



City of Savannah Zoning Board of Appeals

Arthur A. Mendonsa Hearing Room
August 22, 2024 10:00 a.m.
Minutes

AUGUST 22, 2024 CITY OF SAVANNAH ZONING BOARD OF APPEALS

Members Present: Stephen Merriman, Jr., Chair
Michael Condon, Vice-Chair
Betty Jones
Armand Turner
Brad Baugh
Benjamin "Trapper" Griffith
Stephen Plunk - Virtual Attendance

Members Absent:

MPC Staff Present: Melanie Wilson, Executive Director/CE
Edward Morrow, Director of Development Services/ Current Planning
Brad Clements, Senior Planner, Development Services
Nykobe Richardson, Development Services Tech Intern
Sally Helm, Administrative Assistant II, Development Services/Current Planning
Hind Patel, IT Helpdesk & Support

I. Call to Order and Welcome

II. Invocation and Pledge of Allegiance

III. Notices, Proclamations and Acknowledgements

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

1. 1201 Bull Street | Appeal a ZCL | 24-004075-ZBA

📎 [1201 BULL ST_24-004075-ZBA_APPLICATION.pdf](#)

Motion

Item removed from the final agenda.

Vote Results (Approved)

Motion: Betty Jones

Second: Michael Condon

Stephen Merriman, Jr. - Abstain

Michael Condon - Aye

Stephen Plunk - Not Present

Betty Jones - Aye

Armand Turner - Aye

Brad Baugh - Aye

Benjamin Griffith	- Aye
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[2. 11 West Duffy St. | Appeal a ZCL | 24-004080-ZBA](#)

[📎 111 W DUFFY ST_24-004080-ZBA_APPLICATION.pdf](#)

Motion

Item removed from the final agenda.

Vote Results (Approved)

Motion: Betty Jones

Second: Michael Condon

Stephen Merriman, Jr.	- Abstain
Michael Condon	- Aye
Stephen Plunk	- Not Present
Betty Jones	- Aye
Armand Turner	- Aye
Brad Baugh	- Aye
Benjamin Griffith	- Aye

[3. 125 E. 48th Street | Variance for Driveway and Curb Cut | 24-003625-ZBA](#)

Motion

Item removed from the final agenda.

Vote Results (Approved)

Motion: Betty Jones

Second: Michael Condon

Stephen Merriman, Jr.	- Abstain
Michael Condon	- Aye
Stephen Plunk	- Not Present
Betty Jones	- Aye
Armand Turner	- Aye
Brad Baugh	- Aye
Benjamin Griffith	- Aye

V. Item(s) Requested to be Withdrawn

[4. 2023 Tuskegee St | Variance to reduce front yard setback | 24-003425-ZBA](#)

Motion

City of Savannah Zoning Board of Appeals accepted the Petitioner's request to withdraw the application.

Vote Results (Approved)

Motion: Michael Condon	
Second: Betty Jones	
Stephen Merriman, Jr.	- Abstain
Michael Condon	- Aye
Stephen Plunk	- Not Present
Betty Jones	- Aye
Armand Turner	- Aye
Brad Baugh	- Aye
Benjamin Griffith	- Aye

VI. Approval of Minutes

5. [Approval of the June 27, 2024 Meeting Minutes](#)

 [june-27-2024-city-of-savannah-zoning-board-of-appeals-minutes.pdf](#)

Motion	
Approval of the June 27, 2024 Meeting Minutes.	
Vote Results (Approved)	
Motion: Michael Condon	
Second: Betty Jones	
Stephen Merriman, Jr.	- Abstain
Michael Condon	- Aye
Stephen Plunk	- Not Present
Betty Jones	- Aye
Armand Turner	- Aye
Brad Baugh	- Aye
Benjamin Griffith	- Aye

6. [Approval of the July 25, 2024 Meeting Minutes](#)

 [july-25-2024-city-of-savannah-zoning-board-of-appeals-minutes.pdf](#)

Motion	
Approval of the July 25, 2024 Meeting Minutes.	
Vote Results (Approved)	
Motion: Michael Condon	
Second: Betty Jones	
Stephen Merriman, Jr.	- Abstain
Michael Condon	- Aye
Stephen Plunk	- Not Present
Betty Jones	- Aye

Armand Turner	- Aye
Brad Baugh	- Aye
Benjamin Griffith	- Aye

VII. Approval of Final Agenda

VIII. Consent Agenda

IX. Old Business

X. Regular Agenda

[7. 2201 Fernwood Ct. | Relief from nonconformity for an existing ADU | 24-003627-ZBA](#)

🔗 [2201 FERNWOOD CT_24-003627-ZBA_APPLICATION.pdf](#)

🔗 [Staff Report 2201 Fernwood Ct.pdf](#)

🔗 [opposition to request for relief of residence in Parkwood_Fernwood neighborhood.pdf](#)

The Petitioner asked the Board to continue the petition to the October SZBA agenda. The Petitioner was unable to speak with the Neighborhood Committee as the meeting was cancelled due to the Hurricane.

Motion

Board approved the Petitioners request to move the item to the October 24th agenda to allow the Petitioner an opportunity to talk the Neighborhood Association at their next meeting.

Vote Results (Approved)

Motion: Michael Condon

Second: Betty Jones

Stephen Merriman, Jr.	- Abstain
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Michael Condon	- Aye
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Stephen Plunk	- Not Present
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Betty Jones	- Aye
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Armand Turner	- Aye
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Brad Baugh	- Aye
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Benjamin Griffith	- Aye
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[8. 10 N. Nicholson Circle | Variance to Bldg. Coverage for ADU | 24-004082-ZBA](#)

🔗 [10 N NICHOLSON CIR_24-004082-ZBA_APPLICATION.pdf](#)

🔗 [AERIAL-SITE MAP 24-004082-ZBA.pdf](#)

🔗 [Staff Report.pdf](#)

Mr. Edward Morrow, Director of Development Services/ Current Planning presented the S report. **Mr. Morrow** stated the Petitioner requested a variance to the maximum building coverage and permissible size of an accessory structure to construct a building 30 feet by 30 feet. The proposed use of the structure is not known but is indicated as a utility building on the conceptual site plan. The subject property measures approximately 12,893.76 square feet in area, per the survey submitted by the Petitioner. The property is zoned RSF-6 (Residential Single Family-6) and is a conforming parcel regarding the frontage and area within its zoning district. The RSF-6 zoning district permits a maximum floor area of 40% in relation to the principal structure for an accessory structure or accessory dwelling

unit. The footprint of the primary dwelling is 2,031.25 square feet. The footprint of the proposed accessory structure will be 900 square feet, which puts the structure at 44% building coverage where only 40% is allowed. The accessory structure is proposed to conform to all the required setbacks. The shed of an adjoining neighbor encroaches onto the subject property. The encroaching structure is below the 120 square foot threshold to have required a building permit. MPC Staff recommends **denial** of the variance to the maximum building coverage and permissible size of an accessory structure.

Mr. Condon, Board Member, asked what size the building would need to be to conform so as not to need a variance.

Mr. Morrow said a maximum of 812 square feet.

Mr. Chad Yonkin, Petitioner, stated this is not an ADU, it is not a livable space, it is just a utility building. Mr. Yonker said there was mention of a small Accessory Building next to this, but that is not his building. It is the neighbor's building and is encroaching on his line. He said he is asking for 2 feet which does not affect the neighbors in any way.

Mr. Condon asked the Petitioner if he could make a smaller building.

Mr. Yonkin said the manufacturers make these buildings in standard sizes. 30 x 30 is one of those standard sizes.

Mr. Condon asked how the Petitioner was going to access the building.

Mr. Yonkin said eventually he would put a driveway here, that will adjoin the existing building, or he would possibly add a curb cut for the new driveway.

Motion

Denial of a variance to the maximum building coverage and permissible size of an accessory structure.

Vote Results (Approved)

Motion: Armand Turner

Second: Michael Condon

Stephen Merriman, Jr.	- Abstain
Michael Condon	- Aye
Stephen Plunk	- Not Present
Betty Jones	- Aye
Armand Turner	- Aye
Brad Baugh	- Nay
Benjamin Griffith	- Nay

[9. 617 East 33rd St. | Variance to re-establish non-conforming use | 24-004084-ZBA](#)

🔗 [617 E 33 ST_24-004084-ZBA_APPLICATION.pdf](#)

🔗 [617 E 33 St Staff Report.pdf](#)

🔗 [McCorkle slides.pdf](#)

🔗 [617 E 33rd Neighbor Support.pdf](#)

Mr. Edward Morrow, Director of Development Services/ Current Planning presented the Staff report. **Mr. Morrow** stated the Petitioner requested a variance for relief from non-conformity to reestablish a preexisting non-conforming use. The subject property presently contains two detached single-family dwellings, both indicated as having been constructed in 1900. The dwellings have been out of continuous

use for at least one year, therefore the Zoning Ordinance requires granting a variance to re-establish the use since the current zoning permits only one (1) single-family residence on the parcel. The subject property measures approximately 2,100 square feet in area (21 feet wide by 100 feet deep). The property is zoned TR-1 (Traditional Residential-1) and is a nonconforming parcel with regards to frontage and area within its zoning district for all allowable dwelling types. According to the information from the Chatham County Tax Assessors, the lot has had two single family residences on it since 1900. The parcel has frontage on East 33rd Street and East 33rd Lane with one dwelling fronting on each. The Petitioner has stated that there are plans for the renovation of both residences and relief is being sought to acquire the necessary building permits. NewZO now requires one off-street parking space per dwelling as well as new front, side and rear setback requirements that were effective at the time of construction. Approval of the request for relief from nonconformity would resolve these outstanding requirements, making the property and contain structures legal nonconforming. The Traditional Residential districts are intended to accommodate predominately residential neighborhoods that were mostly developed prior to 1950, that tend to have smaller lot sizes, and a variety of housing types compared to those in the Single-Family Residential districts. The Traditional Residential districts are also intended to encourage compatible residential infill. While the districts are intended to accommodate residential uses, limited nonresidential uses that are compatible with residential neighborhoods may also be allowed. The proposed use is the same as the most recent nonconforming use. The General Site Standards do not comply with the Ordinance as currently configured and there is no reasonable ability to reconfigure the property to bring it into compliance.

MPC Staff recommends **approval** of the requested variance to re-establish a non-conforming use within the Traditional Residential-1 (TR-1) zoning district with the following conditions:

1. Gutters shall be installed on both dwellings to ensure no stormwater runoff onto adjoining properties or the lane.
2. No future expansion of the existing structures or significant modification shall be permitted, except in conformance with the zoning district and permitted uses.
3. A Plat be recorded that indicates both structures and approved uses. Also, that a note be added to the Plat indicating the date the variance was granted and the corresponding case number.

Mr. Robert McCorkle, Agent for the Petitioner, said the Petitioner is trying to restore these houses to a like new condition. The property had been listed as blighted. His y client acquired the property, they started receiving Ordinance violations from the City demanding the properties be renovated. Mr. McCorkle said the clients gathered what they needed the permits for, went to apply for the permits but the City denied the permits because of an existing non-conformity on the property. His clients are simultaneously being demanded to repair the houses, and also, they were told that they can't repair the houses. They met with the City Staff to talk about the situation. No one wants the houses torn down, no one wants to move a housing unit out of the City when there is a housing shortage. The variance they are asking for is to allow the two residences t and t allow any existing non-conformities that essentially exist. They have no intention of expanding these houses. They will be fixed up to become livable. The purpose of the Ordinance that they are asking for is to promote reuse and rehabilitation of the non-conformities, which is what they are doing. They agreed with Staff that this is a good thing for the neighborhood. They believe they meet the criteria. His clients have done many other properties such as this in the area. They have experience and know how to put something back in place. They support the Staff's recommendation for approval and agree with the conditions.

BOARD DISCUSSION

None

Motion

Approval of the requested variance to re-establish a non-conforming use within the Traditional Residential-1 (TR-1) zoning district with the following conditions:

Gutters shall be installed on both dwellings to ensure no stormwater runoff onto adjoining properties or the lane.

No future expansion of the existing structures or significant modification shall be permitted, except in conformance with the zoning district and permitted uses.

A Plat be recorded that indicates both structures and their approved uses. A note be added to the Plat indicating the date the variance was granted and corresponding case number.

Vote Results (Approved)

Motion: Michael Condon

Second: Betty Jones

Stephen Merriman, Jr.	- Abstain
Michael Condon	- Aye
Stephen Plunk	- Aye
Betty Jones	- Aye
Armand Turner	- Aye
Brad Baugh	- Aye
Benjamin Griffith	- Aye

[10. 2115 E. Gwinnett St. Unit C | Variance to re-establish non-conforming use | 24-003994-ZBA](#)

📎 [2115 E GWINNETT ST, UNIT C_24-003994-ZBA_APPLICATION.pdf](#)

📎 [2115 E Gwinnett St Staff report.pdf](#)

Mr. Morrow, Director of Development Services/Current Planning presented the Staff report.

Mr. Morrow stated the Petitioner requested a variance to re-establish a non-conforming restaurant use in the RSF-5 zoning district. The City has provided documentation demonstrating prior restaurant use at the location. However, NewZO requires that where a nonconforming use has been discontinued for at least one year, re-establishment requires approval of the Zoning Board of Appeals. Per the Petitioner, the proposed restaurant would be a take-out only establishment with no dine-in seating. The subject property is rhomboid-shaped, measuring approximately 13,125 square feet in area., The property is zoned RSF-5 (Residential Single Family-5) and is a conforming parcel with regard to both frontage and area. The subject parcel contains a commercial structure 6,602 square feet in area, built originally in 1960, and identified as a barber shop and retail store. According to information submitted by the Petitioner, the building is a multi-tenant structure with spaces for three tenants. Unit C was operated as a restaurant in the past but stopped operating for unknown reasons for an unknown amount of time. The Petitioner has stated that there are plans for the other spaces to have tenants in the future, but a parking agreement has not been created and the uses of the potential tenants is unknown. To alleviate concerns, the Petitioner has been amendable to installing bike racks and making improvements to incentivize pedestrian traffic. The Zoning Administrator has indicated that the Board's approval for re-establishment of the use would grant relief from nonconformity for the other applicable development standards not currently being met as long as the structure is not expanded or reconfigured so as to intensify the use. RSF- districts are established to preserve and create areas of single-family detached development. Without further knowledge of future potential uses at this site, it is possible that a lack of parking could become an issue. However, issuance of a business license is contingent upon a zoning review at which time availability of parking for the proposed use would be assessed. If the Zoning Administrator determines that there is insufficient parking for subsequent tenants, they may not be able to occupy the remaining tenant spaces, and the spaces would remain vacant. The Zoning Ordinance offers remedies for including variance relief and shared or remote parking agreements in the event parking is unavailable onsite.

The proposed use is the same as the most recent nonconforming use. Because the site was originally developed in 1960, it likely does not meet several of the City's General Site Standards. Approval by f the

ZBA to reestablish the nonconforming use would permit the restaurant's use. Any future expansion of the existing structure would likely trigger further MPC or ZBA action. Given the site's context, future expansion of the existing commercial structure(s) or rezoning should likely not be considered unless more adjoining parcels are acquired and recombined for broader redevelopment. Maintenance of the use at its current scale is unlikely to be detrimental and may be desirable to bring new food and retail options to a largely residential area.

MPC Staff recommends **approval** of the requested variance to reestablish a non-conforming use within the Residential Single-Family-5 (RSF-5) zoning district with the following condition:

1. No future expansion of the existing structures or significant modification shall be permitted, except in conformance with the zoning district and permitted uses.

Mr. Merriman, Chairman, asked about the condition of no future expansion. Mr. Merriman asked, if the Board makes a motion and approved it, does the conditions placed on the approval go in record so that if sometime in the future someone came along and applied for an expansion, they would be told no due to the conditions of the variance?

Mr. Morrow said yes, that is correct.

Mr. Eli Porter, the Petitioner, said he was seeking an opportunity in Savannah that would be great for the neighborhood. He said they have passed all of the required inspections. He has already put a lot of money into the facility hoping to help bring jobs and money to the area.

Mr. Condon, Board Member, asked what kind of food would be going in that area.

Mr. Porter said chicken wings. The name of the restaurant is Wings University. He started a business in 2017 in Statesboro Georgia. They are well known in this area. The college students love them. The restaurant is near Savannah High School and Savannah State University, where he attended. Mr. Porter believes they will be well liked in this area.

Motion

Approval of the requested variance to reestablish a non-conforming use within the Residential Single-Family-5 (RSF-5) zoning district with the following condition:

No future expansion of the existing structures or significant modification shall be permitted, except in conformance with the zoning district and permitted uses.

Vote Results (Approved)

Motion: Betty Jones

Second: Armand Turner

Stephen Merriman, Jr.	- Abstain
Michael Condon	- Aye
Stephen Plunk	- Aye
Betty Jones	- Aye
Armand Turner	- Aye
Brad Baugh	- Aye
Benjamin Griffith	- Aye

🔗 [AERIAL-SITE MAP 24-003611-ZBA.pdf](#)

🔗 [Staff Report 306 W 40th.pdf](#)

Mr. Morrow, Director of Development Services/Current Planning presented the Staff report. **Mr. Morrow** stated the Petitioner requested a variance to permit an ADU to exceed 40% square footage of the principal dwelling up to 53.13%. The subject property measures approximately 6,700 sq ft in area. The property is zoned TN-2 (Traditional Neighborhood - 2) and the land use is a two family over-under residential structure. The land, development standards of the structure and the land use are conforming within the zoning district. The property is in the Streetcar Historic District. The Petitioner's intent is to build a 700 square foot accessory dwelling unit (ADU). Since the existing principal dwelling is 1312.5 square feet, the footprint of the ADU will sum up to 53% of the area of the principal building. This petition was reviewed by the Historic Preservation Commission (HPC) and they approved Part I. The HPC made recommendation of approval of the variance to the Zoning Board. The requested variance is inconsistent with the intent of the Zoning Ordinance and the Comprehensive Plan. Accessory uses are intended to be diminutive in size relative to the size of the principal use on a lot. By practice, the Zoning Administrator has established a threshold of 50% for uses and structures intended to be regarded as accessory. The MPC Staff recommends **denial** of a variance to permit an ADU to exceed 40% square footage of the principal dwelling up to 53.13%.

Mr. Merriman, Chairman, asked, for clarification, if the HPC recommend approval of Part I and that was for height and mass?

Mr. Morrow said yes.

Mr. Condon, Board Member, asked if this was a variable matter.

Mr. Morrow said yes.

Ms. Kathryn Willey, Petitioner, said they have owned the property since 2019. In 2020 they decided they wanted to build an ADU. Upon submitting for approval to the HPC the first time, they said something has changed, it is no longer 40% of the square footage of the existing dwelling, it is 40% of the footprint. This is now half because it is a two-story building. Given the fact that they have already put a lot into this, they asked the HPC if this would be up for discussion. The HPC told them yes. The meeting had two parts. Part I was approved at the first meeting. The HPC asked for more information, the variance request, and better drawings for the second meeting. At the second meeting, all of this was approved. Most of the houses in this area take up at least 50% of their yards. Their yard is massive, and the house is very small. They thought this was a good opportunity for a variance. The existing dwelling takes up less than 20% of the lot. With the addition of the 700 square foot footprint, it would only take up 29% of the lot.

Mr. Merriman, Chairman, said this is a two-story dwelling. If you were able to count square footage of the building, rather than the footprint, you would not be here, correct?

Ms. Willey said that is correct.

BOARD DISCUSSION

Mr. Baugh said it seems like the Petitioners are being penalized. If this was a one-story house, they would not have this problem. The lot is big enough that they could almost build three houses. He stated that he does not see a problem with this.

Motion

Approval of a variance to permit an ADU to exceed 40% square footage of the principal dwelling up to 53.13%.

Vote Results (Approved)

Motion: Michael Condon

Second: Brad Baugh	
Stephen Merriman, Jr.	- Abstain
Michael Condon	- Aye
Stephen Plunk	- Aye
Betty Jones	- Aye
Armand Turner	- Aye
Brad Baugh	- Aye
Benjamin Griffith	- Aye

[12. 0 Gable Street | Side Setback Variance | 24-004053-ZBA](#)

[📎 Staff Report_ 0 Gable St.pdf](#)

[📎 0 GABLE ST_SITE PLAN.pdf](#)

[📎 0 GABLE ST_24-004053-ZBA_APPLICATION.pdf](#)

The Petitioner was not present at the meeting. The Board voted to continue this item to the September meeting agenda.

Motion	
The Petitioner was not present, after Board discussion, the Board voted to continue the item to the September agenda.	
Vote Results (Approved)	
Motion: Michael Condon	
Second: Benjamin Griffith	
Stephen Merriman, Jr.	- Abstain
Michael Condon	- Aye
Stephen Plunk	- Not Present
Betty Jones	- Aye
Armand Turner	- Aye
Brad Baugh	- Aye
Benjamin Griffith	- Aye

XI. Other Business

XII. Adjournment

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