



## City of Savannah Zoning Board of Appeals

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Virtual Meeting  
January 27, 2022 - 10:00 A. M.

### January 27, 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 Plunk

Staff Present: Pamela Everett, Assistant Executive Director  
Marcus Lotson, Development Services Director  
Melissa Paul-Leto, Development Services Planner  
Jacqualle Johnson, Development Services Planner Technician  
Nirva Gandhi, Development Services and Historic Preservation 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.

**Mr. Merriman** welcomed Mrs. Betty Jones, new member, and everyone in attendance.

#### 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#### V. Item(s) Requested to be Withdrawn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. Approval of December 16, 2021 Meeting Minutes](#)

📎 [December 16, 2021 Meeting Minutes.pdf](#)

### Motion

The Savannah Zoning Board of Appeals does hereby approve the December 16, 2021 Meeting Minutes.

### Vote Results ( Approved )

Motion: Stephen Plunk

Second: Michael Condon

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

[4. 504 \(PROPOSED\) AND 506 EAST 40TH STREET | VARIANCE REQUESTS TO THE MINIMUM LOT WIDTH, MINIMUM LOT AREA, AND MINIMUM PARKING REQUIREMENTS FOR THE PURPOSE OF SUBDIVIDING | 21-006320-ZBA](#)

- 📎 [MAP.pdf](#)
- 📎 [Site Visit - 12\\_01\\_2021.pdf](#)
- 📎 [Letter of Objection #1.pdf](#)
- 📎 [Letter of Objection #2.pdf](#)
- 📎 [Letter of Support #1.pdf](#)
- 📎 [Letter of Support #2.pdf](#)
- 📎 [Letter of Support #3.pdf](#)
- 📎 [Subdivision Plat.pdf](#)
- 📎 [504-506 E 40 st ZBA revised application.pdf](#)
- 📎 [Historic Preservation Director Comments.pdf](#)
- 📎 [Staff Report.pdf](#)

**Ms. Melissa Paul-Leto** gave the staff report. The petitioner, Rayfield Reeves for Live Oak Living, LLC, is requesting less than one-foot of a lot width variance to the minimum 30-foot lot width, and variances to the minimum lot area for the purpose of subdividing a 60-foot-wide-lot into two lots. The resulting lots would be 2,681.8 and 2,760 square feet where 3,000 square feet is the minimum lot area. The property is within the Traditional Neighborhood (TN-2) zoning district.

**Ms. Paul-Leto** stated that the subject property is located on the north side of East 40th Street, between East Broad Street and Price Street, in the Baldwin Park Neighborhood within the Traditional Neighborhood (TN-2) zoning district. The subject property is a 5,520 square foot lot with an existing two-story building that the petitioner is planning to subdivide into two separate lots. The developed lot with a

two-story residence would have a 30-foot lot width. The undeveloped land would have 29.15 feet in lot width. Both proposed lots are approximately 92 feet in depth. The minimum lot dimensions for the TN-2 zoning district are 30 feet in lot width, with a minimum lot area of 3,000 square feet; one of the proposed lots would be less than one-foot short of the required 30-foot lot width, and a proposed lot area of 2,681.8 square feet. The lot with a two-story residence would have a 30-foot lot width and a 2,760 square foot lot area.

**Ms. Paul-Leto** explained that the petitioner applied for a minor subdivision on October 28, 2021, and subsequently was told by MPC staff that the proposed subdivision did not meet the required minimum lot width as well as lot area. There are a total of 26 parcels facing East 40th Street between Price and East Broad Streets. Four [4] out of the 26 parcels have a lot depth of 91 feet. The remaining parcels all have a lot depth of 92 feet. However, the parcels vary in lot width. There are 6 parcels out of the 26 developed parcels, including the subject parcel, that have a lot area less than the required minimum 3,000 square foot lot size requirement.

**Ms. Paul-Leto** reported that based upon the variance criteria, staff recommends approval of the variances request for 504 [Proposed] and 506 East 40th Street.

**Ms. Paul-Leto** entertained questions from the Board.

**Mr. Merriman** asked how large are the other buildings on the 30-foot lots.

**Ms. Paul-Leto** stated that the petitioner would be able to answer Mr. Merriman's question.

**Mr. Condon** said the Historic Preservation Director has recommended that the variance be allowed based on the fact that the building should be bigger than required to meet the setbacks.

**Ms. Jarrett** said one of the objection letters talked about the trees that are on the lots. If she understands correctly, the owner of the lot has the right to do whatever he wishes to do with the trees. Correct?

**Ms. Paul-Leto** explained that she contacted Greenspace yesterday and was told that the City has no purview on private residential lots.

**Ms. Jarrett** asked if a single family residence or a duplex will be put on the lot.

**Ms. Paul-Leto** stated that there is a lot width and area requirement for a duplex, even if it is a two-story building or a side-to-side duplex. This does not meet the requirement and needs to be much larger. Therefore, the petitioner is not allowed to build a duplex. The applicant does not propose to build a duplex.

### **PETITIONER COMMENTS**

The witnesses were sworn-in by Mr. Merriman.

**Mr. Rayfield Reeves** said he believes the minimum setbacks are a minimum of three feet side yard setbacks. Therefore, it should be approximately 24 feet wide or maybe a little smaller.

### **PUBLIC COMMENTS**

**Mr. Carl Heise** said that a bus stop is in front of 502 East 40th Street and forty-five feet are needed to be in front of the house. He has been told, in cases where there are two lots and the house was built so close to the lot line, that it would impede building another house. He understood that from a historical point of view, that building another house here would overcrowd the area. There is really no place to park.

**Mrs. Susan Heise** said her husband did not address the tree that is next to the front of the property line. If this tree is not removed properly, it could effect the foundation of their property. It is already imputing their property as they are already dealing with the roots from this tree. Therefore, when the tree is removed, it will affect them. A contractor has already told them this. Mrs. Heise said she is not sure

whether it was Ms. Paul-Leto who spoke to the homeowners across the street. The homeowners were shown a map, but the homes across the street are not actually separate homes. Therefore, there is nothing between these homes as they are attached duplexes. The units have separate addresses, but they are attached duplexes. There is no space between the houses. She said that 501 and 503 are attached. The next set of addresses are attached duplexes. When you look at the maps online, you see one set of addresses, that are one set of property and then the space in-between is the proper amount of space, and then there is another set of duplexes that are attached with the two separate addresses and then another single-family home. Mrs. Heise said maybe the map needs to be looked at more closely. The bus edge will be brought to the middle of Mr. Rayfield's property.

**Mr. Reeves** explained that if they remove the tree, it will be done properly so that the Heise's home will not be damaged. A license arborist will remove the tree.

### **BOARD DISCUSSION**

**Mr. Evans** said in regards to the public's comment regarding the spacing between the lots across the street, he pulled up the houses on Google Street View, which shows that some of the units have been subdivided into duplexes or triplexes. But, setbacks between the actual structures appear to be compliant. **Mr. Merriman** asked if the existing houses share a common wall or are they completely separated. Mr. Evans said they appear to be separated by at least two or three feet between each other. It appears that some Victorian homes were subdivided into multiple units, but the structures, themselves, are all separate buildings.

The Board was in agreement with the staff recommendation.

#### **Motion**

The Savannah Zoning Board of Appeals does hereby approve the variances requested for 504 [proposed] and 506 East 40th Street.

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

Motion: Larry Evans

Second: Stephen Plunk

Stephen Merriman, Jr. - Abstain

Karen Jarrett - Aye

Hunter Hall - Aye

Michael Condon - Aye

Larry Evans - Aye

Stephen Plunk - Aye

Betty Jones - Aye

## **X. Regular Agenda**

### [5. 1108 Stiles Avenue | Side yard Setback Variance Request | 21-006319](#)

📎 [Map.pdf](#)

📎 [Staff Report 6319.pdf](#)

📎 [Concept Plot Plan @1108 Stiles 2021.9.30.pdf](#)

[Area Exhibit.pdf](#)

**Mr. Marcus Lotson** gave the staff report. The applicant is requesting a 1-foot encroachment to the side yard setback requirement, for the roof overhang only, for a proposed new single-family residence at 1108 Stiles Avenue.

**Mr. Lotson** stated that the subject property is located on the west side of Stiles Avenue between Darwin Street and Felder Street Within the TR-2 zoning district, the minimum lot width requirement is 30-feet. The minimum lot area requirement is 3,000 square feet. The property is undeveloped and is an existing lot of record. It is 30-feet in width and approximately 2,600 square feet in area making it legally nonconforming. Relative to the setback encroachments, the zoning ordinance states in Section 4-3 Exception and Modifications the following:

*“Eave or roof overhangs and awnings may project up to two (2) feet provided that such extension is at least three (3) feet from the property line, its lower edge is at least eight (8) feet above the ground elevation and is located at least five (5) feet from any other building, eave or awning.”*

**Mr. Lotson** explained that this provision allows roof overhangs to encroach the setback as long as they are three feet from the property line. The applicant is proposing their overhangs be two feet from the property line, thus the 1-foot variance request. The subject property abuts a lane on the north side, so no impact is likely to occur. South of the subject property is a single-family residence at the intersection of Stiles Avenue and Darwin Street. That residence, however, is over 30 feet away from the subject property.

**Mr. Lotson** reported that based upon the review criteria and mitigating factors outlined above, staff recommends approval of the variance request for 1108 Stiles Avenue.

**Mr. Lotson** entertained questions from the Board.

### **PETITIONER COMMENTS**

The witness was sworn-in by Mr. Merriman.

**Mr. Robert Portman** thanked the Board, Staff, and Mr. Thomas Bolton for working with them on their petition. Mr. Portman said this will be a nice improvement along Stiles Avenue which will go along with the Enmarket Arena that is located down the street from this site.

**Ms. Jarrett** stated that it appears that the lane will be used to access parking behind the building. Will there be issues with this? What is the condition of the lane? Ms. Jarrett said from the picture she is looking at, it appears that grass is here.

**Mr. Portman** confirmed that grass is there now, but the lane is accessible.

**Ms. Jarrett** asked if curbing is there that will stop the entering and exiting the lane.

**Mr. Portman** answered "no".

### **PUBLIC COMMENTS**

**None.**

### **BOARD DISCUSSION**

The board was in agreement with the staff recommendation.

### **Motion**

The Savannah Zoning Board of Appeals does hereby approve the requested variance at 1108 Stiles Avenue.

**Vote Results ( Approved )**

Motion: Stephen Plunk

Second: Larry Evans

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. Adjourned

There being no further business to come before the SZBA, Mr. Merriman adjourned the meeting at 10:28 a.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.*