



City of Savannah Zoning Board of Appeals

Arthur A. Mendonsa Hearing Room
March 28, 2024 - 10:00 A.M.
Meeting Minutes

MARCH 28, 2024 CITY OF SAVANNAH ZONING BOARD OF APPEALS

Members Present: Stephen Merriman, Jr., Chair
Michael Condon, Vice-Chair
Karen Jarrett
Betty Jones
Stephen Plunk
Armand Turner

MPC Staff Present: Edward Morrow, Current Development Services Director
Brad Clements, Current Development Contract Planner
Anna B. McQuarrie, Special Projects & Transportation Planner
Nykobe Richardson, Development Services Tech Intern
Mary E. Mitchell, Administrative Assistant
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

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

NOTE: The Chair, Mr. Stephen Merriman, Jr., does not vote unless there is a tie.

Mr. Merriman called the meeting to order at 10:00 a.m. He explained that this is a quasi-judicial proceeding. All those wishing to give testimony during these proceedings were asked to please sign in. They were sworn in by Mr. Merriman. He explained that all proceedings of the Savannah Zoning Board of Appeals are recorded. Decisions of the Savannah Zoning Board of Appeals are final. Challenges to the decisions of the Savannah Zoning Board of Appeals must be filed through the Superior Court of Chatham County.

II. Invocation and Pledge of Allegiance

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

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

III. Notices, Proclamations and Acknowledgements

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

[3. Items Requested to be removed from the Final Agenda](#)

V. Item(s) Requested to be Withdrawn

VI. Approval of Minutes

[4. Approve February 22, 2024, Meeting Minutes](#)

🔗 [February 22, 2024 Meeting Minutes.pdf](#)

Motion

The Savannah Zoning Board of Appeals does hereby approve the February 22, 2024, Meeting Minutes.

Vote Results (Approved)

Motion: Stephen Plunk

Second: Betty Jones

Stephen Merriman, Jr. - Abstain

Karen Jarrett - Aye

Michael Condon - Aye

Stephen Plunk - Aye

Betty Jones - Aye

Armand Turner - Aye

VII. Approval of Final Agenda

[5. Approve the Final Agenda](#)

Motion

The Savannah Zoning Board of Appeals does hereby approve the Final Agenda.

Vote Results (Approved)

Motion: Stephen Plunk

Second: Michael Condon

Stephen Merriman, Jr. - Abstain

Karen Jarrett - Aye

Michael Condon - Aye

Stephen Plunk - Aye

Betty Jones - Aye

Armand Turner - Aye

VIII. Consent Agenda

IX. Old Business

X. Regular Agenda

[6. Pilot Travel Center Sign Variances | 110 Crossroads Parkway | 24-000152-ZBA](#)

🔗 [Summary of Requests.pdf](#)

🔗 [Pilot Sign Plan and Elevations.pdf](#)

🔗 [Variance Letter_.pdf](#)

🔗 [Sec 9.9.11.pdf](#)

🔗 [24-000152-ZBA - Staff Report 110 Crossroads PKWY \(Pilot\).pdf](#)

Mr. Brad Clement presented the Staff report. Mr. Clements explained that the request is for property located at 110 Crossroads Parkway at the intersection of I-95 and Jimmy DeLoach Parkway. The current zoning is B-C (Community business). The future zoning is I-L (Light Industrial). The sections of the Ordinance related to this petition are Sections 9.9.11, 9.9-2, and 9.9-3 Signage. He stated the Petitioner's is a Pilot Gas Station with a food vendor on premises. This development would have gone through a DRI because of the number of associated diesel pumps.

Mr. Clement stated that the location of the parcel has some advantages and disadvantages due to the topography of the parcel as it is adjacent to the interstate highway, it is at a lower level than the road surface of Jimmy DeLoach Parkway and the approaching I-95 traffic, which is the nature of one of the requests. As it relates to Sign A, he believes that per the exhibits presented to the Board, they have a copy of the Signage Plan. Sign A is the Claron type sign that would be seen from the roadway and the Petitioner is requesting for an additional 20 feet of height for that sign. The rationale for this request is to overcome the topography, the land where the sign will actually sit is lower than the adjacent land. Mr. Clement stated 20 feet is a reasonable request; however, they are also asking for an increase in total sign area.

Mr. Clement stated that Sign B are monument signs which identify the food vendor, gas prices and the nature of the business. The Applicant is requesting a variance here to increase the total height and sign area of these as well. The Petitioner is asking for an increase in signage and a variance in the Gas Pump canopies sign. The maximum allowable signs around the canopy over the fuel pumps is two. The Petitioner is asking for four signs along the diesel pumps and regular gas pumps. Therefore, they are asking for several variances to accommodate just about every major aspect of the signage.

Mr. Clement stated that the variance shall be consistent with the intent of the Ordinance and the Comprehensive Plan and shall not be injurious to the neighborhood. All of this is commercial business and will be industrial. The special conditions and/or circumstances exist which are peculiar to the land, buildings, or structures. Mr. Clement stated again that the lot sits at a lower grade than the adjacent road. Thus, causing the variance request to be reasonable. It is true that special conditions and or circumstances do not result per actions of the Petitioner, except for the asking of a larger than allowable signs. The special conditions and/or circumstances are not purely financial in nature so as to allow the Petitioner to use the land, buildings or structures involved more profitably or to save money. The Petitioner would benefit from the requested variance if approved because it increases the signable area, and there is a direct relationship to what is being requested. Mr. Clement stated the literal interpretation of the regulations would deprive the Petitioner of rights commonly enjoyed by other properties in the same zoning district. He stated that Staff found none. If granted, is the minimum variance necessary to make possible the reasonable use of land, buildings, or structures. Mr. Clements said that while Staff does not find the request to be injurious, they are excessive as they exceed the measurable area height and the allowable number of signs in every major aspect.

Mr. Clement stated that based upon the variance criteria that he just read, Staff recommends approval of the requested variance as it relates to Sign A for an additional 20 feet in overall height of the sign for the reason noted. Or for an additional 180.7 Square feet in Sign area. Therefore, if it is taller or larger it overcomes the burden presented by the grade of the land, both as an excess of what is required. He said as related to Sign B, because it is addressed on Crossroads Parkway and not on Jimmy DeLoach or I-95, the monument sign that displays gas prices, etc., for the ease of drivers to identify visual prices of gas, it seems reasonable.

Mr. Clement said Staff recommends denial of the request to increase the drive-through sign. The Petitioner's rationale for this is they indicated this because that is the size of the sign; but the food vendor makes this the smaller sign available. Staff found no indication that this is the case, but they added the following conditions: If evidence can be presented that a drive-through sign to be constructed for the food vendor cannot be acquired or constructed in a conforming configuration, Staff may approve the minimum size variance necessary to facilitate the installation of the necessary sign. Mr. Clement entertained questions from the Board.

PETITIONER
COMMENTS

The Petitioner, Mr. Collin McCosh was not present.

The Board continued the petition to the April 25, 2024, meeting.

Motion

The Savannah Zoning Board of Appeals does hereby continue this Petition to the April 25, 2024, meeting due to the Petitioner not being present at today's meeting.

Vote Results (Voting)

Motion: Karen Jarrett

Second: Betty Jones

Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Aye
Michael Condon	- Aye
Stephen Plunk	- Aye
Betty Jones	- Aye
Armand Turner	- Aye
Stephen Merriman, Jr.	- Not Voted
Karen Jarrett	- Not Voted
Michael Condon	- Not Voted
Stephen Plunk	- Not Voted
Betty Jones	- Not Voted
Armand Turner	- Not Voted

[7. Re-establishment of a nonconforming use | 1201 E 56th Street | 23-005658-ZBA](#)

🔗 [Staff Report-1201 E 56th St-em.pdf](#)

🔗 [AERIAL-SITE MAP 23-005658-ZBA.pdf](#)

🔗 [Application_.pdf](#)

Mr. Edward Morrow presented the Staff report. The Petitioners, Mr. Anthony Wayne Noha and Ms. Kimberly G. Boan, are requesting a variance to reestablish a nonconforming use at 1201 East 56th Street. Mr. Morrow entered the Staff report into the record.

Mr. Morrow stated that this petition was previously heard by the Board at the end of 2023 for the purpose of reestablishing a nonconforming use on this parcel. At that time, it was understood by Staff that the request was to reestablish a nonconforming landscaping business. The property is residentially zoned. He displayed the parcel on the screen and indicated that the red line denoted the TC-2 zoning line. Mr. Morrow stated that across the street, there are some commercial uses an outdoor storage, it does appear to look a little more industrial y. At some point since 1981, this property evolved into something that began to look commercial. The structural was slightly modified, but at the point the Zoning Map was readopted, the property retained a residential zoning. Therefore, this is a residential single-family zoned parcel. The structure has been slightly modified to reflect the fact that it has commercial modifications. Mr. Morrow said today what he hoped to accomplish is that they will reconsider this in light of the fact that perhaps there was an error in understanding and reclassify the given use of the requested use as it is something that is commercial in nature, but only to the extent that it is truly an office extended use with some large accessory storage spaces that have been constructed extending from the original dwelling and adjacent to the original dwelling within the yard.

Mr. Morrow displayed the zoning map that showed the permitted uses within the RSF-5 Zoning District. He said this seems somewhat to be some type of home occupation type-type use that might have outgrown itself. Mr. Morrow stated that nowhere in this zoning district does it allow things that are more a commercial use. They have some notes regarding the actual additions and expansions themselves and the fact that the use fell out of continuous use in 2021 during the time that the unit was being rehabilitated and at that time a business license was not able to be obtained. He stated that from the street some additional accessory structures that have been added are visible. Mr. Morrow said Staff took some time to actually observe the

site. He provided the Board with a view of the property from 2022 and a current view which shows, a clear fence that is somewhat on the back side; and a little bit of outdoor storage. Mr. Morrow said as he mentioned earlier, these are the outdoor type of elements that are across the street in the TC-2 zoning district. This was just to give the Board some context on where this is happening.

Mr. Morrow said Staff recommends approval of the request variance to reestablish the nonconforming use with the following conditions: that this shall be an office use with the storage only to occur within the existing accessory structure and no future expansion of the existing structures are modification, except with the intent that this be returned to the use of the present zoning district, which is residential single-family; and finally that the site should be actually screened to obscure of any of the site's contents from any public rights-of-way. Mr. Morrow entertained questions from the Board.

PETITIONER COMMENTS

Mr. Anthony Wayne Noha came forward and stated that he believes that there was a misunderstanding the last time he was before the Board. They only wanted office space. He said during that time, he specified "landscape" because this is what the space was being run for at that time. They do not want to change the property. They went out to the property last week. He has a video that he can show the Board. Mr. Noha said he met with the neighbor who was pleased with their request. He asked the neighbor if he had any problems with their request and the neighbor told him that he did not have any problems with the request. The neighbor asked him if they would be cutting down the two small trees that are growing in the fence. Mr. Noha told the neighbor that he had no problem cutting down the small trees. As soon as they cut the small trees down, they will order the mesh and will cover the back fence. They are not requesting any changes to the property. It has been the same since 1981.

Ms. Jarrett asked Mr. Noha that the mesh he is putting on the fence, "is it going to be fastened at the bottom?" Will there be a way to ensure that it remains fastened at the bottom and does not flap around in the wind?

Mr. Noha answered that he will do his best to ensure that this happens.

Mr. Condon asked Mr. Noha that along with what Ms. Jarrett said, has he given thought to a weave?

Mr. Noha answered that if the Board looks at the picture, there is approximately four large trees that are ingrown into the fence. He believes it would be more effective if they put the hard mesh there.

Mr. Condon said he believes this would be fine just as long as the property does not become for sale.

Mr. Noha ensured the Board that the property will not become for sale. He will visit the neighbor again and will tell him to let them know if this becomes a problem. Nonetheless, Mr. **Noha** said he will keep checking on this.

PUBLIC COMMENTS

None.

BOARD DISCUSSION

The Board had no further discussion.

Motion

The Savannah Zoning Board of Appeals does hereby approve the requested variance to reestablish a nonconforming use within the Residential Single-Family-5 (RSF-5) zoning district with the following conditions:

- 1) The permitted use shall be "office use" only with storage to occur only within the existing accessory

structures.

- 2) No future expansion of the existing structures or significant modification shall be permitted, except in conformance with the zoning district and permitted uses.
- 3) The site shall be screen to substantially obscure view from public rights-of-way.

Vote Results (Approved)

Motion: Armand Turner

Second: Betty Jones

Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Aye
Michael Condon	- Aye
Stephen Plunk	- Aye
Betty Jones	- Aye
Armand Turner	- Aye

8. Side Setback Variance | 823 Joe Street | 24-001082-ZBA

🔗 [STAFF REPORT 24-001082-ZBA - 823 Joe Street Relief from Variance Condition.pdf](#)

🔗 [Application_.pdf](#)

🔗 [AERIAL-SITE MAP 24-001082-ZBA.pdf](#)

Mr. Edward Morrow presented the Staff report. The Petitioner requests relief from a condition applied to the granting of an earlier variance (23-006303-ZBA) at the January 26, 2024, meeting. Mr. Morrow explained that in the initial petition the foundation of the particular home was laid in a slanted manner. This meant that the home was not conforming with the required setbacks of the zoning district. Therefore, at that time, the Staff recommended approval of a variance to give relief of this after-the fact variance. The Board granted approval. In the course of that approval, a condition was added by the Board at the request of an adjoining neighbor that the HVAC mechanical unit be placed at the rear of the subject property. Mr. Morrow said during the hearing of the petition, he sat next to the Petitioner and asked him if he was okay with the condition. Mr. Morrow said that he was not sure whether the Petitioner understood him, but nevertheless, they are here today to reevaluate the requirement that was placed by the Board at the January 26, 2024, meeting, which was that HVAC unit not sit within the three foot side setback of the home and that it be required to be placed at the rear of the home.

Mr. Morrow a requirement of the Zoning Ordinance is that mechanicals and a number of other things that are not structured, but they are extensions of the structure, itself, that may not be place within three feet of the side yards. This is a completely separate Ordinance provision within the measurements section. In essence, it was determined from the Petitioner that the equipment is approximately three feet wide, and there is as is/as was approved that only three feet are between the property line and the house. So, ultimately, the Petitioner's request is that the condition be removed. Mr. Morrow entered the Staff's report into the record.

Mr. Morrow displayed a picture of the home that is already built. The HVAC mechanicals have not been placed yet, but at the time of the previous hearing, the home was already built. Therefore, it was after-the fact. But the request today is not after-the-fact. A diagram showing the requested side setback was displayed. Mr. Morrow said this was actually from the building plans that were approved, which a site plan would not actually show the mechanicals. Therefore, this is not something that they would have seen previously. He showed the Board the area where the HVAC unit cannot be placed based on the regulation.

Mr. Morrow said Staff recommends denial of the request for relief from the conditions of the variance to place the mechanical system to the rear of the dwelling, and by extension, from the requirements of Section 4.3.3.a. iiii of the Zoning Ordinance. He explained that the eaves extend into the space that was not permitted for them to encroach into. Mr. Morrow said Staff recommends approval for the relief for the side yard encroachment of the eaves as built. He entertained questions from the Board.

PETITIONER

COMMENTS

Mr. Damon Milton asked what was the reason that the HVAC unit cannot be placed on the side.

Mr. Condon, explained to Mr. Milton that there is a requirement that none of the mechanicals can be placed within the side setback. The house, itself, actually sits in the side setback. Therefore, he is getting a variance to allow that because of the mistake allowed in the foundation. Mr. Condon asked Mr. John Anagnost, City of Savannah Planner Zoning Plans Examiner to expound on Mr. Milton's question.

Mr. Anagnost explained that side setbacks are essentially to prevent developments onto another person's property from creating an impact on neighboring property either visually or through the prevention of light and air from passing between the properties. It is really a matter of the quality of life for all the property owners. With the encroachments that are allowed within the Zoning Ordinance are things such as porches, mechanical equipment, and stoops. There is a leeway that is granted for those things because there is an expectation that they will extend from the central portion of the structure of a home, but there are limitations on this as well. Again, for the same reasons, which is probably more oriented towards how those things will be maintained. How would you maintain the piece of mechanical equipment, stoop, or porch without entering your neighbor's property? Therefore, to avoid potential conflict of someone trespassing on someone else's property or having to negotiate some kind of private agreement to use the property every time they want to maintain something, it is better to prevent those conflicts or transaction cost initially by requiring that space be between the developments.

Mr. Milton stated that the setback he needed was near the front of the house. As he said at the last meeting, he has a slanted lot. The entire side is not where he needs the variance. The mechanical where he wants it to be is actually a little more than three feet.

Mr. Morrow told him that he could put the mechanical unit on the opposite side because it was enough room. The HVAC will sit on the property line regardless of whether it sits on the side. But, where the HVAC mechanicals will be placed, there are three feet. However, as the property goes up, is where he loses three feet because of the lot being slanted. He only needs the variance for the front part of the house, which is 1.3 feet. Where the HVAC unit will sit, there is already a variance on the opposite side which is 3.0 feet. This has already been approved by the City.

Mr. Milton stated that he does not know how after-the-fact variances work, but the actual lines have already been installed. The City has already approved this, but the actual mechanical system is not there. The wiring and copper lines are already there, and three feet are here. He asked if they were saying that he needs three feet along this entire side or just in the area where the HVAC unit will be located.

Mr. Morrow answered that he would need six feet.

Mr. Milton asked why he would need six feet. If the City approved that the mechanicals had to be three feet, why would he need six feet.

Mr. Merriman asked Mr. Morrow if the three feet starts counting from where the equipment is located to the property line and not necessarily where the building is located to the property line. So, whatever if yours where it ends, you still must have three feet to the property line. If your building is on the three-foot line, your mechanical or whatever else you put there would be encroaching into those three feet.

Mr. Milton asked why it would work on the other side.

Mr. Condon asked Mr. Milton what other mechanicals he would put on the other side.

Mr. Milton stated that he got an email from Mr. Morrow saying that he could not put the mechanicals where the red line is located, but he could put the mechanicals on the opposite side of the church.

Mr. Morrow showed the Board the diagram and email that Mr. Milton made reference to. He said pointing to an area, that he could have easily put the same thing over here, but this is where they were discussing installing it. It cannot go on the opposite side of this line as it has to go on the opposite side of the red line.

Mr. Milton asked if it could not go on the opposite side.

Mr. Morrow, stated no because there is only three feet. Mr. Morrow stated that Mr. Milton needs six feet here and six feet here for it to work on either side.

Mr. Milton replied that he did not understand that as it was approved by the City of Savannah. Mr. Milton asked what about putting the smaller units on two feet. Will this work?

Mr. Condon answered that it really depends on whether the units would encroach into the three feet setback. But as he understands it according to the diagram, Mr. Milton's house sits on the three feet setback.

Mr. Milton stated that the house does not sit on the three feet setback towards the end of the house.

Mr. Condon explained that if any portion of the house sits on the setback whether it be the front, the back, or the side is immaterial. The overhang sits on the setback.

Mr. Condon explained that the City depends on the contractor to place the house where it is supposed to be placed. So, Mr. Milton's contractor made a mistake and placed the house on the wrong place on the lot. He explained to Mr. Milton that this is what has created his problem. If the house was sitting where it was supposed to be where the City approved it to be sitting, they would not be talking about this today. Mr. Condon asked Mr. Milton what is wrong with putting the air conditioning units behind the house.

Mr. Milton answered that the house was not designed for the units to go on the back. A patio is already there; and you cannot put the HVAC units on a patio.

Mr. Condon stated that you can put the HVAC unit on a patio.

PUBLIC COMMENTS

Ms. Jessica Brown was online. Ms. Brown said her family lives in Joe Lane. She believes that some of her questions were answered during the discussion with Mr. Milton. But she believed she heard that the property is encroaching into the surrounding areas. Ms. Brown said she did not understand this. Is it already on the property line? Will it be approved to go over the property line. She did not understand the encroaching aspect.

Mr. Merriman asked Ms. Brown if she said got clarification during the discussion or does she need more clarification.

Ms. Brown answered that she wants to get more clarification. She is asking questions relative to 830 Joe Lane which is on the opposite side of the home. Ms. Brown said she was trying to understand how much clearance would be at the rear of the home.

Mr. Merriman asked Mr. Morrow to address Ms. Brown's question.

Mr. Morrow explained that the house is wholly contained within the property lines. There is no structure that is actually bring encroached. The other things that they are talking about are the required setbacks. The initial variance was because this particular corner of the home he believes sits 1.7 feet from the property line where three feet are required. What Mr. Milton was explaining that there is a slant. So, as you come back, the rear portion of the home actually sits just over three feet because it is slanted. However, nonetheless, the entire structure is within the boundaries of the property. Everything that they are discussing is spaces where things are not supposed to be located. Mr. Morrow said that the 49.3 feet from the edge of the concrete patio that is indicated, it is well in excess of the required setback for the structure.

Mr. Merriman asked Ms. Brown if the explanation given by Mr. Morrow answered her question.

Ms. Brown answered yes, but she had another question which is pertaining to putting the unit on the patio. Is it possible to build on a commercial property, as she does not know if residential would be the same, to put a platform under the unit so that it would not be on the ground but would still be in the rear of the home.

Mr. Morrow stated that if there were flood concerns, this might be a conversation they would have; however, he does not believe that this particular property is subject to this concern.

Ms. Viola Polite stated that she resides at 829 Joe Street, next door to the Petitioner. Ms. Polite said she raised the concern about the HVAC unit being put on the side of the house. The unit was already adjacent to her property line. According to her deed, the property is not slanted. But Mr. Milton's surveyor is saying that her property is slanted. So, they are trying to tell her that she is encroaching on their property. Ms. Polite said she purchased the property in 1968. Her deed shows that her property line is straight. The Petitioner's

property is one foot from her property line. There are two feet which is a total of three feet here. There was an issue of telephone poles in earlier years. The telephone poles sit between Mr. Milton's property and her property. As she has said, three feet are here, but the two feet are here for the telephone poles. Therefore, the telephone poles sit in the back of her property almost to Joe Lane. Therefore, two feet of the property between the two houses are hers and one foot belongs to Mr. Milton.

Ms. Polite said Mr. Milton believes he can put the HVAC units between the two properties, but he cannot as he only has one foot, and the other two feet are her property. This is the issue. Ms. Polite said they might not be having this issue, because she might have been willing to sell him the space he needs, but Mr. Milton never has talked with her. The only time she sees Mr. Milton is when they come to the ZBA meeting. Consequently, since the beginning of Mr. Milton building a home in their neighborhood, he has not been a good neighbor.

Mr. Merriman stated that Mr. Milton was not present to refute or rebut the public comments as he left the meeting.

BOARD DISCUSSION

Mr. Merriman entertained a motion as the Board did not have more comments.

Motion

The Savannah Zoning Board of Review does hereby deny the request for relief from the conditions of the variance to place the mechanical systems to the rear of the dwelling, and, by extension, from the requirements of Section 4.3.3.a.iii of the Zoning Ordinance, but hereby approve of the relief for the side yard encroachment of the eaves as built.

Vote Results (Voting)

Motion: Michael Condon

Second: Stephen Plunk

Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Not Voted
Michael Condon	- Aye
Stephen Plunk	- Aye
Betty Jones	- Aye
Armand Turner	- Aye

[9. ADU Minimum Lot Area Variance | 114 E 55th Street | 23-005972-ZBA](#)

🔗 [G Taylor Opposition.pdf](#)

🔗 [Map and Site Plan.pdf](#)

🔗 [Staff Report.pdf](#)

🔗 [HPC 114 E 55th Street ADU Review.pdf](#)

🔗 [J McAneny Opposition.pdf](#)

🔗 [Smith Opposition.pdf](#)

🔗 [C Noll Opposition.pdf](#)

🔗 [Perez Opposition.pdf](#)

🔗 [Crystal Opposition.pdf](#)

🔗 [Map and Site Plan.pdf](#)

Mr. Edward Morrow presented the Staff report. This petition was submitted to Staff in December 2023. However, anytime Staff gets a petition to establish an ADU for a property that is within one of the Conservation Districts, it first requires that the Historic Preservation Committee (HPC) review the application prior to being sent to the ZBA Board. He said the scope of the HPC regarding the Conservation Districts has to do with demolition. Therefore, any demolition of a contributing structure is something that would have to be improved by the HPC first. They can always expect to get a recommendation from the HPC as to whether or not to move forward with the variance request for the ADU is appropriate. Mr. Morrow stated that, Staff has received a recommendation that there is to be no historic demolition. Therefore, they are clear to review this petition.

Mr. Morrow said that the Petitioner is requesting a variance to the minimum 125% lot area requirement for an accessory dwelling unit (ADU) in the RSF-6 zoning district at 114 East 55th Street. The parcel is a conforming lot within the RSF-6 zoning district, but it does not have the requisite 125%, which would be 7,500 square feet in order to establish an ADU without any action on the part of this Board. Mr. Morrow entered the Staff's report into the record.

Mr. Morrow displayed the property on the screen. He explained that the proposal is actually to extend an existing carport that was constructed along with the home in 1955. The home has 3,584 square feet. Upon looking at the home, Staff determined that it is unlikely that you would extend this structure because structurally it cannot support a dwelling on top. Therefore, Staff has been careful to ensure that the Petitioner understands that there can be no loss of the existing parking spaces for this quadraplex apartment. It has been mentioned that there is a possibility that one additional parking space can be required. Mr. Morrow said there are two, two-bedroom units there within the quadraplex, and there are two one-bed room units. The proposal is to add one additional ADU, which cannot be in excess of 40% of the principal dwelling unit or 700 square feet in total. He stated that one criterion he wanted to note is that the literal interpretation might not deprive the Petitioner of any rights that are associated with the development, but it is worth noting that ADU's are permitted in TR, TN, and TC districts where you would also expect multiunit structures to be situated. Mr. Morrow said this is context specific and if the Board deems it appropriate, an ADU could be established. This is why there is a minimum of 125% in order to establish it.

Mr. Morrow displayed the quadraplex unit. He said that looking from the lane, the Board can see the structure that is proposed to be extended upward to permit the ADU. He further stated that though not required by Ordinance the Petitioner has suggested that a fifth parking space could possibly be accommodated. Mr. Morrow stated that the Staff recommends approval of the requested variance. He entertained questions from the Board.

PETITIONER COMMENTS

Attorney Joshua Yellin stated that he was present on behalf of the Petitioner, 114CS, LLC. Mr. Stephen Gordon, a local resident, is present also. Attorney Yellin thanked the Board for reviewing their petition and thanked the Staff for the recommendation for approval. He believes that they met with Staff in October 2023, and they submitted their application for review in November 2023. They were originally scheduled to appear before the ZBA Board in December 2023, but at that time, the City realized that they needed to go the HPC for a recommendation of approval first. They went to the HPC in early January, and they were not ready to hear the petition at that time. Therefore, they were continued to the next agenda, but they were not on that agenda. They came back in February 2024 and now they are before the Board today. This has been a six-month process to get before the Board today. Attorney Yellin said he is thankful that the Staff's recommendation throughout this entire process has not changed.

Attorney Yellin said they are recommended for approval to put an accessory dwelling unit behind the existing quadplex. He said the site is unique and a part of the reason they think it is a great site for an accessory dwelling unit is because of the existing carport on the property. For many of these nonconforming quadplexes around Ardsley Park, there is no parking provided. Here in fact, even if parking was not required, under the Ordinance, there are currently four spaces. These four spaces are not being eliminated by today's proposal. This was consciously planned by the architect. Their intent was to go above the carport, preserve the existing four spaces, which is currently used by the tenants. They received a request from the City, even though, accessory dwelling units are not required to provide their own parking, it was discussed if they could provide another parking space at the rear of the site. Attorney Yellin said they answered the City's request

with of course. So, their plans have been redesigned so that the site will now have five units and five parking spaces. He believes that this is wholly unprecedented for similar structures in the vicinity. Therefore, they are not having any impact on parking and this request is the minimum that is required to allow them the ADU. He knows this is new as Mr. Morrow mentioned that they are probably the first application to go through HPC and then come to the Board today, he believes that there might be another item on the agenda similar, but they are certainly not going to be the last. With the City's Accessory Dwelling Unit Ordinance, it now requires that every petition similar to this, which is going to be in the Ardsley Park, Chatham Crescent, and Amor Neighborhood, must go to HPC and then come before this Board for the variance. This Ordinance was adopted last year. This is going to be frequent, and they came that when it came up at the HPC hearing, that these variances should be granted. The intent of the Ordinance revision to even permit this variance in the first place, was to address some of the housing concerns for the City of Savannah is experiencing. Previously, a variance of this sort could not be entertained. It was specifically made that it should be "yes" grant the variance request if you are 125% of the lot area. Attorney Yellin said the housing coalition at the time when they went before the City of Savannah for the Ordinance, they were actually in support of not having any criteria for the ADU request. If your lot was the appropriate lot size, then you should be permitted to build an ADU by right as they know there is pressing need for housing in the City.

Attorney Yellin said they respectfully request that Mr. Morrow's recommendation for approval be approved. Just like any other single-family home in this area that is going to be requesting an ADU, they have met the criteria for a variance. He entertained questions from the Board.

PUBLIC COMMENTS

Ms. Louisa Laird said she is the property owner of 110 East 55th Street. Her house is adjacent to the property at 114 East 55th Street. Ms. Laird said her opinion with this is different than Attorney Yellin as she does not believe that this is a great opportunity. She thanked the Board for allowing her the opportunity to speak to them about to speak to them about the impact she believes this will have on her property and the street.

Ms. Laird said this is not about providing housing for the community. This is about adding another piece of passive income. This will affect parking on their street. It already affects the parking. The property is already being marketed as a short-term rental which has changed their street significantly already. This is a revolving door. Parking is a problem. What she has had to contend with in the five years that she has owned the property is that people parking because parking is already such a premium. There is a great density on their street. Ms. Laird said she believes they have six apartment units already in this one block. It is stunning to them as neighbors that they are going to add another rental in addition to what is already going on. People, particularly, the people next door who are not long-term rentals, park across her driveway. A worker who was working here yesterday, parked across her driveway and her car was in the driveway. This happens a lot. Ms. Laird said she wants to be a good neighbor and does not like conflict, when this happens, she goes door to door knocking to try to find out who has her blocked in. On numerous occasions, she has had to call the police. Sometimes, the police have asked her if she wants the car towed, but she has never allowed the person's car to be towed. Sometimes she gets an Uber. The street is jam packed. Ms. Laird said she wants some limits to be put on this.

Ms. Laird said another thing she wanted to speak on is the loss of privacy. When she bought the property, it was somewhat a derelict property. But she was able to bring the property back; it is beautiful. She loves the street, and she loves her neighbors. Even though she designed her addition so that she would have privacy from the apartments, and they would have privacy from her. But their buildings tower over her property. Now, there is going to be an addition built in the back of the property, which will look over garden. Therefore, she will no longer have privacy. They will also be looking into the back of her kitchen.

Ms. Laird pointed out that the pictures online are not accurate. The picture on the front of the building is accurate. But what you are looking at in the back of the building is not the actual property. It is the property two doors down. The property that they are actually talking about has a huge oak tree in the lane which will have to be cut in order to accommodate the ADU over the carport. But this is not what the Board has a picture of. They have a picture of a similar property; it looks similar, but it is not the property in question. Therefore, she is worried that the Board has not had an opportunity to really look at what they are talking about and where this is actually going to be built. The property that is being shown is two doors down the street. It is similar, but it is different. This picture makes it look like there is a ton of space and room, but it does not have that much space and room. She said that her carport and her storage area is adjacent to the Petitioner's laundry. Therefore, these buildings will be touching each other. The picture that is being shown is not a representation.

Ms. Molly Taylor stated that she lives immediately behind the facility at 111 East 54th Street. She and her

husband own the property and have lived here 15 years with their two children. The main issue that she wanted to bring up is overcrowding. Cars come in and out of here all the time. Trash cans are filled up. Their trash cans are stolen, and they put their garbage and recycling items in their trash cans. Ms. Taylor said she loves the fact that the City recycles, but the tenants put their trash in their recycling cans. She said that the tenants come and go. There has never been consistency. They have never gotten to know any of them. This is not the Petitioner's fault, but he is only aiming to get more money. It is not to improve or solve the housing problems in our city. The City does have some housing problems. But this is not the way to solve congestion or giving people more opportunities to live in the middle of the City of Savannah. There is definitely not enough room here for five cars. The picture that the Board is looking at is basically the reverse of what is here. The Petitioner property has the tree laundry, a little storage building on the right-hand side if you are standing in the lane looking towards the house, and the five carport slides are here. This is a deeply congested facility. There is barely room to walk between the carport and the house. There is merely room to walk between the carport and the house and there is not much room between the carport and the lane. Therefore, to put another carport, plus a building above that is going to be incredibly congested. Ms. Taylor said she lobby that the Board does not approve the variance.

Mr. Cantrell was online. He said that his family lives at 101 East 54th Street since 1992. They have an issue with the parking as well. Mr. Cantrell said he drives down 55th Street often. It is cluttered just as 54th Street. Every numbered block in their area is cluttered. Adding more cars to this is not the answer. One more parking spot will not accommodate for the answer of additional vehicles that will be at this unit. Furthermore, the overflow will come over to 54th Street. His concern is how can the owners, Attorney Yellin, and the City guarantee that the people are not going to use his property as a thoroughfare to their apartments when they park on 54th Street. This cannot be guaranteed to him; therefore, this is one reason why he is opposed to the request. Mr. Cantrell said he is also opposed to it as Ms. Taylor said. The tenants are not neighborly. He constantly moves their trash cans out of the middle of the lane so that he can drive his vehicle in the lane. His son and wife do the same thing. The construction will cause a large portion of the lane to be blocked off for about six months. He cannot be guaranteed that the boards, nails, bolts, so forth will be picked up that will affect their vehicles as they drive up and down the lane. He has a sixteen-year-old. You cannot see down Abercorn Street clearly. Therefore, he has his son go down Habersham Street. So, while they block off the lane, it will block off egress and ingress to his property. He agrees that this is not to help solve the housing issue in Savannah but is for a more passive income. Their neighborhood highly opposes this addition.

Dr. Geoffrey Taylor came forward and stated that he lives at 111 East 54th Street. Dr. Taylor said he submitted comments in December 2023 when the petition was initially submitted. They have heard a lot of what's happening in their neighborhood. He said what he believes is most compelling is the size of the structure and the massing of the building. The existing carport is lightweight and similar to one that is shown on the screen. It is not of the same condition and its material construction is not substantial enough to contain a second story structure. The second story is a living structure and will be much more a massively enclosed building than what is currently present on the site. When you go up and down 54th Street and 54th Lane, all the outbuildings up and down this lane are garages and other one-story structures. The characteristics of the neighborhood will be significantly altered by the variance if it is approved.

Ms. Taylor said her husband is being low keyed. He is the Dean of Building Arts at SCAD. He is an architect and has significant experience with building structures, appropriateness onsite. She said her husband will not tell the Board this, but she believes it is important for the Board to know where her husband is coming from.

Mr. Merriman invited Attorney Yellin to respond to the public comments.

Attorney Yellin stated that they submitted additional photos that were submitted to the City of Savannah. He agreed with the comments from the neighborhood that the existing carport is nearly identical, but more oriented in the opposite direction for the washer, dryer and the four carports that are on the property.

Mr. Merriman asked Attorney Yellin to please clarify the tree.

Attorney Yellin showed the Board a copy of the actual plans that were drawn by the architect. Therefore, he was not trying to present a facade with the existing carport. He pointed to the drawing of the existing carport and stated that he newly accessory dwelling unit is shown here. It is smaller than the existing covered area. It shows that at the request of the City as well. He knows that Mr. Futrelick was on the line and was concerned that residents would come from his house over here, cut-through. They proposed a walking path so that if a car was parked on the street, that this unit would still have access, have a sidewalk from the street. The comments made about this being short term rentals, is absolutely false as the ad the Board saw on the screen indicated the stay was for 30 days or more. This is the criteria for a short-term vacation rental. Under 30 days, it is an FTDR permit, which is not permitted in this area. Long term tenants are considered 30

days, plus and they are 100% permitted and allowed in this area. Attorney Yellin said he lives further north, and his neighbors are all doing 30-day rentals similar to what was proposed on the ad. Primarily, construction workers and traveling nurses are here and cannot submit to living in an area for a one-year or two-year lease. But they are still going to be here and will be residents. They still need a place to live. Therefore, they look at getting a 30-day renewal. This is still a residence and still a type of needed housing and desire in this area.

Attorney Yellin said he is concerned about this project as it is one of the first example coming before the Board in this Conservation District. He does not believe that any of the arguments presented today will be any different than future arguments that this Board will hear as to why we need more carriage houses and why they need to encourage additional units at each and every parcel around the City of Savannah. He is aware that he has been before this Board arguing for multi-family housing; and some of the arguments he is hearing against this single unit are the same types of arguments that they hear against every single multi-family housing project in the City. They hear we are not going to know our neighbors. There is going to be an increase of trash. There is going to be a parking concern. Attorney Yellin said there is a fear of multifamily that he cannot explain. He has multifamily coming immediately adjacent to him. A carriage house is on his block. But it is what it is. They need to be encouraging more of these units wherever they can. Yes, there is a property owner here who will be making money on this, but he does not believe that this is a criterion here that should be considered. But, with each and every new unit, someone is going to be allowable for that. The housing stock needs to be increased.

Attorney Yellin stated that as Mr. Morrow said, they meet the criteria for the variance. They were slated to be before the Board in 2023 and the Staff's recommendation was for approval. Today, five months later, the Staff report has remained the same. Staff's recommendation is for approval. Despite some of the opposition that he believes is unwarranted in this project, they, nonetheless meet, the criteria for approval under the Ordinance. They are providing more than enough sufficient parking that is required under the Ordinance. They are providing additional parking that would not be required for any other carriage house in the area. Because they believe in this neighborhood project, because it is a good location with an existing structure at the rear of the site and they believe as the Staff that this is an appropriate area and that the request should be granted. He entertained additional questions from the Board.

Mr. Condon asked Attorney Yellin if he would have an issue with the Board making it a requirement of the variance that the additional parking space he said be included.

Attorney Yellin answered no.

BOARD DISCUSSION

Ms. Jones said this is difficult for her. She understands what the community is saying as her community is undergoing the same thing with a building on Bull Street. When they talk about affordable housing, it is not affordable at that point. Ms. Jones said she is not for some of the ADUs, especially in the neighborhoods. She said that \$2,200 a month rent is not affordable for a lot of people, even teachers. She reiterated that this is hard for her as her area is fighting the same thing in her neighborhood. She also understands having people come in and out and you do not know who they are because you do not get a chance to know them. Sometimes the persons are not friendly and sometimes it is an impact on the neighborhoods. Even though this meets the criteria, but sometimes meeting the criteria is not meeting the criteria of the residents who have lived in the area for a while.

Mr. Plunk said that he believes that Attorney Yellin's point is correct as for as the intent of the Ordinance as far as adding ADUs in this neighborhood. But the specific uniqueness of this lot is that most lots in this area do not always have this level of density. In this neighborhood, you have four units already. This one is somewhat unique that you cannot compare it to every other lot in this area.

Ms. Jarrett said her understanding is that City Council unanimously agreed that housing was the number one concern in the community for them. She said she appreciates the issues related to neighbor's transient. She has friends who are traveling nurses, and she knows that those individuals are very respectful of the properties that they occupy, but she knows also that there are a lot of students who use housing like this. They may not be friendly to the residents, but it is a complex issue. Ms. Jarrett said she appreciates the argument on both sides.

Mr. Turner said he definitely understood the neighbors' concerns. But he also understood that the persons who utilize rental are essential to our communities and essential to our City as a whole and they need somewhere to live. If they have the opportunity to supply them with some form of housing, even though it

may not be the greatest solution, he believes they need to take advantage of it.

Motion

The Savannah Zoning Board of Appeals does hereby approve the variance as requested with the addition that the extra parking space as stated be provided at 114 East 55th Street.

Vote Results (Approved)

Motion: Michael Condon

Second: Armand Turner

Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Aye
Michael Condon	- Aye
Stephen Plunk	- Nay
Betty Jones	- Nay
Armand Turner	- Aye

10. Front Setback Encroachment Variance | 815 Bowden Street | 24-000981-ZBA

🔗 [Application_.pdf](#)

🔗 [Staff Report.pdf](#)

Mr. Edward Morrow presented the Staff report. The Petitioner, Mr. David Cross, is requesting a variance from the minimum front yard setback of 20 feet in the RSF-5 (Residential Single-Family-5) zoning district to construct a carport attached to his home. It extends to the front property line located at 815 Bowden. Mr. Morrow entered the Staff's report into the record. Mr. Morrow displayed the existing home that is situated on a lot that measures approximately 15,000 square feet and contains 4,687 square feet single-family home originally constructed in 1948 and was improved as recently as 1985. The present action is likely the result of Code Enforcement action as the carport is under construction. He stated there are several existing carports in the area. Three other homes on the subject block that have carports. One is detached and the other two are attached to the homes. They appear to be relatively aged in construction.

Mr. Morrow stated that the Staff recommends denial of the requested variance to construct a carport that encroaches into the required front yard setback. He stated, however, if the Board is inclined to support the Petitioner's request, that the structure should be unenclosed in order to prevent sight distance issues and to maintain consistency with the existing structures in the area. He entertained questions from the Board.

PETITIONER COMMENTS

Mr. David Cross came forward and stated that he resides at 815 Bowden Street. He submitted an application for a variance change to construct a carport. The area has grown. He moved here in 1976. He wants to install the carport because his mother, who is 97 years old, lives with him. He transports his mother everywhere they go. When the weather is bad, etc., his mother will get wet. But, if he has the carport, it will only take him a minute to get her in the house. Mr. Cross said this is the primary reason he wants the carport.

PUBLIC COMMENTS

None.

BOARD DISCUSSION

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

Motion

The Savannah Zoning Board of Appeals does hereby approve the requested variance to construct a carport that encroaches into the required front yard setback at 815 Bowden Street with the condition that the structure be unenclosed.

Vote Results (Approved)

Motion: Stephen Plunk

Second: Betty Jones

Stephen Merriman, Jr. - Abstain

Karen Jarrett - Aye

Michael Condon - Aye

Stephen Plunk - Aye

Betty Jones - Aye

Armand Turner - Aye

11. Relief from Nonconformity | 402 East 57th Street | 24-001069-ZBA

🔗 [Site Plan.pdf](#)

🔗 [Application_.pdf](#)

🔗 [Staff Report.pdf](#)

Mr. Edward Morrow presented the Staff's report. Mr. Morrow stated that this is a request to construct a wholly conforming addition to a structure that is not conforming just by virtue of the fact that the development standards have changed over time in essence throughout the Ordinances. This petition is one of three that is appears on today's agenda. The address is 402 Est 57th Street. In giving an overview of the home, Mr. Morrow stated that the Petitioner is requesting to construct an addition to a home that was originally built in 1946. It was 930 square feet, and the intent is to add an addition. The exhibit shows that the addition will be 662 square feet. This will result in a 27% lot coverage. Mr. Morrow stated that the addition is conforming in every other way. He entered the Staff report in the record and showed the Board the site plan. The constructed addition will be in the rear of the home. Staff recommends approval of the request. He entertained questions from the Board.

PETITIONER COMMENTS

Mr. Matt Follis, Petitioner for Taylor Investment Ventures, LLC was not present.

Mr. Merriman entertained a motion to continue the petition to the April 25, 2024, meeting.

Motion

The Savannah Zoning Board of Appeals does hereby continue the petition to the April 25, 2024, meeting.

Vote Results (Approved)

Motion: Karen Jarrett

Second: Stephen Plunk

Stephen Merriman, Jr. - Abstain

Karen Jarrett - Aye

Michael Condon - Aye

Stephen Plunk	- Aye
Betty Jones	- Aye
Armand Turner	- Aye

12. Relief from Nonconformity | 215 East 65th Street | 24-000488-ZBA

🔗 [Staff Report.pdf](#)

🔗 [Application_.pdf](#)

Mr. Edward Morrow presented the Staff report. Mr. Morrow explained that the fact of this petition is similar to the facts of the petition for 402 East 57th Street. The parcel is located at 215 East 65th Street. This is a conforming addition of 321.6 square feet with 13.4 feet in width and 24 feet in length. It is wholly conforming with all of the current development standards. It is nonconforming by virtue of the fact that the Ordinance changed. He showed the Board the site plan showing the existing nonconforming portion that has been in place previously.

Mr. Morrow said Staff recommends approval of the request. He entertained comments from the Board.

Mr. Condon asked what changed these conforming additions to nonconforming additions that are coming before the Board now. He said that in the past as long as the addition was conforming, it was not necessary to obtain a variance. He is curious what caused this to take place.

Mr. Morrow stated that as Staff changes over time, just the interpretation of the Ordinance in different ways. He believes this is the cause of it. They have been discussing somewhat of a gap closing measure in order to ensure that it is wholly conforming with the current Standards. .

Mr. Condon agreed, but his concern is that they are adding layers and expense to folks for something that has traditionally been allowed. Thank you for looking into that.

PETITIONER COMMENTS

Mr. Tom Woiwode came forward and stated that he was speaking with his daughter, the Petitioner, Ms. Leslie Woiwode. Mr. Woiwode said he appreciated the question about the application for a variance for a conforming addition to a nonconforming property. Mr. Woiwode stated that they were trying to add an addition to the house. His daughter is pregnant and, therefore, they have a timeline. When the addition was added, they wanted to also enclose the carport which was added in 1988. It is a 1-foot setback from the lot line. There are approximately 10 feet between the lot line and the other house. When they applied, he thought they would have to get a variance. But in order to expedite this process, let's leave that off of it and just do the back conforming area and move forward.

Mr. Woiwode said a permit was issued and as soon as they started the footing, the permit was put on hold because, although this portion they are building now does not affect the nonconforming portion of the home. As it is a nonconforming home, the entire project is looked at and is requiring a variance. He said this was the interpretation. So, they pulled off the intent to enclose the carport, which would be an addition of three walls straight down under the slab.

Mr. Woiwode said they are present seeking relief on the conforming portion of this nonconforming property. While they are here, they are seeking approval to enclose the carport as well. He wants this to be included in the motion. He said they support the Staff's recommendation for approval. If they have to comeback for the closing of the carport is fine. But as they are here today, if the carport could be added, it would be fine.

Mr. Merriman asked Mr. Morrow if enclosing the carport was not included in the application.

Mr. Morrow answered that the carport was not included in the application.

Mr. Merriman said the carport has not had its chance to go through due process of public notice.

PUBLIC COMMENTS

None.

BOARD DISCUSSION

Mr. Merriman said the carport seems straight forward, but it is out of order with the process as it needs to go through the channels.

Mr. Morrow said the carport would need to wait until the next cycle and be advertised. He said that the applications are received by the City. Therefore, Mr. John Anagnost could speak specifically to the fees, etc.

Mr. Merriman said the carport needs to come back to the Board as a separate petition.

Mr. Woiwode said they will accept what they can get now.

Mr. Merriman entertained a motion as the Board had no further discussion.

Motion

The Savannah Zoning Board of Appeals does hereby approve the requested variance to grant relief from nonconformity for an existing nonconforming dwelling at 215 East 65th Street.

Vote Results (Approved)

Motion: Karen Jarrett

Second: Michael Condon

Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Aye
Michael Condon	- Aye
Stephen Plunk	- Aye
Betty Jones	- Aye
Armand Turner	- Aye

[13. Relief from Nonconformity | 812 East 31st Street | 24-000448-ZBA](#)

📎 [Staff Report.pdf](#)

📎 [AERIAL-SITE MAP 24-000448-ZBA.pdf](#)

Mr. Morrow presented the Staff report. Mr. Morrow stated that this petition is the third matter of a similar nature to the other two petitions. The Petitioner is requesting relief from a nonconformity for an existing nonconforming dwelling to permit construction of a conforming addition at 812 East 31st Street. He displayed the aerial map showing the parcel lines. Mr. Morrow entered the Staff's report into the record.

Mr. Morrow stated that the structure was built in 1915 with renovations occurring in 1985. On one side, the dwelling is situated just over three feet from a side property line where New ZO now requires 5 feet. He said the site plan shows the encroaching portion which is causing the petition to be before the Board. Mr. Morrow said Staff recommends approval of the Petitioner's request. He entertained questions from the Board.

PETITIONER COMMENTS

Mr. Kashka Scott, Agent for Natisha Harris, was online. Mr. Scott said they are requesting relief from a nonconformity addition for an existing nonconforming dwelling to permit construction of a conforming addition. The NEW ZO requires five feet, but they are just over three feet.

PUBLIC COMMENTS

None.

BOARD DISCUSSION

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

Motion

The Savannah Zoning Board of Appeals does hereby approve the relief from nonconformity for an existing nonconforming dwelling to permit construction of a conforming addition at 812 East 31st Street.

Vote Results (Approved)

Motion: Betty Jones

Second: Michael Condon

Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Aye
Michael Condon	- Aye
Stephen Plunk	- Aye
Betty Jones	- Aye
Armand Turner	- Aye

[14. Variances to Development Standards of RSF-5 District | 1417 New Castle Street | 24-000734-ZBA](#)

📎 [Application_.pdf](#)

📎 [AERIAL-SITE MAP 24-000734-ZBA.pdf](#)

📎 [Staff Report.pdf](#)

Mr. Morrow presented the Staff report. The Petitioner, James Naeem Gardner for Gibraltar Contracting, LLC, request relief from the Development Standards of Section 5.7.5 and 4.3.3.a.i to construct a new dwelling at 1417 New Castle Street. The original dwelling that was on the lot was built in 1940 but is now demolished. The request is to construct a new home that exceeds the current allowable dimensions using much of the existing footprint. The Petitioner wants to use as much of the original foundation/space that the demolished home occupied. However, the proposed house will go beyond that. There are four variances that were requested in association with the construction. He said three feet are needed for the relief on the left and right-side yard setbacks, five feet are required; the front yard setback to be average of existing structures to the right of the proposed dwelling; in essence, this would be 14 feet; a five feet relief to increase permissible lot coverage to 45% (40% maximum); and a variance to the eaves to permit the eaves to encroach within the required three feet setback from the property lines.

Mr. Morrow entered the Staff report into the record. He said that he spoke with the Petitioner and explained that it would have been better for him to speak with the Staff beforehand. The proposed site plan, along with other issues that Staff identified is that it did not include any provisions for off-street parking which is required at this location. He displayed the site plan, which showed the proposed new lay-out dwelling versus the demolished dwelling. The expansion is sitting more or less in the same place. He said the Petitioner did demolish the home. And as the Board can see, the new home is sitting here, and work has begun on it. However, it would have been better if it was redesigned with something that is conforming, given that the home was demolished. Mr. Morrow said Staff recommends denial of the requested variances for the proposed new construction dwelling. He said the Petitioner voiced an interest in potentially withdrawing the petition, but he has not heard from him relative to withdrawing the petition.

Mr. Merriman asked Mr. Morrow if the building will sit in the original footprint and expand towards the rear.

Mr. Morrow answered yes.

Mr. Merriman said the proposed expansion is toward the rear.

Mr. Morrow answered yes. This is a nonconforming parcel within this zoning district, but this is not something that would prohibit him from constructing. This is not in essence, a hardship. The Petitioner wants to build a new structure and it could be designed within the constraints of the current home that was here.

Mr. Plunk said to be clear, no parking is in the Petitioner's site plan, but parking is required here. Even if the Board approves the petition today, the Petitioner will need to come back for a second variance if he seeks to build the house without parking as it is not included in this request. Right?

Mr. Merriman asked if there is a public right-of-way to the rear of this property such as an alley or a lane.

Mr. Morrow answered no.

Mr. Merriman asked if the property adjoins someone else's property.

Mr. Morrow corrected his answer regarding the public right-of-way and clarified that the public right-of-way here is not accessible.

PETITIONER COMMENTS

Mr. James Gardner said he appreciated Mr. Condon's earlier comments about the nonconforming lots. They are doing some units in other places where the proposed addition meets the required setbacks, but when it comes to zoning, sometimes they must come before the Board. Sometimes it is costly and time consuming as well to get what is needed done.

Mr. Gardner said regarding this property, the issue they ran into was they wanted to leave 75% of the wall standing so they could continue the entire footprint. They applied for a demolition permit as they just wanted to look at the bones of the place to see where they were. But, just as some of the other old building, it was block and not wood frame. Therefore, they were not able to just gut it and look at everything. They were just removing some of roofline, wanting to go through it; however, a lot of the concrete foundations are cracked, and the walls are cracked. They really just wanted to maintain the footprint, but as opposed to some of the other jobs, once they do a certain amount of a percentage of new construction or reconstruction, update the plumbing and the electrical, but now there is a problem updating the structure. They did not want to apply three or four coats of paint on the block wall that is already wavering. Therefore, as it was already leaning, they decided to leave the footprint of the foundation and take the walls down before they fall. Or some children could be out there playing, which they often do on New Castle Street, inside the structure and something falls. Mr. Gardner said the intent was not to completely demolish the home completely. The intent was to leave the walls standing, about 75% and then go back with the construction. But in order to make it constructional sound and livable, at some point they would want to certainly go back and redo the foundation, bring it up to the current building code, redo the structure of the entire building, and bring it up to the current building code.

Mr. Gardner said, although, they may not be able to go back with the existing two feet footprint, they would like some leniency on being able to give the owner a more usable and livable house. The initial footprint was approximately 1,050 square feet. They wanted to add something to the rear. If they can maintain the existing to two feet and bring it in some, they would like to get it to 1,200 square feet or 1,300 square feet. They are trying to build a quality, affordable housing, but they also want it to be structurally sound so that the house will last long after they are gone. They would love for the lane in the back to be opened. It should be accessible, but it is not. Maybe it is a utility lane. In this area, you don't see houses with off-street parking. Therefore, they just believed that they were on-street parking just as everyone else.

Mr. Gardner said their thought pattern was if they cannot go back to the existing footprint, they would have to redo the foundation. A new concrete foundation built to code, rebar, and restructure everything. They want to make something structurally sound and affordable.

Mr. Plunk stated Mr. Gardner brought up the issue with duplicating cost and having bureaucratic issues. It looks to him that Mr. Gardner would need to get a second variance request for no parking since it is not included in their plan. Mr. Plunk suggested that rather than the Petitioner come back before this Board, pay a second fee, etc., they may want to continue their hearing today and add on the parking. Regardless of what happens today, the Petitioner would have to come back, and this would require another application fee. This might also give the Petitioner time to work with Staff and maybe meet them in the middle so that when they come back, they might have a recommendation of approval from the Staff instead of a recommendation of denial. Mr. Plunk said the choice is the Petitioner's. He could not tell him how the Board will vote today, but this is just his personal recommendation that might save some money and time.

Mr. Condon stated that along with what Mr. Plunk said, the other thing he recommends that the Petitioner consider (he is familiar with New Castle Street and knows the neighborhood) the density here and the proximity of the houses, it might behoove the Petitioner to try and fit within the New Zo setbacks. If they are going to resell the property, they will have an issue that there are approximately four feet between these houses. Mr. Condon said he believes it would be better presented if more light is in the houses, etc. The reason New ZO exists, and John Anagnost did a great job earlier in the meeting explaining this. He told Mr. Gardner that they need to try and ensure that there is air and light in-between houses. This is an important thing for quality of life. Mr. Condon suggested that the Petitioner might want to consider this with his final plan. He said that with today's purpose, the Petitioner might want to request a continuance and then come back. Maybe the Petitioner might need an overhang variance. Maybe when the Petitioner take the foot off each side to fit where you supposed to be, you might fall within the 40% coverage.

Mr. Gardner asked Mr. Anagnost that if they come back saying that they want to sit on the five-foot setback, would they need a variance for the eave or is it the five-foot setback to the building footprint.

Mr. Anagnost answered that eaves are allowed to encroach into the side setback as long as they are at least three feet from the property and his would allow two feet to work with.

Mr. Gardner said they have this. But his next question is to Mr. Morrow and Staff. What if they redesign the home; come with the five-foot setbacks. They do the parking. Is there a need for them to come back before the Board for parking?

Mr. Merriman explained that as long as they maintain the side yard setback.

Mr. Gardner said they should be fine because they are doing the law of average on the front of the house. If they go this route and pull everything and do it this way, then they do not need to come back to this Board. But, if they go the other route, they will come back to the Board for the parking.

Mr. Merriman informed Mr. Gardner to be sure that they have everything. If they come back for the parking and need something else, they can get it all at once.

Mr. Condon directed Mr. Gardner to work with Mr. John Anagnost.

Mr. Merriman asked Mr. Gardner if his assumption was correct that he is wanting to accept a continuance.

Mr. Gardner answered yes. He said they will discuss with Mr. Morrow whether they want to withdraw the petition. Mr. Gardner said they are requesting a continuance.

Mr. Merriman entertained a motion for the continuance of this petition.

Motion

The Savannah Zoning Board of Appeals does hereby approve to continue this petition as requested by the Petitioner to the meeting of April 25, 2024.

Vote Results (Approved)

Motion: Michael Condon

Second: Betty Jones

Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Aye
Michael Condon	- Aye
Stephen Plunk	- Aye
Betty Jones	- Aye
Armand Turner	- Aye

🔗 [AERIAL-SITE MAP 24-001075-ZBA.pdf](#)

🔗 [Sketch Site Plan_.pdf](#)

🔗 [Staff Report.pdf](#)

Mr. Edward Morrow presented the Staff report. Mr. Morrow stated that this request is in relation to a proposal to develop some accessory structures in the RSF-6 (Residential Single-Family 6) zoning district at 315 East 56th Street. The petitioner requests relief for a freestanding shed (accessory structure). He stated that the Petitioner is requesting four feet relief for the side yard setback requirement of five feet, and 1-foot relief for the rear yard setback adjoining 56th Lane. Mr. Morrow displayed the parcel and pointed out the intended location of the accessory structure. He entered the Staff report into the record.

Mr. Morrow said this is a conforming parcel within the RSF-6 zoning district. The original dwelling was constructed in 1935 and reflects updates and modifications dating back to the 1980s. A rear left addition, not within the scope of this petition, may have a nonconforming side setback. But this is not a request to expand a nonconforming addition. The proposed site plan indicates the intent to site a freestanding shed that is 500 square feet in area measuring 20 feet x 25 feet with a rear setback of 4 feet off of East 56th Lane and a side setback of 1 foot on an interior side. Mr. Morrow showed the Board the proposed layout of the site, the proposed accessory building, and the home.

Mr. Morrow stated that Staff recommends approval of the requested variances for relief from side and rear yard setbacks for an accessory structure. He entertained questions from the Board.

PETITIONER COMMENTS

Mr. Jon Kieon, homeowner, came forward. Mr. Kieon said there will be a garage and they will access it through the alley, but he should have indicated this along with his request.

Mr. Merriman told Mr. Kieon that he was going to ask him if it would be accessible.

Mr. Kieon said yes, it will be accessible from the lane.

PUBLIC COMMENTS

None.

BOARD DISCUSSION

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

Motion

The Savannah Zoning Board of Appeals does hereby approve the requested variances for relief from side and rear yard setbacks for an accessory structure at 315 East 56th Street.

Vote Results (Approved)

Motion: Armand Turner

Second: Betty Jones

Stephen Merriman, Jr. - Abstain

Karen Jarrett - Aye

Michael Condon - Aye

Stephen Plunk - Aye

Betty Jones - Aye

Armand Turner

- Aye

16. Accessory Structure Variances | 505 East 65th Street | 24-001070-ZBA

🔗 [SketchUp Models.pdf](#)

🔗 [Application_.pdf](#)

🔗 [Staff Report.pdf](#)

Mr. Edward Morrow presented the Staff report. Mr. Morrow stated that the Petitioner proposes to build an accessory structure and an accessory dwelling unit in the rear yard if the existing principal dwelling on the lot at 505 East 65th Street. The Petitioner is requesting 114 square feet increase to 504 square feet total to the maximum permissible floor area for an accessory structure, and a permit to allow an accessory structure to exceed the height of the principal building in a residential zoning district. The home was constructed in 1950 and reflects updates and modifications dating back to 1980. It is 975 square feet home. The proposed garage, 504 square feet in area, will be required to meet 5-foot side and rear setbacks. He said that the parcel is in excess of 125% square foot minimum to establish an ADU on the lot. This is not an issue today. Mr. Morrow said that an addition of these ADUs will not cause the property to exceed the maximum permissible lot coverage for the zoning district. He entered the Staff report in the record.

Mr. Morrow showed the Board a sketched model of the proposed structures. He said that garage has a loft above and an outdoor area is here. Mr. Morrow stated that Staff recommends approval of the requested variances for relief from side and rear yard setbacks for an accessory structure. He entertained questions from the Board.

PETITIONER COMMENTS

Ms. Tara Garrigan and Ms. Joye Reno came forward. Ms. Garrigan stated that the requested variance is based on the height and the patio. They are looking to acquire more space. She operates a business from home, and it is growing. Ms. Reno said to clarify the overage and the footage, the actual footprint of the two buildings meets the required square footage. It is the overhang of the porch and the loft space within the floor plan of the garage. This square footage, even though it does not increase the footprint on the property, it is included in the 40% maximum. The height of the suite home is just over 14 feet in overall height. Therefore, in order to get the loft space and the garage floor clearance, they are requesting a variance.

Mr. Merriman asked if the front drawing is the addition.

Ms. Reno explained that they are proposing two structures. They are proposing a structure with an overhang, the side porch; it is a garage and within the garage space is a loft, and that's a requirement for the additional height. The building on the right is the ADU.

Mr. Merriman asked if the primary structure on the exceeds the height of the building with the loft.

Ms. Reno answered no, the primary structure is only 14 feet high.

Mr. Merriman asked Mr. Morrow if the Petitioner would need a variance for this.

Mr. Morrow stated that two variances are requested.

Mr. Condon asked Mr. Morrow for the record, that the Petitioners do not need a variance for the ADU, they need the variance for the garage. Is this correct?

Mr. Morrow answered that's correct. He said that both are in association with the garage.

PUBLIC COMMENTS

None.

BOARD DISCUSSION

Ms. Jarrett said she was a little uncomfortable with the height.

Mr. Merriman entertained a motion as the Board had no further discussion.

Motion

The Savannah Zoning Board of Appeals does hereby approve the requested variances for relief from side and rear yard setbacks for an accessory structure at 505 East 65th Street.

Vote Results (Approved)

Motion: Betty Jones

Second: Armand Turner

Stephen Merriman, Jr. - Abstain

Karen Jarrett - Nay

Michael Condon - Aye

Stephen Plunk - Aye

Betty Jones - Aye

Armand Turner - Aye

17. Nonconforming Expansion of a Dwelling | 211 East 55th Street | 24-001072-ZBA

🔗 [Staff Report_.pdf](#)

🔗 [AERIAL-SITE MAP 24-001072-ZBA.pdf](#)

Mr. Edward Morrow presented the Staff report. The Petitioner is requesting relief from the required side setback of 5-feet for an existing nonconforming dwelling in the RSF-6 (Residential Single-Family 6) zoning district. The intent is to improve the dwelling in a manner requiring a minor expansion of the nonconformity. The extension of an existing wall will permit improvements to one of the home's existing bedrooms. Mr. Morrow entered the Staff report into the record.

Mr. Morrow said this is a 5,400 square foot lot and is a nonconforming parcel and has a 45-foot frontage. The subject parcel is in the Ardmore Conservation District. The home on the lot is 1,454 square feet and was constructed in 1923 with modifications and updates as recently as 2000. The submitted floor plan indicates the encroaching wall and nonconforming expansion lies approximately 1-foot inside the required 5-foot side yard setback. The addition will be an expansion of a bedroom and a continuation of the existing footprint of the home.

Mr. Morrow displayed the site plan of the proposed layout of the expansion. He pointed out the encroachment area as shown on the site plan. Mr. Morrow said that Staff recommends approval of the requested relief to construct a minor nonconforming expansion of the existing dwelling. He entertained questions from the Board.

Mr. Condon asked Mr. Morrow if the area shown in the blue color on the site plan is what is existing now.

Mr. Morrow answered no. The blue color denotes the proposed expansion.

Mr. Condon said, therefore, this entire area slides because it wants to lineup to be true to the historic nature of the home. It wants to lineup with the other piece as this puts it in the setback.

Mr. Morrow answered exactly. The blue color is the only portion that is conforming. Only the hatch portion is not conforming.

PETITIONER COMMENTS

Mr. Michael Roach, homeowner, came forward. Mr. Roach said he appreciated the Staff's help in getting them to this point. He said he appreciates the Board reviewing their request. They love their bungalow but needs it to grow as they expand their family. They thank the staff for their recommendation for approval. Mr.

Roach said he wanted to make one clarification. He knows how thorough John and his Staff are and, in their layout, they show the wall. He was being true to the historic nature as how they wanted to expand the home. The expansion and the encroachment will include the house, the structure and the same.

PUBLIC COMMENTS

None.

BOARD DISCUSSION

Mr. Edward Morrow presented the Staff report. The Petitioner is requesting relief from the required side setback of 5-feet for an existing nonconforming dwelling in the RSF-6 (Residential Single-Family 6) zoning district. The intent is to improve the dwelling in a manner requiring a minor expansion of the nonconformity. The extension of an existing wall will permit improvements to one of the home's existing bedrooms. Mr. Morrow entered the Staff report into the record.

Mr. Morrow said this is a 5,400 square feet lot and is a nonconforming parcel and has a 45-feet frontage. The subject parcel is in the Ardmore Conservation District. The home on the lot is 1,454 square feet and was constructed in 1923 with modifications and updates as recently as 2000. The submitted floor plan indicates the encroaching wall and nonconforming expansion lies approximately 1-foot inside the required 5-foot side yard setback. The addition will be an expansion of a bedroom and a continuation of the existing footprint of the home.

Mr. Morrow displayed the site plan of the proposed layout of the expansion. He pointed out the encroachment area as shown on the site plan. Mr. Morrow said that Staff recommends approval of the requested relief to construct a minor nonconforming expansion of the existing dwelling. He entertained questions from the Board.

Mr. Condon asked Mr. Morrow if the area shown in the blue color on the site plan is what is existing now.

Mr. Morrow answered no. The blue color denotes the proposed expansion.

Mr. Condon said, therefore, this entire area slides because it wants to lineup to be true to the historic nature of the home. It wants to lineup with the other piece as this puts it in the setback.

Mr. Morrow answered exactly. The blue color is the only portion that is conforming. Only the hatch portion is not conforming.

PETITIONER COMMENTS

Mr. Michael Roach, homeowner, came forward. Mr. Roach said he appreciated the Staff's help in getting them to this point. He said he appreciates the Board reviewing their request. They love their bungalow but needs it to grow as they expand their family. They thank the staff for their recommendation for approval. Mr. Roach said he wanted to make one clarification. He knows how thorough John and his Staff are and, in their layout, they show the wall. He was being true to the historic nature as how they wanted to expand the home. The expansion and the encroachment will include the house, the structure and the same.

PUBLIC COMMENTS

None.

BOARD DISCUSSION

Mr. Merriman entertained a motion as the Board had no further discussion.

Motion

The Savannah Zoning Board of Appeals does hereby approve the requested relief to construct a minor nonconforming expansion of the existing dwelling at 211 East 55th Street.

Vote Results (Approved)

Motion: Michael Condon

Second: Stephen Plunk

Stephen Merriman, Jr. - Abstain

Karen Jarrett - Aye

Michael Condon - Aye

Stephen Plunk - Aye

Betty Jones - Aye

Armand Turner - Aye

18. Nonconforming Expansion of a Dwelling | 431 E 53rd Street | 24-001077-ZBA

🔗 [Application_.pdf](#)

🔗 [Floor Plan_.pdf](#)

🔗 [Staff Report_.pdf](#)

Mr. Edward Morrow presented the Staff report. Mr. Morrow stated the Petitioner requests relief from the required side setback of 5-feet for an existing nonconforming dwelling in the RSF-6 (Residential Single family 6) zoning district. The Petitioner intends to improve the dwelling in a manner requiring a minor expansion of the nonconformity. The extension of an existing wall will permit improvements to the home's kitchen on the first floor and a bedroom on the second floor.

The subject property is approximately 6,300 square feet in area and located in the Ardmore Conservation District. The original dwelling on the lot was built in 1945 and reflects updates and modifications as recently as 1990. The proposed site plan indicates intent to renovate the home including the extension of an existing wall that currently sits approximately 4.25 feet from the western property line. The proposed expansion will not cause the property to exceed permissible lot coverage. Only the red hashed area is non-conforming, less than 1 foot. MPC Staff recommends approval.

Ms. Cenkl, Property Owner, stated they would like to request a variance for an addition of 10 feet 8 inches.

Public Comments

None

Board Comments

Mr. Merriman entertained a motion as the Board had no further discussion.

Motion

City Zoning Board of Appeals approves the requested relief to construct a minor nonconforming expansion of the existing dwelling.

Vote Results (Approved)

Motion: Michael Condon

Second: Stephen Plunk

Stephen Merriman, Jr. - Abstain

Karen Jarrett - Aye

Michael Condon	- Aye
Stephen Plunk	- Aye
Betty Jones	- Aye
Armand Turner	- Aye

[19. Flagpole and Flag Variance Request | 100 Landmark Blvd | 24-001088-ZBA](#)

🔗 [Design Calculations.pdf](#)

🔗 [FAA Determination of No Hazard.pdf](#)

🔗 [Application_.pdf](#)

🔗 [Site Plan_.pdf](#)

🔗 [Staff Report-24-001088-ZBA -100 Landmark Blvd West - Flagpole Variance \(em\).pdf](#)

Ms. Subhashi Karunarathne presented the Staff report. Ms. Karunarathne said the subject property located at 100 Landmark Blvd West, Savannah, is on the northwest corner of Veterans Parkway and Landmark Boulevard. The parcel was annexed into the City of Savannah from Chatham County in September 2021, and a zoning classification of Manufacturing (annexed) (M-CO) was obtained. The Future Land Use designation of the parcel is I-L Light Industrial. The property is owned by the Savannah Economic Development Authority (SEDA), which leases the Property to Capital Development Partners (TX), Inc., or its affiliate (CDP). CDP is constructing an approximately 1.5 million square foot warehouse on the property. The Petitioner requests a variance for 1) maximum flagpole height, 2) supporting base in excess of 5-feet and 3) flag size, regulated by Sections 8.7.8 and 8.7.8, respectively. This report contains exhibits that include the Petitioner's overall plan for the flagpole, flag, exceptions, and the justification the Petitioner feels warrants the variance.

The Petitioner plans to install an oversized flagpole at the southeastern corner of the property and fly an oversized American flag, both of which exceed the size limits set by the Savannah Zoning Ordinance. The Petitioner believes this will complement the property's scale as the largest warehouse in Chatham County and location near Veterans Parkway. Additionally, the Petitioner believes the proposed flagpole's size will match the nearby light poles at the intersection of Veterans Parkway and Landmark Boulevard, which are one hundred feet (100') tall.

To erect and fly the intended flagpole and the flag, the Petitioner requires a variance granted to exceed the maximum flagpole height permitted under the Savannah Zoning Ordinance, Section 8.7.8, which is sixty feet (60'), with an additional five feet (5') permitted for the flagpole base, and the maximum size of any flag flown, ninety-six square feet (96 square feet). Additionally, the Petitioner would require a variance for the maximum proportionality of the flag dimensions permitted by the Savannah Zoning Ordinance, Section 8.7.8 which states that the hoist side of the flag should not exceed 20% of the vertical height of the pole.

The variances are as follows:

Flagpole –

1. Request for an additional 60' in overall height above the ground for the flagpole by Veterans Parkway, for a total flagpole height of 120' above ground.
2. Request for an additional 7' in overall depth below the ground for the flagpole embedment depth, for a total embedment depth of 12' below the ground.

Flag –

3. Request for an additional 1,704 SQFT of area for the flag by Veterans Parkway, for a total area of 1,800 SQFT.
4. Request for an additional 5% proportionality for the hoist side dimension of the flag, for a total 25% proportionality for the hoist side dimension of the flag.

Staff Recommendation(s): Based upon the variance criteria, Staff recommends approval of the requested variances pertaining to the proposed flagpole:

1. to permit an additional 60' in overall height above the ground for the flagpole by Veterans Parkway, for a total flagpole height of 120' above the ground.
2. to permit an additional 7' in overall depth below the ground for the flagpole embedment depth, for a total embedment depth of 12' below the ground.

With the following conditions:

1. Conduct a comprehensive geotechnical survey to verify the assumed soil capacity values, which form the basis of the submitted engineering design calculations.
2. Implemented proper maintenance practices for the flag and the flagpole both before and after storm conditions to ensure stability.
3. Ensured that prior notice would be given to the Federal Aviation Administration if temporary construction equipment such as cranes, derricks, etc., to be used during the construction of the structure, will exceed the overall height restrictions.

Staff Recommends: approval of the requested variance(s) as it relates to the flag.

1. An additional 1,704 SQFT of area for the flag by Veterans Parkway, for a total area of 1,800 SQFT.
2. An additional 5% proportionality for the hoist side dimension of the flag, for a total 25% proportionality for the hoist side dimension of the flag.

With the following conditions: The recommended conditions by Staff for the approval of the flagpole be met.

Ms. Jarrett asked if this would be an American Flag.

Ms. Karunarathne said yes.

Mr. John Northup, Attorney representing Capital Development Partners, said we would like to put up a very large American Flag that is consistent with the scale of this development. We are finishing construction with what will end up being the largest warehouse in Chatham County. The reason we are seeking this variance, we think this is a very high visibility area. There are three other places in town that have flags like this. The ordinance allows a much smaller flagpole. There are a couple of variations we wanted to consider. We wanted to make sure it did not impede any of the aviation, especially in regard to Hunter Army Airfield. We contacted the FAA, submitted the letter of application. The FAA wrote back saying "this is not a hazard to the aviation". The specific asks are an increase from the standard 60' to 120' in height for the flagpole. The base, due to its size, we need to go further to ensure it is solidly anchored. The square footage of the flag is normally 96', we are asking for 1,800. We are asking for approximately 4 times the size. This is consistent with the area. There is a portion of the ordinance that says the hoist side cannot exceed 20% of the total flagpole, we are asking for a 25% increase. The light poles that are around that interchange are all approximately 100 feet tall. They are elevated near the deck of the interchange. We feel this is consistent with this area.

Mr. Condon asked the Petitioner if they are amenable to the conditions staff presented and a condition that would not allow you to fly anything other than a flag of the United States or a Georgia State flag?

Mr. Northup said yes.

Public Comment none

Mr. Anagnost, City of Savannah Zoning Department, said there is a slight error in the hoist proportion. It lists the requested variance to go to 20% proportion. The requested variance is to go "from" 20% to 25%. Please have the motion reflect that.

Board Comments

Mr. Merriman entertained a motion as the Board had no further discussion.

Motion

Approval of the requested variances pertaining to the proposed flagpole:

to permit an additional 60'; in overall height above the ground for the flagpole by Veterans Parkway, for a total flagpole height of 120'; above the ground.

to permit an additional 7'; in overall depth below the ground for the flagpole embedment depth, for a total embedment depth of 12'; below the ground.

With the following conditions:

Conduct a comprehensive geotechnical survey to verify the assumed soil capacity values, which form the basis of the submitted engineering design calculations.

Implemented proper maintenance practices for the flag and the flagpole both before and after storm conditions to ensure stability.

Ensured that prior notice would be given to the Federal Aviation Administration if temporary construction equipment such as cranes, derricks, etc., to be used during the construction of the structure, will exceed the overall height restrictions.

Staff Recommends: approval of the requested variance(s) as it relates to the flag;

An additional 1,704 SQFT of area for the flag by Veterans Parkway, for a total area of 1,800 SQFT;

An additional 5% proportionality for the hoist side dimension of the flag, for a total from 20% to 25% proportionality for the hoist side dimension of the flag;

Only the (American) United States Flag or Georgia State Flag may fly on the pole.

With the following conditions:

The recommended conditions by staff for the approval of the flagpole be met.

Vote Results (Approved)

Motion: Michael Condon

Second: Stephen Plunk

Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Aye
Michael Condon	- Aye
Stephen Plunk	- Aye
Betty Jones	- Aye
Armand Turner	- Aye

[20. Expansion of Nonconforming Use | 1142 Collins Street | 0003386-ZBA](#)

📎 [ZBA Decision.pdf](#)

📎 [Application_.pdf](#)

Mr. Edward Morrow said this is a petition to expand an existing daycare at 1142 Collins Street. The gray area shown is the existing structure that was approved for use as a daycare in 1996. At that time, it was approved to serve up to 21 children locally. Since then, a state permit has been issued to serve 16 children. There is no request on the part of the Petitioner to increase or modify those numbers in any way. The Petitioner has submitted plans to build an addition onto the existing daycare center. Please note, it looks like a residential expansion to the structure. The ordinance does state "a non-conforming structure can be enlarged, maintained, or altered in accordance with the requirements of Section 3.24". The ordinance states that changes which require action on the part of this Board are change of a non-conforming use, reestablishment of a nonconforming use, expansion of a non-conforming use, or re-constructure of a non-conforming structure. This request does not fall into any of these categories. It is Staff's contention that this is in accordance with the original Board approval at that time. Staff is asking for concurrence. The current use was previously recommended for approval by Staff and then approved by the SZBA. As shown, this current request is compliant.

Mr. Merriman stated, just for clarity, the use stays the same.

Ms. Nannett Rivers, Owner, stated I have run this daycare center since 1997. I am requesting a variance to add on a room to teach staff how to do lesson plans and for them to have a break room. Somewhere to have more space for staff and myself.

Public Comment

None

Board Comments

Mr. Condon said these ladies do God's work and it is important that we assist them in any way we can.

Mr. John Anagnost said we have been in communication with MPC Staff regarding this being a nonconforming use. The interpretation of the Ordinance that is taken by the City is that this is a non-conforming use, the Zoning Ordinance states this was approved as a Special Use prior to the adoption of New ZO. The current Zoning Ordinance states Special Uses which become prohibited are non-conforming. Based on that code section, this is a non-conforming daycare center. Expansion of a non-conforming use to take up a larger area of land or a building requires a variance from the Zoning Board of Appeals. There is a variance application, the City does not object to the Applicant's variance.

Mr. Morrow stated if the variance is the approach that the SZBA would like to take, Staff is in support of a variance.

Mr. Condon asked if signs were posted and if so, if necessary, at this meeting, could we approve a variance request?

Mr. Morrow said if it is the Board's prerogative that this is consistent, Staff does see this is in accord with what was originally approved. Staff does believe this is consistent and no further action is needed by the Board if it deems it consistent.

Mr. Condon asked if the City Staff was ok with this moving forward.

Mr. Anagnost stated the language in the ordinance is expansion of a non-conforming use to occupy a larger area of land or building.

Mr. Condon asked if there was a copy of the variance application available.

Mr. Morrow showed the application and read existing use is a daycare center. An expansion of 888 square feet of area for a teachers lounge. The area will be utilized for teachers, training, and break area.

Mr. Condon asked the Petitioner if she was ok with the restriction of use being placed on an approval. The restriction only allows this room to be used as a teacher lounge/break room or training room. The Petitioner said yes.

Mr. Merriman, after further Board discussion, asked for a motion to be made.

Mr. Condon made motion to grant variance request for the expansion of 888 square feet area for a teacher's lounge area. this area will be utilized as a teachers break area, workstation, and training area only. Not to be used for the expansion of classrooms. The motion was seconded by Ms. Jones.

Motion

Approval to grant variance request for the expansion of an 888 square feet area for a teachers lounge. This area will be utilized as a teacher break area, workstation, and training area only. Not to be used for the expansion of classrooms.

Vote Results (Approved)

Motion: Michael Condon

Second: Betty Jones

Stephen Merriman, Jr.

- Abstain

Karen Jarrett

- Not Present

Michael Condon

- Aye

Stephen Plunk

- Aye

Betty Jones

- Aye

Armand Turner

- Aye

XI. Other Business

XII. Adjournment

21. Adjourned

Meeting was adjourned.

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.