



City of Savannah Zoning Board of Appeals

Arthur A. Mendonsa Hearing Room
October 24, 2024 10:00 a.m.
Minutes

OCTOBER 24, 2024 CITY OF SAVANNAH ZONING BOARD OF APPEALS

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

Members Absent: Betty Jones
Stephen Plunk

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

City of Savannah: Tom Bolton, Building & Safety Dept.

I. Call to Order and Welcome

II. Invocation and Pledge of Allegiance

III. Swearing in of Witnesses

IV. Notices, Proclamations and Acknowledgements

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

[1. 301 Forrest Avenue | Variance for Side yard setback & Relief of a Non-Conforming Structure | 24-005289-ZBA](#)

Motion

Item removed from the final agenda.

Vote Results (Approved)

Motion: Armand Turner

Second: Michael Condon

Stephen Merriman, Jr.

- Abstain

Michael Condon

- Aye

Stephen Plunk

- Not Present

Betty Jones

- Not Present

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

[2. 533, 535, 537 East Gwinnett Lane | Variance for Rear Setback and Maximum Footprint for ADU | 24-005227-ZBA](#)

Motion	
Item removed from the final agenda.	
Vote Results (Approved)	
Motion: Armand Turner	
Second: Michael Condon	
Stephen Merriman, Jr.	- Abstain
Michael Condon	- Aye
Stephen Plunk	- Not Present
Betty Jones	- Not Present
Armand Turner	- Aye
Brad Baugh	- Aye
Benjamin Griffith	- Aye

VI. Item(s) Requested to be Withdrawn

VII. Approval of Minutes

[3. Approval of the October 2, 2024 Meeting Minutes](#)

 [october-2-2024-city-of-savannah-zoning-board-of-appeals-minutes \(1\).pdf](#)

Motion	
Approval of the October 2, 2024 meeting minutes.	
Vote Results (Approved)	
Motion: Michael Condon	
Second: Armand Turner	
Stephen Merriman, Jr.	- Abstain
Michael Condon	- Aye
Stephen Plunk	- Not Present
Betty Jones	- Not Present
Armand Turner	- Aye
Brad Baugh	- Aye
Benjamin Griffith	- Aye

VIII. Approval of Final Agenda

IX. Consent Agenda

[4. 4790 Waters Avenue | Variance for Sign | 24-004597-ZBA](#)

🔗 [32685511 VARIANCE APPLICATION FOR SUBMITTAL.pdf](#)

🔗 [Staff Report.pdf](#)

🔗 [Amended Master Plan - 2013.pdf](#)

🔗 [Elevation.jpg](#)

Motion

Approval of the requested variance as the public benefit likely outweighs any adverse impact.

Vote Results (Approved)

Motion: Armand Turner

Second: Michael Condon

Stephen Merriman, Jr. - Abstain

Michael Condon - Aye

Stephen Plunk - Not Present

Betty Jones - Not Present

Armand Turner - Aye

Brad Baugh - Aye

Benjamin Griffith - Aye

X. Old Business

XI. Regular Agenda

[5. 2201 Fernwood Court | Variance for ADU | 24-003627-ZBA](#)

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

🔗 [Staff Report - 2201 Fernwood Ct. - 24-003627-ZBA.pdf](#)

Brad Clement, Senior Planner of Development Services presented the Staff report. **Mr. Clement** stated that this petition was before the Board previously and was continued since July 25, 2024. He explained that the reason for the continuation was to give the Petitioner the opportunity to meet with the Neighborhood Association as there were issues related to the case and to the structure. The structure in question is an existing dwelling unit (ADU) that is original to the primary structure. The current owner owned the property when the structure was converted. The question before the Board today is the use. The Petitioner requests a variance relief from nonconformity or relief from the minimum lot area requirement of 125% to allow for an additional dwelling unit.

Mr. Clement said the house was built sometime in the 1970s. The Petitioner is not the original owner. The conversion appears to have happened in 2013, but there is no evidence that it was actually permitted. A zoning confirmation letter sought in 2013 to establish or to reconfigure for an Accessory Dwelling Unit (ADU) use. But prior to the adoption of new zoning ordinance in 2019, this was not an allowable use, and the zoning confirmation letter indicates this. This is a well-established older neighborhood. Many neighbors, including the Neighborhood Association President, are present today. The lot is conforming under the current zoning configuration which is now RSF-6. . This is where the 125% upside of the lot would be required to establish an ADU, which was apparently whenever it was converted and established it would not have been approved because it was not an allowable use. Mr. Clements showed on the screen the 2013 timeframe and the building permits that were legally allowed and associated with this property. Because an additional dwelling unit would not have been permitted at

this time because there was no second address. Therefore, was no second address listed as 2201 Fernwood Court. The City would require that mechanical, electrical, and plumbing permits to be drawn to establish such use.

Mr. Clement said there is no trail in the record to determine whether this was a part of a home renovation. Generally, as a part of a renovation, you would not redo a rough in unless the structure is being rebuilt. There was no evidence for or against this. He stated this is a simple variance asked for relief from the 125% lot coverage for an ADU. This is a by right allowable use under the current ordinance. But there is a piece of nonconformity as how it was established and when it was established. The literal interpretation of the current Ordinance makes this allowable and only put it in opposition to the 125%. This does not convey any special favor. The complicated part of this is the untangling of a conflicting nonconforming versus the current variance under when it was established, to what is present now. The only permits drawn by the current owner have been for renovation when he took the ownership of the properties. The existing ADU is tenant occupied. An individual was living here at the time the petition was filed. This is a rental unit.

Mr. Clement reported that Staff's recommendation is for approval of the relief from nonconformity which under the current Zoning Ordinance would not be applicable and the 125% lot size requirement for the establishment of an ADU under the current ordinance. This was a petition referred to Staff by Code Compliance and has been subsequently inspected by the Building Department. There is a Certificate of Occupancy. Mr. Clement entertained questions from the Board.

PETITIONER COMMENTS

Mr. Logan Ulm, Petitioner, came forward and gave the background on his ownership of the property. He purchased the property in January and a tenant was living here. He has owned the property for a few years. His brother-in law lives in the accessory unit and his sister-in-law lives in the main dwelling. They intend to continue this. When he purchased the home, it was already rented and to his knowledge he believes this has been going on since the unit was built. Therefore, for ten years the property sat there with those same purposes. It was not until he started remodeling the main dwelling that this was brought to his attention that it was not zoned properly. He is aware that they have an issue with the lot size and variance as Mr. Clement has mentioned. This is a corner lot and when the lot lines were laid by the City, a fairly amount of his lot was taken. This is a corner lot which if measured just curb to curb around the corner, they have approximately 7,800 square feet. But if measured just curb to curb around the corner, they have 7,800 square feet. He informed the Board that he had a photo of what the property looks like from the street view. The property is well off the street, behind a privacy fence. He did not believe that there is a visual issue.

Mr. Ulm stated that he has tried to meet with the neighborhood since August. It was brought to his attention that the neighborhood had some conflicts with this, and they were against the approval of his request. Since that time, he has tried to meet and hold meetings for two months. Because of the storm one meeting was cancelled. There, they had to drag the meeting to this point. They have had to leave everything unoccupied so they could try to get approval. Mr. Ulm said he met with Mrs. Edna Jackson, who was one of the main individuals in opposition. He was able to address many of the concerns that Mrs. Jackson had. He said Mrs. Jackson gave him her stamp of approval. Mrs. Jackson is unable to attend today's meeting. Mr. Ulm entertained questions from the Board.

PUBLIC COMMENTS

Ruben Huckabee, President of the Fernwood Parkwood Community Association, stated that he moved to this area in 1979. As Mr. Ulm stated the house was basically there then as it is to this present time. Mr. Huckabee explained that Fernwood Park is a community of older people. From 1979 to now, their neighbors are dying, and they have seen a demographic change. When you talk with older people, they are afraid as they start getting hounding phone calls at 6:00 in the morning from persons trying to purchase their homes at substandard prices. He believes that if you give one person permission to be out of compliance in the neighborhood, then you open it up to everyone else. When you say yes to one person, you cannot change back and forth. Community Association requests the petition for the ADU be denied by the Board due to the ADU being out of compliance with the rest of the neighborhood. Mr. Huckabee stated they are asking that this petition be denied.

Mr. Merriman asked if anyone else in the public wanted to speak. Mr. Merriman asked Mr. Ulm if he wanted to rebut Mr. Huckabee's comments.

Mr. Ulm said his only rebuttal is that he believes Mr. Huckabee said that if it isn't in compliance with the City's rules and regulations. However, as they read that portion of the Code, the next sentence that addresses the nonconformity due to lot sizes, says this is variable. Therefore, this is where they are on this issue.

BOARD DISCUSSION

Mr. Merriman entertained comments from the Board.

Mr. Baugh stated that he did not see taking away existing housing, which they probably would approve now. So, he did not see a problem with the way it is.

Mr. Condon stated he agreed with Mr. Baugh.

Mr. Turner said he had no comment.

Mr. Griffith stated that since this is already here, he does not believe that it will set a precedent for the neighborhood. So, he is in favor of supporting the recommendation.

Brad Baugh, Board Member, expressed concern about taking away existing housing and stated that if the ADU were to be applied for now, he did not see a problem with it the way it currently is.

Michael Condon, Vice Chairman, agreed with Mr. Baugh.

Benjamin Griffith, Board Member, expressed support for approval of Staff recommendation stating skepticism that the ADU will set a precedent for the neighborhood.

Motion

The Savannah Zoning Board of Appeals does hereby approve the requested variance relief from nonconformity and reduction of the minimum 125% lot area required in the RSF-6 zoning district to allow for the continued use of an ADU

Vote Results (Approved)

Motion: Brad Baugh

Second: Benjamin Griffith

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

6. 417 West Bolton St. | Variance for Parking | 24-005223-ZBA

🔗 [417 W BOLTON ST ZONING BOARD OF APPEAL APPLICATION.pdf](#)

🔗 [Staff Report.pdf](#)

🔗 [417 W BOLTON ST_24-004280-ZCL_LETTER.pdf](#)

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

Mr. Morrow stated that the Petitioner is requesting a variance for off street parking that is required in order to permit that reduction as NewZO currently requires that there is one street off parking space for each dwelling unit. This is the adaptive reuse of an existing structure that was built in or about 1900 according to the Tax Assessor. There are two structures on this parcel. A total of five residential units are proposed, but on the current principal structure that is on the building, there is a ground floor nonresidential use. An apartment is on the top and at the rear of the parcel, there is what would have been a carriage house that contains two dwelling units. Ultimately, the nonresidential space is the one that is in question. This is something that this Board dealt with the last time where they talked about the reuse of an existing nonconforming structure and the parking allowances that are given them on the fact that they were constructed for other purposes. The requested variance is consistent with the intent of the Zoning Ordinance in that it grants credit for 'grandfathered' parking. As the proposed use represents the adaptive reuse of an existing building, credit is awarded to future uses on the basis of the prior uses(s) for which the structure was built. This is a space the size that would have been afforded in excess of one off-street parking space given its size based on current provisions. It is on this basis that the MPC Staff recommends approval for the request.

PETITIONER COMMENTS

Mark Feldman, Agent for Bolton House, LLC, stated that he purchased the property about two years ago. The property was abandoned about 10 years prior to his buying the property. They applied for the permit well before anything was brought up about parking. The permit that was applied for was for five residential units, which was approved. During the permitting process, there was never a conversation about parking. So, he operated under the assumption that they were good to go. But after the permits were approved and they got started, it was brought to his attention that he did not have the required parking. Therefore, he is before the Board asking for the variance for one parking space. Mr. Feldman said he has taken videos at different times of the day; on different days of the week showing the street view. There are no other residential structures on this block. The only neighbor is the church, and they have ownership of the entire city block with plenty of parking. This variance will not have any negative effect on anybody else. Mr. Feldman said he would be happy to pull up the video with the time stamps to show the different times of days during the week.

PUBLIC COMMENTS

None.

BOARD DISCUSSION

The Board had no comments. Mr. Merriman entertained a motion.

Motion

The Savannah Zoning Board of Appeals does hereby approve the request to grant relief for one off-street parking space.

Vote Results (Approved)

Motion: Benjamin Griffith

Second: Armand Turner

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

[7. 507 Staley Avenue | Variance for Reduction of lot width and Relief from lot size | 24-005293-ZBA](#)

📎 [507 STALEY AVE_24-005293-ZBA_APPLICATION.pdf](#)

📎 [staff-report_783.pdf](#)

Mr. Edward Morrow, Director Development Services /Current Planning presented the Staff report. **Mr. Morrow** stated the request is on behalf of CHSA Development Inc., which is the City of Savannah's Non-Profit Affordable Housing developer. The Petitioner has acquired the property by at 507 Staley Avenue which is currently zoned RSF-6 which is a single-family zoning district that only permits detached single-family residences ideally with a minimum lot area required to subdivide a parcel for new single-family detached home development. It requires 60 feet of frontage and 6,000 square feet in the area. The parcels are normally 60 x 100. Mr. Morrow showed the subject parcel on the screen and stated that there are some additional spaces here and an additional dwelling. From his understanding, the existing dwelling is likely to be demolished. The Petitioner is asking for the approval of this Board to create a nonconforming subdivision He wanted to make one particular point that this is the City of Savannah's affordable housing developer and there has been an approval by the Metropolitan Planning Commission at its last meeting on a text amendment to use to permit affordable housing. The Board might recall that several months ago they had another request where they had a little disagreement over whether or not the current provisions in the Ordinance would permit this Board or any board to reduce the lot area for residential units. Moving forward and perhaps a little more relevant is the idea that as they are evaluating reductions of some of their standards or relaxation, it should be on the basis of the provision of affordable housing. Mr. Morrow said he wanted to bring this point forward. This agency is committed to affordable housing. This has not been adopted by City Council, but it was approved by the MPC at its meeting on October 15, 2024. Therefore, on that basis, Staff is recommending approval in that the public benefit to be derived from this is likely to outweigh any detriment. Mr. Morrow entertained questions from the Board.

Mr. Condon said he was a little confused. Can the MPC change a rule without the approval of the City Council?

Mr. Morrow answered that the MPC cannot change this rule. It has to be adopted by City Council.

Mr. Merriman said the MPC can make a recommendation, but City Council has to approve it.

Mr. Condon said therefore this Board cannot do this. Based on what they said a couple of months ago, it is clear. It is not variable. He would like to do it. He did not want to be misunderstood, but he believes they need to put this off and get it before City Council. Mr. Condon said he believes that City Council will agree with it; this makes perfect sense. But for them to give a variance, the first person that puts their hand in here with the folks at the Building Department is non variable.

Mr. Morrow said only because in this instance in the previous case where they dealt with this, the Zoning Administrator determined that the standard did not apply to single family detached. He thinks this is the understanding that they came to. So, if this were a scenario where multiple units were proposed on a single lot, then the lot area per unit would not be variable. In this case, the variance relief was approved on the basis that this is a single family detached. In this case, they have seen variances of this nature approved.

Ms. Pamela Everett stated additionally the affordable house piece is something that they are working with the City on and it was brought to the MPC by the City. They made a presentation at the last meeting regarding affordable housing. This is going to be on City Council's agenda.

Mr. Condon did not want to be misunderstood as he believes that the MPC made the right ruling. But he did not want to approve something that then gets overturned later. because all they are doing hurting these folks.

Ms. Everett said she understood.

Mr. Condon said is concern is not about the subdivision, which he would happily do. But the question really becomes do they have the legal right to do it. He asked Mr. Bolton's opinion on the matter.

Mr. Tom Bolton said his understanding is that the lot density does not apply to single family residence, only multifamily from conversations that he has had with John and Bridgett in the last month or ago.

Mr. Condon asked Mr. Morrow to go back to the section that talks about the actual law. He read that "a variance shall not be granted to permit a lot area per unit that is less than the minimum lot area per unit permitted by the zoning district in which the property affected by the variances located."

Mr. Merriman said it does not mention anything about single family, multiple or anything.

Mr. Condon agreed with Mr. Merriman and stated that that this is important. He asked if the interpretation only for multifamily and if there was going to be push back from the Building Department if they approved this and they do a subdivision because they still have to sign off on it.

Mr. Bolton said his department - Plan Urban Design will actually look at the size of the lot and everything. As long as it meets the setback requirements, etc. This language is in the process of being modified. This should be going before City Council. He did not know if it would be going before City Council today, but it should be soon.

Mr. Condon said he just did not want to create a problem for somebody. The Board is trying to help folks in the affordable housing sector for obvious reasons.

Mr. Merriman said he believes that Mr. Condon's point still stands. The information they have been given is that City Council has to adopt this.

Mr. Condon said he was wondering if the Board could approve this today pending City Council's adoption. Mr. Condon asked Staff what their opinion is.

Mr. Morrow answered that he spent some time thinking about these things. Previously, this Board did approve that request, and he is fully in agreement with the Board's interpretation of it. Hence, the Staff's recommendation on the next case is to follow. He thinks this is appropriate at this time just given who the applicant is.

Mr. Condon said he thinks that if everybody is on the same page and the guy is not going to show up at the Building Department and they will say they are not going to approve this subdivision and then he has to start all over again because of waiting for the City. He said if everybody is on the same page, he thinks it is correct.

Mr. Merriman said if the motion is made to approve, a good point is that it is contingent upon the adoption of the text amendment by City Council.

PETITIONER COMMENTS

Mr. Merriman asked the Petitioner to come forward.

Mr. Morrow said the Petitioner (Ms. Dixon) may not be present. She works for the City. He believed Ms. Dixon would be comfortable with the Board moving forward on this even in her absence. They were a part of the addressing of the standards. The provision of moving forward is only on account of the zoning and the public facing side. There is a City policy on the backside with regard to finance that Martin Freddy's Department is working with them in conjunction.

Mr. Merriman said not only is Ms. Dixon giving up her chance to present her case, but she's also giving up a chance to rebut public comments, if there be any.

Mr. Morrow said Mr. Merriman made an excellent point. He told the Board to hold for one second as he was going to call her.

Mr. Condon asked Mr. Morrow if he knew whether the Text Amendment was on the agenda today.

Mr. Morrow answered that the text amendment is not on today's agenda. It should be on the next

meeting agenda.

Mr. Condon said he believes this should be postponed.

Mr. Merriman asked Mr. Condon if he was making a motion or just expressing an opinion.

Mr. Condon said no. He was having Board discussion.

Mr. Merriman said he believes it should be continued.

Mr. Condon agreed. The text amendment could go before City Council. Then this Board won't have to feel like they are doing something that they are not allowed to do. Mr. Condon moved that this petition be continued to the next meeting. This will give the City time to address the text amendment and allow Ms. Dixon the opportunity to come before the ZBA.

Mr. Morrow said he would notify Ms. Dixon.

Motion

The Savannah Zoning Board of Appeals does hereby continue this Petition to the meeting of November 21, 2024.

Vote Results (Approved)

Motion: Michael Condon

Second: Armand Turner

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

8. 1918 Delaware Avenue | Variance for Lot size and Setbacks | 24-005061-ZBA

🔗 [1918 DELAWARE AVE_24-005061-ZBA_APPLICATION.pdf](#)

🔗 [Proposed Subdivision.pdf](#)

🔗 [staff-report_784.pdf](#)

Mr. Morrow presented the Staff report. **Mr. Morrow** stated that the Petitioner requested a variance to the minimum lot area required to subdivide a parcel for new single-family detached home development in the RSF-6 zoning district. Approval of the requested variances would create two lots: one with 6,000 square feet, and the second which contains the existing dwelling would have 5,451 square feet where 6,000 is the minimum permitted. The nonconforming parcel in addition to being deficient in area, would be deficient in its frontage by having only 50 feet where 60 feet is the minimum that is permitted within this district. The subject parcel is presently a conforming lot in the RSF-6 zoning district by lot frontage and area, measuring 135 feet in width along Delaware Avenue and possessing a total area more than 10,000 square feet. The subject parcel contains a one-story single-family home constructed originally in 1940 and renovated in 1970. The home contains 952 square feet in floor area and is nonconforming regarding its front yard setback. The variance request is necessitated by the Petitioner's desire to subdivide. The subject parcel is a buildable lot that currently contains a single-family dwelling. The existing dwelling may be expanded or replaced with permitted lot coverage up to 40%, and/or an accessory dwelling unit may be built by right. Staff is of the opinion that the Ordinance does not give any Board the ability to vary lot area per unit and so for that reason and because there is no commitment to alignment with the affordable

housing program, which would then open the door to those relaxed development standards, Staff is recommending denial of this request because the proposal would not meet the minimums that are set by the Zoning Ordinance and is inconsistent with the Zoning Ordinance. Mr. Morrow entered the Staff's report into the record. He entertained questions from the Board.

PETITIONER COMMENTS

Ben Blomeley, Petitioner, stated that there were a couple of things that he wanted to point out regarding the lot and frontage. Within a one block radius, they were able to find several other single-family homes with less than 60 feet foot frontage. He did not have this on the computer, but he pointed out subject property and said that there are four and even the adjacent property on the other side of the drainage ditch have less than 60 feet frontage as well. But speaking to the comments that were made, he also wanted to bring up a few things that they are committed to affordable housing. Mr. Blomeley said they ran several statistics and why they feel that this would be important for this area. He said to give the Board perspective in a mile radius of the subject property that they are planning on building, under \$350,000, there are two available housing options for purchase that are three bedrooms, and two bathrooms. In the zip code of 31404 currently, three bedrooms and two bathrooms under \$350,000, there are seven available homes. Therefore, they are committed to keeping this affordable housing and feel that it is a big part of why they feel that they should be granted the variance so they can offer more affordable housing in the immediate area.

Mr. Condon told Mr. Blomeley that unfortunately they are not able to help him today as they are restricted by Ordinance. But if he is talking about the possibility of affordable housing, he was going to recommend that he either request that they move this to a different date or that he temporarily withdraw his application to be resubmitted at a future date so that this Board would not have to deny his request based on the Ordinance. Then he would have to wait a year. He told Mr. Blomeley that this was entirely up to him.

Mr. Blomeley requested a continuance.

Mr. Merriman entertained a motion.

Motion

The Savannah Zoning Board of Appeals does hereby continue this petition to the meeting of November 21, 2024.

Vote Results (Approved)

Motion: Michael Condon

Second: Armand Turner

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

[9. 615 East 45th Street | Variance & Relief for Non-Conforming uses and Structures | 24-005032-ZBA](#)

- [📎 615 E 45 ST_24-005032-ZBA_APPLICATION.pdf](#)
- [📎 PROJECT DESCRIPTION FOR 615 E 45 ST.pdf](#)
- [📎 staff-report_782.pdf](#)

🔗 [public comment, Hoffman.pdf](#)

Mr. Morrow presented the Staff report. **Mr. Morrow** stated that this petition was previously continued as it was withdrawn before the meeting. The petition was submitted by Heather Spigner on behalf of Justin and Emily Damron at 615 East 45th Street for the expansion of an existing nonconforming accessory structure that is in the rear yard of the property. There are a couple of variances that are required to permit the expansion of relief from nonconformity because the structure is sitting on the rear property line, and it is also on the side property line. He explained that this is the Petitioner that came forward with the process initially and attempted to work with them and pulled the petition at the last minute because there were some issues with the neighbor. This is a similar discussion they had at their last meeting about the challenges that that you see in expanding structures that are on the property lines. The Petitioner has returned with a modified concept. He added that this was delayed the first time for the purpose of allowing the designer to go back and try to reach a compromise.

Mr. Morrow said as the Board can see the aerial, this is a 6,300 square foot property that is conforming within the RF6 district. It is in the Ardsley Park Chatham Crescent Conservation district. The lot is presently developed. It is a single-family detached residence built about 1930 per the Tax Assessor, and it does have that nonconforming accessory structure in the rear yard. The Petitioner is proposing to construct an upper story living space. This is not an accessory dwelling unit. It would not contain a kitchen. It only has a bathroom, and it has a kind of living space for a bedroom on top of a garage. Mr. Morrow said this is conforming with regards to the 40% maximum for the floor area for an accessory in relation to the principal parcel. As he aforesaid this would not be considered an ADU because of its lack of a kitchen. Mr. Morrow called the Board's attention to the special circumstance given that this is within a Conservation District. He was not sure; however, but there is a possibility that this could be a contributing structure.

Mr. Morrow said Staff recommends approval of the following variances in association with vertical expansion of an existing non-conforming accessory structure: Reduce the rear yard setback in the RSF-6 zoning district from 5' to 0' and reduce the side yard setback in the RSF-6 zoning district from 5' to 2'. With the condition that gutters be installed to prevent stormwater runoff onto the lane or adjoining properties.

Mr. Condon said he wanted to be clear as the SAGIS map is never accurate. He asked if the garage is currently on the lane side of the property line. He stated that he is somewhat confused as to where it sits on the property line. If the white line that goes around the block is accurate, then it appears as though all of these homes have garages. But then he said he was looking at the wrong side. They all are hidden by trees. It is sitting in the corner on the lot line on both corners.

Mr. Morrow said this was his understanding.

Mr. Merriman said this makes it nonconforming and the only expansion would be vertical.

Mr. Morrow said that's correct. If it was a completely conforming structure to be built today, it would need to be three feet off the lane and five feet from the sidewalk.

Mr. Merriman invited the Petitioners to please come forward and make their presentation.

PETITIONER COMMENTS

Mrs. Heather Spigner came forward and stated that as was noted, it is an existing structure on two property lines. They are requesting to go up. They have worked through a couple of design variations and believe what they now meet the concerns of the neighbors. This is the design that her clients would like to do.

Mr. Condon stated to Mrs. Spigner that she has met with the neighbors, and they are going to build the expansion right.

Ms. Spigner answered yes. They met with the neighbors previously on their previous design prior to withdrawing. The neighbors were not willing to allow construction over their property side. But this design is now addressing that concern on their side.

PUBLIC COMMENTS

Mr. Merriman entertained public comments. No one was present. He asked if anyone was online. No one was present.

BOARD DISCUSSION

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

Motion

The Savannah Zoning Board of Appeals does hereby approve of the following variances in association with vertical expansion of an existing nonconforming accessory structure at 615 East 45th Street:

- Reduce the rear yard setback in the RSF-6 zoning district from 5' to 0'
- Reduce the side yard setback in the RSF-6 zoning district from 5' to 2'

With the condition that gutters, be installed to prevent stormwater runoff onto the lane or adjoining properties.

Vote Results (Approved)

Motion: Armand Turner

Second: Benjamin Griffith

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

10. 303 West 36th Street | Relief for Non-Conforming uses and Structures | 24-005287-ZBA

🔗 [303 W 36 ST_24-005287-ZBA_APPLICATION.pdf](#)

🔗 [Staff Report.pdf](#)

🔗 [Elevations.jpg](#)

🔗 [COA_HPC Staff Report](#)

🔗 [303 W 36TH ST PLAT_SETBACK VARIANCE_.pdf](#)

Mr. Morrow presented the Staff report. Mr. Morrow stated that the Petitioner requests relief from nonconformity to vertically expand an existing legal nonconforming accessory structure. The subject property measures approximately 7,020 square feet in area, per the Chatham County Tax Assessor. The property is zoned TN-2 (Traditional Neighborhood-2) and is a conforming parcel regarding frontage and area for its use. The property is within the Streetcar local Historic District and the present petition is related to HPC application 23-005180-COA. The lot is presently developed as a detached single-family residence, built in 1900, with a nonconforming accessory structure, built in 1985, that encroaches into the required rear setback for accessory structures. The Petitioner proposes to construct an upper story living quarters atop the existing accessory structure. The living area of the principal is indicated as 3,328 square feet and the square footage of the proposed accessory dwelling unit is conforming regarding the 40% maximum floor area in relation to the principal structure. Additionally, per submitted plans, the structure will remain lower in height than the principal dwelling, as required. The Zoning Board of Appeals may grant variances to certain development standards. The requested variance may not be consistent

with the intent of the Zoning Ordinance in that the structure to be improved is not contributing within the context of the local Historic District. Demolition and reconstruction of a conforming structure is the best answer purely from the perspective of the Zoning Ordinance. Preservation and expansion of the existing structure is consistent with resource preservation objectives of the Comprehensive Plan. The report notes that this structure is noncontributing within this district and is presently developed as a single family detached home built in or about 1910 and that accessory structure is non-conforming. Staff believed it had a three-foot side set back on the rear property. The Petitioner proposed to construct an upper story living quarters atop the existing accessory structure, it is conforming with regard to that 40% maximum floor area in relation to the principal and per the submitted plans, the structure will remain lower in height in the principal building. The MPC Staff recommends approval of the requested relief to vertically expand an existing legal nonconforming accessory structure with the condition that gutters be installed to prevent stormwater runoff onto adjoining rights-of-way.

PETITIONER COMMENTS

Ms. Shannon Taylor, Petitioner, stated that she has been working to create the guest house since February. It has come their attention that they need a variance to change the purpose of the building. Obviously, the lower level is still going to be parking. They are hoping to be able to expand upward and create a guest space. She said she had photographs of other properties along the same block face that are existing here and are rental properties.

Mr. Condon asked Ms. Taylor if she had any problems with the restrictions the Staff has recommended.

Ms. Taylor asked Mr. Condon if he was talking about the Staff's recommendations that they have already met.

Mr. Condon said no and explained that there is a list of Staff's recommendations.

Ms. Taylor said is it about the gutters be installed to prevent stormwater is no problem. They are happy to do this.

PUBLIC COMMENTS

None.

BOARD DISCUSSION

None. **Mr. Merriman** entertained a motion.

Motion

The Savannah Zoning Board of Appeals approve the requested relief to vertically expand an existing legal nonconforming accessory structure with the condition that gutters be installed to prevent stormwater runoff onto the adjoining rights-of-way.

Vote Results (Approved)

Motion: Armand Turner

Second: Michael Condon

Stephen Merriman, Jr.

- Abstain

Michael Condon

- Aye

Stephen Plunk

- Not Present

Betty Jones

- Not Present

Armand Turner

- Aye

Brad Baugh

- Aye

Benjamin Griffith

- Aye

[11. 637 East Anderson Street | Variance and Relief from Non-Conforming existing structure | 24-005288-ZBA](#)

🔗 [637 E Anderson St_24-005288-ZBA_Application.pdf](#)

🔗 [Staff Report.pdf](#)

🔗 [637 E Anderson_Site Plan.pdf](#)

Mr. Edward Morrow, Director of Development Services/Current Planning presented the Staff report. **Mr. Morrow** stated that the request was filed by Attorney Josh Yellin of the firm of Hunter Mclean on behalf of Cash Cat Enterprises for 637 East Anderson Street. The Petitioner is requesting approval of a variance to permit construction of an accessory structure more than 40% maximum floor area that would ordinarily be permitted. This is to construct a garage so that there could be parking for the 5-unit apartment building that has been present on this lot since 1900. Basically, this is a building that contains five units, and it was not constructed with off-street parking. This is a request just to build a parking garage. Mr. Morrow said the thing that makes this unique is that this is a nonconforming building. This is in a district that would permit a residential building with up to four dwelling units. This one contains five. Therefore, it is just short by 12% of the 1800 square feet per unit that is required, but still nonconforming within the context of the current development scheme. He said again that this building was built in 1900 and predates the Standards. If it was not for this, he would have asked that this petition be put on the consent. Mr. Morrow said Staff recommends approval of this request. He entered the Staff report into the record. This is the proposed garage and is intended to meet all the pertinent setbacks that are associated with this zoning district. So, there are no other issues here other than its size to accommodate five cars, one per unit which actually increases conformity.

PETITIONER COMMENTS

Attorney Josh Yellen, Petitioner, came forward stating that he did not have much to add, but the request is to bring a five-car garage to a five-unit building. It is bringing amenity for the tenant space. It meets the lot coverage requirements and meets the setback requirements. Attorney Yellin said they respectfully request that the Board approve their Petition.

PUBLIC COMMENTS

Artis Wood came forward and wanted it verified that the entrance to the garage will be from the lane.

Mr. Merriman stated yes.

Ms. Wood said she asked the question because sometimes they get variances to the street entrance to a garage and if you have a lane, the design of the Oglethorpe Plan, which is also used in other neighborhoods, allows you to use lanes to enter. If you enter from the street, you remove growth for shrubbery and then concrete is added. They did this recently with the approval of somebody. They took out a lot of greenery, put concrete at the sidewalk level. Now, when you go down the street, you see a lot of concrete instead of the growth of trees and bushes. Also, cars are parked here. She said let's keep the border green and use the lanes when they can. Ms. Wood thanked the Petitioner for doing this.

Mr. Merriman invited Attorney Yellin to comment on the public comments.

Attorney Yellin said that all access for vehicles to this garage will be through the lane.

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 permit the

construction of the proposed 26-foot by 52-foot 5-space garage at 637 East Anderson Street

Vote Results (Approved)

Motion: Michael Condon

Second: Brad Baugh

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

[12. 511 Vinson Avenue | Variance & Relief for Non-Conforming uses and Structures | 24-005224-ZBA](#)

🔗 [511 VINSON AVE_24-005224-ZBA_APPLICATION.pdf](#)

🔗 [Staff Report.pdf](#)

🔗 [511 VINSON AVE - BONUS ROOM RENDERINGS.pdf](#)

🔗 [511 VINSON AVE - PROPOSED PLANS - REVISED 9_4_24.pdf](#)

Mr. Edward Morrow, Director of Development Services/ Current Planning presented the Staff report. Mr. Morrow stated that the Petitioner is requesting a series of variances in association with the proposal to convert and expand an existing nonconforming accessory structure into an accessory dwelling unit at 511 Vincent Avenue. These variances include relief for a nonconforming rear setback of 0 feet, a nonconforming side setback and to permit 7 feet of separation from the principal dwelling unit where the minimum is 10. Mr. Morrow said he is a little unclear as to whether there is an intent to actually improve the existing structure or to only build in its footprint, having removed what is there.

He just wanted the Board to ask the Petitioner about this. The outcome is the same. This is the appropriate venue to address either. Mr. Morrow showed the Board a picture of the subject property. The intent is either to demolish and rebuild or improve the structure. This is right on the property lines, and it is going to expand the structure so that it comes a bit closer to the house, leaving only 7 feet where 10 feet is required. He said he is confident that the configuration is required to accommodate all the necessary components of the accessory dwelling unit (ADU).

Mr. Morrow gave the Board the background on the property. It is zoned RSF-5 and has lane access. The current land use is a single-family residence that is about 1,342 square feet. The 6,300 square foot parcel and structure are both conforming. The subject parcel and the object of the variance is a detached garage that was built in 1970 per the Tax Assessor. It is 20 feet by 22 feet, which is 440 square feet. The Petitioner is requesting variance relief to expand this structure. He said that it falls within the permitted 40% maximum floor area for ADUs. However, it has some nonconforming setbacks. Mr. Morrow pointed out to the Board that the 440 square foot structure is the addition. It is a bathroom shower that is going to bring it within seven feet of the principal dwelling. There is a sidewalk here and this is the rear. A driveway here where you pull into the garage and so this is intended to be the totality of the living quarters.

Mr. Morrow said the requested variance is inconsistent with the intent of the Zoning Ordinance, but it is consistent with resource preservation. If the intent is to restore what is there or to improve it rather than to demolish it, but this is not the situation as they are talking about a contributing structure. The Zoning Ordinance would intend that this be demolished and that a completely conforming structure would be built in its place. The only special condition here is that they are talking about the potential repurposing of an existing structure. The special condition is the result of the actions of the Petitioner. They desire to improve something that would otherwise be legal and nonconforming. Therefore, the request is not likely

fully financially motivated, although obviously there are financial implications for the inclusion of an accessory dwelling unit. The parcel is of sufficient area to establish an ADU by right. Therefore, there is the opportunity for this to come back to this Board. He said it would need to come back to this Board with a design that conforms to the requirements of the Zoning Ordinance. Particularly, regarding separation because then it would become incumbent upon the Building Department to specify how the structure would need to be built to meet the requirements. The variance is not required to make use of the subject property. As he has aforesaid, a conforming ADU may be developed by right by the Petitioner. Approval of the variance would confer special privilege. Mr. Morrow stated that Staff recommends denial of this request. He entertained comments from the Board.

Mr. Condon asked Staff if their recommendation for denial is mostly based on the 7-foot distance between the house and the addition.

Mr. Morrow stated that this is not in a preservation-oriented district. This is a general RSF-5. Therefore, this was the first consideration. This is a place where you can build a conforming ADU by right. There is no need for the 125% relief. He said that he brought the point up that he does not know if this is an intent to restore or to rebuild in the footprint. If the intent is to rebuild in the footprint a conforming structure ideally would be built.

PETITIONER COMMENTS

Mrs. Thuy Trang Nhan (Trish) came forward and stated that her husband, **Jared Rosewum** and she are the owners of the property. They own this property. They inherited the property in 2022. Mrs. Nhan said they are trying to improve the property. It will be used by family only. Her mother lives with them. Therefore, this will be used as their extended guest room or extended space for a workshop. They are trying to accommodate her mother by providing her with living quarters. This is the reason they are asking for an ADU with a kitchen. The area that the Board is seeing is the deck and not the building. Mrs. Nhan pointing to an area, said this is an outdoor space, and the seven feet is the corner of the house is here. Therefore, it is not that close to the house. This is what they would like the Board to consider. They have talked with several people throughout this entire discussion on whether this is allowable. They are trying to improve and expand an existing structure that is already here.

Mr. Rosewum said they are basically keeping three walls.

Mr. Condon asked the Petitioners if they are basically keeping the three walls that comprise the left side of the garage.

Mrs. Nhan said yes. All the garages will stay the same. The only two walls that they are trying to redo (pointing to area she said) is this wall and that wall as the other wall is to expand with the bathroom. Therefore, they will need to rebuild that wall for the bathroom. Then the other side is to redo the windows. Currently, there are three windows that are unusable. They are at a weird height where you cannot even look out of them very well. You cannot open or close them well. They are proposing one big window for this space so that it is usable for her mother or when they have guests.

Mr. Condon told Mrs. Nhan that she is not in the Historic District; so, the windows don't really matter. He asked if the highlighted area is the proposed living area. Does this part of the structure exist and it's just the proposed bathroom that does not exist?

Mrs. Nhan answered correct.

Mr. Condon told Mr. Rosewum and Mrs. Nhan that he just wanted to be sure that they understood about demolishing. He asked Mr. Tom Bolton, Plans Examiner with the City of Savannah, what is the percentage of demolishing a wall? What is the rule if they demolish to "X" that the Petitioners must conform to the current zoning?

Mr. Bolton explained that if the walls are taken out, it is nonconforming. They would have to put the walls back to conforming.

Mr. Condon said the nonconforming walls are the ones that are the current garage space. Is this correct? This is where you touch the property line.

Mrs. Nhan said yes. The backs of the back wall are nonconforming and the side wall, but they are not touching these walls.

Mr. Condon asked Mr. Bolton that the variance for Mr. Rosewum and Mrs. Nhan is for them to put the nonconforming wall back and in its conforming place.

Mr. Bolton injected that they do not take the wall back.

Mr. Condon said they wanted to be sure that the Petitioners are clear on that because when they do, the Building Department will make them change it. He advised them to be sure that their builder understood this.

Mrs. Nhan said alright, thank you. She said the last part is that they are raising the roof to have a pitch; they want to be sure the water flows.

PUBLIC COMMENTS

None.

Mr. Condon asked the Petitioners to come back to the podium. He wanted to be sure they understood about the roof height of their ADU cannot be higher than the roof height of their home. He told them that when they change the roofline, do not let their builder do that either because they will be coming back to this Board, and they will be telling them to take the roof off.

Mrs. Nhan said the roof height is under the height of their home.

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 variance relief in association with a proposal to convert and expand an existing nonconforming accessory structure into an accessory dwelling unit:

- 1)Relief for nonconforming rear setback of 0 feet from a lane where 3 feet is required;
- 2)Relief for nonconforming side setback of 3.5 feet where 5 feet is required;
- 3)To Permit 7-foot separation from the principal dwelling unit where a minimum of 10 feet of separation is ordinarily required.

Vote Results (Approved)

Motion: Michael Condon

Second: Brad Baugh

Stephen Merriman, Jr.

- Abstain

Michael Condon

- Aye

Stephen Plunk

- Not Present

Betty Jones

- Not Present

Armand Turner

- Aye

Brad Baugh

- Aye

Benjamin Griffith

- Aye

[13. 225 West 40th Street | Variances for ADU | 24-004558-ZBA](#)

🔗 [225 W 40 ST_24-004558-ZBA_APPLICATION.pdf](#)

🔗 [225 W 40th ZBA Variance Submittal Revised 26Aug2024.pdf](#)

🔗 [Staff Report](#)

NOTE: The Board took a 5-minute recess

Mr. Edward Morrow, Director of Development Services/Current Planning presented the Staff report. Mr. Morrow stated that this is another case that has similar facts as the last petition the Board heard. But, in this instance, there is an intent to demolish an existing accessory structure. It is a garage that fronts on Jefferson Street at the rear of a contributing historic dwelling. The Petitioner is requesting relief from the 40% maximum floor area for an accessory dwelling unit in relation to the principal dwelling. He said the intent is to take the accessory structure that is at the rear of the contributing dwelling in the Historic District and replace it. The expansion is proposed to exceed what would be the maximum of 40% in relation to the principal dwelling of the parcel. The subject property is plus or minus 6,000 square feet and is zoned TN-2. It is a conforming parcel in the TN-2 zoning district by frontage and with regard to lot area for a single-family attached dwelling.

The property does contain a contributing 2-story home that is 1,642 square feet in area. The detached garage is noncontributing, thereby permitting its demolition. This is in the Streetcar Historic Overlay District. It is resource #1401. The request indicates an intent to expand the size and function of this noncontributing garage by extending its footprint partially toward the house while maintaining compliance with the current rear and sides setbacks. So, really the only thing that is at issue here is the size of it. The idea is that because they are creating something that was not there, then they can make it conforming with the current specifications of the zoning district. Therefore, the proposed 675 square foot structure would be 49.6% of the floor area of the principal dwelling, where only 40% is permitted. This is an existing condition, but the Petitioner is taking the structure to an extent that is beyond the prior nonconformity and they are seeking to expand it. Mr. Morrow said it is on this basis that Staff recommends denial of the request because there is the opportunity to create something that is conforming within this district.

PETITIONER COMMENTS

Pete Callejas, AIA of Homestead Architecture, Petitioner came forward and stated that he appreciates the Board consideration. Mr. Callejas said he wanted to address a couple of things. The structure that is being demolished is noncontributing; it is a CMU building that is irreparably damaged. It is too small for a 2-car garage. It is very low and very narrow. The client wants to have a 2-car garage with a small apartment above. It is less than 700 square feet. The reasonable difficulty they are claiming is that the existing house on the lot is based on the calculations that he got from the Zoning Department. It is only 1,360 heated square feet on the first floor, which is very small for that neighborhood and that lot. This is one of the reasons why if it was 300.7 feet bigger, they would not have to be here before this Board. But because it is only 1360 square on the first floor would only allow them 544 square feet for a 2-car garage which is relatively small for two modern size cars. Mr. Callejas said he did not have it written measurements with him, but he believes the size is 24x 24. The size also has to do with the apartment above which is a one-bedroom apartment could be from 600 to 800 square feet. It is going to be 675 square feet. It is not anything unreasonable; it is just a one-bedroom apartment with a studio space for a young professional or a student with long term lease rental. It is 160% wider than it needs to be. It is under 700 square feet. There are several examples across the street caddie corner and within a couple of hundred feet where accessory dwelling units are larger than the 40%, including the one that was approved by this Board at 306 West 40th Street, which is 250 feet over the allowable amount.

Mr. Callejas said all they were asking for is just a little bit of exemption because of the size. It has more to do with the size of the existing house than the lot. He thinks with what they are proposing, they will end up with 33% lot coverage of the 60% that is allowed. The building that was demolished was not historic, it was not contributing. It was irreparable damage. What they are trying to do is just a 2-car

garage with a medium sized apartment above. Mr. Callejas entertained questions from the Board.

PUBLIC COMMENTS

None.

BOARD DISCUSSION

Mr. Baugh said it seems close to conforming. They would be sort of a slippery slope back to making it a one-car garage and taking parking off the site. He is sort of in favor.

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 at 225 West 40th Street.

Vote Results (Approved)

Motion: Brad Baugh

Second: Armand Turner

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

14. 2309 Walz Drive | Variance to lot size reduction for ADU | 24-005292-ZBA

🔗 [2309 WALZ DR_24-005292-ZBA_APPLICATION.pdf](#)

🔗 [Staff Report.pdf](#)

🔗 [B. Johnson_public comment- 2309 Walz Drive.pdf](#)

Mr. Edward Morrow, Director of Development Services/ Current Planning presented the Staff report. Mr. Morrow stated that the Petitioner, Ms. Karen Dickinson, is requesting a relief from the 125% minimum lot area minimum requirement to establish an accessory dwelling unit (ADU). This subject property is 2309 Walz Avenue. He showed the aerial imagery on the screen and stated that the subject property is zoned RSF-10 to be built on the property. The property is zoned RSF-10 (Residential Single Family - 10). This is a minimum of 10,000 square feet in land area and in a district that permits only residential single family detached homes. The structure is about 1,509 square feet and does not have lane access. The land use is a single-family residential structure of 1,509 square feet. This is a concern with regards to size, as the minimum lot area of the parcel is 102% where a minimum of 125% is required. Mr. Morrow said the only concern Staff had in reviewing this request is the structure that may have been proposed is that it might be a prefab structure of a type that might face issues when they get to the Building Department. With regards to citing, it for an ADU, there is a provision within the Ordinance that says that manufactured homes, shipping containers, recreational vehicles and travel trailers shall not be used in accessory dwelling units, except that manufactured homes may be used in specified zoning district. The structure that was proposed appears to be manufactured. But this is something that will be sorted out with the Building Department. The issue in question today is that of the minimum lot area of 102% where 125% is required. Staff took no issue with that. This is the proposed configuration and as the Board can see it is intended to meet all the necessary setbacks, and it is well below the lot coverage. Mr. Morrow

said Staff recommends approval of the request. He entertained questions from the Board.

Mr. Merriman said to be clear, they are only talking about the variance that is asked for and not about what the building is such as whether it is manufactured, etc.

Mr. Morrow answered yes. He just wanted to be sure it was introduced into the record that they are aware that there may be questions regarding this particular type of structure and to just convey to the Petitioner that this variance is to establish an ADU. They are not making any qualifications regarding the appropriateness of this structure that they are intending to use.

PETITIONER COMMENTS

Ms. Karen Dickerson said when she looks at other properties in the area, basically on her street, they have structures that look like they built them their selves. She knows that she does not want to do what neighbors have done because of how they look. She promised the Board that her structure would be built right. She respectfully asked the Board to approve her variance request.

PUBLIC COMMENTS

None

BOARD DISCUSSION

None

Mr. Merriman entertained a motion.

Motion

The Savannah Zoning Board of Appeals does hereby approve a variance to exceed the 125% minimum lot area requirement to allow an ADU to be built on the property at 2309 Walz Drive.

Vote Results (Approved)

Motion: Armand Turner

Second: Michael Condon

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

15. 1605 Abercorn Street | Appeal of Decision made by HPC | 24-005229-ZBA

🔗 [1605 APPEAL APPLICATION - SEP 25 2024 - 11-23 AM.pdf](#)

🔗 [SUBMITTAL-PACKET-1605-ABERCORN-STREET.pdf](#)

🔗 [public comment-Karmiel-24-005229-zba.pdf](#)

🔗 [Staff Report 1605 Abercorn Appeal](#)

Mr. Edward Morrow presented the Staff report. The Petitioner, A and C Brock Holdings LLC, is appealing an August 28, 2024, determination by the Historic Preservation Commission (HPC) related to a request for demolition of a contributing structure (24-004042-COA). The subject property caught fire and

was condemned by the City of Savannah in February 2024. Mr. Morrow showed the Board some photos of the building at 1605 Abercorn Street. The Petitioner was requesting that they be allowed to demolish this property and reconstruct something in its place. He explained that what appealed is the fact that the Historic Preservation Commission voted to approve only a partial demolition. What they stated was an intent to permit replacement of only elements that were irreparably damaged. They are requesting that anything that could be stabilized for the purpose of its restoration be salvaged and stabilized to be reused in other projects. But the acquisition of previously reclaimed historic materials for future projects was not exactly stated within the intent of petition or they would request the debt demolition. Mr. Morrow believed the Petitioners were requesting permission to demolish the structure in its entirety. Therefore, the Petitioner is present today requesting that the determination of the Historic Preservation Commission (HPC) be modified to permit total demolition of the structures. The Petitioner asserts that this restoration presents a significant financial burden. Mr. Morrow said he was going to go through the Staff's findings to show how they came to their conclusion.

Mr. Morrow stated that the subject parcel is in a TN-2 Traditional Neighborhood. The "2" indicates about .07 acres by the tax assessor, which is just over 3,000 square feet. It has forty-five feet of frontage on Abercorn Street and is close to a restaurant. The parcel is within the Streetcar local historic district. It contains what remains of a 2,675 square foot single family dwelling unit but in or about 1900 and was renovated in 1990, per the Tax Assessor's records. The home is listed as a contributing resource within the Thomas Suare National Register Historic District. According to the documentation that was provided by the Petitioner of the home, it caught fire on Valentine's Day, or at least this is the date of the condemnation order that was issued by the City of Savannah. The Appellant filed the application for a COA for demolition for contributing structure to be heard at the August 24, 2024, HPC meeting. He apologized for saying the meeting was held on August 24th and stated that he believed the meeting date was August 28th. The HPC Staff cited the structural engineers' analysis of the property which attested to the poor state of the structure following the fire. They added also that the rot and decay was not attributable to the fire. The historic wood frame structure posed an added burden, which would ultimately cost more and would be of a lesser quality than new construction. The HPC Staff further noted that no information was provided demonstrating the costs of demolition versus restoration nor economic hardship. The HPC Staff recommended approval of a total demolition on the condition that the building be documented in accordance with the MPC's policy and that salvageable materials be collected for reuse. He said that while the structure was condemned by the City, no demolition order has been issued by the City. To date, the Staff has not received a demolition order. However, Mr. Morrow reminded the Board that they have seen included in the record that a condemnation was issued.

Mr. Morrow said the demolition section was shown in Section B which shows that in this relocation or demolition is required to avoid exceptional practical difficulty or undue hardship upon the owner. If all the following conditions are satisfied and the one that they are concerned with, the Petitioner has provided evidence sufficient to demonstrate that the application of the standards of this section deprives the Petitioner of reasonable economic return on the subject property. He informed the Board that he would go back to the section to see if the Petitioner had provided evidence sufficient to do so. He stated the Staff's prior report stated that no information was provided about the costs that were associated with the total demolition of the structure as opposed to going through, assessing, and scoping the work that would be involved in its restoration. In looking at the documents that were provided, nothing was provided submitted showing the danger of causing some kind of public harm. They said it was an imminent danger of collapsing, but they did not provide evidence that there was something that was about to fall into a public right of way, nor if something was about to damage someone else's property. The language did not lead you to believe that this was a concern. If this was a concern, Mr. Morrow believed that Code Enforcement would have taken the steps to say that this structure needs to be demolished. No demolition order was issued. He stated Staff finds that insufficient information was provided to establish deprivation of reasonable economic return and recommends the decision of the Historic Preservation Commission be affirmed. Mr. Morrow entertained questions from the Board.

Mr. Merriman asked who used the language that the structure was in imminent danger of collapsing.

Mr. Morrow answered that he believes it was in the structural report.

Mr. Merriman asked if the structural report was submitted by the Petitioner or by City Staff.

Mr. Morrow explained that the structural engineering report was from RWP Engineering firm. They

stated it is a two-story wood frame residential building. They described that it was recently damaged by a fire which destroyed a significant portion of the building. The report talks about how it started.

Mr. Merriman said it is a balloon-framed in the upper portion which means that the studs go from the bottom all the way straight up. It is not platform framed; so half of this at least is compromised.

Mr. Morrow stated that in the Staff's opinion, the fire damaged the front exterior wall. This causes a significant hazard and a risk of collapsing in its current condition. Furthermore, it is their opinion that given the significant portion of rot and decay of the existing wood frame structure, a significant portion is fire damaged. The cost to repair the existing wood structure will greatly exceed the cost of demolition. So again, this is from the structural report. But is not necessarily a scope with estimates of what that would take.

Mr. Merriman asked Staff if they have had any follow-up with the City's Building Department.

Mr. Morrow answered that Staff might have had some verbal correspondence.

Mr. Merriman stated, but staff has not received nothing official.

Mr. Morrow answered correct.

Mr. Merriman asked the staff if they know what the recommendation of the HPC staff was when this was heard that their Board meeting.

Mr. Morrow answered that he believes the HPC Staff was in agreement with the total demolition.

Mr. Merriman asked the Petitioner to please come forward.

PETITIONER COMMENTS

Ms. Amy Brock came forward and stated that she is the property owner. She said that Mr. Morrow pretty much covered everything. Ms. Brock entertained questions from the Board.

Mr. Merriman asked Ms. Brock if there was anything she wanted to add.

Ms. Brock stated the home caught on fire. It is a complete disaster. They thought that the HPC was going to approve full demolition and now they are in a situation where the structure is so damaged that their contract has stated that it will be far more expensive to build. From what's there, rather than demolishing and building something new, they are working with Repurpose Savannah to carefully deconstruct and salvage whatever remains.

Mr. Merriman asked the Board if they had other questions for the Petitioner.

Mr. Condon said it appears by the photographs that the majority of the damage is to the second floor in the attic. He stated that he did not see any photos of the first floor. He asked about the condition of the first floor and the other floors other than water damage from them putting out the fire.

Ms. Brock answered that there is significant fire damage in the front half of the home.

Mr. Merriman told Ms. Brock, he did not know whether she heard the report, that this is a balloon framed house.

Ms. Brock pointed out that the second floor is right there. And then this starts getting into the lower levels. This was noted by their structural engineer as having significant issues. She did not think the first-floor fitters are in there; but there are some.

Mr. Merriman asked the Board if they had any more questions from Ms. Brock. The Board members did not have any more questions. He entertained public comments.

PUBLIC COMMENTS

Ms. Ellie Issacs, Director of Preservation at Historic Savannah Foundation (HSF) stated that they agree with the Staff's recommendation to uphold and affirm the decision made by the HPC. Ms. Issacs said to overturn the decision would undermine the authority of the HPC. As Staff noted, insufficient evidence was provided in the application to warrant a complete demolition or financial hardship. Ms. Issacs said they took a similar approach to what was in the HPC's determination on a revolving house revolving fund on West 37th Street known as the Web House. So, it has been proven that this can be done. Why would they want to lose another contributing building to the district if it doesn't have to be lost. Taking sensitive steps to save as much of the contributing building as possible is the best approach.

Mr. Merriman asked if any other members of the public wished to speak. There was none. He asked Mr. Patel if there was anyone online.

Mr. Patel answered no.

Mr. Merriam invited Ms. Brock to respond to public comments.

Ms. Brock declined.

BOARD DISCUSSION

Mr. Merriman invited the Board members to make comments.

Mr. Condon said he has seen worse houses repaired. He hates to see especially in Abercorn houses, these historic homes demolished. As a builder, he has personally fixed houses worse than this. He stated that he sympathizes with the Petition in the sense that it's always going to be easier on a builder and an engineer is always going to default to just pushing it over and start again. But in Savannah as a part of why they all are here is because they love the old houses. He was torn, but he wanted to hear from everybody.

Mr. Turner said he believes that the financial comparison would have been extremely helpful in making a decision to go against the initial decision. A lack of comparison makes it hard for him.

Mr. Condon asked if the Board wanted to give the Petitioner some time to do that.

Mr. Turner said, if possible, he believes that would be better.

Mr. Condon asked the Petitioner to please come forward. He asked Ms. Brock if the Board would give her more time, can she get her contractor to provide her documentation that it's more expensive to repair the building than to knock it down?

Ms. Brock answered yes. She also said that should have been submitted with all of their packages.

Mr. Condon told Ms. Brock if she requests a continuance, they can continue the petition.

Ms. Pamela Everett informed Mr. Condon that the Board must remember that this Board can only consider what the HPC Board considered. The ZBA cannot ask for additional evidence if it was not in the original package. If it was not there, then you cannot consider it.

Mr. Condon thanked Ms. Everett.

Ms. Brock said on their original petition it was not a question of that as they were kind of petitioning for a full demolition anyway. So, the economic part was not a part of the conversation until the HPC decision.

Ms. Everett said the economic part is always a part of the application for demolition.

Ms. Brock said she did not prepare the application. Therefore, she does not know what's there.

Mr. Morrow said this is the Ordinance. If you are requesting something, there is a section on the Ordinance that says you can ask for x, y, z. This is demolition and there are the criteria for demolition

anytime the application is soliciting information that's based on the requirements of this Ordinance first and foremost to what the Staff received. This allows you to scroll through.

Ms. Brock said thanks and asked if there were any further questions for her.

Mr. Merriman said that the Historic Preservation Staff was present. They can probably speak to this and find the original application.

Mr. Jonathan Mellon, Director of the Historic Preservation Department, came forward and stated that he just wanted to provide a little context. Mr. Mellon said when this went before the HPC, there was quite a bit of discussion. Several of the members of the HPC said what he believes Mr. Condon just stated, which is they have seen a number of other historic buildings in Savannah in worse condition. As they all know, there are too many of them to catch. They also noted that this fire occurred. Caitlin, Kelli, and he went to the site. He believed they went in February or March. So, it's been standing for eight months. It's been through a hurricane. They have not seen any further deterioration. He believes that also when the HPC looked at it, they said they understood that the HPC acknowledged that yes, it probably is more expensive to restore it, but it was their view that this is why they exist to preserve historic contributing buildings, and this should be restored.

Mr. Merriman asked Mr. Mellon if the HPC recommendation was to grant demolition.

Mr. Mellon answered yes. Their understanding is that they were recommending full demolition because they always err on the side of public safety. So, from what they understood from speaking with the Petitioner and speaking with the City at that time was that this building was potentially in imminent danger of collapsing. And even though there is a fence around it, falling onto the street. Many months have passed, and the building is still there. The Staff has not been able to go the site again, but several of the HPC Board members have visited the site. They don't go on public/private property. They just walked around the site outside of the building. The majority of the building is intact, and that building could be restored, but as he has said, they were erring on the side of public safety, which is what they always do from the initial condemnation from the City. But then they discovered afterward that there had not been a demolition order issued by the City. So, the building has been there for eight months.

Mr. Condon asked Mr. Mellon what his present opinion was.

Mr. Mellon answered that he believes their Historic Preservation Commission is comprised of folks who have a great deal of experience with historic buildings. He thinks that in looking at it now and given that the City has also, he thinks that just common sense if you knew the City had concerns that the building was going to collapse, they probably wouldn't have let it sit there for eight months. A few of the members of the Historic Preservation Commission have noted that they have worked on buildings, themselves, that were in worse condition that they have restored. Mr. Mellon said as Ms. Issacs noted, they always want to, where possible, to uphold the authority of the HPC and the HDBR.

Mr. Merriman thanked Mr. Mellon for his comments. He asked the Board members if they wanted to add anything in light of Mr. Mellon's testimony. The Board had no further comments. Mr. Merriman entertained a motion.

Mr. Condon motioned that the ZBA affirms the decision of the HPC in regard to 1605 Abercorn Street

Mr. Merriman said Mr. Condon has made a motion to affirm the HPC's decision.

Ms. Everett asked Mr. Condon to be more specific in his motion because they have to write findings of fact.

Mr. Condon asked if he should read the motion into the record.

Ms. Everett answered yes.

Mr. Condon read the motion into the minutes that the ZBA affirms the HPC decision based on the fact that the Appellant failed to provide sufficient information to establish deprivation of reasonable economic return.

Mr. Baugh seconded the motion.

Motion

The Savannah Zoning Board of Appeals does hereby adopt the following Findings:

- 1.The Savannah Zoning Board of Appeals does hereby affirm and upholds the decision of the HPC.
- 2.The Appellant failed to provide sufficient information to establish “deprivation...of reasonable economic return.” Per the requirements of City of Savannah Ordinance Sec. 3.18.8.b.iv, it is incumbent upon the Applicant for a COA to demonstrate that the requirements imposed create exceptional practical difficulty or undue hardship.

Vote Results (Approved)

Motion: Michael Condon

Second: Brad Baugh

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

16. 201 West Jones Street | Appeal of an HDBR Decision | 24-005030-ZBA

- 🔗 [201 W JONES ST_24-005030-ZBA_APPEAL APPLICATION.pdf](#)
- 🔗 [APPEAL BY AWH 9.10.24_EXHIBITS OTHER THAN E.pdf](#)
- 🔗 [APPEAL BY AWH OF 201 W. JONES 9.10.24_EXHIBIT E.pdf](#)
- 🔗 [APPEAL OF AHW 9.10.24 SUPPLEMENTAL DOCUMENTATION.pdf](#)
- 🔗 [AUGUST 14, 2024 HDBR DECISION.pdf](#)
- 🔗 [Andrew Jones links for submission 10-24-24.pdf](#)
- 🔗 [Letter to ZBA from K. Guinn Board Chair.pdf](#)
- 🔗 [Staff Report 201 West Jones Appeal](#)
- 🔗 [Appeal of AHW - PowerPoint Presentation 10.22.24.pdf](#)
- 🔗 [Letter from Owners \(Clemson\) 201 W. Jones.pdf](#)
- 🔗 [Jarles - Opposition to Appeal \(1\).pdf](#)
- 🔗 [combined public comments.pdf](#)

Mr. Edward Morrow, Director of Development Services/Current Planning presented the Staff report. Mr. Morrow stated the Petitioner, Andrew Jones, agent for Anna Habersham Wright, is appealing an August 14, 2024, determination by the Historic District Board of Review (HDBR) related to a Certificate of Appropriateness (24-003810-COA) for a proposed rear addition to the historic residence and contributing structure at 201 West Jones Street. The modifications would extend the second and

third floors of the residence, encapsulating the rear of the structure, and effectuating the conversion of one third floor window to a door. The Petitioner proposes to remove the brick and sill under the window, retaining the deconstructed historic materials on site in the event the modifications are to be reversed. At the August 14, 2024, meeting, the Petitioner provided three alternative proposals for the rear addition and numerous examples of rear additions deemed to be in keeping with previous determinations of the Board.

MPC Historic Preservation Staff found Scheme A met the Secretary of the Interior and local District Standards and was most visually compatible within the scope and meaning of the Ordinance's design review criteria. The HDBR, in a split 4-3 vote, approved the request for construction of a rear addition in accordance with Scheme A as recommended by MPC Staff. The approval was contingent upon one condition related to the specifications of rear deck handrails to be installed. The Appellant requests the decision be reversed, asserting that the HDBR's determination was capricious, arbitrary, and erroneous.

The Petition appealed was filed for consideration at the August 14, 2024, Historic District Board of Review meeting (24-003810-COA). MPC Staff's report responds to each of the relevant elements enumerated by the Ordinance in Sec. 7.8.7 for grant of a COA: Secretary of Interior Standards, Visual Compatibility, and Local District Standards, describing the reasons for which the standard is believed to have been met. Following Staff analysis, a recommendation for Scheme A was made, which was ultimately followed by a majority of the HDBR. Criteria for issuance of a Certificate of Appropriateness are outlined in Sec. 7.8.7 of the Zoning Ordinance.

Upon review of the materials submitted and approved in association with Petition number 24-005030COA, Staff finds that the initial evaluation was properly conducted in light of the criteria established by the Ordinance for grant of a COA, including the Secretary of Interior Standards, Visual Compatibility, and relevant Local District Standards. Each criterion was discussed by Staff in its report, and the specific scenario identified as most visually compatible was proffered as a recommendation to the Board. The HDBR, in a split vote, agreed with the Staff recommendation.

Accordingly, Staff recommends the decision of the Historic District Board of Review be affirmed, as both Staff's assessment and the Board's determination were based on a competent and reasonable evaluation of the proposal against the established criteria. Additionally, the Board shall issue a statement of the specific reasons, including findings of fact, to support its decision.

Mr. Andrew Jones, Agent for the Petitioner, Anna Habersham Wright, stated they believed this decision is arbitrary and capricious because the HDBR erroneously applied the three main standards and did not apply the demolition rules. This project is not an addition but rather the demolition of a substantial portion of a contributing structure and the construction of almost an entirely new structure. The building is visible from Jones Street, Barnard Street, Taylor Street and Chatham Square. The Ordinance is supposed to protect contributing buildings and 201 West Jones Street is a contributing building. The Ordinance is supposed to protect Ms. Wright's building as well. She purchased the home with the understanding that the Ordinance would be enforced.

With this fake addition, the view from Chatham Square will be lost and the view from the street will be lost. The brick section with the shutters, as shown on the slide, is proposed to be saved. What is behind it will be demolished, the porch that is highly visible from the right-of-way will be demolished. The Historic Building Map determines the contributing resource status, it is set forth in 7.8.4. The map is created through a legislative process. This project involves impermissible demolition. The MPC and HDBR Staff describe this as an addition. That is not merely an addition, it is an impermissible partial demolition of a contributing resource and the construction of an almost entirely new structure. The Applicant did not emphasize this. Neither the MPC nor the HDBR addressed it. The Applicant did give the drawings, page eight and nine of the formal submittal packages for review by the MPC and HDBR. There were two pages of demolition drawings. The demo includes all windows, doors and brick walls removed. The parlor floor, the part highly visible from the street, wood framing, walls, all existing windows, and doors will be demolished. The porch walls and railings will be demolished. On the top floor the entire roof, ceiling structure, removal of window, sill and brick, all will be demolished. The proposal involves demolition in areas constituting approximately a third of the building. MPC erroneously ignored the rear of the rear portion and its lower floor. The MPC Staff report of May 8, 2024, stated, "any work done to the home at the Garden Level and on the back half of the northern elevation will not be reviewed at this time as the work will not be visible from the public right of way". But the Ordinance specifies exactly when the right of way is relevant in Section 7.8.9 Visual Compatibility. MPC Staff refused to recognize the extent of the

demolition. The Staff report from May 8, 2024, said the new application only includes the construction of a rear addition and the addition of stucco on the front stoop. The Secretary of Interior Standards cannot be met by a demolition. The proposal is inconsistent with the Secretary of Interior Standard No. 3: changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken. The applicant showed that the proposal borrows from other buildings elements that were never on 201 West Jones. The applicant is trying to transform the building into something it never was. The applicant used the word "precedent", that is not a work found in the Ordinance. The Ordinance is clear that this "Shall Not Be Undertaken." The visual compatibility standards were not applied as they were written in the Ordinance. Section 7.8.9 requires that the proposal be visually compatible with contributing properties that are visually related. Section 13.5 defines visually related as within view of the subject property. The applicant justified the proposal based on buildings many blocks away. The majority agreed and approved of visual compatibility based on the building cited by the applicant regardless of location. The action was arbitrary and capricious because it was contrary to the standard.

The proposal fails the criteria for additions under the Design Standards in Section 7.8.10 of the Ordinance. Additions shall not obscure or damage any character defining features, the proposed design would obscure the top story of the building. Additions shall be reversible with minimal damage to the contributing building. The areas proposed to be demolished are not minimal. This needs to go back to the HDBR to apply the rules correctly. The applicant has other options. One option is for the applicant to file a request for a text amendment taking the structure or a portion of it, off the map using the application procedure in Ordinance Section 3.16.7. The text amendment has been used recently. To require some people to follow the law and not others, is the definition of arbitrary. Another option would be, if the building is contributing, it can be demolished if an application is filed under Section 3.19.9 and the HDBR determines that the criteria are met. The entire character of this historic 1852 building is being obliterated. The Ordinance was designed to prevent this from happening. Protection of contributing structures from demolition is fundamental to the Historic District Overlay.

Mr. Merriman, Chairman, asked Mr. Jones if he attended the HDBR meeting where this was decided on. If so, did you raise any of these concerns to that Board?

Mr. Jones said yes, he was there and raised the visual compatibility issues, the design standards and the demolition of the windows. Where we can, we are trying to resolve issues. This for some reason fell through the cracks.

Mr. Condon, Board Member, said as he understands it, the federal government's recommendations require you to differentiate between old and new. As they discussed the photo being shown, he understands that area to be enclosed making that brick wall and interior wall. Plan "A", it is visually different. Aren't they supposed to do that?

Mr. Jones said we do not have a problem with it being visually different. That is a way which in fact it is consistent with the standards. What we are saying is there is a special standard that says you are not supposed to create false history or borrow elements from other buildings. The design is beautiful, but the Secretary of Interior does not want you to take one building and turn it into something it never was.

Mr. Condon said we create an issue where there are only a few different architectural styles here in the City. His concern is if the ability of the HDBR to make these judgements, based on "it kind of looks like a building three blocks away, as opposed to the buildings on Jones that are right nearby. They should look like they were built around the same time except for the addition. There are limitations.

Mr. Jones said there are limitations, but the Secretary of Interior Standards is hoping for some originality. The problem with this case, if the Applicant had not submitted the pages 6-8, there would be a lot more leeway.

Mr. Condon said a lot of times people are living in an "architect world" where they say something looks like a building elsewhere, not realizing that is not helpful. Demo is a reality, while I agree, I don't want demo to happen, but the reality is, people have the right to build additions onto their homes. These Boards help to see that something is done in the best interest of the entire community. Mr. Condon feels Mr. Jones has some valid points but does not feel he has presented enough evidence to overturn the decision of the Board given this has been pushed back to them once already.

Ms. Pamela Everett said there is not an option to remand back to the HDBR. This Board must decide, and this decision would be appealed to Superior Court.

Mr. Merriman asked if the small portion with the roof coming off it was an addition to the original structure.

Mr. Jonathan Mellon, Director of Historic Preservation, said this received a great deal of attention from the HDBR. It was first brought before them in March. It came back before them in May and then again in August. In addition, Staff pays particular concern to any proposed removal of historic fabric and looking at the Secretary of Interior Standards. In Savannah and other cities, the rear elevations have historically been given more latitude in terms of what people can do. Anyone who walks down a lane in Savannah will notice some wonderful additions, some maybe we don't love, but over time they have evolved organically on the rear elevations. Using the standard that is being argued today by the Applicant appealing, if you can't remove any historic fabric, you can't put an addition on your house. That has never been the standard. Mr. Mellon said he has worked in the Nation's Capital and worked closely with the US Commission of Fine Arts and with the National Park Service. The Secretary of Interior Standards do not at all say, you can't remove any historic fabric.

He stated that when this first came to our Staff, they met with Mr. Lurie who is the project architect. The original design, as noted, did call for the removal of the brick portion shown. As well it was going to be the same height as the main roof. As Mr. Jones noted, they also were very concerned about the brick detailing work that wraps around the building. After meeting with Mr. Lurie his clients agreed to lower the height. All the portions shown here will be preserved. In terms of the second floor, the rear wall is being preserved. They will be lowering the window seal to provide the access. Staff has done extensive research on this and were not able to find any evidence about this rear portion here and when it dated to. It wasn't that they just arbitrarily decided, they went to the site more than half a dozen times to look at it. What convinced them about the sidewall, the brick is tied into the brick of the main building. The rear wall and the porch, when they looked at it, it seemed clear to them that was not historic material. The project architect showed Staff interior photos that showed the framing that one could tell some of those walls had been altered or were newer material. They have heard figures put out about the percentage of this building that will be demolished. The front elevation, which is approximately 25% of the house, is not being touched. The side elevation, which is the longest part of the building, is being kept. That is approximately 50% of that building. The carriage house is not being touched. On the rear elevation, what is being removed is the portion of the wall that Staff felt was probably the historic fabric where the sell is being lowered. Staff looked very closely at the Secretary of Interior Standards. They do not feel that anyone that does design review work and reviews projects, would consider what is being proposed here as a demolition. A demolition is when you are taking down the majority of a building. The HDBR supported the Staff report and felt this was visually compatible.

Mr. Merriman said the reason he asked his question about that being an addition and a contributing building, the contribution is tied to a certain period of significance and the fabric being removed is not necessarily part of that significance. Is that correct?

Mr. Mellon said Staff did a great deal of research on this house and were not able to get an exact date of that rear portion. It was Staff's best determination that the side wall was more than likely originally. If it was not original, it was done within the period of significance. That is why the applicant changed their design to retain that wall. What Staff felt was reasonable was the removal of the rear wall which had clearly been altered. The porch or any of that area is historic fabric. That is sometime in the mid 80's.

PUBLIC COMMENT

Mr. Armond Turner made a motion to limit public comment to three minutes, seconded by Mr. Condon. The motion passed unanimously.

Mr. Eli Lurie said on March 13th they went to HDBR the first time with this project with a very different iteration of it. They were removing more building material because they assumed the section had been a later addition. After that meeting one of the MPC Staff members came to the house and walked through the house with me where you could see the construction methods that were used in the house. The issues that are being brought up today were not brought up at the August 14th meeting. They focused on this one window and the sill there. That was the historic fabric that was integral to this structure. That is

the only building material that they are touching on the structure being affected. They are retaining it on site by means and methods that have been approved countless times by this City. The design precedence was being used to show what had been previously approved on the rear of structures similar to this. It was not being used as a copy and paste, and it wasn't being used as a falsification of history. They are not trying to replicate history. They are not weaving bricks into these bricks to make it look like one monolithic wall. They have very clear delineated lines between what was new and what was here originally. This project has been reviewed and heard many times; he can't imagine anything went under the radar until now.

Mr. John Brown said he supports the appeal by Mr. Jones.

Ms. Ardis Wood expressed concern for making everything different. Ms. Wood requested that the Board disregard the ad hominem aspects of the letter sent by Mr. Charles.

Ms. Ellie Issacs, Director for Historic Savannah Foundation, said they agree with Staff's recommendation to uphold and affirm the decision made by the HDBR. To overturn the decision and disregard the project that fully meets the National Preservation Standards, Design Standards, and is visually compatible will undermined the authority of the HDBR. HSF has worked with the architect and the owners to ensure a compatible reversible addition that meets all the standards for a rehabilitation. The proposed addition is appropriate in height. This project causes minimal loss of historic fabric and is viewed by Secretary of the Interior Qualified Professionals, as being reversible. A multitude of rear additions exist within the Historic District. The rear facade is typically viewed as the most appropriate place to add an addition. Buildings are layered by different rates of change; they evolve and tell stories but only if they are allowed. Preservation is multifaceted. It is unrealistic to expect a living city to remain viable with no growth or evolution to our buildings outright. Denying the owner the right to build a compatible reversible addition is against what preservation aims to do by keeping historic buildings preserved and rehabbed for continued use.

Mr. James Hundsrucker came forward and stated that he is supportive of the appeal for many reasons. He was present at the HDBR meetings, and the Board did not cite any contributing buildings within view of this building. So, that was not the standard that was used to allow this addition, which is the standard that Mr. Jones pointed out is now being used to actually reduce the height of the hotel on Tattnell Street from six stories to three to four stories. This is what they are trying to do now. So, this is the standard that should have been applied in this case. Mr. Hundsrucker said he wanted to also point out that this building was cited in the National Parks Service document created for Savannah the National Park Service in 2018, cited as an example of Savannah. The Savannah architecture should be preserved with the main building open space and the secondary building in the back. They are aware of what's going on in Savannah. He said the examples that were used are not visually contributing to this property. He thanked the Board for listening to him.

Mr. Stephen Decant came forward and stated that he agrees with whatever Mr. Jones said and he support the appeal.

Mr. Ryan Jarles said as an educated, trained and working professional both in the fields of preservation, planning, and historic preservation which he thinks a lot of people don't realize are two different things. He honestly finds this appeal to be a bit ridiculous. The Petitioner went above and beyond their means to meet with actual preservationists, even as far away as Kansas, with the Sanborn Map professional to review it and to critique their plans to ensure that what they were proposing would be appropriate and cause minimal damage to the historic structure. The harsh reality that many staunch and diehard individuals calling themselves preservationists to fail to understand is that true preservation allows for alterations to historic structures. It allows for additions to be added to structures and it allows for many things that these individuals may not believe in. Following actual tried and true preservation practices to make the decision not to restore and instead construct an addition allowing for the integrity of the historic building to remain extant, the Petitioner, the MPC's Historic Preservation Staff, and the Historic District Board of Review all followed the rules and regulations provided to them. They listened to the true preservation professionals in the room, and they made an educated and legal decision to approve the petition. After several months of working together on creating a project which is deemed appropriate, met the standards and allowed for the continuation of the integrity of the historic building, appealing the decision made by the Historic District Board of Review, would be a failure to recognize the knowledge and professionalism provided by the many real preservationists that contributed to the formation of the

project, and he would find it a sad day for preservation if this was overturned. Historic preservation deserves to be taken seriously and not treated as a game to push overzealous groups of individuals, outdated agendas. Thank you.

Mr. Merriman called Mr. Michael Thomerson to come forward and make his comments.

Mr. Thomerson said he fully supports the appeal, and he fully supports Andrew Jones's historical preservation efforts.

Mr. Merriman asked if anyone was online that wishes to speak.

Mr. Hind Patel answered no.

Mr. Merriman invited Mr. Jones to make his rebuttal to the public comments.

Mr. Patel stated that Ms. Karen Guinn, Chairperson of HDBR, wanted to speak.

Mr. Merriman invited Ms. Guinn to make her comments.

Ms. Guinn apologized for not being able to attend the meeting in person, but she is a little under the weather. She said that she just wanted to restate in the defense of the HDBR that she represents and their decision. They made their decision based on the Staff's report and the application that was before them. They found that both the preservation and the design standards were met. In addition, the majority of the Board found the project to be visually compatible. As was previously mentioned, this is not the first time that this project has been before them. And it has been debated at length. She believes that the things that were brought up today, were well interesting for other boards to review or other applications. This is not what they were reviewing and are not a part of the review process. Ms. Guinn asked that the Board uphold their decision and the integrity of the process, and the rules that govern both of the Boards.

Mr. Merriman said he believed he skipped Mr. Michael Evans. He invited Mr. Evans to make his comments if he was present.

Mr. Michael Evans came forward and stated that he stands on behalf of the appeal; he supports the appeal. He wanted to say as was mentioned by one of the staff members earlier, he thinks it's very important for all of the in the room to recognize that they're reasonable, intelligent, and thoughtful minds and views on these issues can differ. But they certainly warrant equivalent consideration.

Mr. Merriman asked Mr. Jones to come forward with his rebuttal comments.

Mr. Jones said he would try to address the comments ideally in order. The first one is this view that all of this stuff was reviewed, and they spent all this time looking at it and made all these considerations. It is convenient to say this now. But why don't they go to the MPC's actual words. Their actual words, the MPC Staff report any work done to the home at the garden level and on the back of the northern elevation will not be reviewed at this time as the work will not be visible from the public right-of-way. Mr. Jones said this is what the record says. Now, he knows that people are saying different things today, but you can only make decisions based upon what's in the record. This is the quote, and it is in all the documents that are linked. So, they are saying they never analyzed for purposes of the HDBR. Did they analyze it in internal conversations maybe. But the HDBR was told in the Staff report that none of these matters were because it was not visible from the public right-of-way. So, therefore, this entire proceeding has unfortunately been erroneous. If you turn this down because it was entirely erroneous, the Petitioner simply files a new application, and everything gets corrected. So, if you cannot remand, you turn it down. But they are not going away and then basically HDBR will get the training maybe they can address some of these issues more closely. But the record that they are dealing with is the May application and what was being sent up to the HDBR does not address all those things that were just said to have been addressed. So, it was not a part of the formal review process.

Mr. Jones said several of the opponents to the appeal, arguing the extreme that Mr. Jones is saying that you can't possibly ever have any additions. And of course, everyone has a right to an addition, therefore, he hopes the Board sees through this. This is a very typical argument technique. He thinks so very

clearly how he addresses this issue and that was with respect to looking at these actual rules. And of course you can have ambition.

Ms. Everett informed Mr. Jones that he was only supposed to be addressing the comments that were made by the public.

Mr. Jones said no, the idea is that more than one speaker that he would not permit any kind of addition. He believed it was Elli Lurie as well as some of the first speakers.

Mr. Merriman said he believed Mr. Mellon touched on this.

Mr. Jones said he, too, believes that Mr. Mellon spoke about this. And, therefore, he must respond to it. What he was saying is of course, you can have an addition. The Ordinance allows it. It says reversible with minimal damage to the contributing building. Now, minimal damage is subjective, but there's a lot of demolition here. This is not minimal. Now, what they are trying to do is say that oh well it's not historic, and therefore you shouldn't consider it and so on. But it's minimal damage to the contributing building, not minimal damage to the best pieces that they like. It's to the contributing building and until there's a text amendment contributing, building includes that porch and that whole exterior. They can damage some of that. They can remove some of it, some minimal part, but this certainly to him doesn't mean any kind of rational person's definition of minimal contributing buildings to not include that slice on the back. And again, they have not proven what date that dates to, but that's an argument to make when you for the text amendment. They could say you know everything except for that law was a mistake. It was a mistake to include it in contributing that they are going to redraw the line. They can do that; they have that legal process and that is a legislative process. That's what City Council is supposed to determine. Instead, what this is an attempt to go around the City Council's process, around the legislative process and to have those considerations brought into, somehow redefining which portions of this building are the contributing building. But the map is the determinant of the contributing building. So, they have solutions. They can get what they want done, but they want to do it through a process, which means that they are trying to make you and the HDBR are undermined the authority of City Council. They talked about the percentages of the building. The whole building is contributing, and you are going to get into a real issue if there is an argument. So, destroying 30% of the building is fine; let's say 15% Well let's do 15; 20; 30; 40; 50. No, there is a rule you're not supposed to be demolishing contributing buildings unless you go through a process. Otherwise, they can push this number up over time to 80 or 90 or maybe all they need is just the outer shell of the building.. He specifically says this is a partial demolition. This is the concept; they have at 1605 Abercorn Street. This is clearly a partial demolition of a contributing building. Maybe it's not the best pieces of the building, but that's not the decision to make. The decision is, is it a demolition of a contributing building on the map? They have ways of getting around it, but they are not doing it. They heard over and over visual compatibility was applied. Mr. Jones stated no, a false made-up version of visual compatibility was applied, not the standards that were written in the Ordinance. Fortunately, the HDBR corrected themselves as of the decision on 301 Tattnall Street. So good news; he said that he would not be here on that issue ever again. But this slipped by with the wrong approach. The minority, Sabrina Nagel in particular, told all the other Board members that you can only look at the buildings that are nearby. She said that is what the Ordinance requires. It was the tiebreaker who emphasized this, but he did not care. He was going to look at the other buildings.

Mr. Jones stated regarding the sidewall, they are supposed to believe that the sidewall is original, but it never had a roof. Those roof timbers are later. Somebody just built a side wall that is just standing and free floating. He believes that something is wrong with the way that they are approaching this. He said that Eli Lurie talks about this all being brick veneer, but that's strange because actually you should remember even in the appeal that he had he was talking about the bricks and how they were taken from other houses. In fact, he said so during the ZBA hearing on his application on pages 17 through 18. A lot of these are bricks. He showed a picture and said the thin area is what he calls brick veneer. It's not clear because he said before it was brick. However, now he is saying it is veneer. Look at the porch wall. That is a thick brick wall. He did not think that it is veneer. Whether or not it is, he does not think that it affects whether it is a contributing building. Regarding the window, you heard about the reversibility. Unfortunately, this type of reversibility is a myth, unless you've got a contract with covenants that run the property so that it this was sold to somebody and then they sold it to somebody else, the materials would stay on site. Otherwise, it is fictitious. Mr. Jones wanted to make it clear that they are not arguing against differentiation. But where the Petitioner says it is a copy in the design standards, the Secretary of Interior Stands say you can't just do a copy. You are just in a very different decision.

Mr. Jones said someone brought up the National Park Service. He just wanted to mention that since it came up, he skipped over the slide. He said that in 2018, the National Park Service downgraded Savannah to threatened status. They had a section talking about what the threats to the plan were. One of the first thing said was that it was over development in the rear of the buildings. It is valuable real estate; people want to expand. They had an example of what should be saved in terms of the house cascading into the garden and the carriage house as being sort of the quintessential classic Savannah home. They a picture that they actually labeled as Jones and Bull Streets, but he believes they can all conclude that this is actually Jones and Barnard Streets. This is a quintessential classics event building. You see it from Chatham Square, the adjoining street. The National Park Service thinks is a great example of what's good and what's being threatened today. This is a terrible irony into thinking that this is going to be demolished. Mr. Jones said he finds it sad that one of the speakers implied that they are uneducated, untrained, and uninformed. He believed that HSF talked about true preservation allows for addition. He agreed and wanted to show the Board the Standards. They said that there is no requirement to restore. But the Design Standards are pretty clear. You've got to restore; other than some minimal areas that change in order to get your addition. A lot of the additions are separate buildings that are attached. Mr. Jones stated that as he said before, the HDBR did not follow all the Standards. They clearly did not follow the Visual Compatibility standards that are in the Ordinance. They did not address the issue of the false sense of history, even when being presented with it. Mr. Jones believed that he has addressed all the pertinent points. He thanked the Board for their time.

BOARD DISCUSSION

Mr. Merriman thanked Mr. Jones and stated that the Board will now enter into Board discussion.

Mr. Mellon said he knows the is entering into their Board discussion, but he just wanted to note what's being appealed is the decision from August. If you look the Staff's report from August, a statement was made that they did not discuss the exterior walls. There is a section on page 6, exterior walls that talks about the Petitioner proposing the removal rear wall materials. Staff finds the work to be appropriate given this is on the rear of the building. The select portions of the rear of the home, chiefly on the parallel level, have been altered over time. So, the notion that they did not talk about it in the Staff's report is incorrect. It is on page 6.

Mr. Jones wanted to make a comment to the Board.

Mr. Merriman allowed Mr. Jones to make a final comment. But directed that the Board would not entertain any further comments after this as they will be entering into the Board Discussion.

Mr. Jones said if he is saying to the HDBR that the later part of the building does not matter, he believes the essence of the argument that he just heard is simply not correct as under these rules.

Mr. Merriman said he believed that Mr. Mellon was just trying to clarify that it was discussed, and he read from the minutes of his report.

Mr. Jones said it was discussed, but not in light of the demolition or the nature of contributing status as being the determining factor.

Mr. Merriman said thank you; it is so noted,

Mr. Merriman asked for Board comments.

Mr. Condon said he appreciates Mr. Jones and the neighbors coming in to express their opinion and appreciates the fact, as stated, smart knowledgeable people can disagree. He stated as he reviewed this packet, this is the second time this has come before us, we need to consider the fact this is a slippery slope if we don't let the Historic Review Board make these decisions. That is what they are expert in. He doesn't see anything presented today that makes him feel as though they have not made an educated and informed decision. We could get in the defined definition of words and so on. I have been a builder a long time. I have seen architect put things on things that are mistakes. That is not what they meant. From my perspective, while I appreciate Mr. Jones' hard work, I don't think he has proven that the Board acted erroneous.

There being no other comments, the Chair entertained a motion.

Mr. Condon motioned to affirm the Historic District Board of Reviews recommendation by denying the appeal of Mr. Jones, seconded by Mr. Baugh. There was no further discussion.

Motion

The Savannah Zoning Board of Appeals does hereby adopt the following Findings:

1. In accordance with the City of Savannah's Ordinance, the Board declines to remand this matter back to the HDBR.
2. Based upon the evidence below from the HDBR hearing and files, including the MPC Staff reports, the Board denies the Appellant's appeal and all requested relief.
3. The Board affirms the decision of the HDBR.
4. The Appellant failed to prove that the HDBR acted arbitrarily, capriciously, or erroneously in making its decision.
5. The Appellant failed to prove that the decision made by the HDBR should be overturned because was arbitrary and capricious.
6. The Appellant failed to present any evidence that the HDBR did not make an educated and informed decision based upon the information provided to them.
7. The decision of the HDBR was not erroneous, arbitrary, and/or capricious.
8. The Savannah Zoning Board of Appeals does hereby affirm, the HDBR decisions as both Staff's assessment and the Board's determination were based on a competent and reasonable evaluation of the proposal against the established criteria.

Vote Results (Approved)

Motion: Michael Condon

Second: Brad Baugh

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

XII. Other Business

17. Nomination of Officers for 2025

Mr. Stephen Plunk was nominated as Chair and Mr. Condon was nominated as Vice Chair. The election will be held at the November 21, 2024, ZBA meeting.

XIII. Adjournment

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