requests to exceed the maximum rear yard setback and minimum building coverage requirements to construct an addition that will combine the principal house and the carriage house at 520 East 45th Street.

#### **Vote Results ( Approved )**

Motion: Michael Condon

Second: Larry Evans

Stephen Merriman, Jr. - Abstain

Karen Jarrett - Aye

Hunter Hall - Aye

Michael Condon - Aye

Larry Evans - Aye

Betty Jones - Aye

📎 [VICINITY MAP.pdf](#)

📎 [LETTER OF SUPPORT.pdf](#)

📎 [SITE VISIT.pdf](#)

📎 [PROPOSED PLANS - REVISED.pdf](#)

📎 [STAFF REPORT.pdf](#)

**Ms. Melissa Paul-Leto** gave the staff report. The applicant is requesting a variance to reduce the minimum rear yard setback to 11-feet 3-inches from the 20-foot minimum rear yard setback requirement for construction of an elevated deck addition to the rear portion of the single-family residence in the Residential Single Family (RSF-6) zoning district. The property is located at 536 East 44th Street and fronts 90-feet on the north side of East 44th Street and begins 110-feet from the northwest side of Paulson Street. The property is located in Land Lot 4. It is located within the Ardsley Park//Chatham Crescent Neighborhood, City Council District 4.

**Ms. Paul-Leto** said the relevant Zoning Requirements are:

- The subject property is zoned RSF-6 (Residential-Single-Family-6).
- Minimum lot dimensions: Frontage: 60-feet; Minimum lot area: 6,000 square feet.
- Minimum yard setbacks: Front: 20-feet; Side yard: 5-feet; Street side yard: 10-feet.

**Ms. Paul-Leto** explained that the subject property is a rectangular shaped lot of approximately 9,900 square feet (0.22 acres) of area and 90-feet of frontage. The property is currently developed with a 2-story elevated single-family residence, where the main living area of the house is located on the 2nd floor. The rear portion of the building currently encroaches into the 20-foot rear yard setback by 5-feet 10-inches. The design of the proposed deck wrapped around the rear portion encroachment would further expand the existing non-conformity. Vehicular access is provided via two driveways off East Victory Lane, with a 15-foot lane width. There are some trees on the subject property. Lots in the immediate area vary in lot widths, but seem to be consistent with the lot depth with single-family dwellings with RSF-6 (Residential-Single-Family-6) zoning.

**Ms. Paul-Leto** reported that based upon the review criteria and pattern of similar use, staff recommends denial of the requested variance for 536 East 44th Street. She entertained comments from the Board. The agent for this petition is Ms. Shauna Kucera. Ms. Paul-Leto was unsure if Ms. Kucera was on-line.

**Mr. Condon** stated that he was looking at the photo of the new deck, which sits between the "L-shape" section of the house. He said in looking at the plans, he could not tell whether there is enough space here to extend beyond the end of the "L" to put the stairs on the right-hand side and still be within the setback. Mr. Condon said he knows a 5 foot setback is in this area; and he knows that the house is beyond the five feet. Would the petitioner be able to do this without a variance if they stay within the setback and get the stairs there?

**Ms. Paul-Leto** answered "yes" the petitioner would be able to put the stairs there.

#### **PETITIONER COMMENTS**

The petitioner, **Ms. Shauna Kucera**, was not present on-line or in-person for this meeting.

#### **PUBLIC COMMENTS**

None.

#### **BOARD DISCUSSION**

The petitioner was not present. Mr. Merriman entertained a motion to continue this petition to the meeting of September 22, 2022.

**Motion**

The Savannah Zoning Board of Appeals does hereby approve to continue this petition to the September 22, 2022 meeting.

**Vote Results ( Approved )**

Motion: Karen Jarrett

Second: Michael Condon

|                       |           |
|-----------------------|-----------|
| Stephen Merriman, Jr. | - Abstain |
| Karen Jarrett         | - Aye     |
| Hunter Hall           | - Aye     |
| Michael Condon        | - Aye     |
| Larry Evans           | - Nay     |
| Betty Jones           | - Aye     |

[9. VARIANCE | 1407 East 32nd Street | 22-003573-ZBA](#)

📎 [APPLICATION.pdf](#)

📎 [VICINITY MAP.pdf](#)

📎 [STAFF REPORT.pdf](#)

**Ms. Paul-Leto** gave the staff report. The subject property fronts 60-feet on the south side of East 32nd Street and begins 100-feet from the north side of East 32nd Lane. The property is located on Land Lot 13. It is located within the Live Oak Neighborhood of Residential-Single-Family-5 (RSF-5), City Council District 3. She said that relevant zoning requirements are:

- The subject property is zoned RSF-5 (Residential-Single-Family-5).
- Minimum lot dimensions: Frontage: 60-feet; Minimum lot area: 6,000 square feet.
- Minimum yard setbacks with lane access: Front: 15-feet; Side yard: 5-feet; Street side yard: 10-feet

**Ms. Paul-Leto** explained that the subject property is a rectangular shaped lot of approximately 6,000 square feet (0.13 acres) of area and 60-feet of frontage. The property is an undeveloped piece of land. There are some trees on the subject property. Lots in the immediate area vary in lot widths but seem to be consistent with the lot depth with single-family dwellings with RSF-5 (Residential-Single-Family-5) zoning. She showed the proposed site plan. Staff found that there are special conditions or unique circumstances, which are peculiar to the land involved are not applicable and to other lands within the same zoning district. The subject property has an existing drainage easement that crosses through the subject parcel, resulting in the proposed single family residence to be pushed back and then encroach into the rear yard setback requirement of 20 feet x 5 feet. The petitioner is asking for a five-foot reduction.

**Ms. Paul-Leto** reported that based upon the review criteria and pattern of similar use, staff recommends approval of the requested variance for 1407 East 32nd Street. She entertained questions from the Board.

**PETITIONER COMMENTS**

**Attorney Robert McCorkle** was present on behalf of the petition. Attorney McCorkle stated that they accept the staff's recommendation for approval of the request. He wanted to clarify that they do not have an easement in place; This application is the result of their negotiation with the City of Savannah through the City Manager's Office and the City Attorney. His clients bought the lot without knowing that a gigantic concrete stormwater culvert runs through the property. Attorney McCorkle explained that interestingly, it cuts through many lots in this neighborhood and actually runs underneath several houses in the neighborhood. This is a frightening circumstance; he does not believe that the City was aware or no one was paying attention to this when these houses were built years ago, including their immediate next door neighbor.

**Attorney McCorkle** said that when his client applied for his building permit to build an infill residential house here, he was told that he could not do so because the culvert was sitting in an easement. He said they have been negotiating the width of the easement with the City. They have been offered to give it to them for essentially nothing; they don't want to build a house on top of this either. But, the result of that negotiation with the City has been this request that they have asked that it be a certain width. He said this requires them to back the property up. Therefore, the five feet will allow them to grant the easement to the City that they need that is across their property. Therefore, he just wanted to clarify that this was the situation and this is how they got here today. Otherwise, Attorney McCorkle said they support the staff recommendation.

**Mr. Merriman** asked how long ago was the culvert installed here?

**Attorney McCorkle** replied, that's a great question! Nobody seems to know exactly how long it has been, but it predates the houses that were constructed in the Live Oak Neighborhood in this area. Therefore, it has to go far back as some of the houses are at least more than 50 or 60 years old. He supposes it still functions, but if you look at it on the map where they were shown the drawing of where it runs, it runs underneath several of the houses in the neighborhood.

**PUBLIC COMMENTS**

None.

**BOARD DISCUSSION**

The Board was in agreement with the staff recommendation. Mr. Merriman entertained a motion.

**Motion**

The Savannah Zoning Board of Appeals does hereby approve the minimum rear yard setback to construct a single-family residence at 1407 East 32nd Street.

**Vote Results ( Approved )**

Motion: Larry Evans

Second: Betty Jones

Stephen Merriman, Jr. - Abstain

Karen Jarrett - Aye

Hunter Hall - Aye

Michael Condon - Aye

Larry Evans - Aye

Betty Jones - Aye

[10. VARIANCE - 980 Industry Drive - 22-003405-ZBA](#)

[APPLICATION.pdf](#)

[VICINITY MAP.pdf](#)

[SITE VISIT.pdf](#)

[STAFF REPORT.pdf](#)

[COMBINED LETTERS OF SUPPORT.pdf](#)

**Ms. Melissa Paul-Leto** gave the staff report. The applicant is requesting variances to Sec. 7.14.5 (b).1 & 7.14.5 (b).2 of the Alcohol Density Overlay District. The variances are to allow for an assembly hall to be larger than the maximum 2,000 square feet in floor area, and to the minimum 300-foot distance from any



residential use or a residential ("R") zoning district for property located at 980 Industry Drive.

**Ms. Paul-Leto** explained that the subject property fronts 65-feet on the north side of Industry Drive and has a depth of approximately 170-feet. The property is located on Land Lot 2, within the Bay Street Viaduct Area and is within the Light-Industrial (I-L) zoning district and the AD-1 Alcohol Density Overlay District (West Bay Street Area), City Council District 1.

**Ms. Paul Leto** stated that the Overlay Districts are placed over an existing zoning district, hence the term "overlay" and may impose additional restrictions on uses in the district or permit uses that may otherwise be disallowed in the underlying district or to also make more restrictions. The Alcohol Density Overlay Districts were established in phases at the request of several area neighborhood associations. These associations argued that they were overburdened with alcohol sales and service uses and that these businesses contributed to other issues which impacted quality of life.

**Ms. Paul-Leto** explained that **ARTICLE 7.0 OVERLAY DISTRICTS:**  
**Sec. 7.14 Alcohol Density Overlay District**

**7.14.1 Purpose:**

The concentration of establishments engaging in the sales and or service of alcohol in certain identifiable areas of the city has contributed to undesirable conditions and activity, such as littering, loitering, aggressive panhandling, noise and increased vehicular traffic. Accordingly, the purpose of the Alcohol Density Overlay District is to establish standards to curtail or prevent these and other detrimental actions from diminishing property values and the quality of life for nearby residents and property owners.

**7.14.2 Relationship to base zoning districts**

In addition to the requirements of this article, existing and proposed uses within the Alcohol Density Overlay ("AD") District must also comply with the requirements of the base zoning district designated on the official zoning map for the City of Savannah.

**7.14.5 Use Conditions**

The following conditions are in addition to any condition(s) that may be required of the use within its base zoning district. To determine if there are use conditions, see [Article 8.0, Use Standards](#). The following conditions may be varied by the Board of Appeals:

**a. Off-site consumption**

**i Ancillary retail package store (accessory sales of beer and wine by the package)**

**b. Retail dealer (on-site consumption)**

**i. Assembly Hall**

1. Such use shall not be greater than 2,000 square feet in floor area.
- 2.. Such use shall not be located within 300 feet of a residential use or a residential ("R") zoning district.
3. Such use may include a licensed alcohol caterer.
4. Alcohol sales, service and consumption are limited to the interior of the restaurant.

**ii. Restaurants with alcohol sales**

1. A restaurant must have at least 2,000 square feet in floor area.
2. Alcohol sales, service and consumption are limited to the interior of the restaurant.

**c. Manufacturing and distribution**

- i Such use shall abut an arterial street. .

**Ms. Paul-Leto** explained that the subject property is a rectangular shaped lot of approximately 11,500 square feet (0.26 acres) of area and 65-feet of frontage. The property is currently developed with a one-story brick building with a footprint of approximately 5,426 square feet in floor area. There is vehicular access to the front of the property. There are no trees on the subject property. Lots in the immediate area vary in size and shape with industrial uses and the subject assembly hall use within the I-L (Light-Industrial) zoning district. South of East Lathrop Avenue is the West Savannah Neighborhood which is located within the Residential-Single-Family-5 (RSF-5) zoning classification

**Ms. Paul-Leto** reported that based upon the review criteria, staff recommends denial of the requested variances for 980 Industry Drive. However, if the Board recommends approval of these variances, then staff recommends the following conditions:

1. The variance approval shall be nontransferable.
2. When the facility is rented for special events, guests will have access to the building beginning at 8:00 a.m., with events beginning at at 4:00 p.m. and ending at 10:00 p.m.

**Ms. Paul-Leto** stated that Ms. Roshida Edwards, was present. She additionally stated that the applicant has received a large amount of letters supporting this petition. When the petitioner submitted her application, there were more than 100 persons in support of this request. Ms. Paul-Leto entertained questions from the Board.

**Ms. Jarrett** asked if staff has heard from any persons immediately adjacent to or very close to the property.

**Ms. Paul-Leto** explained that staff has not received any letters of concern or any calls concerning the application. The applicant has been submitting the emails for the persons supporting this request.

**Ms. Jarrett** asked if the area they are talking about is more than 2.5 times the requested floor area?

**Ms. Paul-Leto** answered yes.

**Ms. Jones** asked if the people knew that this was an Overlay District?

**Ms. Paul-Leto** asked Ms. Jones if she was asking if the people supporting this request knew that this was an Overlay District?

**Ms. Jones** answered yes.

**Mr. Paul-Leto** said the petitioner will be able to answer Ms. Jones's question when she makes her presentation to the Board.

### **PETITIONER COMMENTS**

**Ms. Roshida Edwards** stated that to answer Ms. Jones's question regarding the Overlay, "yes" she was told that there is an Overlay here. However, when she was told about the Overlay, she thought the term applied to "sales" and not to consumption. She found out through her application process that Overlay covers all of it. By that time she had already entered into a contract. and was in the process of reconstructing the building.

**Ms. Edwards** explained that the venue started in June, 2022 She has been an event planner for almost ten years. She wanted to provide the City with a venue that had a chic, yet classic and affordable venue space. They have done about \$45,000 worth of changes to the facility. Once this work was completed, they had an overwhelming amount of couples who were planning weddings. They wanted to use the venue as their wedding space and reception. They have birthdays parties booked and they have serviced funerals as well.

**Ms. Edwards** stated that she went almost door-to-door to the residents, not only in the 1st District, but mainly the entire West Savannah Community. She is a proud member of the West Savannah Community and has done several community events to help the community. A lot of the residents of the West Savannah Community are in support of the venue, the plans, the alcohol, and the many events she has scheduled for the community. She is now in the process of performing many of the events. Ms. Edwards stated that she is aware that many of the residents of this area are on-line supporting the petition. Many residents are present here today in support of the petition.

**Ms. Edwards** explained that she spoke with the Neighborhood Association President at the beginning of the process. She met recently with the President at the facility and gave her a tour and answered questions about what she was planning to do. She was aware that prior issues were here with parking, Consequently, she employed a parking staff so they could ensure that the residents would not have parking issues. Any events that they have had thus far, she has security present. If the petition is approved, she will increase the security. Ms. Edwards said they have several bridal parties scheduled. But, sadly though, they had to tell the persons that they are unable to have a glass of wine to toast their

new life. She is quite concerned about this as she can completely be without having the alcohol license to sell alcohol. It is her objective to provide the necessary service not only to the residents of West Savannah, but to the community. She has two weddings scheduled to be held soon. These people are residents of West Savannah; she also has a birthday party scheduled for an officer who is a resident of the West Savannah Community.

**Ms. Edwards** stated that she does not feel that the neighborhood would be harmed. They will take the necessary precautions to ensure that every thing possible is done as it pertains to safety and parking. They have been doing this since they opened. If the alcohol is approved, she will increase the safety aspect. She said she wrote a list of her own conditions that she thought would be helpful to the Board in making their decision. She definitely agrees that the license would be non-transferrable. She supports what is best for the neighborhood. In her door-to-door interactions with the residents, she found that there has not been transportation for the elderly since Covid. Her facility has a bus and they have plans to start transporting the senior citizens to the store once a week at no charge. She has connected with several local business owners and nonprofit organizations; they are planning youth events, financial literacy classes for the young people of the area at no charge. This is just the events that they have planned for the community at the venue. A lot of the people who already have their events planned, are excited that a venue is right across the street. They don't have to go to the southside or other parts of town to have their affair. The venue is nice and is affordable. Ms. Edwards informed the Board that she brought before and after pictures of the venue if they wanted to see how the facility looks.

**Ms. Edwards** said she would hire off-duty officers if alcohol would be present. She said, too, that she would not be opposed to employing an off-duty officer along with the in-house security staff. Currently, they do not have events during the week. Their primary sources are normally held on Saturdays, which have been weddings and birthdays so far. She would be completely in approval of having the doors closed Monday thru Wednesday. They do not have anything scheduled for Thursdays, but she can foresee people wanting to rent the venue on Thursday. They have a few churches that are in the process of trying to decide whether they would like to use the venue on a Sunday for service. She does not know how this would work with the churches having Communion Service and not being able to serve wine. This plays a great part in this as well. Ms. Edwards said she would be willing to adjust the hours. Currently, her contract for a guest says that all music in the event has to be "shut-down" by 11:59 p.m. and all guests have to be cleared out of the venue no later than 12:30 a.m. If the hours need to be adjusted, she is willing to do so. Her current lease with Delta Metal, the owner, is for one year and then they will review it depending upon Delta Metal's need of the facility. She explained, therefore, the contract she has with Delta Metal is only for one year and presently, she only has eight months remaining in the contract. Ms. Edwards said she is completely fine with not selling alcohol in the facility, but she just wants to be able to provide the guests with the service that if they want to have a glass of wine, etc. for their event, they would be able to do so. Ms. Edwards entertained questions from the Board.

**Mr. Condon** congratulated Ms. Edwards on her business. He asked Ms. Edwards how many parking spaces are there?

**Ms. Edwards** answered that Delta Metal owns three parking lots. But, Delta Metal owns the three warehouses in the area. Therefore, they can park on lot one and lot two. Consequently, they have three lots they can use for parking. They can accommodate approximately 150 cars.

**Mr. Condon** said it appears to him that Ms. Edwards has a good plan of action for what she is trying to accomplish. He asked, "were you able to connect with any of the neighbors directly across the street?"

**Ms. Edwards** answered yes. Two of the neighbors have signed the petition.

**Ms. Jarrett** asked Ms. Edwards if she is okay with closing at 10:00 p.m.?

**Ms. Edwards** replied that she feels 10:00 p.m. is a little unfair to the guests. She has been doing events approximately ten years. All the venues in the City are required to shut-down around 12:00. Therefore, she believes that 10:00 p.m. is harsh on the guests as this means they would have to stop partying about 9:00 p.m. If she has a wedding that starts 5:00 p.m., this is with hoping that they start on time, which most of them do not start on time, this gives the guests only about two or three hours to enjoy the reception before having to shut down; their guests leave, and cleanup and be out of the building by 10:00 p.m. She feels that 11:00 p.m. or 11:30 p.m. would be fair. This would give them time to start the

cleanup processing and get the guests out. Then their staff or family would have time to cleanup the facility.

**Ms. Jarrett** said she know the intent is not to sell alcohol, but at the venues would a caterer be selling alcohol?

**Ms. Edwards** said if it is the decision of the Board that no alcohol would be sold, then this would be in the caterer's contract. If it is the decision of the Board that there is no sales, just consumption, then her staff would be briefed on this.

**Ms. Jarrett** said her concern is that a lot of effort was made to setup the Overlay Alcohol District. Now, here they are asking for alcohol to be allowed in the Overlay District. She has some real concerns about this.

**Ms. Edwards** stated that as she has foresaid, she would have no problem in telling her staff that if they see any type of sales, etc. outside of what is approved for, they are instructed to "shut the event down."

**Ms. Jones** apologized that Ms. Edwards was unaware of what is included in the Overlay and that no one told her or explained the overlay to her. However, they were doing this in the protection of the communities. They have had so much happenings because of alcohol. When the Overlays were done, it was done to protect the crimes that were going on in the neighborhoods. When they start making exceptions for one individual, this means they would have to make an exception for another. This means that the Overlay they put in place for protection would be of no benefit. Ms. Jones said from what she understands, Ms. Edwards business is really nice, but alcohol does not have to be consumed in order for there to be a good time. If Ms. Edwards is being successful now with people renting the facility, they will continue to do so. She said she is speaking to this because many of the businesses in her community who thought they needed to have alcohol in order to have a good business, they are still in business. Therefore, alcohol does not necessarily have to be in place. Ms. Jones said she was a part of getting the Overlay. If the Board says "yes" to Ms. Edwards, then someone else will come seeking the same thing. Then there will be others and soon thereafter, they will be in the same place they were before putting the Overlay in place.

**Ms. Edwards** said she was glad that Ms. Jones brought up the alcohol situation. She reported that during the month of August, 2022, she lost all of her bookings. They had four cancellations; two persons actually moved their events to a different facility. Upon booking events, she has informed them of what she is going through now. She said she told the persons that she had no idea how the hearing today would turn out. She had no idea how long this would take. One event is already scheduled for September, 2022. But, when it came time to sign the contract, the persons backed out or moved their event to a different facility because they could not have alcohol. Ms. Edwards said she agrees with Ms. Jones that it does not take alcohol to have a good time; she is not a drinker, however, a massive amount of adults feel differently as it pertains to certain events. However, the difference here is, that it would be solely for the guests attending the events. There would be no outside attendance or selling. She is not in the business of looking to make an extra dollar off sales. Ms. Edwards said it saddens couples when they find out that they cannot have an alcoholic toast for their wedding. The resident who has a birthday celebration scheduled for October is an officer. She stated that 65 officers will be in attendance; and maybe they will not be able to have a glass of wine or any type of alcoholic beverage. But, with regards to Ms. Jones' comment about things being successful, things have been halted as of August 1, 2022. At this point she is not sure which direction the venue is going in. The community has halted with bookings and tours because it has been understood that the venue cannot have alcohol until this process is over. A lot of people are waiting to see what happens. If they are going to book an event, she is sure that at some point, there will be somebody that will say that they do not want alcohol at their event, but this is no way to sustain a business. Even, in the work she has planned for the community, she cannot do so unless the business is successful. If she is not successful, she cannot take the senior citizens to the store once a week. The gas for the bus costs money; she is not charging the senior citizens anything to take them to and from the store. Ms. Edwards said she spoke with a lot of the senior citizens in the area who told her that they have been calling the City, but as of yet, they have not gotten transportation. This happened since Covid, but the people still need help. She is willing to offer this service to them at no charge. But, she cannot do so if she is struggling to keep the lights on.

**Ms. Jones** stated that she understood everything that Ms. Edwards was saying, but when it comes down

to the Overlay being changed, it will present a problem for the other Overlays in the City. If it is done in West Savannah, then they will come in Cuyler-Brownville; Feiler Park, and other areas saying the same thing. She understands the problem and empathizes with Ms. Edwards concerning all that she is doing. She is for seniors, and for the "least of us," but if they start cherry picking and pick the Overlay apart, there is no telling where this will end. People continuously go to City Council trying to find a way to get a "hole" into the Overlay District in order to sell alcohol or have alcohol consumptions.

## **PUBLIC COMMENTS**

**NOTE: Ms. Edwards received many letters of support and more than 100 residents signed a supportive petition. The letters and petitions are attached to today's Agenda.**

Many persons were present in-person and on-line for this petition. They were sworn-in by Mr. Merriman.

**Ms. Marsha Buford, Neighborhood Association President.** spoke in opposition of this request. Ms. Buford stated that she worked with the Alcohol Overlay Committee. They put in much work to get this ordinance in place. The Neighborhood Association was not aware that Ms. Edwards wanted to get a business in the neighborhood until after it was in operation. On April 6, 2022, Ms. Edwards met with Ms. Judee Jones at the City of Savannah Revenue Department. Ms. Jones explained to Ms. Edwards that this area is an Overlay District and, therefore, alcohol could no longer be served or dispensed in this district. She explained that after this meeting, Ms. Edwards informed Ms. Jones that she had not signed her lease and that she was communicating with the landlord. A signed copy of the lease was submitted on April 25, 2022 to get a business tax certificate. Ms. Buford stated that what is interesting is that after Ms. Edwards signed her lease, they met with her again. The Planning and Development Director, members of ADC, Ms. Edwards, and she had a meeting. During this time, they discussed the Overlay District. They gave Ms. Edwards a copy of the maps and explained what the Overlay Districts entail. They applaud the work that Ms. Edwards has done and what she wants to do, but they are not in favor with alcohol sales in the area. The Savannah Preparatory at one time was housed in this same building. They tried to get an alcohol license. The Neighborhood Association did the same thing. They met with representatives of the Savannah Preparatory and explained to them that they could not get an alcoholic license here. The Savannah Preparatory moved from this location.

**Ms. Buford** said it is the Neighborhood Association's position that the variance not be granted.

**Ms. Jarrett** asked Ms. Buford if she is in favor or not in favor of granting the variance.

**Ms. Buford** answered that she and the Neighborhood Association are not in favor of granting the variance. **Ms. Naomi Brow, and Mr. Sylvester Formey** were also in opposition to the variance request.

**The following persons were supportive of the petition. They were either in-person or on-line : Mr. Collis Mitchell** a life long resident of West Savannah, **Mr. Clifton Edwards, Pastor, Harold Edwards, Ms. Latosha Anthony, Ms. Lucille Hicks** stated that the neighborhoods need to be educated about different aspects involving their community; **Ms. Valarie Gordon**, life long resident of West Savannah, **Mr. Paul Thompson, Mr. Robert Lewis, Alderwoman Bernetta Lanier, Mr. Timothy [Tim] Mackey** served on the Metropolitan Planning Commission 22 years and served on the Savannah Zoning Board of Appeals; **Ms. Vanessa Taylor, Ms. Jean Edwards, Alderwomen Kesha Gibson-Carter and Alicia Miller Blakely, Ms. Detric Graham; and Ms. Alexis Sowell.**

**Ms. Jarrett** asked Alderwoman Gibson-Carter if she could address the issue if an event license caterer, an alcoholic beverage caterer, would be able to get a 24-hour permit for a venue such as is being discussed now?

**Alderwoman Gibson-Carter** said she really could not answer Ms. Jarrett's question. But in her experience as a nonprofit executive leader, as well as a person who has rented event spaces, oftentimes it is generally up to the owner to secure the permit for an event. Or, if it is a non-profit event, the executive or the staff personnel would have to make an appeal to the City of Savannah and subsequently to the State of Georgia to get a temporary license for service. Ms. Gibson-Carter stated that this is what she has done, but she cannot articulate the specific related to the City's rules.

**Mr. Merriman** asked staff if they could answer Ms. Jarrett's question.

**Ms. Melanie Wilson, MPC Executive Director**, stated that she has had the privilege to be over alcohol and permitting. Ms. Wilson explained that the issue concerning licensing and the Overlay Ordinance was not approved at MPC. It is not in their Zoning Ordinance, but is in the City of Savannah's Code of Ordinances. She said when this petition came to the MPC, she asked why were they hearing it because this is something that would normally go to the City's Planning Staff and not MPC. Normally, the process or petition would be submitted to City Council and then they make a decision if an amendment needs to be made. This is what is being asked. In other communities, for uses that are limited to having or not having alcohol, the caterer, not the venue, would apply for a single day event alcohol license. At this time, it is reviewed on what is around it; then they would get the twenty-four hour permit. This is limited to either three times a month or it could be two times a month. The decision is based upon whatever is in the area. But, it is not something that is an automatic "yes." it is tied to the caterer. In this instance, there is some control regarding how many events, if the venue gets sold and somebody buys it, they have the same restrictions that the caterer has to get the licensing. Ms. Wilson said this is a "grey area" for them hearing this. Since she has been here, this is the first time she recalls hearing something like this. City Ordinance come to this body for forbearance when it is not in the Zoning Board's book. This is generally the purpose of this body.

**Ms. Jarrett** asked if the Savannah Zoning Board of Appeals should be hearing this?

**Ms. Wilson** said she asked the question from the standpoint that it is not the Zoning Ordinance that is at play here. This is an Overlay that is a part of the City's Ordinance. When someone goes to get an alcoholic beverage license, those requests do not come to MPC. They are processed by the City. The Overlay, itself, was created by the City and went to City Council for approval when it was originally created. MPC did not vote to approve the Overlay. Ms. Wilson said she did not say that she had the answer to it, but she believes this is a valid question relative to the process used for moving this forward.

**Mr. Merriman** said that Mr. Lotson will give the Board some information. But, the way this reads is that the applicant is asking for a variance to be larger than the maximum 2000 square feet area and to the minimum 300 foot from any residential use or a zoning district for property located at 980 Industry Drive.. Mr. Merriman said this is what they are hearing today. The request is to increase the maximum allowed floor area. He asked Mr. Lotson if he had anything to add.

**Mr. Lotson**, in answer to Mr. Merriman, said he was going to make the point that Mr. Merriman just made, The issue before the Board today is not whether or not Ms. Edwards can serve alcohol based on what this Board does today. The event venue uses the permitted use within the Zoning District. However, the property that Ms. Edwards is operating from is located in the Overlay District. The Overlay says for this use, an event venue in the Overlay District has to be a maximum size, or it can exceed a maximum size and has to be a certain distance from residential property. These are the two things that Ms, Edwards is asking this Board to react to today.

**Ms. Jarrett** asked Mr. Lotson if these items are in the Alcohol Overlay Regulations?

**Mr. Lotson** replied, "yes, they are." These are the conditions of the use within the Alcohol Overlay.

**Ms. Wilson** said this was the basis on which she made her comment. If it was any place else, then it would be in the Zoning Ordinance and then they would be deciding to increase the size or a variance for a side yard. However, this is a little more complicated because it is a part of a city Overlay. Therefore, there needs to be at least two actions or some other things that involve the City, itself. Because they are the ones who created an additional Overlay. This is complicated because they are dealing with two things - a City Ordinance that was voted on by City Council and a part of the City's Ordinance dealing with size, which you could say that they have some decision about, but they do not process the Alcohol License; they don't do the measurements; they don't do any of this that is a part of what is being asked to be changed. Ms. Wilson said, however, this is a question they had when they were reviewing this petition. This is something that the Board may consider when they are trying to make a decision on this petition.

**Mr. Evans** said if the requirements maximum and distance from the residences and maximum square footage are included in the Overlay Ordinance which is not a part of the Zoning Ordinance, he was not sure if this would be a two-step process. He did not know if they had jurisdiction over this at all. If this is

approved, they still do not get to varying it because it is not in the Zoning Ordinance.

**Ms. Wilson** said this was her point and it was her concern when they got this request.

**Mr. Tom Bolton of the City of Savannah Development Services Department** explained that the Overlay District is a part of the Zoning Ordinance. The stipulations are the distance and the size, they are in the Zoning Ordinance and is a part of it.. This is what they are here today to listen to and make a determination about whether they can grant a 25-foot variance for the distance and the maximum size of 2,000 square feet.

**Mr. Lotson** clarified that if the use of an event venue at this location, 980 Industry Drive, meets the minimum square footage and meets the maximum distance from residential, then it is permitted within the Overlay. The reason Ms. Edwards is here at the meeting today is because her building is larger than the maximum that is allowed and is closer to residential than permitted by the Ordinance.

**Mr. Merriman** said he understood that there is a lot of concern about alcohol, non-alcohol, and a lot of people are on one side or the other. But, if the comments could be limited to what is before the Board and what is within their purview, he would appreciate it.

**Mr. Lotson** explained that Ms. Edwards would have to go to the City of Savannah to seek an alcohol license. This is a separate process.

**Mr. Merriman** stated that nothing the Board does today will determine one way or the other whether Ms. Edwards gets an alcohol license.

**NOTE THE BOARD TOOK A FIVE MINUTE BREAK. MR. LARRY EVANS DID NOT RETURN TO THE MEETING. HE LEFT AT 11:55 A.M.**

**Mr. Merriman called the meeting to order at approximately 12:00 Noon.**

**Mr. Merriman** invited Ms. Edwards to respond to public comments, if she so desired.

**Ms. Edwards** thanked everyone for attending in person and on-line. She thanked Alderwomen Bernetta Lanier, Keisha Gibson-Carter, and Alicia Blakely for their support. She thanked the Board for reviewing their request.

### **BOARD DISCUSSION**

**Mr. Merriman** explained to the Board that whoever makes the motion, make sure that the motion is based on the criteria for variance and tie the motion to the Ordinance. He wanted the Board to keep in mind that they are looking at a request for a variance to the increase in square footage and the distance from the residential and has nothing to do with alcohol or any other points.

**Ms. Jones** said the Overlay Ordinance requires different things. Since clarification has been given on what is being requested, she understands that the petitioner is not asking for a variance pertaining to alcohol.. She supports young people being entrepreneurs.

**Mr. Merriman** entertained a motion.

**Mr. Condon** moved that the Board approve the variance request to increase the size of the square footage of the floor area and to allow for the proximity to residential zoned area that the property abuts based on the criteria presented.

**Ms. Jones** seconded the motion.

**Mr. Merriman** called for the question on the motion.

**Ms. Jarrett** asked if any conditions were placed within the motion.

**Mr. Merriman** answered no, but told Ms. Jarrett that she could make a motion to amend the motion.

**Ms. Jarrett** stated she was not amending the motion.

**The motion passed with Mr. Condon, Mr. Hall, and Ms. Jones voting in favor of the motion. Ms. Jarrett voted against the motion. Mr. Evans left prior to the vote. Mr. Plunk was absent and Mr. Merriman abstained.**

A question was asked if the motion passed with the staff recommended conditions.

**Mr. Merriman** answered that the motion did not include the staff recommended conditions. The motion was seconded in accordance with the stated motion and voted on. He believed it was too late to modify the motion as the motion has passed.

**Ms. Pamela Everett, MPC Assistant Executive Director,** stated that the motion could be reconsidered.

**Mr. Merriman** stated as Chair, he is against reconsidering the motion. The vote has already been taken. Therefore, he believes it is a done deal.

### Motion

The Savannah Zoning Board of Appeals does hereby approve the requested Alcohol Density Overlay District conditions of the minimum size of the assembly hall and to the minimum distance from a residentially zoned area for a retail dealer (on-site consumption) use at 980 Industry Drive.

#### Note:

Approval of a variance by the Zoning Board of Appeals shall be subject to Section 3.21.11 of the Savannah Zoning Ordinance, Time Limits for Variances.

### Vote Results ( Approved )

Motion: Michael Condon

Second: Betty Jones

|                       |               |
|-----------------------|---------------|
| Stephen Merriman, Jr. | - Abstain     |
| Karen Jarrett         | - Nay         |
| Hunter Hall           | - Aye         |
| Michael Condon        | - Aye         |
| Larry Evans           | - Not Present |
| Betty Jones           | - Aye         |

## [11. VARIANCE | 921 East Waldburg Street | 22-003401-ZBA](#)

📎 [APPLICATION.pdf](#)

📎 [VICINITY MAP.pdf](#)

📎 [SITE VISIT.pdf](#)

📎 [STAFF REPORT.pdf](#)

**Ms. Melissa Paul-Leto** gave the staff report. The applicant is requesting a variance to reduce the minimum lot width from the required 40-feet to 27-feet to subdivide the parcel and construct a single-family dwelling for property located at 921 East Waldburg Street. The subject property fronts 60-feet on the south side of East Waldburg Street and beginning 115-feet from the southwest side of Ott Street. The property is located on Land Lot 1. It is located in the Eastside Neighborhood within the Traditional-Residential-1 (TR-1), City Council District 2.



**Ms. Paul-Leto** stated that the relevant zoning requirements are:

- The subject property is zoned TR-1 (Traditional-Residential-1).
- Minimum lot dimensions for a single-family residence with street and lane access:  
Frontage: 40 feet. Minimum lot area: 3,000 square feet.
- Minimum yard setbacks: Front: 5-foot minimum; 10-foot maximum; Side yard: 3-feet; Street side yard: 10-foot maximum.  
Rear yard: 20-foot minimum.
- Building Coverage: All other housing types & uses: 50%
- Minimum lot dimensions for a up and down two-family residence with street and lane access:  
Frontage: 22 feet per unit lot width; Minimum lot area; 2,250 square feet per unit.
- Building Coverage: Two-Family, Three & Four-Family: 40%.

**Ms. Paul-Leto** stated that the subject property is a rectangular shaped lot of approximately 6,900 square feet (0.15 acres) of area and 60-feet of frontage. The property is currently developed with a 2-story duplex residence with open space to the west of the property. Vehicular access is provided via a parking pad off East Waldburg Lane for the existing duplex and the proposed single-family dwelling. Lots in the immediate area have a minimum of 30-foot lot widths and are consistent with the lot depth with single-family dwellings and duplexes located within the TR-2 (Traditional-Residential-2) zoning.

**Ms. Paul-Leto** reported that based upon the review criteria and pattern of similar use, staff recommends denial of the requested variance for 921 East Waldburg Street. She entertained questions from the Board.

#### **PETITIONER COMMENTS**

**Mr. James Grady, Agent**, was on-line. Mr. Grady said the staff's presentation showed that the zoning is TR-1, but they are actually in TR-2 zoning. He is not sure if this makes a difference, but when he started this process, he was told that the minimum for this area was 30 feet not 40 feet. Therefore, on his application he listed a three-foot variance for 30 feet. Mr. Grady said in addition, the number as stated by staff, there are a number of lots surrounding this area that are at the 30 feet width.

**Mr. Grady** stated they are the owners of the property and they are now finishing the renovations of the duplex. They purchased the property as "condemned property." On the split property, they would like to build a two-story single family house with probably three bedrooms.

#### **PUBLIC COMMENTS**

None

#### **BOARD DISCUSSIONS**

**Mr. Merriman** stated the property is zoned TR-2. Does this makes a different"

**Mr. Lotson** answered no. He clarified that there is a difference in the zoning districts based, on the fact of the property having lane only access verses street and lane access. In this case, they have street and lane access of a 40 foot lot, which is what is required.

**Ms. Jarrett** asked if the 40 feet is required for a duplex or for a single family. Is there any difference?

**Mr. Lotson** explained that he believes the issue that staff brought up earlier regarding the subdivision of this property is that the existing duplex, which is a conforming lot, would become a non-conforming lot.

#### **Motion**

The Savannah Zoning Board of Appeals does hereby approve staff recommendation for denial of the requested variance for 921 East Waldburg Street..

### Vote Results ( Voting )

Motion: Karen Jarrett

Second: Michael Condon

|                       |             |
|-----------------------|-------------|
| Stephen Merriman, Jr. | - Abstain   |
| Karen Jarrett         | - Aye       |
| Hunter Hall           | - Aye       |
| Michael Condon        | - Aye       |
| Larry Evans           | - Not Voted |
| Betty Jones           | - Aye       |

## [12. VARIANCE REQUEST | 1212 E Derenne Ave | File No. 22-003572-ZBA | Wall Signs and Sign Face Area](#)

📎 [Tropical Cafe Smoothie Image.pdf](#)

📎 [Map.pdf](#)

📎 [Staff Report.pdf](#)

**Mr. Nirav Gandhi** gave the staff report. The applicant is requesting two variances for the property at 1212 East Derenne Avenue.

1. A request to increase the maximum allowed number of wall signs from two to three.
2. A request to increase the maximum allowed total sign face area from 50 ft to 68 ft.

**Mr. Gandhi** reported that based upon the variance criteria, staff recommends denial of both variances. He entertained questions from the Board.

### **PETITIONER COMMENTS**

The petitioner was not in-person or on-line.

### **PUBLIC COMMENTS**

**Mr. Chuck Mobley resides at 1213 East DeRenne Drive.** He and his wife are very concerned that another convenience store would be placed in the lot. They are opposed to this. He loves smoothies and makes them everyday. Mr. Mobley said he also frequent this business often. They would be very relieved if a smoothie business was across the street. He thanked the Board for listening to him.

**Mr. Gandhi** stated that he believes the that Smoothie will move here. They are asking for another sign.

### **BOARD DISCUSSION**

**Mr. Condon** stated that he does not believe that it is unreasonable for business to have a sign on each side of the building. He said that when he initially looked at this he thought how many signs and so forth are needed. But, this is on DeRenne Avenue which is a thoroughfare. Therefore, it does not seem unreasonable to allow the use sign.

**Mr. Lotson** reminded the Board that two variance requests are being asked for. One is for the number of signs and the other is for the square footage of the signs.

### **Motion**

The Savannah Zoning Board of Appeals does hereby deny the the applicant's request as recommended by the staff.

**Vote Results ( Approved )**

Motion: Hunter Hall

Second: Karen Jarrett

Stephen Merriman, Jr. - Abstain

Karen Jarrett - Aye

Hunter Hall - Aye

Michael Condon - Aye

Larry Evans - Not Present

Betty Jones - Aye

[13. VARIANCE REQUEST | 11 East 40th Street | File No. 22-003570-ZBA | Remote Parking Lot Variance](#)

[Map.pdf](#)

[Staff Report.pdf](#)

**Mr, Nirav Gandhi** gave the staff report. The applicant is requesting a variance to increase the maximum allowed distance between a remote parking lot and its point of service from 300 ft to 542 ft.

**Mr. Gandhi** explained that the subject property at 11 East 40th Street is currently a fenced-in parking lot for junked vehicle storage. It was recommended for approval for a special use permit by the MPC on May 3, 2022 and the permit was granted by the Savannah City Council on June 9, 2022 to allow a use as a remote parking lot for overflow parking in the planned Starland Village apartment complex on Bull Street. This petition was approved with the understanding that the parking lot at 11 East 40th Street would serve only as overflow parking. However, the applicant desires flexibility in the layout of the development that may reduce the amount of on-site parking at the Starland Village development, necessitating the spaces in this remote lot to meet its minimum on-site parking requirements. The remote lot is approximately 542 ft from its farthest point of service, but the maximum distance allowed by the ordinance (Sec 9.3.8) is 300 ft. The area between the subject property and the upcoming Starland Village apartments is all part of the Starland redevelopment area and made to be walkable. The subject property is zoned TC-1 (Traditional Commercial).

**Mr. Gandhi** reported that based upon the variance criteria, staff recommends approval of the requested variance to increase the maximum remote parking lot distance from 300 ft to 542 ft. He entertained comments from the Board.

**Ms. Jarrett** asked who put wrote the wording on the sign.

**Mr. Gandhi** stated that the City of Savannah creates the signs.

**Ms. Jarrett** said the sign reads "to variance to reduce the maximum distance of a remote parking lot from 500 feet to 350 feet. The sign is not clear on what they are trying to do. But, her real concern is the safety factor. She asked Mr. Gandhi if he has tried to cross the street in this area.

**Mr. Gandhi** answered that he has not probably tried to cross this street during busy hours.

**Ms. Jarrett** said that there are no crosswalks anywhere. You have to go down to 37th Street or to Victory Drive to find a crosswalk. She has some real concerns about safety here,

**Mr. Merriman** asked Mr. Lotson if he wanted to comment on the signs not properly being written.

**Mr. Lotson** explained that when the applications are submitted to the City of Savannah, staff creates the signs, and the applicants picked up the signs and post them on the site. Staff visited the site and saw that the sign was posted, but they did not read the sign carefully. Staff followed the rest of the notice procedures for a hearing in terms of notifying the adjacent property owners and put the notice in the

Savannah Morning News.

**Mr. Merriman** asked if the names were correct, etc. for the public hearing. Was the due process carried out?

**Mrs. Lotson** answered "yes."

### **PETITIONER COMMENTS**

**Attorney Robert McCorkle, III**, thanked the Board for their patience today, service to the community, and everything that they do during the many hours of listening to the community. Attorney McCorkle explained that they applied earlier this year to the MPC and to Savannah City Council for approval to use the lot as a service street parking lot. This is the second part of that process. He pointed out the area that they are talking about. Everybody is familiar with the project. He wanted to make note of the parking lot as it currently exists.

**Attorney McCorkle** stated that their application for use of this as a service street parking lot was unanimously approved by the MPC and was approved by the City Council for use at Starland Village. Currently, the property is essentially a junk yard. It is providing overflow parking for a car repair service that is on the backside of the block. Therefore, there is no access on 40th Street. What they proposed to the City is for 23 parking spaces inside the same area. The parking spaces will be a paved parking lot. They are going to create entrances; it will be gated, and will be fenced and landscaped. This will be a vast improvement of what is currently there.

**Attorney McCorkle** said Phase I of Starland Village has 116 apartment units therein. A church is also located here. All the parking for this facility will be on site. The 23 parking spaces are not needed for the apartments that are currently being constructed. Without the variance that he is asking for, would provide ultimately the overflow parking for the facility as a whole. He made this point to get back to what they are asking for today. Their request is to essentially to help them plan as they go into Phase 2 of this project. There will be some commercial uses. The church will need a use and this lot will fit nicely to allow for employee parking, for non-commercial businesses, and also for long term residential parking for the residents. The distance limits as it sits now is 300 for residential and 600 for non-residentials. This is about 540 feet; they have asked for variances and have been granted variances for further distance than this at Starland. He always likes to make a point that if you are in the Historic District, 1300 feet are acceptable by right. Everywhere else in the City is the same, except for the Historic District.

**Attorney McCorkle** stated that he understands the lack of crosswalks at Bull Street, but Starland is a very walkable area; it is an active area all around. Therefore, there is a quick walk around the corner. As noted by staff, it is a two minute walk. The area is a part of the Starland Redevelopment Area and is well populated. As the staff noted, there is no detriment to the public or the health safety and welfare for the variance that they are asking for today. The parking lot has already been approved to be used as a parking lot for Starland Village. This will happen either way. In addition to what staff said in their recommendation, he will note two things:

1. The Special Use is not transferrable;
2. They reached out in advance when they made the application to the Neighborhood Association and offered his phone number and everything for communication, etc. that anybody wanted to give. He is aware that this was published on the Face Book page for the Thomas Square District as he saw it on the Face Book page. The last time he saw it, someone was thanking his client for making himself available.

**Attorney McCorkle** said he does not believe that MPC has received any negative comments and he has not received any negative comments. In his summation, he explained that this is going to be a parking lot for Starland Village. The City of Savannah has approved it. What they are asking for is the ability to count the 23 spaces, if need be, for required parking spaces and not just for overflow parking spaces. This is essentially what they are asking for today. This primarily provides flexibility for the client, as they are trying to figure out who the tenants will be and how they are going to shift the parking around

and how it will be organized. Therefore, if they know that they can use the 23 spaces, if they need to for what is required parking. This allows them to do deals and figure out how all this will work out. This allows them to evaluate the uses and decide what they can get on the property and what they cannot get on the property.

**Attorney McCorkle** said he supports the staff recommendation and he asked the Board to please support it also. He entertained questions from the Board.

**Mr. Merriman** stated that the little square behind the Epworth Church was owned by the church. What is being done with this?

**Attorney McCorkle** answered that the church still owns the parking lot.

**Mr. Merriman** asked if this will be additional parking?

**Attorney McCorkle** answered that this is inside the distance parking.

**Ms. Jarrett** stated that all the parking has been figured out. but now Mr. McCorkle is saying they want to play with the parking a little so they can do this or that or change things. Why are they changing things? She thought they had already agreed on what they are going to do.

**Attorney McCorkle** said they have already agreed to what they will do for Phase I that has been permitted and approved to the development plans. Phase I is the 116 units of residential. This construction will begin before the end of the year. They are really trying to deal with what will be the use of the church and the parts of the church that is attached to the church, will be used for commercial or other uses. They are trying to determine whether or not in calculating how many spaces they have, they can use the 23 spaces, that are already going to be used for the project, to count towards whatever the required number will be.

**Ms. Jarrett** asked if anyone has contacted the Traffic Engineering staff to talk about a crosswalk here to make it safer for the residents and the customers.

**Attorney McCorkle** answered that they have not, but his client will be in agreement 100% to support doing this. He will be happy to start this dialogue. Attorney McCorkle said he is aware that Traffic Engineering had to look at this when they went to the City in getting it approved, but they have not made a specific request. However, he is happy to start this process.

**Ms. Jarrett** stated that this needs to be done.

## **PUBLIC COMMENTS**

None.

## **BOARD DISCUSSION**

**Ms. Jarett** stated that a crosswalk is needed here,

**Mr. Lotson** said staff will process something with Street Maintenance and Traffic Engineering, pertaining to where the appropriate crossing locations will be along both streets.

### **Motion**

The Savannah Zoning Board of Appeals does hereby approve the requested variance for 11 East 40th Street as requested.

### **Vote Results ( Approved )**

Motion: Michael Condon

|                       |               |
|-----------------------|---------------|
| Second: Betty Jones   |               |
| Stephen Merriman, Jr. | - Abstain     |
| Karen Jarrett         | - Aye         |
| Hunter Hall           | - Aye         |
| Michael Condon        | - Aye         |
| Larry Evans           | - Not Present |
| Betty Jones           | - Aye         |

**XI. Other Business**

**XII. Adjournment**

14. Adjourned

There being no further business to come before the Board, Mr. Merriman adjourned the meeting at 12:39 P.M.

Respectfully Submitted,

Marcus Lotson, Director  
Development Services

ML:mem

*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.*