



City of Savannah Zoning Board of Appeals

Arthur A. Mendonsa Hearing Room
June 27, 2024 - 10:00 A.M.
Minutes

JUNE 27, 2024 CITY OF SAVANNAH ZONING BOARD OF APPEALS

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

MPC Staff Present: Edward Morrow, Current Development Services Director/Current Planning
Brad Clements, Current Development Senior Planner
Sally Helm, Administrative Assistant II, Development Services/Current Planning
Nykobe Richardson, Development Services Tech Intern

Hind Patel, IT Helpdesk & Support

Virtual Attendance: Pamela Everett, Esq., Assistant Executive Director, Compliance & Operations

City of Savannah: John Anagnost, Zoning Plans Examiner

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. 1125 East Gwinnett St. | Variances for Lot coverage, building and side yard setback | 24-001569-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

2. [615 East 45th Street | Variance to rear and side yard setbacks and addition of story residence to nonconforming structure | 24-002434-ZBA](#)

- 🔗 [615 E 45 ST_24-002434-ZBA_APPLICATION.pdf](#)
- 🔗 [2024.04.24_615 E 45TH ST_A3.01.pdf](#)
- 🔗 [EMAIL CLARIFYING THE HEIGHT OF THE MAIN HOUSE.pdf](#)
- 🔗 [615 E 45TH ST_SUPPLEMENTAL DOCUMENTS.pdf](#)
- 🔗 [AERIAL-SITE MAP 24-002434-ZBA.pdf](#)
- 🔗 [Staff Report 615 E 45th Street_EM.pdf](#)
- 🔗 [615 E 45th St_HPC photos.pdf](#)
- 🔗 [Heather Spigner_ 615 E 45th ADU -- June 27 SZBA.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

V. Item(s) Requested to be Withdrawn

VI. Approval of Minutes

3. [Approval of the May 23, 2024 Meeting Minutes](#)

- 🔗 [may-23-2024-city-of-savannah-zoning-board-of-appeals-minutes.pdf](#)

Motion

Approval of the May 23, 2024 Meeting Minutes.

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	- Aye
Benjamin Griffith	- Aye

VII. Approval of Final Agenda

4. Approval of the final agenda

Motion

Approve of the final agenda.

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

VIII. Consent Agenda

5. 1220 East 49th St | Variance to ADU minimum lot required, and relief from non-conformity | 24-002963-ZBA

🔗 [1220 E 49 ST_24-002963-ZBA_APPLICATION.pdf](#)

🔗 [1220 GARAGE_ PROPOSED ADU 5.23.24.pdf](#)

🔗 [AERIAL-SITE MAP 24-002963-ZBA.pdf](#)

🔗 [Staff Report 1220 East 49th St_EM.pdf](#)

🔗 [HPC REVIEW FOR 1220 EAST 49TH STREET 24-002963-ZBA.pdf](#)

🔗 [Gmail - 1220 East 49th St _ Variance to ADU minimum lot required, and relief from non-conformity _ 24-002963-ZBA.pdf](#)

🔗 [Gmail - 1220 East 49th St _ Variance to ADU minimum lot required, and relief from non-conformity _ 24-002963-ZBA.pdf](#)

Motion

Approval of the requested variances with the condition that gutters be installed to prevent runoff into the lane or onto the adjoining property:

relief from 125% minimum lot area required to establish an ADU.

Relief from nonconformity to convert the garage into an ADU.

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. 1313 Habersham St | Request extension of ZBA approval | 24-003004-ZBA](#)

🔗 [1313 HABERSHAM ST_24-003004-ZBA_APPLICATION.pdf](#)

🔗 [AERIAL-SITE MAP 24-003004-ZBA.pdf](#)

🔗 [Staff Report 1313 Habersham_EM.pdf](#)

🔗 [Robert McCorkle.pdf](#)

Motion

Approval of the variance extension previously granted, not to exceed one year.

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

IX. Old Business

X. Regular Agenda

[7. 654 East 34th St | Variances for minimum lot area and width | 24-003005-ZBA](#)

🔗 [654 E 34 ST_24-003005-ZBA_APPLICATION.pdf](#)

🔗 [Staff Report 654 East 34th St_EM.pdf](#)

🔗 [AERIAL-SITE MAP 24-003005-ZBA.pdf](#)

🔗 [Robert McCorkle .pdf](#)

Mr. Edward Morrow, Director of Development Services/Current Planning, presented the Staff Report. Mr. Morrow stated that the Petitioner requests variances to the minimum required lot area to subdivide a parcel for new single-family detached home development in the TR-1 zoning district. Approval of the requested variances would create two lots that are 2,832 square feet where 3,000 square feet is the minimum lot area required. The subject parcel is a conforming lot in the TR-1 zoning district by lot frontage and area, measuring 60 feet in width and 94.4 feet in depth (5,664 square feet total area). The TR-1 district requires minimums of 30 feet of frontage with lane access and 3,000 square feet of lot area for single-family detached homes. The subject parcel contains a one-story single-family home constructed originally in 1920 and renovated in 1985. The home is 1,285 square feet in floor area and appears to be nonconforming with regard to at least one side yard setback (3 feet minimum required). An existing wheelchair ramp that presently extends into the vacant portion of the property is proposed to be deconstructed to permit subdivision of the lot and development of a new residence. Section 3.28.1.b of the Zoning Ordinance describes variances that are prohibited, and explicitly prohibits reductions to minimum lot area. Section 4.1.4 of the Zoning Ordinance defines measurement of 'density' in relation to the gross area of land for a single lot of record, not dwelling unit count. Section 5.9.5 of the Zoning Ordinance specifies that establishment of a lot of record for detached single-family home development in the TR-1 zoning district requires a minimum of 3,000 square feet of lot area. Per Article 3 Section 3.21.9(a), the Zoning Board of Appeals may authorize a variance in an individual case upon finding that the variance shall be consistent with the intent of this Ordinance and the Comprehensive Plan and shall not be injurious to the neighborhood or otherwise detrimental to the public health, safety or welfare. Special conditions and/or circumstances exist which are peculiar to the land, buildings or structures involved and which are not applicable to other lands, buildings or structures in the same zoning district. MPC Staff recommends **denial** of the requested variances to reduce the minimum lot area in the TR-1 zoning district.

Mr. Robert McCorkle, Agent for the Petitioner, said we are here asking for a variance of lot area. This is a variance that has been asked for several other times and the Board granted the variance. Permits have been issued and homes have been built as a result of variance approvals from this body for the exact thing we are asking for today. In many City neighborhoods, the lots and layouts of the subdivisions were created before the zoning ordinance existed. In many of the neighborhoods, all of the historic lots are 30 feet wide. This lot is 94.4 feet deep. We asked for a 300-foot variance because SAGIS shows 92 feet. We only need 168 feet. The reason these lots still exist is that the lots were never formally recombined. The reason some of those others were combined was because the City had a provision in the ordinance that said if a single owner owned multiple non-conforming lots adjacent to each other, they were automatically recombined. For PIN number purposes the lots became recombined. The lot area and width standards for TR-1 by example were overlayed to this neighborhood well after these homes were built on this street. Some of these lots are 60 feet but they were never intended to be. They were always 30-foot lots. What we are asking to do today is to put the historic lots back in place. This will allow my client to remodel the existing house and save it and build an additional house next door. We are trying to find ways to build the housing stock. On this block, 8 of the blocks are non-conforming. There is a large industrial facility on this site. When these lots were originally constructed and laid out, it was intended they would all be 30 x 100 feet. That is where the 3000 square feet comes from. It looks like when the lane got laid into the lot, it took up space that was on the lot, approximately 6 feet. Having a house on a lane allows you to reduce your lot width but not the lot area.

Staff's report says there is a conflict in the text. The section being talked about is 3.2.1.8b, a variance shall not be granted to permit a lot area per unit that is less than the minimum lot area per unit permitted by the zoning district in which the property affected by the variances is located. Lot area per unit is not an applicable standard to a single-family residence or to a commercial piece of property. My position and I believe the position the City has taken is that lot area per unit is not an applicable standard to a single-family residence or to a commercial piece of property. It's the same in every district. The lot area per unit, which is what you cannot vary, exists for single-family attached, two family, three family, and multi-family. It does not exist for single-family residences or for commercial. That is true for any zone. My position is that there is no conflict and that the provisions of 3. 2.1 a.b. don't apply in this scenario. This issue has come up in the past over the years where someone has raised the issue as this of variance of density and the issue is that on a single-family lot. There is not a lot area per unit rule or guideline because it's only one house on the lot. And so, as this issue has been raised in the past, the City has instructed us to move forward with these petitions and we have come here today. This is the first time we've had a Staff Report that takes a position that the variance can't be granted. We have done several of these in the past with recommendations for approval. With this variance, we're adding housing stock in a location that's

appropriate. I don't believe there's any indication that there would be any detrimental effect to the neighbors in this situation is consistent with the other houses that are surrounding it. It's consistent with the housing patterns on the block face. It addresses a hardship which is the lane 8 up part of this lot and so ultimately, it's 168 feet. From a percentage standpoint, we're talking about 1/2 of 1% decrease in the lot area that's required in the in the district.

Mr. Michael Condon, Board Member, said his concern is about this being approved and then getting hung up with the building department if they take the position that the MPC is currently taking. Would it be better to push this off a month to get things lined out and then come back so that we know if we approve it, you can actually do something with it opposed to us approving it and you still have to go back to the MPC.

Mr. McCorkle said he would prefer the latter of those and take his chances with the Building Department. This came up before we got her today. This issue was raised by staff before we got to the hearing today. When it was raised, I went to Bridget Lidy and the City Attorney and said we have done this multiple times, they sent it back and told us to proceed.

Mr. Condon asked what the opinion of the City Attorney was.

Mr. McCorkle said they did not get an opinion letter he was included on all correspondences.

BOARD DISCUSSION

Mr. Baugh, Board Member said the lots are the same down the block and this does not seem like it will make a big change to the neighborhood. It is unfortunate that Staff is having to take the position to say a house cannot be built there.

Mr. Griffith said he cannot disagree with anything Mr. McCorkle said. He wishes the text was clearer between the MPC and the ZBA. This should not be our decision if the MPC already has it written down one way, there needs to be some commonality.

Mr. Condon said he is very familiar with the neighborhood; they are very small lots.

Mr. Turner said he agrees. This looks similar to the other lots on that street.

Ms. Jones said she also agrees.

Mr. John Anagnost, Zoning Administrator for the City of Savannah, said he has been a part of the discussions that occurred with the Applicant and staff prior to this coming before this Board. It was established by the City that the historical interpretation of that section that refers to variances for lot area per unit that is less than required for the zoning district does not apply to single-family lots under that standard. The City's position on this is that it is an eligible variance, you may request a variance for minimum lot area for a single-family lot because that is not a lot area per unit standard.

Motion

Approval of the requested variance to reduce the minimum lot area in the TR-1 zoning district.

Vote Results (Approved)

Motion: Michael Condon

Second: Brad Baugh

Stephen Merriman, Jr.

- Abstain

Michael Condon

- Aye

Stephen Plunk

- Not Present

Betty Jones

- Aye

Armand Turner

- Aye

Brad Baugh	- Aye
Benjamin Griffith	- Aye

[8. 824 East Anderson St | Variance to Required Lot Area | 24-002798-ZBA](#)

🔗 [824 E ANDERSON ST_24-002798-ZBA_APPLICATION.pdf](#)

🔗 [Staff Report 824 East Anderson_EM.pdf](#)

🔗 [AERIAL-SITE MAP 24-002798-ZBA.pdf](#)

Mr. Edward Morrow, Director of Development Services/ Current Planning presented the Staff Report. **Mr. Morrow** said the Petitioner requests a variance to the minimum 125% lot area requirement for an accessory dwelling unit (ADU) in the TR-2 (Traditional Residential-2) zoning district. The parcel is 3,375 square feet where 3,750 square feet would be required to establish an ADU by right. The proposed ADU would sit atop a 2-car garage at the rear of the property adjoining East Henry Lane. The subject parcel has 29.99 feet of frontage on East Anderson Street and is approximately 112.5 feet of depth. This results in a total area of 3,375 square feet (0.077 ac). The parcel is nonconforming within the TR-2 (Traditional Residential-2) zoning district due to its frontage. The Zoning Ordinance requires that a parcel have 125% of the minimum required lot area in its zoning district to establish an ADU, however, it states that this requirement shall be variable. The subject parcel is deficient 375 square feet of the 125% minimum. A residential building permit has been issued for this property therefore it is currently under construction. MPC Staff recommends **approval** of the requested variance to minimum lot area to establish an ADU.

Mr. Jay Maupin, Agent for the Owner, stated he was there to answer any questions.

BOARD DISCUSSION

There being no discussion the Board moved to motion.

Motion

Approval of the requested variance to minimum lot area to establish an ADU.

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	- Aye
Benjamin Griffith	- Aye

[9. 521 East 45th St | Variance to rear yard setback and minimum lot required for ADU | 24-002869-ZBA](#)

🔗 [521 E 45 St_24-002869-ZBA_Application.pdf](#)

🔗 [Staff Report 521 East 45th St_EM.pdf](#)

🔗 [Anderson letter of support, 521 E 45th St.pdf](#)

🔗 [Drey letter of support, Variance Request No. 224-002869-ZBA.pdf](#)

🔗 [AERIAL-SITE MAP 24-002869-ZBA.pdf](#)

Mr. Edward Morrow, Director of Development Services/ Current Planning presented the Staff report. **Mr. Morrow** said the Petitioner requests approval of the following variances: To reduce the rear yard setback for an ADU adjoining a lane from 3' to 0' and to grant relief from 125% minimum lot area required to establish an ADU. The subject property measures approximately 6,300 square feet in area (60 feet by 105 feet). The property is zoned RSF-6 (Residential Single Family-6) and is a conforming parcel with regard to frontage and area. The parcel is deficient with regard to the minimum lot area to establish an ADU by right in this zoning district (7,500 square feet). The lot is presently developed as a single-family detached residence with a non-conforming accessory structure that encroaches into the side and rear setbacks. The lot is within the Ardsley Park - Chatham Crescent Conservation District and was referred for an ADU lot area variance on the May 22, 2024, HPC consent agenda. The footprint of the principal dwelling is indicated as 1,820 square feet and the square footage of the proposed ADU is 486 square feet (18 feet by 27 feet), making it conforming with regard to the 40% maximum floor area in relation to the principal structure. Per submitted plans, the proposed structure will remain lower in height than the principal dwelling, as required.

MPC Staff recommends **approval** of the requested variance with the condition that gutters be installed to prevent runoff into the lane and

1. To grant relief from 125% minimum lot area required to establish an ADU.

MPC Staff recommends **denial** of the requested variances with the condition that gutters be placed to prevent runoff into the lane: 2. Reduction of the rear yard setback for an ADU from 3 feet to 0 feet.

Mr. Daniel Waters, Petitioner, said with regards to the rear set back there is 12 feet between the back of the house and the proposed ADU. If I have to put it 3 feet in from the lane, according to the Zoning ordinance, it will be too close to the house to build as is. In this area everyone has built to the zero-lot line. This would make mine inconsistent with the area.

Ms. Betty Jones, Board Member, asked if there was an existing garage with a zero-lot line.

Mr. Waters said yes, it is zero lot line on both sides of me.

BOARD DISCUSSION

Mr. Condon asked Mr. Morrow for an explanation of the Staff's recommendation of approving the 125% minimum lot required variance but not the setback variance.

Mr. Morrow said they are seeing issues with the setbacks. There are issues with runoff into the lanes and degradation of the surfacing. There are issues with cross access easements. When we encroach into these setbacks, we are creating broader issues potentially for the City itself and potentially adjoining property owners.

Mr. Merriman said the adjoining property owner has something built on the zero-lot line which is consistent with development in the past.

Ms. Jones asked if placing the gutters would divert runoff.

Mr. Morrow said yes.

Motion

Approval of the requested variances with the condition that gutters be installed to prevent runoff into the lane:

To grant relief from 125% minimum lot area required to establish an ADU.

To grant relief for reduction of the rear yard setback for an ADU from 3 feet to 0 feet.

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

[10. 531 Seiler Avenue | Variance to building frontage minimum | 24-002936-ZBA](#)

🔗 [531 SEILER AVE_24-002936-ZBA_APPLICATION.pdf](#)

🔗 [002.1-SITE PLAN.pdf](#)

🔗 [Staff Report - 531 Seiler Ave_EM.pdf](#)

🔗 [AERIAL-SITE MAP 24-002936-ZBA.pdf](#)

This item was continued to the July agenda. The petitioner did not show up for this meeting.

Motion

Item was continued by the Chairman to the July meeting agenda. The petitioner did not show up to this meeting.

Vote Results (Approved)

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

[11. 533 Seiler Avenue | Variance to building frontage minimum | 24-002937-ZBA](#)

🔗 [533 SEILER AVE_24-002937-ZBA_APPLICATION.pdf](#)

🔗 [002.1-SITE PLAN.pdf](#)

🔗 [AERIAL-SITE MAP 24-002937-ZBA.pdf](#)

🔗 [Staff Report - 533 Seiler Ave_EM.pdf](#)

The item was continued to the July meeting agenda. The petitioner did not show up to this meeting.

Motion

The item was continued to the July meeting agenda. The petitioner did not show up to this meeting.

Vote Results (Approved)

Motion: Michael Condon

Second: Armand Turner

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

12. 1226 East Bolton St. | Variance for rear yard setback | 24-002976

🔗 [1226 E BOLTON ST_24-002976-ZBA_APPLICATION revision.pdf](#)

🔗 [AERIAL-SITE MAP 24-002976-ZBA.pdf](#)

🔗 [Staff Report 1226 East Bolton Street_EM.pdf](#)

Mr. Edward Morrow, Director of Development Services/ Current Planning presented the Staff report. **Mr. Morrow** said the Petitioner requests a variance to reduce the rear yard setback within the RSF-6 zoning district from 20 feet to 12 feet (8-foot reduction). The subject property measures approximately 2,590 square feet in area (37 feet wide by 70 feet in depth), per the Chatham County Tax Assessor. The property is zoned RSF-6 (Residential Single Family-6) and is a nonconforming parcel with regard to both frontage and area within its Zoning district. Based on required setbacks, the potential building envelope on the parcel is 27 feet wide by 30 feet in depth for a maximum building footprint of 810 square feet. The RSF-6 district permits construction up to 36 feet in height, for a potential 2,430 square feet of heated and cooled living area across 3 floors. The RSF-6 Zoning district permits a maximum of 40% lot coverage where a parcel has only street access with no lane. As proposed, the home would be within the maximum permissible lot coverage for the Zoning district. MPC Staff recommends approval of the request to reduce the required rear setback from 20 feet to 12 feet.

Mr. Merriman asked if this was going to be a single-family residence.

Mr. Morrow said yes.

Ms. Sabria Scott, Petitioner, said she is proposing to build a two-story home on the lot. She said she spoke with Keith Kullen's regarding a variance for the driveway. She said he told her she needed 1 foot from the property line of the neighboring property that sits to the right of the driveway. The sketch shows 2 feet. Mr. Kullen's did not see a problem with getting a 20-foot variance for the driveway.

Mr. Morrow said what the Petitioner is referring to is the driveway is typically placed 3 feet from property lines. If that was in conflict, that is something Traffic Engineering would address.

Mr. John Anagnost, Zoning Administrator for City of Savannah, said if a lot is 45 feet or narrower, it does not have to be 3 feet. It can be as low as 1 foot from the side property boundary. Kenneth Kullen in the City's Traffic Engineering Department did a preliminary review of her driveway design and found it to meet the driveway standards of the City. The only variance she needs to pursue this permit is the rear setback variance.

BOARD DISCUSSION

There being no Board discussion they entertained a motion.

Motion

Approval of the request to reduce the required rear setback from 20 feet to 12 feet.

Vote Results (Approved)

Motion: Benjamin Griffith

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

13. 203 Ferrill St. | Variances for front and rear yard setbacks | 24-003001-ZBA

🔗 [203 FERRILL ST_24-003001-ZBA_APPLICATION.pdf](#)

🔗 [Staff Report 203 Ferrill St_EM.pdf](#)

🔗 [AERIAL-SITE MAP 24-003001-ZBA.pdf](#)

Mr. Edward Morrow, Director of Development Services/ Current Planning presented the Staff Report. **Mr. Morrow** stated the Petitioner requests approval of the following variances: To reduce the front yard setback in the RSF-5 zoning district from 20 feet to 10 feet and to reduce the rear yard setback in the RSF-5 zoning district from 20 feet to 15 feet 8 inches. The subject property measures approximately 2,700 square feet in area (45 feet wide by 60 feet deep), per the Chatham County Tax Assessor. The property is zoned RSF-5 (Residential Single Family-6) and is a nonconforming parcel with regard to both frontage and area within its Zoning district. Based on required setbacks, the potential building envelope on the parcel is 35 feet wide by 20 feet in depth for a maximum building footprint of 700 square feet. The RSF-5 district permits construction up to 36 feet in height, for a potential 2,100 square feet of heated and cooled living area across 3 floors. The RSF-5 zoning district permits a maximum of 45% lot coverage where a parcel has both street and lane access. As proposed, the home would be 1,201 square feet in area (35 feet wide by 34.3 feet in depth), or approximately 45% lot coverage. The subject parcel is 45 feet wide and 60 feet in depth. This results in a parcel that is only 54% of the area of a conforming parcel in this zoning district. MPC Staff recommends approval of the following variances:

1. Reduction of the front yard setback in the RSF-5 zoning district from 20 feet to 10 feet.
2. Reduction of the rear yard setback in the RSF-5 zoning district from 20 feet to 15 feet 8 inches.

Mr. Merriman called for the Petitioner to come to the floor to speak, but he was not in attendance. **Mr. Morrow** called t the Petitioner, who stated he thought the meeting started at noon. The Board motioned unanimously to move the item to the end of the agenda to allow the Petitioner time to get to the meeting.

Mr. Morrow gave the same presentation as above.

Mr. Stan Perkins, Petitioner, said he is running into several non-conforming lots on the west side. He said he is trying to work with Staff and Zoning to make this work. He said he appreciates everyone's time.

Mr. Condon asked if he was going to build a single-family structure.

Mr. Perkins said yes, a single-family, one-story home.

PUBLIC COMMENT

Ms. Angela Patterson said she felt disadvantaged. She was there at 10am. The Petitioner was not here, and she had to wait. She said the area has older homeowners. Some of the owners are passing away and those properties are becoming rental properties. There are a lot of problems with the renters in that area like trespassing, shootings, drugs, and prostitution. They do not want any more rental properties in that area. She is against the petition.

Ms. Rebecca Chaplin said her, and her husband have lived in that area for many years. She asked if the lot was up to code. She said there are no sidewalks in the area, cars come through speeding. There are a lot of children there. The traffic needs to be slowed down.

Mr. Morrow said a home could be built on the parcel without any intervention from this Board. This is not a question of can something be built, but rather how large it will be. Based on the required setbacks, you could have a building envelope that is 35 feet wide by 20 feet in depth. That is a 700 square foot footprint without any intervention from this Board. Based on the additions are requested of this Board, you would achieve an additional, more or less, 500 square feet on one floor. The Petitioner has stated for the record, the intent is to construct a one-story dwelling. In this zoning district up to three floors are permitted.

Mr. Merriman said he was sympathetic to Ms. Patterson and the problems in the neighborhood. Unfortunately, we are unable to help with that.

Mr. Perkins said we are sympathetic to the issues in the neighborhood as well. What we are trying to accomplish is building homes for young homeowners, not rental properties. The west side has been crime ridden for years. We can only do our part in helping to build affordable housing that young people can afford to go to the bank and get a loan for.

Ms. Jones asked if this would be rental property.

Mr. Perkins said no, this will be sold on the market preferably to a young couple with children.

Ms. Jones told the members of the public to attend the neighborhood association meetings and seek help. They have resources to help.

Motion

Approval of the following variances:

Reduction of the front yard setback in the RSF-5 zoning district from 20 feet to 10 feet.

Reduction of the rear yard setback in the RSF-5 zoning district from 20 feet to 15 feet 8 inches.

Vote Results (Approved)

Motion: Betty Jones

Second: Armand Turner

Stephen Merriman, Jr.

- Abstain

Michael Condon

- Aye

Stephen Plunk

- Not Present

Betty Jones

- Aye

Armand Turner

- Aye

Brad Baugh

- Aye

Benjamin Griffith

- Aye

🔗 [3209 ARGYLE ST_24-002986-ZBA_APPLICATION.pdf](#)

🔗 [AERIAL-SITE MAP 24-002986-ZBA.pdf](#)

🔗 [Staff Report 3209 Argyle St_EM.pdf](#)

Mr. Edward Morrow, Director of Development Services/ Current Planning presented the Staff Report. **Mr. Morrow** stated the Petitioner requests approval of a variance to increase the maximum allowable footprint of an accessory dwelling unit (ADU) in relation to the principal dwelling from 40% (307 square feet) to 83.3% (640 square feet). The subject property measures approximately 9,000 square feet in area (90 feet by 100 feet), per the Chatham County Tax Assessor. The property is zoned TR-3 (Traditional Residential-3) and is a conforming parcel with regard to frontage and area. The TR-3 district permits only single-family detached home development and requires 40 feet of frontage and 3,000 square feet of area where only street access is available. The subject parcel is of sufficient area to be subdivided, but the placement and orientation of the existing 768 square foot dwelling would not permit creation of a conforming subdivision. The Petitioner proposes to construct a new 640 square foot ADU at the rear of the existing dwelling, making it nonconforming with regard to the 40% maximum floor area in relation to the principal structure. MPC Staff recommends **denial** of the requested variance to permit an ADU 83.33% of the primary dwelling.

Mr. Abdul El-Amin, Petitioner, said when the homes were originally built, they were very small homes. The property is large enough to add a dwelling and he wants to add an additional dwelling here. There is enough space between the other houses on the right and left. His request appears to be very similar to an earlier request to add an ADU. There is a need for housing in Savannah, allowing him to do this will accommodate that.

BOARD DISCUSSION

Mr. Merriman said this is such a big lot. For an ADU it exceeds the maximum square footage but what if he attached it to his home as an addition rather than an ADU.

Mr. Morrow said that is ideal.

Mr. Baugh said this is a large lot; the Petitioner is being penalized because his house is small. If his home was larger, he could do what he is asking. If it were attached by a breezeway, he could do it. He said he does not see a problem with the request.

Motion

Approval of the requested variance to permit an ADU 83.33% of the primary dwelling.

Vote Results (Approved)

Motion: Brad Baugh

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

- Nay

[15. 1905 Waters Ave. | Variance to increase sq ft of non-illuminated sign | 24-002978-ZBA](#)

🔗 [1905 WATERS AVE_24-002978-ZBA_APPLICATION.pdf](#)

🔗 [Staff Report 1905 Waters Ave_SK2.pdf](#)

Ms. Subhashi Karunaratne presented the Staff report. The Petitioner requests a variance for an overall increase in the square footage of a nonilluminated building sign that is to be 43.5 square feet. The subject property is used as a church, and it faces Waters Avenue with 103 feet frontage. The wall fronting Waters Avenue already has an existing projecting sign. The proposed sign will face Waters Avenue and will be a channel letter sign. The parcel is zoned Traditional Commercial (TC-1). The property is not in a Historical District nor by a street with a Street Type for Building and Ground Signs. Ms. Karunaratne stated that the maximum sign area allowed in TC-1 is 20 square feet and the variance request is to increase the signage area by 23.5 square feet.

Ms. Karunaratne stated that based upon the variance criteria, Staff recommends approval of the requested variances pertaining to the proposed building sign to increase the permitted sign area by 23.5 square feet for a total of 43.5 square feet with the following conditions:

1. Removal of the existing projecting sign.
2. Match the sign background color with the building wall color so that the background does not add more sign area.

PETITIONER COMMENTS

Ms. Jeanette Coleman came forward and stated that she is standing in the gap for her husband, Jeffery Coleman, the Pastor of Bible and Prayer Ministries. Ms. Coleman said they want to remove the sign that is here now because her husband's mother was the Pastor, but she is no longer the Pastor. She said the community is increasing in how it looks. Therefore, they want their church building to actually look like a church building. She said if the Board looks at picture #1, it does not look like a church, nor does it look like a church in picture #2. The building has been there 30 years. However, under her husband's leadership, they are trying to improve the look of the building and the community.

Ms. Coleman respectfully asked the Board to approve their variance request. She entertained questions from the Board.

PUBLIC COMMENTS

None.

BOARD DISCUSSION

Mr. Merriman entertained a motion as the Board had no comments.

Motion

The Savannah Zoning Board of Appeal does hereby approve the requested variances pertaining to the proposed building sign to increase the permitted sign area by 23.5 square feet for a total of 43.5 square feet at 1905 Waters Avenue.

With the following conditions:

Removal of the existing projecting sign; and

Match the sign background color with the building wall color, so that the background does not add more sign area.

Vote Results (Approved)

Motion: Betty Jones

Second: Armand Turner

Stephen Merriman, Jr. - Abstain

Michael Condon - Aye

Stephen Plunk - Not Present

Betty Jones - Aye

Armand Turner - Aye

Brad Baugh - Aye

Benjamin Griffith - Aye

[16. 111 Brady St. | Variances for rear yard, side yard setbacks, and relief from non-conformity | 24-002979-ZBA](#)

🔗 [111 BRADY ST_24-002979-ZBA_APPLICATION.pdf](#)

🔗 [SIGNED COMMISSION_DECISION_-_23-002993-COA__111_BRADY_ST 07.26.23.pdf](#)

🔗 [Staff Report_SK2.pdf](#)

Mr. Edward Morrow presented the Staff Report. The Petitioner is requesting approval of two variances: 1) 20 feet rear yard setback variance due to property location between two streets in lieu of a lane. There is public frontage on either side, but rather than 12-to-16-foot lane, you actually have a full street. Therefore, the standards are a little different. The second variance is a request for a side yard setback reduction to build a second-floor addition directly above an existing primary building. Mr. Morrow said this is a unique situation. It is an existing structure, but it looks like an accessory building. It is connected to and functions with the principal dwelling. It is actually just a long house. This is why they are applying principal dwelling standards rather accessory structure standards, which are 20 feet as opposed to 5.43 feet depending on whether there was lane access.

Mr. Morrow stated as he understood this request when Staff received it, this was proposed to be a vertical expansion of an existing structure. It is his understanding that at some point between acceptance of the application and now, termite damage has been discovered and there is a need or desire perhaps to some extent to demolish this portion and reconstruct in the footprint, the nonconforming footprint. Mr. Morrow said the slight differences are at first the recommendation was based on the idea that they are improving something that is existing and not moving the footprint, but now they are talking about demolition and rebuilding in a nonconforming footprint. Therefore, this changes the analysis just a little bit. He explained that he was putting this information in as the language shown says that they are above an existing extension. But this will no longer exist if it is demolished. They would be talking about a new build.

Mr. Morrow explained that secondarily, the Petitioner is requesting approval for relief for nonconforming use structures. But he believes this is redundant if they are actually talking about the destruction of the existing extension onto the primary dwelling and the reconstruction in its place. Mr. Morrow said he would allow Ms. Spigner to speak to the exact nature of what will happen. They have made a minor adjustment to the recommendation.

Mr. Merriman said if it is being demolished due to termite damages, technically the termites demolished it and they are repairing it in the same footprint. It is certainly involuntary.

Mr. Morrow said this is absolutely one assessment of this situation. He entered the Staff's report into the record. Mr. Morrow said the property is zoned TN-2 (Traditional Neighborhood -2) and the Future Land Use is Traditional Neighborhood. The property is in the Streetcar Historic District. He said a COA was received and, therefore, it has been designed. The historic Preservation Commission (HPC) gave its approval on July 26, 2023. The additional extension is a noncontributing attached accessory structure. He wanted to restate that this is just an extension of the principal structure at the rear of the property at 111 Brady Street. The primary structure was constructed in 1911 and is a contributing

structure within the National Registry Thomas Square Streetcar District and the local Streetcar Historic District. The Petitioner is proposing to add a second level to the existing non-contributing attached accessory structure. Since the accessory structure is not a contributing structure, the project area will be reviewed as non-contributing. This is language from the COA. The property measures approximately 0.06 acres (2613.6 Square feet in an area which is less than the minimum lot area development standard of 3,000 square feet. Therefore, this is a nonconforming parcel. According to Section 8.7.3, Accessory Structures shall not be located within 5 feet. Mr. Morrow said the analysis changes because this is an extension of the primary structure and not an accessory. He said he was only pointing out the additional information that they have gotten. He pointed to the principal structure and highlighted the area where the proposed structure would be built. He restated that if it was within the same footprint, it would be one thing, but they are demolishing a noncontributing portion from the ground up. There is the potential to meet current standards. Therefore, this is the key difference.

Mr. Morrow stated that the MPC Staff recommends approval of the variance request with the following conditions: that gutters be installed to prevent discharge of stormwater onto adjoining property at 109 Brady Street and the adjoining street; and that a cross-access maintenance agreement be recorded with the adjoining owner at 109 Brady Street because the applicant was establishing something on the property line. He explained that they had a case removed today because it was adamant opposition from the adjoining property owner with regard to entering their property for maintenance on the adjoining property. This is in the interest of not creating issues between adjoining property owners making sure that there is written agreement, not only for the present owner, but also for future owners that may acquire the property. They will need something to maintain the property. Staff is recommending that some sort of cross access maintenance agreement be recorded for the purpose of ensuring that proper maintenance of the structure that they build at the zero-lot line.

Mr. Morrow said in addition, the MPC Staff is recommending approval for the nonconforming use of the structure if it is an extension of the conforming lot. He entertained questions from the Board.

Mr. Merriman said to Staff to be clear, that it all fits within the same footprint as it does now.

Mr. Morrow answered that this is the expectation whether it is new or old that it fits within the same footprint.

Mr. Condon asked if the Certificate of Appropriateness needs to be amended if the Petitioner is going to take down and start all over again.

Mr. Morrow answered that this could depend on whether this Board's determination. There could be design implications.

Mr. Merriman said it would need to be determined whether it is a repair or a demolition. You would need to get a permit for a demolition.

Ms. Heather Spigner stated that she was present to answer the Board's questions. They had to submit a variance request for the both the side yard and the rear yard setback. They requested two variances regardless of which variance they go with be it demolition or conforming.

Mr. Merriman asked if this would be in the same footprint.

Ms. Spigner answered yes.

Mr. Merriman asked Ms. Spigner if the reason for the demolition is due to termite damage.

Ms. Spigner answered yes.

PUBLIC COMMENTS

None.

BOARD DISCUSSION

Mr. Merriman entertained a motion as the Board had no comments.

Motion

The Savannah Zoning Board of Appeals does hereby approve the requested variances at 111 Brady Street

- 20 ft rear yard setback variance due to property location with rear street in lieu of a lane.
- A side yard variance to build a second-floor addition directly above an existing extension of the primary building, aligning with the existing exterior walls.

And approves the request to grant relief for nonconforming uses and structures:

- To maintain the existing footprint of the existing extended structure with the nonconforming rear and side yard setbacks
- To build a second-floor addition above the extended structure to align with existing exterior walls.

With the following conditions:

- Gutters be installed to prevent discharge of storm water onto the adjoining property at 109 Brady Street
- A cross-access maintenance easement shall be recorded with the adjoining owner at 109 Brady Street

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Vote Results (Approved)

Motion: Michael Condon

Second: Betty Jones

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

17. 201 West Jones St. | Appeal of a denial by the HDBR | 24-003006-ZBA

- 🔗 [Board Chair HDBR_ The Appeal of 201 W Jones Street.pdf](#)
- 🔗 [Staff Report 201 West Jones Appeal_EM.pdf](#)
- 🔗 [Eli Lurie LETTER.pdf](#)
- 🔗 [2024-05-29_201 West Jones Street_ZBA Application.pdf](#)
- 🔗 [Certified Ordinance - Sections 7.8.7 through 7.8.10.pdf](#)
- 🔗 [A. Jones Oglethorpe Plan Coalition, Inc.-OglethorpePlan.pdf](#)
- 🔗 [HistoricPreservationAct.pdf](#)
- 🔗 [201 W. Jones Street Initial Signed HDBR Decision.pdf](#)
- 🔗 [201 W. Jones Street Signed HDBR Decision.pdf](#)
- 🔗 [combined public comments.pdf](#)

Mr. Edward Morrow presented the Staff report. He stated this was an appeal from a determination of the Historic District Board of Review (HDBR) with regards to a request for a rear addition to the property at 201 West Jones Street. He entered the Staff Report into the record. The Petitioner, Eli Lurie, Agent for John and Cindy Clemson, is appealing the May 8, 2024, determination of the HDBR stating that the modification would extend the second and third floor of the residence and effectuate conversion of an existing rear window to a door. The Petitioner proposed to encapsulate the remaining two windows, effectively keeping them intact, and to retain the deconstructed historic materials on site in the event that the modifications are to be reversed. The Petitioner is claiming that the Application is consistent with all the requirements of all the requisite standards under the Board's determination.

Mr. Morrow said the MPC's HDBR Staff found that the proposed addition met the requisite standards including the Secretary of the Interior and the local district standards and that it was not out of context with the regard to size and massing for its surroundings and that it was visually compatible within the scope and meaning of the Ordinance's design review criteria. Ultimately, the HDBR, in a split vote, denied the request for construction of a rear addition and to make minor alterations to the property stating that the work was not visually compatible and did not meet the Standards specifically those related to impacting historic features and also that it was seemingly not reversible.

Mr. Morrow said this is the present petition that is under review, and he believes it is pertinent to note that this is the second review of this particular application. Unlike ZBA's matters generally or appeals for that matter, there is a one-time review within a twelve-month period, this is not the case in the HDBR. It is his understanding that as long as changes are made, the State Historic Preservation statute does permit a Petitioner to return for an immediate review. He said he mentioned this because on March 13, 2024, an original application was filed by this same Petitioner was heard at the March 13th meeting; the COA was denied by the HDBR, though, Staff recommended a continuance with conditions. The Petition was heard again at the April 10, 2024, HDBR Meeting. This was the prior application and not the application that is presently under review. Mr. Morrow said that he was only charting the course as to how they got here. At its April 10th meeting, the request for the Board's reconsideration and rescission of the original decision was made. However, the Board chose to uphold its original decision to deny, and this has brought them to the second application which was originally heard on May 8, 2024. When that request was denied, it was then forwarded to the Zoning Board of Appeals for review of the HDBR's determination.

Mr. Morrow showed the Board pictures and pointed out the rear elevation of the residence at 201 West Jones Street. He pointed out that on the right-hand side, was the proposed addition. He explained that this is the present petition, the second one that was filed attached to the agenda. He said the Board will see later that this was the original version, and this represents some changes that have gone through the original process with both Staff and hearing the Board's concerns. This is the second iteration that is presently in the denial state. There are the second and third floor additions. This is how that rear elevation was changed as a result of that addition.

Mr. Morrow said in reviewing this petition, Development Services Staff looked at the criteria for issuance of a Certificate of Appropriateness (COA) which is outlined in Section 7.8.7 of the Zoning Ordinances. He pointed out items A through G. He said out of these items, Staff determined that three of them were applicable. They looked in the motion and determination of the HDBR to ensure that there was clarity in these three Standards A) Secretary of the Interior's Standards and Guidelines for Rehabilitation; (B) Visual Compatibility; and (C) the Savannah Downtown Historic District Design. They did not find that the other Standards were applicable. They were looking for evidence that all three of these were covered. They determined that based on the descriptions of 7.8.9 visual compatibility is explicitly prohibited to be appealed. This would preclude consideration of this Board of item related to visual compatibility, but it would leave any standards related to items A and C, the Secretary of Interior standards and the local Historic District standards. Mr. Morrow said that this Board has powers that are described here if it chose to reconsider the matter for the items that are eligible for appeal, it would take on the powers of the HDBR to somewhat sort the nuances of the Petition and actually make a determination of whether or not the criteria has been met and that if the HDBR had erred in their determination, they could reverse the determination. But ultimately the MPC Staff determined that there was insufficient information to determine whether or not, even though standards in an inclusive and complete way had been considered, that had not been done based on the motion that was preserved in the record. Therefore, the MPC Staff is recommending that this petition be remanded to the HDBR for further enumeration of each of the Specific Design Standards that are not met, specifically for impacting historic features in the addition not

considered reversible. Mr. Morrow entertained questions from the Board.

PETITIONER COMMENTS

Mr. Eli Lurie said he would give a little recap of what Mr. Morrow said. He stated that on March 13, 2024, they had a few comments and a few conditions from Staff. The Board's decision at that point was to deny their proposal. After that, a motion during that meeting was to give them a continuance on their project, which was subsequently denied. The project was denied outright. They appealed that decision and at that point, it was still denied. At this point, they were not able to speak about their project or speak on changes that they could possibly make and/or give any explanation at all. This denial process was not prudent to them at this point. Mr. Lurie said they resubmitted their project for May 8, 2024, where Staff was for approval of their project with zero conditions. At that time, they thought as though they met the Secretary of the Interior Standards and the Visual Compatibility requirements that were set forth before them. He stated at that time, Ms. Ellie Issacson of the Historic Savannah Foundation was also in support of their project, Mr. Lurie said also at this meeting, they were denied again and at that time their written decision was a blanket statement and there were no specifics given to them. No criteria were listed, other than the addition seemingly not being reversible.

Mr. Lurie said in accordance with the Secretary of Interior Standards, they recommended that additions are subordinate and secondary to the historic building and that they are compatible in massing scale material relationship solid voids and color and distinguished the addition from the original building by setting it back from the wall plan of the historic building. He said that this was one of the issues that was in their first set of conditions for submittal that they remedied in the second set. With their proposed design, they had cladded windows which are appropriate on additions in the Historic District. Those windows are also casements, which are also in Savannah's Zoning Ordinances allowed in additions for new construction. He said going back to what they showed before, this is what the back of the house looks like. Mr. Lurie said, pointing to an area, the main part of the house right here where you see the corner with the original structure, all of these pieces and parts behind were added over time and the Sanborn maps show an evolution of that rear addition where it was once an infill porch. This got extended several times and was converted to brick at some point. He stated that they are leaving all the historic fabric along Barnard Street. The only fabric they are touching is that one windowsill on the easternmost side of the rear elevation of the house.

Mr. Lurie said going forward, here are several examples of extremely similar designs that have been approved and built in the Historic District. They are 108 East Jones Street and 222 East Jones Street is the most similar to what they are proposing. They both have paired clad windows that are casements with shuttered openings, with pilasters to make it looks like it was once a porch that had been infilled, which is similar to what they have proposed. He showed a few other examples. Some have lap siding, panel siding, casement, double hung, and there are a few different iterations of this type of design that have been done all over the Downtown Historic District. He said going forward, in recent submittal was 432 Abercorn Street, which was approved in 2018. Most of these are trust lots for end lot or corner lots. At 432 Abercorn Street, they dropped the seals of several of these historic window openings to then connect to an addition that was a masonry building with a wood structure attached to it, where at that time, they noted it as a removing masonry and infill below window opening for new expanded openings; 23 West Gordon Street, which was in January 2017, which is a prominent house that is a much higher style than their project. At this time, their verbiage was "remove window unit and tag it for storage in attic; remove stone sill and brick below window masonry opening to interior finish floor." Mr. Lurie said they did this on several openings on the historic rear facade of the house. Another house was approved on September 20, 2022, at 439 Abercorn Street where they were dropping the seal of this first-floor window opening that was historic. They listed it as "carefully remove windows, store onsite for future reuse." They said nothing about the brick material. And most recently was January 2022, which was 337 Tattnall Street which is on the corner where you can see a before and after of a similar design where they had "removing and storing windows in attic; removed brick under window." Mr. Lurie said it does not say anything about maintaining the brick. He said with their most recent submittal, they changed all their verbiage to reflect the most stringent project that had been approved in the Historic District. Where they are carefully removing the window units intact pertaining to storage and attic and remove stone seal and brick below the window masonry opening, to ensure the finished floor retains all brick and stone seals and store in attic.

Mr. Lurie said the Board's decision that they got does not provide specific reasoning for believing that the

standards utilized were not being met other than utilizing generic terms that just seemingly for which they did not provide additionally reasoning, nor do they reference specific sections of the Code of Ordinances for Standard sections. He said that the Staff's recommendations stated that the work was visually compatible and does meet the Standards. Yet, the Board's decision stated that it was not visually compatible and did not meet the Standards. Yet do not provide the reasoning for such a response. The Board and the MPC Staff failed to provide said specific reasoning. Additionally, the Board's decision states that there will be impacted historic features. But, again, with no specific features listed. Then they said that the changes will not be reversible when the documentation provided proof of reversibility. The MPC Staff agreed that the work would be reversible. The decision that would be made by the Historic District Board of Review is difficult to respond to with clear communication how the proposed project performs with the design standards that were on the basis of their denial as the City requests because the basis of their denial is not clearly defined. Mr. Lurie entertained questions from the Board.

Mr. Merriman asked Mr. Lurie at any point, did he requested a continuance during his Petition hearing to address certain issues.

Mr. Lurie answered that at that time, they did not. The way the meeting had been going, no specific terms had been addressed. Nothing as such was being discussed. They were getting comments. The Board made it clear that they did not want any additions on this property, which is their property owner's right to do.

Mr. Merriman called Ms. Melanie Wilson, MPC Executive Director/CEO, to come forward.

Ms. Wilson informed the Board that if they looked in their packet, a letter was sent to the Board by the Chairperson of the Historic District Board of Review, Karen Guinn.

The Board members stated that they received and read Ms. Guinn's letter.

Ms. Wilson said Ms. Guinn's letter stated the position of the HDBR and that Mr. Jonathan Mellon, Director of the Historic Development Department was present. She asked the Board if they wanted to talk with Mr. Mellon.

Mr. Merriman answered yes. He asked if any members of the HDBR were present.

Ms. Wilson answered no. She explained that even if they were present, they could not speak on the Board's behalf. They could speak individually, but she did not see any of the members of the HDBR present.

Mr. Merriman asked Mr. Mellon to please come forward.

Mr. Mellon came forward and introduced himself.

Mr. Condon asked Mr. Mellon that according to the letter sent by the HDBR Chair was that they do not have the right to overrule as it was based on aesthetics. What was the extent that you have worked with the Petitioner to try to iron this out? He said when he sees what was presented today, he certainly can see how from an aesthetics standpoint that they would not like it, but they have people in completely opposite corners. They have the MPC Staff saying one thing and then the HDBR voting 180 degrees from that. These two things do not usually go together. Generally speaking, folks work together, and it seems to him as though they have left the Petitioners to be guessing as to what it is the Board expects and what it is that they can get approved. Obviously, they can overrule massing etc. Right? Mr. Condon explained to Mr. Mellon that his question was what has been done to try to help the Petitioner move their project forward?

Mr. Mellon said that when the Petitioner initially came in and met with Staff, they had two meetings with the Petitioner. Initially as Mr. Lurie, the Architect for the project described, the initial design was to remove the area that he is showing now on the screen which is the brick section on the rear. Through their historic research, they were not able to determine whether it was historic fabric or whether it had been added later. But the initial design, and he did not believe that it was shown to them today, was for a two-story addition such as he is showing, would have removed this area he pointed to on the picture. Staff was not supportive of that, and they were upfront with the Petitioner as they thought it did not meet the

Secretary of Interior Standards. It was not visually compatible. So as Mr. Lurie noted, at the first meeting they recommended that it be continued so Staff could continue to work with them on the proposal. The Board denied the application. As was noted, the Petitioner appealed that denial of the decision. The Board decided not to move forward with that request at their next meeting. So, then the Petitioner met with Staff again and came up with the revised design that the Zoning Board of Appeals is seeing today, which retains this brick section on the rear and added a new addition to the rear and on top of the third floor.

Mr. Mellon said they spent a great deal of time on this project. They worked closely with the Petitioner. They were on the same page and thought that the Petitioner revised the design very responsive to Staff's comments. They also looked at, as the Petitioner has shown the Board, numerous other projects that have been approved on corner buildings; and this informed the Staff's decision. Basically, this is why the Staff said they were in support that it did meet the Standards. Mr. Mellon said he is familiar with the Secretary of Interior Standards. He comes from Washington, DC where he worked closely with the National Park Service. They believed at this was reversible, that the Petitioner made a really concerted effort in terms of lowering one window opening, taking that material and salvaging it; and keeping it onsite.

Mr. Mellon said the Board's motion was unclear. They had noted concerns about removable of historic fabric with the Secretary of Interior Standards and it not being reversible. This was a point of disagreement between Staff and some of the Board members. He said in terms of visual compatibility, (he did not want to speak for the Board, but a number of the Board members said was they considered the rear elevation that the Board sees here, these three windows, more than one Board member said as a character to defining feature. The Ordinances under the local overlay section, it talks about additions shall not obscure character defining features. It was Staff's opinion that historically in Savannah, as in most historic districts, that the rear elevation has been given much more latitude. You cannot add onto the front; you can't normally add onto the top, but you can add onto the back. Even though he came back to Savannah, the backs of the houses have seen all types of additions. You walk down the lanes, there is some kind of hodge-podge. Some are beautiful and some are not. In their analysis, there was some flexibility on the rear elevation. They feel they gave the Petitioner very good direction. They feel they were on the same page; however, he wanted to note that the Board's vote was very close. They are down two members on the HDBR. So, there was just enough votes to say no. He believes the vote was 4 to 3. Therefore, it is not like everyone was saying this is not compatible.

Ms. Wilson said she wanted to make it clear. They are not asking for visual compatibility. This is what the Chairperson letter is saying. This is not appealable. The issue is that when the motion was made, it was made for visual compatibility, and they talked about the other items. If they had just made the motion for visual compatibility, they would not be here. She stated that it is the other components that they talked about that they did not get any specifics about that they are talking about today. She wanted to make this clear. This is what the discussion was.

Mr. Condon said he was aware of this.

Ms. Wilson said she wanted to make this clear. The other piece is she does not know if this was clear, but when the Petitioner was at the meeting and the Board was going towards a no, unfortunately, they did not speak up in time for the Board to agree to continue it. Therefore, the Board just flatly denied it. When the Petitioner came back, he asked that the Board reconsider it; they did not appeal it, but just asked the Board if they would consider their decision. It was made before, and Roberts Rules allow you to do so. It was at that time that a decision was made to say no.

Mr. Condon said the Petitioners want to put an addition on their home. They need to work more closely to understand what the Board is looking for. It seems to him, as he looks at it, he is speaking for himself, that it is obvious that from an appearance standpoint that the new design of the windows is not compatible with the original design of the windows. As they looked through photos that were presented and the good presentation that was made, they have allowed similar types of things, but the windows were compatible. As he looks at what was presented, he does not believe that it was made clear. From what he read through the Board, etc., their issue was really that "I don't think it fits." You are putting something on here that is a completely different style window and transforming the entire rear surface of the house to look completely different as opposed to what they saw in the photographs for additions that may be complementary, but not the same because they are a part of a building that was not a contribution asset.

Mr. Condon said as far as he is concerned, it is premature for this petition to come to the ZBA until these guys iron out the differences they have. He stated the reason why he mentioned it this way is because when multiple people talk about the three windows that you can't even see from the street. You can see one of the three; then he would suggest that the windows were more than anything else of what they were concerned about. As he looks at what was presented, as he said, they are not talking about adding a couple of windows to an addition, but they are talking about changing all the windows.

Mr. Merriman said the historic windows will remain, except for the window that is going to be an entry into the addition. Mr. Merriman said the addition is to be clearly differentiated from the original, but at the same time, be compatible. This is totally in line with the Secretary of Interior Standards.

Mr. Mellon said he knows the site very well. He has walked it many times. You can actually see all three windows clearly from the street. It is definitely visible.

Mr. Condon said this reinforces his point, which is the windows is the issue.

Mr. Mellon said when the Board discussed this, there were two things. As he mentioned a few minutes ago, a number of the Board's members stated that those three windows are the character defining features and the rear elevation is a character defining feature because it is a corner house. They did not think that it was appropriate to cover it up. They were not focused as much on the design of what was going to be covering it up as covering up the rear elevation.

Mr. Condon said on this, the Board has the power to overrule them.

Mr. Mellon said this gets into visual compatibility. In addition, some of the members of the Board talked about the question of the space between the primary building and the lane buildings. Actually, a member of the Board who he thought would be here speaking personally, one of the examples cited by the Petitioner is the house on Gordon and Whitaker Streets. One of the members said "yes" this was approved in 2017 and they will never approve that now. The Board was clear in that they said they understand that things have been approved in the past, but as they are sure if you walk around downtown now in the Historic District, there are a lot of things that were approved including houses that were exact copies of old houses that they would probably not encourage people to do now what was done 10 or 15 years ago, even 20 years ago. The Board was clear that they look at each case individually, but he would say that his read of what they said was that the actual decision was unclear is that the majority of the Board's positions is that they were not as focus on the design, but they were focused on should there be more massing on the rear of this building at this location. And the mere majority said no. There should not be a third story at this location. Therefore, they were not so focused on the design of the new windows but was focused on the massing that would be going here. In addition, as Ms. Wilson noted, they focused on the reversibility, Secretary of Interior Standards are open to interpretation. The HDBR does not always agree with Staff, even when they feel that they have given the Petitioners sound advice as to how to approach a project.

Mr. Merriman said regarding the Secretary of Interior Standards, an example of reversible would be a sheet rock over a window opening on the inside. Later on, somebody could tear that off. Everything is intact and it is irreversible, painting the brick. You will never get that off. You cannot reverse it. To say that something is seemingly irreversible, is a black and white issue. How can it seemingly be irreversible?

Mr. Mellon said this is an interesting debate. What is reversible and what is not reversible. Technically, if you are changing historic material or moving it, you are removing some historic fabric even if you are removing the original mortar if that was there. So, is it reversible or not reversible. Their interpretation was in working with the Petitioner and they felt they showed a great deal of good faith. The Petitioner came up with a solution and proposed it to them, whereby the vast majority of the historic fabric was being in place, as you were just saying, so that if the addition was taken off at a later time by someone new who bought the house, that rear wall could be restored. You would already have the two windows; they would have saved the old window and the brick. They could be put back. Therefore, in Staff's interpretation of the Standards, that is reversible, and it meets the Secretary of Interior Standards. The majority of the Board took a slightly different interpretation of this, which is their right to do so.

Mr. Merriman asked the Board if they had any more questions for Mr. Mellon.

PUBLIC COMMENTS

Mr. Merriman said he had six public speaking cards. He asked the Board if they wanted to set time limits for comments.

Mr. Condon said he believed they needed to set time limits. He moved that the time limit be set to three minutes per person. This was seconded by Ms. Jones and carried unanimously.

Mr. Merriman informed the speakers that he had a timer, and it is somewhat hard to cut an individual off in the middle of a thought. Therefore, he would apply the three minutes time limitation as close as possible. He did not want anyone holding up their cell phone to show him how many minutes someone has been talking. He called Ms. Ellie Issacs to speak.

Ms. Ellie Issacs of the Historic Savannah Foundation (HSF) stated she is a qualified architecture historian as outlined by the Secretary of Interior Standards. Therefore, she is familiar with the Standards. HSF supports the second iteration of this project and not the first. The Petitioner met with HSF and their Architectural Review Committee (ARC) and took their feedback into consideration. Contrary to the HDBR decision, the proposed addition is appropriate in height as it sits lower. The proposed addition meets the Secretary of Interior Standards.

Mr. Steven Edwards said he presents the Downtown Neighborhood Association. They strongly oppose the appeal. Their opposition is the need to respect the legal process that the HDBR has considered this application twice and turned it down each time primarily because of the massing, the large addition at the back. It will block the view from the street of the remaining houses on that street. This is an important property and is on what is one of Savannah's most iconic streets. The bar for approval should be very high. The HDBR heard this petition and got testimony from neighbors and other interest parties that the proposed addition did not meet the visual compatibility in Section 7.8.9.

Ms. Kaitlyn Koehn said as the interior designer, she wanted the Board to know that they are not trying to get anything over on anyone with this design. They had no reason to believe that it was an unusual request.

Motion

Approval that the Petition be remanded back to the Historic District Board of Review for clarification that they be more specific on their reasons for denial and offer the applicant a chance to make modifications in order to resolve the visual compatibility problems.

Vote Results (Approved)

Motion: Michael Condon

Second: Armand Turner

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

🔗 [834 E ANDERSON ST_24-003009-ZBA_APPEAL APPLICATION.pdf](#)

🔗 [STAFF REPORT - 834 E Anderson St. - Appeal.pdf](#)

🔗 [Public comment-ZBA Letter - Loucks.pdf](#)

🔗 [Public comment -ZBA Letter - Stewart.pdf](#)

Mr. Brad Clement, Senior Planner, Development Services, presented the Staff Report. Mr. Clement said the Petitioner, Joshua Yellin, Agent for Square 23 Property, LLC, is appealing the May 16, 2024, determination 24-002696-ZCL by the Planning Manager in the Planning and Urban Design Department for the City of Savannah related to the re-establishment of a nonconforming use per Article 3 Sec. 11.4.2,e, Article 3 Sec. 11.4.2.d, and Article 3.24.8.ii parts 4 and 5 regarding the reestablishment of nonconforming uses due to a lapse of use and damage to a structure per a variance granted by the Zoning Board of Appeals. The Petitioner contends that it is permitted to seek a variance to the ordinance and to re-establish the historic use of the property and to reconstruct an over-under duplex on the property. For purposes of this appeal, Staff shows that on April 26, 2024, the Petitioner filed an application (24-00310-ZBA) to reestablish a non-conforming use due to damage. Petitioner sought to rebuild an over/under duplex on the property, which was demolished in 2022, in compliance with a Court order. On May 16, 2024, the Planning Manager sent the Petitioner a letter where he made a determination that the Petitioner's April 26th application for a variance to reestablish the nonconforming use of a duplex on the property could not be accepted. The Planning Manager's determination was predicated on his judgement that there was no nonconforming use to reestablish and that the structure was demolished voluntarily through condemnation and thus not eligible for reconstruction. Staff believes the Planning Manager's failure to accept the underlying application for the variance to be heard by this Board may have deprived the applicant of its right of access to the required public hearing. There are applicable ordinances included in the Staff report.

The Zoning Board of Appeals may do the following:

1. Uphold the appeal (thus overturning the Planning Manager's determination); or reject the appeal (denying the Petitioner's request); or Remand the Zoning Confirmation Letter back to the Planning Manager for reconsideration of any elements of the Zoning Confirmation Letter that were affected by an error in the determination.

The facts are that the agent, Joshua Yellin for the property at 834 E Anderson Street applied for a variance on April 24, 2024. A Zoning Confirmation Letter with an interpretation of the zoning ordinance regarding the re-establishment of a nonconforming use per Article 3 Sec. 11.4.2. e, Article 3 Sec. 11.4.2.d, and Article 3.24.8.ii parts 4 and 5 was received from the Planning Manager of the City of Savannah Planning and Urban Design Department on May 16, 2024. The ordinance states the following conditions in Article 3 Sec. 11.4.2.e, in Article 3 Sec. 11.4.2.d, and Article 3.24.8.ii parts 4 and 5 apply towards the reestablishment of a nonconforming use. Mr. Clement pointed out is Article 3 Sec. 11.4.2.e; e. Abandonment, states, Once a nonconforming use is abandoned, the nonconforming status of the use is lost and any subsequent use or occupancy of such land or structure shall comply with the regulations of the zoning district in which such use or structure is located unless the nonconforming use is re-established by the Zoning Board of Appeals in accordance with Sec 3.24, Relief for Nonconforming Uses. A nonconforming use will be considered abandoned when any of the following occurs:

1. The use has been discontinued for a period of at least 12 months regardless of whether the intent is to resume the nonconforming use. The nonconforming use has been replaced by a conforming use; or a building permit to reconstruct a damaged structure that housed a nonconforming use has not been secured within 24 months of the date of occurrence of such damage or the building permit has expired, or construction has not been diligently pursued.

Based on the Zoning Confirmation Letter, which was provided after the Petitioner indicated the intent to appeal, the application for the underlying variance was processed. The merits of the requested variance have no bearing on the process and the outcome related to this appeal. Further, based on the information provided in the report and at the public hearing, the Board of Appeals is the correct party to make a finding as to the Petitioner's appeal. Such decision shall be based on whether or not the determination by the City of Savannah's Planning Manager erred in the Zoning Confirmation Letter or interpretation of the Ordinance. The burden of proof for any such error lies on the Petitioner.

Staff recommends that the Zoning Board of Appeals take one of the following actions:

1. Reject the appeal (denying the Petitioner's request); or uphold the appeal (thus overturning the

Planning Manager's determination) and consider Petitioner's application 24-003010-ZBA; or Remand the Zoning Confirmation Letter back to the Planning Manager for reconsideration of any elements of the Zoning Confirmation Letter that were affected by an error in the determination.

Mr. Condon said this is a TR-2 lot which allows for a duplex, the position of the City currently, is that because the building was condemned and ordered by the Court to be demolished, that that was a voluntary demolition?

Mr. Clement said that is the language in the letter that was attached to the record.

Mr. Merriman said the Petitioner didn't necessarily want to tear the building down, he was ordered to tear it down. Mr. Condon said that is where his confusion was but if the ordinance is written in such a way that if the Court orders you to do it, it's considered voluntary.

Mr. Merriman said voluntary compliance and voluntary demolition are not the same thing.

Mr. Condon asked why in this instance, it is not allowed, in your opinion, for the duplex to be rebuilt as it was even though it was demolished by court order.

Mr. John Anagnost, Zoning Administrator for the City of Savannah, said the interpretation in the letter, which is his interpretation, is that the owners lack of maintenance of the property, was a voluntary decision. The behavior of the owner that led to the condemnation was voluntary on the part of the owner. Originally being condemned does not necessarily mean a structure has to be demolished. It can be condemned, the owner can be given an opportunity to repair the structure, if they chose not to, then it can be ordered to be demolished because of the failure of the owner to bring the structure up to conformity with the code requirements to be a safe occupiable structure. There are multiple steps of willful behavior on the part of the owner that led to a court order to demolish a structure. This concept is legally upheld in the Historic Preservation world, although it is not applicable here, there is a relevant comparison that there is a concept called demolition by neglect. When someone owns a historic property which they would prefer not to maintain as a historic property, and they choose to let it fall into disrepair to the point where it is condemned in order to be demolished, that is something that local jurisdictions are given authority by state law to intervene in to try to prevent the historic recourse from being essentially voluntarily destroyed by neglect. I believe this is a similar situation where an owner has an opportunity to maintain a piece of property, this was given notice of violation in 2019, changed ownership around the same time it was given notice of violation, the new owner was also advised that it was in violation, and they were given opportunity to repair. There is a note in the inspection documents from that time that the new owner stated at that time, the building is too far gone to repair, and they were going to move forward with demolition. There is a little bit of conflation between use and structure. My interpretation of the ordinance when it refers to repairing a structure which contained a non-conforming use, that language is replicated more or less in Article 3 in the variance procedure section. When you abandon the use and remove the structure from the site completely, it is difficult to reconcile that and say it essentially is saying I get to both reestablish a structure and to use even though I have abandoned both. he stated he thought the Code by referencing repair of a structure that is that is housing and non-conforming use is trying to point to the fact that it really is intended to serve someone who has an existing structure that served a non-conforming use. A particular criterion for that procedure, which is that the existing structure was constructed to serve that particular use, and it's not well suited to a conforming use. Again, indicating, implying, that it is not intended to allow you to both reestablish a non-conforming structure and a non-conforming use when they have been abandoned. I want to note from a timing perspective, this lot was dirt for four years with no activity, no building permits applied for, and it changed ownership. So, based on all of those facts, it did not appear that this fit within the framework and the zoning ordinance to allow this type of question. The zoning ordinance does intend to give Staff some level of ability to determine when an application is eligible for variance, Article 11, where it describes nonconformities lays out what makes something a legal non-conforming use or structure for the purpose of then establishing the right of the applicant to pursue a variance, to reestablish or expand, or do other activities with those things. Those things are meant to be reviewed by Staff so they can advise that applicant if they are eligible to move forward with those variance procedures.

Mr. Condon said, just to be clear, are they able to build another duplex here, just not on the exact same footprint.

Mr. Anagnost said they would need a variance for lot area per unit, I'd have to check the Code, but yes, they can.

Mr. Merriman said, does it not say in the ordinance when these applications are filed there to come immediately to ZBA which our staff is Mr. Morrow. This is the second time in the past year that I know of, and I don't know how many I don't know of, that you all have returned somebody's application. It is usurping the whole idea of the Zoning Board of Appeals. You are overstepping your bounds with that, and it needs to stop. Mr. Morrow should be the one that determines that. It should go before him. This Board should be the ones telling the applicant no. And you all are gatekeeping the whole thing.

Mr. Anagnost said, noted.

Mr. Joshua Yellin, Agent for the Petitioner, said there are two related applications. The first one gets us in the door, the second one is for us to actually be heard regarding the variance that we submitted. The nature of this application as was mentioned is that we did in fact meet with Mr. Clement and Mr. Morrow prior to submitting an application for a variance. We submitted an application for a variance which was in fact to reinstate, to reconstruct, the non-conforming use of the property that had been there. The property record card says it was constructed in 1900. We think it existed there until around 2021 or 2022. So, for 122 years there was a duplex on this property. It was rendered nonconforming by NewZo. That's a separate issue. You saw earlier today how many of these lots in the east side are now have buildings on them that don't meet the design standards under NewZo. This isn't a unique problem for this site. This is a problem for many of these properties here that could in fact find themselves in the same situation. We submitted our variance; it went to the City; we were then told that we could not have a hearing before this Board because there was no structure remaining on the site. We disagreed with that and so the only avenue by which we could have the hearing was to request a Zoning Letter knowing that the outcome from that letter was not going to be positive for us, and then appeal here because that's another way to get your case heard at the ZBA is to appeal a letter that's been received from the City and so that was the process by which we got here. I do want to make note and as was shown in the Staff Report for this item that despite staff not making a recommendation of approval as to what your determination should be, on the first page of that Staff Report, there is the note that says staff believes that the denial of the application or our ability to come before you was likely made an error because this Board is the determinant of whether or not variances could proceed. I want to state that as it relates here, for non-conforming uses and structures, it is both, if there is an abandonment. Abandonment can be caused by either Roman numeral one, two, or three. If a use has been discontinued for more than 12 months, regardless of the intent to restore it. I should note that the property owner here purchased the property four weeks ago. We were we were not involved in the demolition; we were not involved in the neglect. But we are involved in trying to rebuild this site and conformity with what existed for 121 years. But this ordinance is clear that if the use was discontinued for 12 months or if a building permit to rebuild a damaged structure, it does not say, involuntarily damaged, voluntarily damaged demolition by neglect. It does not say that if the building was damaged, which it was, it was blighted, there was blight tax assessed, it came down. That structure was damaged. If we have not rebuilt that within 24 months, then it's considered abandoned. What do you do if a use is abandoned? As it shows at the beginning, you may appeal to the Zoning Board of Appeals to reestablish, and I will quote, "the non-conforming use". That is what we are here today for. We think that we have met the requirements to do that, and we would respectfully request that this appeal of the Zoning Letter be approved so that I can move into the next part of this petition, which is why we think that the variance is warranted. It's in keeping with the neighborhood. We have the support for it, and I'll respectfully request that you approve of our request to overrule the Zoning Letter. Thank you.

BOARD DISCUSSION

Mr. Baugh asked if anyone knew who tore the building down or why it was not boarded up instead?

Mr. Merriman said that will probably be answered in the next presentation. This is about appealing the letter denying the petitioner access to this Board. I will say again, this looks bad on your office John, and it is wrong.

There being no further discussion a motion was made.

Motion

Approval of the petitioners request for appeal.

Vote Results (Approved)

Motion: Brad Baugh

Second: Armand Turner

Stephen Merriman, Jr. - Abstain

Michael Condon - Aye

Stephen Plunk - Not Present

Betty Jones - Aye

Armand Turner - Aye

Brad Baugh - Aye

Benjamin Griffith - Aye

[19. 834 East Anderson St. | Variance to grant relief from non-conforming use | 24-003010-ZBA](#)

🔗 [834 E ANDERSON ST_24-003009-ZBA_RELIEF FOR NON-CONFORMIN STRUCTURES APPLICATION.pdf](#)

🔗 [Staff Report_834 East Anderson St.-Nonconforming.pdf](#)

Mr. Brad Clement, Senior Planner, Development Services, presented the Staff report. Mr. Clement said the requests relief from nonconformity for the re-establishment of a nonconforming use. The requested variance would permit the reconstruction of a two-family (over-under) residence at 834 East Anderson Street on a substandard legal lot of record. The petitioner is asking for relief as provided by Sec. 3.21.8a.ii which states, "A variance shall not be granted which would vary any use condition except for a variance for dimensional or measurable developmental requirements and to time limitations applicable to the use.", specifical related to time limitations applicable to the use. The subject property was previously the site of a two-family (over-under) dwelling built in 1900. The structure was demolished through an act of condemnation in April of 2020. Per the City of Savannah Zoning Ordinance Sec. 3.21.8a.ii, "A variance shall not be granted which would vary any use condition except for a variance for dimensional or measurable developmental requirements and to time limitations applicable to the use. The Zoning Board of Appeals may grant variances to certain development standards. MPC finds that the literal interpretation of the regulations would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district. The two-family (over-under) use is an allowed use in the TR-2 (Traditional Residential – 2) zoning district and had previously existed prior to the enactment of the current zoning regulation. The structure was likely conforming at the time of its construction, and proposed reconstruction does not exceed the previously established use or dwelling type. What is being sought is relief for non-conformity, nothing else. They are not asking for setback variances from any direction or height. By all measurable means, it would conform with the development standards in terms of setbacks on all of the measurable feet and inches talked about. Had it not been for the size, shape, and orientation of the lot. MPC Staff recommends approval of the requested variance to grant relief from non-conformity for the reconstruction of a preexisting non-conforming dwelling type.

Mr. Joshua Yellin, Agent for the Petitioner, said the new property owner of this site does intent to restore an over/under duplex and they appreciated Staff's support for approval. There are two ways to get to the same conclusion. We support both of them, from this abandonment section it says that you go to 3-24 of the ordinances, there is the criteria for establishing a non-conforming use due to damage. I think these standards also apply as well, but I do want to make it very clear because this could come back before you again and we have two ways of looking at the same variance. The criterion for this standard is the proposed use not detrimental to the interest, health, safety, welfare, the standard criteria. So, we would contend that not restoring an over under duplex where one existed for 121 years is not injurious to the public welfare. We have letters of support from the adjacent property owners who want to see the property restored. Is the use the same as the most recent non-conforming use 100%.

As Mr. Clement mentioned, we are not seeking any other variances. We are simply asking that this re-establishment of the use be permitted. These were the standards in the Staff Report which are very similar. I think they also comply. This is the minimum variance necessary. Other interpretations of the ordinance would deprive this Applicant of similar rights. The special conditions clearly do exist, which is why we're having this hearing here and it is consistent with the intent of the ordinance. He pointed out as well that Mr. Savage, the new property owner, did a lot of research on this property. This wasn't something that came up just willy nilly and let's come ask for a variance. This duplex did exist previously and to the point made as to why I think this variance request is very important to talk more about it than I need to at this hearing, is that in this area the light blue is showing all of the other non-conforming duplexes that currently exist that are located on similar lots. Each of them could find themselves in a similar situation that we are, where we need to come back and petition this Board. It's the unfortunate reality of the TR-2 Zoning Ordinance that was put on this area that it has rendered many properties non-conforming. Many properties that have historically had duplexes, many properties that have had historically, multifamily properties. In the event that this happened at other sites, we just want to make clear that this is in keeping with the character of the area and that we would want to preserve the right for future applicants to come in and make a request for this. And so, we do respectfully request that you approve this variance. It's well supported by the neighborhood.

Mr. Condon said, for clarity, do you have the square footage to build an over under duplex there?

Mr. Yellin said no, that is why we are requesting the variance to reinstate the non-conforming use.

Mr. Condon said he thought TR-2 was 4500 square feet.

Mr. Yellin said for this lot we are 319 feet short and 3 feet in width.

Mr. Condon said SAGIS is showing 6098 square feet, so they are wrong.

Mr. Yellin said yes SAGIS is incorrect. This is a reinstatement of a non-conforming use.

PUBLIC COMMENT

Ms. Elli Isaacs, Director of Historic Savannah Foundation, said they are in support of this application as submitted. It is consistent with the neighborhood's development pattern.

BOARD DISCUSSION

Mr. Baugh said this appears to be a good project. The Petitioner can build a three-story house by right, in a neighborhood full of one-story houses. They are trying to do a one-story house; they are on the right track. **Mr. Griffith** said they are still maintaining lot coverage.

There being no further discussion, the Board moved to motion.

Motion

Approval of the requested variance to grant relief from nonconformity for the reconstruction of the pre-existing nonconforming dwelling type.

Vote Results (Approved)

Motion: Brad Baugh

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

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.