



City of Savannah Zoning Board of Appeals

Virtual Meeting
February 24, 2022 10:00 A. M.

February 24, 2022 City of Savannah Zoning Board of Appeals

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

Others Present: Pam Everett, Esq., Assistant Executive Director
Marcus Lotson, Development Services Director
Nirva Gandhi, Development Services Planner and Historic Preservation Planner
Jacqualle Johnson, Development Services Planner Technician
Melissa Paul-Leto, Development Services Planner
Julie Yawn, Systems Analyst
Mary E. Mitchell, Administrative Assistant

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](#)

Mr. Merriman gave the Invocation and the Pledge of Alliance was recited in unison.

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V. Item(s) Requested to be Withdrawn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

[3. Approve January 27, 2022 Meeting Minutes](#)

📎 [January 27, 2022 Meeting Minutes.pdf](#)

Motion

The Savannah Zoning Board of Appeals [SZBA] does hereby approve the January 27, 2022 Meeting Minutes.

Vote Results (Approved)

Motion: Michael Condon

Second: Hunter Hall

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

VII. Approval of Final Agenda

VIII. Consent Agenda

IX. Old Business

X. Regular Agenda

[4. Variance request to the minimum rear yard setback for an accessory structure | 707 East 54th Street | 22-000202-ZBA](#)

📎 [STAFF REPORT.pdf](#)

📎 [APPLICATION.pdf](#)

📎 [SITE VISIT_2_14_2022.pdf](#)

📎 [Map.pdf](#)

Ms. Melissa Paul-Leto gave the staff report. The applicant is requesting a variance to the minimum rear yard setback requirement for a one-story accessory structure/pool house in the Residential Single Family (RSF-6) zoning district to construct a new two-story single-family residence, a detached accessory structure/pool house, and a pool on the subject property. The minimum rear yard setback requirement for an accessory structure in the Residential Single Family (RSF-6) zoning district is five feet, the applicant is requesting a one (1) foot rear yard setback. The property is located at 707 East 54th Street.

Ms. Paul-Leto explained that the subject property is located between Harmon Street and Waters Avenue, facing the south side of East 54th Street with East 54th Lane located to the rear of the property. The parcel is in the Ardmore/Gould Estates/Olin Heights neighborhood. Currently, the subject property is under construction, a two-story residence is being built on the parcel. The subject parcel has a total lot area of 6,296.91 square feet with an average depth of approximately 104.95 feet and an average width of 60 feet. The petitioner applied for a variance to the minimum front yard setback to construct a new one-story single-family residence five feet into the 20-foot required minimum front yard setback. The variance was approved by the City's Zoning Board of Appeals on October 28, 2021.

Ms. Paul-Leto stated that the one-story accessory structure/pool house shown on the proposed site plan submitted for the front yard variance request on October 2021 was 24-feet by 24-feet in square footage with a five-foot rear yard setback. The petitioner has revised the size of the accessory structure/pool house to 22-feet by 22-feet in square footage with a one-foot rear yard setback.

Ms. Paul-Leto reported that based upon the review criteria, staff recommends denial of the requested variance for 707 East 54th Street.

Ms. Paul-Leto entertained questions from the Board.

Ms. Jarrett asked how far do the encroachments extend into the right-of-way.

Ms. Paul-Leto explained that the existing neighbor is one foot, but the others seem to encroach one foot or they are right on the property line.

Mr. Merriman asked what is the reasoning behind the change in the Ordinance where the five feet setback is required. What is the thinking behind this?

Mr. Lotson explained that he believes the thinking behind this change is that in some of the traditional neighborhood districts, there is a lesser setback for lanes as it is a more typical pattern in a single family district than in midtown and suburban areas. In some cases, there are lanes and accessory buildings, but this is a greater setback as it is not a typical pattern.

Mr. Plunk asked, for clarity, if it was said that there are ten parcels on this lane, and of those ten parcels, seven already have rear setbacks that were within one or two feet of the lot line. Is one of the remaining parcels, the one they are hearing about today, and two other parcels have setbacks that are on the five feet setback? Is this correct?

Ms. Paul-Leto answered yes.

PETITIONER COMMENTS

Mr. Mark Gugliuzza said when they looked down the lane, they realized that none of the other accessory units were within the five feet setback. He went on SAGIS and did some research. Two of the three accessory units that are actually on their side of the lane were actually over the lot line. The third one at 711 East 54th Street has one foot setback. Across the street, on the 55th Street side of the lane, is a church that takes up approximately half of the block and is less than the five feet setback. Mr. Gugliuzza said the other accessory unit on that side is the corner lot at 702 East 55th Street. This is well under the five feet setback.

Mr. Gugliuzza explained that on the right-of-way for public services, he measured from the end of the accessory unit at 711 East 54th Street and it is one foot setback. He measured from the end of the accessory unit across the lane to the fence, which runs across the lane. It measured 18 feet wide and this is somewhat a wide lane for this area.

Mr. Gugliuzza entertained questions from the Board.

Mr. Merriman told Mr. Gugliuzza that he had this approved before with the five feet setback. Why did you change?

Mr. Gugliuzza answered that this was the first time that he had built something. It probably should have been detected by his architect and builder beforehand. But, when they staked it out and looked down the lane, they saw that there was quite a difference between his accessory unit and all the other accessory units.

Mr. Merriman asked Mr. Gugliuzza if this is causing him some kind of hardship to meet the five feet.

Mr. Gugliuzza answered no, they are only trying to stay consistent with all the other accessory units.

PUBLIC COMMENTS

None.

BOARD DISCUSSION

Ms Jarrett asked Mr. Lotson if this is another area where the Board needs to go back and see whether this area needs special zoning.

Mr. Lotson explained that he would be cautious about this. He believes that one thing they must remember is that a lot in this area, based on their age, some are in non-conforming situations. He wanted the Board to keep in mind that some changes to the development standards are going to affect all of the properties within these districts. Therefore, while it may be important to identify whether or not there is a significant pattern of

nonconformity, he would be hesitant about changing the rules in order to change things; especially the accessory buildings, nonconformities, into compliance. Mr. Lotson said he believes they may need to be more concerned, for example, about the buildings that were said are either on the property line, appear to be in the lane. This is something that needs to be addressed not by allowing them to be there, but get them where they should be.

Ms. Jarrett asked is there a requirement for off-street parking on this street.

Mr. Lotson answered for the residents, there is a requirement for off-street parking.

Ms. Jarrett asked if the petitioner has accommodated this.

Mr. Lotson said the petitioner could better answer the above accommodation question. However, he does not recall from the petitioner's house plans if the parking is accommodated.

Mr. Gugliauzz said they have a driveway in the front of their yard.

Mr. Merriman called for a motion.

Mr. Plunk made a motion to accept the petitioner's request for a minimum rear yard setback variance for an accessory building at 707 East 54th Street. This was seconded by Mr. Condon. Voting against the motion were: Mr. Evans, Mr. Hall, Ms. Jarrett, and Ms. Jones. Voting in favor of the motion were: Mr. Condon and Mr. Plunk. Mr. Merriman abstained. The motion failed.

Motion

The Savannah Zoning Board of Appeals does hereby deny the requested minimum rear yard setback variance for an accessory building at 707 East 54th Street.

Vote Results (Approved)

Motion: Karen Jarrett

Second: Betty Jones

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

[5. VARIANCE REQUEST | 7227 & 7229 Central Ave | 22-000230-ZBA](#)

📎 [Photos.pdf](#)

📎 [Correspondence 1.pdf](#)

📎 [SAGIS MAP.pdf](#)

📎 [Correspondence 2.pdf](#)

📎 [Pics.pdf](#)

📎 [Staff report.pdf](#)

📎 [Central Ave Petition.pdf](#)

Mr. Nirav Gandhi gave the staff report. The petitioner is requesting a lot size and lot width variance on two parcels that have frontage on Skidaway Road and Central Avenue. They are requesting the lot width

requirement be reduced from 60 feet to 43 feet and the lot size requirement be reduced from 6,000 square feet to 5,000 square feet. The subject properties both have frontage on both Central Avenue and Skidaway Road. The parcels are located in the RSF-6 (Residential Single Family) zoning district. The subject properties are 0.22 and 0.26 acres in size, with a lot width of 43 feet each on each frontage.

Mr. Gandhi explained that the petitioner is seeking two variances for the proposed subdivision. First, a lot width variance to reduce the minimum lot width from the required 60 feet to 43 feet. The current parcels are legally nonconforming, but upon becoming a subdivision, a variance will be required. Second, all four of the resulting lots from the proposed subdivision will not meet the minimum lot size of 6,000 square feet required by the ordinance. A lot size variance is requested to reduce the minimum lot size from 6,000 square feet to 5,000 square feet.

Mr. Gandhi reported that staff received quite a few calls and some letters from the neighborhood along with a petition with 12 signatures in opposition to the variance request. The letters were sent to the Board in their Agenda packet.

Mr. Gandhi reported that based upon the review criteria, staff recommends denial of the requested variances for 7227 and 7229 Central Avenue.

Mr. Gandhi entertained questions from the Board.

PETITIONER COMMENTS

Mr. Jamie Stuckey, Professional Land Surveyor, was present on behalf of the petition. Mr. Stuckey explained that the subdivision in the 1940s was family land. He explained that nobody knows why these two lots were made smaller than the other lots. However, the lots always had the same size houses. The other lots were split in half. The petitioner is only trying to follow what the other lots have done, even though, the zoning did not match what the petitioner wanted to do. The other lots in this area have been cut in half over the years. Mr. Stuckey reiterated that the petitioner's intent was to follow the pattern that is already set for the other lots. The lots were nonconforming and were designed as 43 feet lots in 1942. All the lots were different sizes.

Mr. Stuckey stated that the petitioner's intent is to divide the property into four lots. He said it appears that the driveways are already on Skidaway Road and driveways are on Central Avenue. Houses are on Central Avenue. Driveways are also on Skidaway Avenue. Therefore, the driveways are already cut for both lots. It appears that previously some auxiliary structures were already on those back lots. Mr. Stuckey said, therefore, it really will not change the drainage or anything like that as these things were placed there at an earlier time.

Mr. Stuckey entertained questions from the Board.

Ms. Jarrett asked if driveways are here off of Central Avenue for the two existing houses.

Mr. Stuckey answered that currently one house has the driveway, but the other house does not have a driveway.

Ms. Jarrett asked if there is room at the house for a driveway.

Mr. Stuckey answered yes. He believes the owner would be willing to put a driveway here.

PUBLIC COMMENTS

Mr. & Mrs. Peter Haynes came forward. **Mrs. Clareatha Haynes** said she completed the MPC's Academy training in 2007. But, when they received the public notice, she did not understand what was being proposed. So, she called the MPC staff and asked them to tell her in layman's terms, what was being requested. After talking with Mr. Gandhi, she sent a follow-up letter to him outlining the neighborhood's objection to the variance request.

Mrs. Haynes explained her personal thoughts against the petition and submitted a petition to the Board signed by residents of Central Avenue and Skidaway Road. She stated that her husband and she built

their home here in Sandfly at 7231 Central Avenue, reared two daughters, and have lived here for the past 34 years. Mrs. Haynes explained that their neighborhood has been involved in many activities seeking betterment for their neighborhood. They do not believe that this variance request is appropriate for their neighborhood. They love their neighborhood and are committed to this community. Along with her home, three other homes will be directly impacted by this proposal as the proposed new housing would be placed directly between their homes.

Mrs. Haynes stated that Mr. and Mrs. Wooden reside at 7225 Central Avenue and have lived there 34 years. **Mr. Green** is currently living in his childhood home at 7224 Skidaway Road after returning to Savannah 32 years ago. **Ms. Bernice Spaulding** lives at 7232 Skidaway Road and has lived there more than 60 years. This proves that they all have lifelong connections to this one small area. They all are in their twilight years and want to keep their neighborhood as close to normalcy as possible. They welcome new neighbors, but want to keep their lot size as is so they can keep being social, but also maintain their social distance. Mrs. Haynes said they are not sure what property value changes would occur with this proposal if it is approved, but their neighborhood values the property more than they value the property's value.

Mrs. Haynes explained Mr. Stuckey stated that the lots have been cut in half, but she has been here 34 years. They purchased their property from Mrs. Lutten and she understood the lots next to her property were owned by the Kemp family. She does not recall any structures being put on the Skidaway Road side. There is a little cement block that might have had a little storage shed on it. She additionally explained that the owner (Mrs. Charlesetta, their beautician) had to come in from Skidaway Road as she never had an entrance to come in and park on the Central Avenue side.

Mrs. Haynes thanked the MPC staff for returning her calls and answering their emails. She thanked the Board for listening to their concerns and asked the Board to please deny the variance request.

Mrs. Bernetha Wooden explained that she is the niece of Charlesetta and Carl Kemp, who were the owners of the property at 7227 and 7229 Central Avenue. Her uncle purchased 7227 Central Avenue in the late 1930s. He later purchased 7229 Central Avenue in the late 1940s. Mrs. Wooden said her uncle also purchased 7225 Central Avenue in 1949. She said her family resides at this address. She explained that in later years, her uncle purchased the back areas toward Skidaway Road. Mrs. Wooden said 7227 Central Avenue was considered one lot. Her uncle was an entrepreneur; he was a brick mason, he built and rented homes. In the early 1930s and late 1940s, the lots were small and her uncle had a problem with the small lots; therefore, he extended out a little. Since then, the zoning has changed to bigger lot sizes.

Mrs. Wooden explained that where she lives at 7225 Central Avenue, a garage apartment was here with the address shown as 7225A. The property size is .215 acres. In 2006, she wanted to renovate her home. But, she was told in order for her to do any kind of renovation, she would have to demolish the garage apartment. Mrs. Wooden said this was devastating as she wanted to use the garage apartment as a storage area. She only wanted to do some updating on the principal structure. Now, here they are in 2022 and it seems that this variance request would take them backward instead of forward. Why are they addressing this request now? She received the public notice by mail, but why would they go back and change the requirement!

Mr. & Mrs. Wooden asked the Board to please oppose this variance request as this was not the vision of her aunt and uncle. They believed in family; they believed in being able to have your children run around in safe areas. The speed limit now for Central Avenue is 25 miles per hour. Hundred of cars come in their area and none of the cars are driving the speed limit. They have called the police and traffic departments to try to get something done about this. Ms. Wooden explained that she did not mean to veer off the subject, but laws are being broken and nothing is being done about it. Now, the petitioner wants to go even further with changing what has already been established in their community. Mr. and Mrs. Wooden again asked the Board to oppose this request.

Mr. Stuckey, in response to public comments, reiterated that when the lots were divided, all the lots were laid out. The other lots were already divided because of their length. They are only trying to follow the pattern that was previously established. They do not believe that this will cause an impact on the surrounding houses or traffic because these lots will face Skidaway Road. Mr. Stuckey said they are willing to put the missing driveways in facing Central Avenue so they will have access and off-street

parking.

Mr. Plunk asked Mr. Stuckey if their primary reason for wanting to have the lots subdivided in two lots is to sort of fit what he perceives to be the pattern. Is there any incentive as to why they want to do two structures instead of one larger structure?

Mr. Stuckey answered that they can build two structures and they will rent the properties. He does not know if they will build the structures immediately. It may be several years later. Mr. Chen is working on renovating the two houses that are here now.

Mr. Evans asked if maintaining this as one lot on this side restricts him from developing this lot as a single unit.

Mr. Stuckey answered no, other than it makes the lot a little bigger. However, the other lots here were split in half. He said Ms. Wooden was correct as these lots were owned by Mr. Kemp in the 1940s.

BOARD DISCUSSION

Ms. Jarrett asked if, by right, the owner can split-off the back part of Skidaway Road property into one lot. Is this correct?

Mr. Gandhi answered yes. If the variance request is denied, they would be able to cut the lot as he has foresaid. They would have three lots One lot would be conforming as it would be more than 6000 square feet, which is the minimal obviously wider than 43 feet. Pointing to an area, Mr. Gandhi said these two lots would keep their 6000 square feet and, of course, they are already legally a non-conforming 43 feet without changing this.

Ms. Jones asked if they are talking about single family or multi-family housing on these lots.

Mr. Gandhi answered that these would need to be single family dwellings or the minimum lot area would need to be increased to accommodate more dwelling units

Motion

The Savannah Zoning Board of Appeals does hereby deny the petitioner's request for variances at 7227 and 7229 Central Avenue.

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

Stephen Plunk - Aye

Betty Jones - Aye

XI. Other Business

XII. Adjournment

[6. Adjournment](#)

There being no further business to come before the Board, Mr. Merriman adjourned the meeting at approximately 10:47 a. m.

Respectfully Submitted,

Marcus Lotson
Development Services Director

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.