

SUPPLEMENTAL DOCUMENTATION FOR THE APPEAL BY BALLASTONE INN

PROPERTY, LLC OF 24-004958-COA,

June 11, 2025

Petitioner Ballastone Inn Property, LLC (“Petitioner”), through its authorized agent, Andrew Jones of Thomerson Jones & Edwards P.C., appeals the decision by the Savannah Historic District Board of Review (“HDBR”) on May 14, 2025 to issue a Certificate of Appropriateness, 24-004958-COA (the “COA”) to Lynch Associates Architects (the “Applicant’s Architect”) as agent for Oglethorpe Avenue, LLC (the “Applicant”) for a proposed building at 20-24 East Oglethorpe Avenue, Savannah, GA 31401 (the “Proposal”).

This appeal is filed within 30 days of the final decision to issue the COA (the “HDBR Decision”)(Exhibit A, May 14, 2025 HDBR Decision).

Petitioners request that the City of Savannah Zoning Board of Appeals (“ZBA”) reverse the HDBR Decision because the HDBR Decision, in reliance on erroneous guidance from the Chatham County-Savannah Metropolitan Planning Commission (“MPC”), arbitrarily and capriciously did not follow the City of Savannah Code of Ordinances, Subdivision II, Part 8, Chapter 3 (the “Ordinance”) (Exhibits B-1 through B-8, Certified Copies of the Ordinance), with some members deciding in part based on their personal preferences. A correct reading of the Ordinance would limit the Proposal to five floors, with the fifth floor set back. The reliance of the HDBR on erroneous guidance undermined the integrity of the hearing and denied the Petitioner its right to a fair hearing, ultimately causing detriment to the Petitioner’s property interest in violation of its constitutional due process rights.

THE RECORD

The record for this proceeding (the “Record”) includes all the documents set forth in Exhibit C, which provides links to publicly available documents. Under Ordinance Section 3.23.4, the MPC is required to send the Record up to the ZBA. (Exhibit B-2, Certified Copy of the Ordinance, Section 3.23 Appeals).¹ Petitioner provides Exhibit C to supplement the Record sent up from the MPC.

PARTIES

The Applicant is Oglethorpe Avenue, LLC, a Georgia limited liability, with its principal place of business at 1600 Parkwood Circle, Suite 200, Atlanta, GA, 30339, USA. Its registered agent is C T Corporation System at 289 S Culver St, Lawrenceville, GA, 30046-4805, USA. Its agents also include the Applicant’s Architect and HunterMaclean, who serves as counsel.

The Petitioner, Ballstone Inn Property, LLC, is a South Carolina limited liability corporation with its main offices at 667 East Bay Street, Charleston, SC, 29403, USA. The Petitioner also owns 14 East Oglethorpe Avenue. Together, 14 and 18 East Oglethorpe constitute The Douglas, formerly known as the Ballstone Inn.

The Petitioner has been in business since June 3, 2021. It paid over \$5 million for both properties and is currently undergoing a \$14 million renovation, scheduled for completion in 2025.

¹ Ordinance Section 3.23.4 provides,

3.23.4 Record of Decision

Upon receipt of a notice of appeal, the administrative official, commission or board whose final written decision is being appealed shall transmit to the Zoning Board of Appeals all records, including all documents and electronic data, constituting the entire record of the proceeding from which the appeal is taken.

Once the hotel is underway, the new hotel will create approximately 40 or more jobs with a total estimated payroll of \$2 million, maybe more. The principals have an excellent track record of building businesses, creating quality jobs, and delivering exceptional hospitality. The Petitioner hopes to own and operate this property for the next 50 or more years. It intends to make this property into something that the Douglas, the City of Savannah, and the community can be proud of.

The portion of the new hotel at 14 East Oglethorpe will open for business the week of June 23, and 18 East Oglethorpe will open later this year.

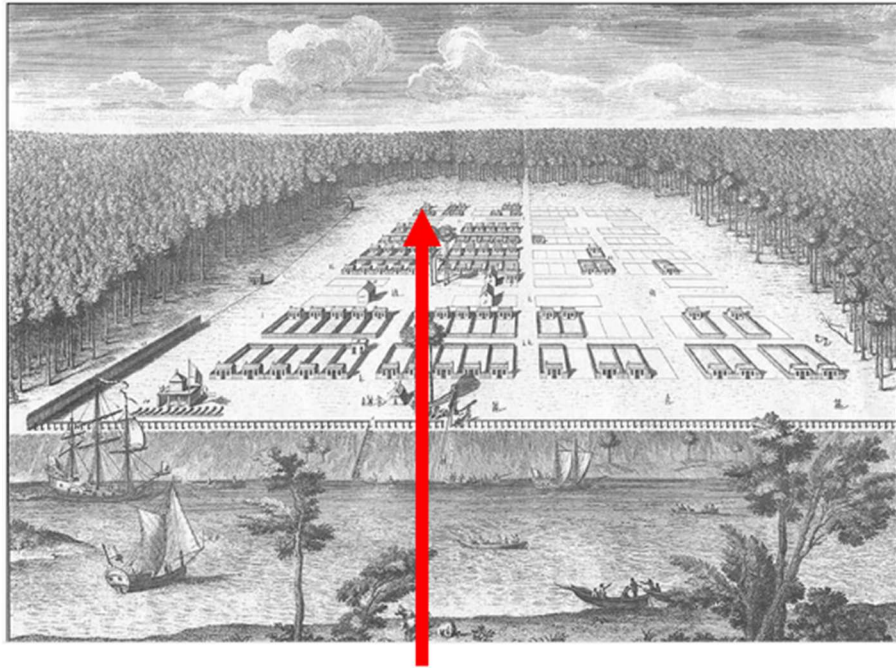
The construction of the Proposal immediately adjacent to Petitioner's property will be detrimental to the Petitioner's interest in its property. The massive scale of the Proposal is inconsistent with the historic appearance of East Oglethorpe and will take away much of the appeal of the site. A diminished street view will hurt Petitioner's business, which is especially problematic after having made such a substantial expense in its renovation. The Proposal will likely entail unlawful trespass onto Petitioner's property with construction equipment, causing damage to Petitioner's business. Petitioner's interest is more damaged than any other property owner because its property is the only adjacent property, sharing a lot line at the eastern side of 18 East Oglethorpe.

FACTS

A. The Proposal and Its Context

The Proposal is a mixed-use six-story building at 20-24 East Oglethorpe Avenue in Savannah, Georgia.

The site is located within Savannah's first four wards, making the location especially historic.



East Oglethorpe Avenue contains a large number of historic structures, many of which are two to three story townhouses. East Oglethorpe Avenue is one of the City's most picturesque vistas.



The Proposal lies on a lot a few doors down from the historic 1820 Juliette Gordon Low Birthplace.



A few doors to the east, at 110 East Oglethorpe Avenue, is the home of Revolutionary War hero Lachlan McIntosh, ca. 1770 (originally Eppinger's Taven), below. This is one of the few remaining 18th century masonry structures in the city. Legend states that George Washington visited here, as explained by the plaque further below.





Other notable structures on East Oglethorpe Street include the Christian Camphor House ca, 1760, the Conrad Aiken House, 1855, and Mary Marshall Row, 1855.



Christian Camphor House 1760



Conrad Aiken House 1855



Mary Marshall Row 1855

B. The Hearings

A hearing for the Proposal was scheduled for October 9, 2024. Approximately 50 members of the public wrote letters, all but one in opposition to the Proposal (Exhibit D, October 9, 2024 HDBR Agenda Item). The Applicant requested a continuance, which was granted.

On February 12, 2025, the HDBR reviewed the Proposal. The HDBR issued a final decision granting the aggregation of lots and continued the Application Part I Height and Mass.

(Exhibit E, February 12, 2025, HDBR Decision). Approximately 56 members of the public wrote letters in opposition to the Proposal, all in opposition. (Exhibit F, February 12, 2025 HDBR Agenda; Exhibit G, February 12, 2025, Public Comments). The Petitioner filed a letter of objection. (Exhibit H, February 12, 2025, HDBR, Public Comments, Doug Godley.).

On May 14, 2025, the HDBR reviewed an updated submittal packet (Exhibit I, May 14, 2025, HDBR, Submittal Packet) for the Proposal. Approximately 95 members of the public wrote letters, all in opposition to the Proposal. (Exhibit J, May 14, 2025, HDBR Agenda; Exhibit K, May 14, 2025, Public Comments). Two of the architects employed by the Petitioner, Reggie Gibson and Glenn Keyes, spoke against the proposal. (Exhibit L-1,² May 14, 2025, HDBR, MP3, 1:40:02 and 1:43:30).

The HDBR conducted a Part I height and mass review and issued a final decision stating,

The Savannah Downtown Historic District Board of Review does hereby approve the request for the New Construction, Part I Height and Mass for a five-story building with potential bonus sixth floor at 20-24 East Oglethorpe Avenue as requested because the proposed work is visually compatible and meets the standards.

(Exhibit A, May 14, 2025, HDBR Decision).

The members of the HDBR in attendance were Thomas Thomson, Shedrick Coleman, Melissa Rowan, Karen Guinn (Chair), Marial Hamer (abstained), Sara Woodfield, Robert Helms and Sabrina Nagel. (Exhibit M, May 14, 2025, HDBR Action Minutes).

Three members voted against the resolution to approve the Proposal. Three members voted in favor of the Proposal: Thomas Thomson, Shedrick Coleman, and Melissa Rowan. Since the vote was three to three, Ms. Guinn stepped in as the tie breaker (all four voters, together, the

² Audio link is [thempc.org/agendas/hdbr/2025/05-14-25 HDBR Meeting.mp3](https://thempc.org/agendas/hdbr/2025/05-14-25%20HDBR%20Meeting.mp3). Time signatures provided herein are meant to be helpful but are not all precise. See also Exhibit L-1-2, May 14, 2025, HDBR, MP3 Transcript.

“Majority”). (Exhibit M, May 14, 2025, HDBR Action Minutes). Had there been no tie, she would not have voted. If any single vote was erroneous, the resolution should not have passed.

A prior resolution to deny the COA failed with the same Majority having voted against it. (Exhibit M, May 14, 2025, HDBR Action Minutes). Similarly, if any single vote was erroneous, the resolution should not have failed.

**ARGUMENT I – HDBR MAJORITY’S ARBITRARY AND CAPRICIOUS FAILURE TO
APPLY THE BUILDING FORM RULE INVALIDATES THE COA; RULE REQUIRES
REMOVAL OF ONE STORY**

The COA must be overturned because nothing in the Record indicates that the HDBR Majority applied the Building Form Rule as is required under the rules for granting a COA under Section 3.19 and 7.8.7, which require that the rules under Section 7.8.10 (the “Design Standards”) be met.³ The Building Form Rule, as explained below, is one of the Design Standards.

³ Ordinance Section 3.19.8 (b) provides,

b. Review Criteria

The Historic Board of Review shall review and take final action on the proposed Certificate of Appropriateness by applying the applicable standards and criteria below . . .

- i. The design standards and visual compatibility criteria established for the district as provided in Sec. 7.8, Savannah Downtown Historic Overlay District:
- ii. The Secretary of Interior’s Standards and Guidelines for Rehabilitation, where applicable:
...

Ordinance Section 7.8.7 also specifies,

7.8.7 Criteria for a Certificate of Appropriateness

The Historic Board of review or the Planning Director shall review and take final action on a proposed Certificate of Appropriateness by applying the applicable standards and criteria below. . .

- a. Secretary of Interior’s Standards and Guidelines for Rehabilitations (Sec. 7.8.8)
- b. Visual Compatibility Criteria (Sec. 7.8.9);
- c. Savannah Downtown Historic District Design Standards (Sec. 7.8.10);
...

A. Purpose of the Design Standards, Including the Building Form Rule, Is To Protect Contributing Structures Such as Petitioner’s Property

The intent of the Design Standards, including the Building Form Rule, is to protect the contributing resources, such as 18 East Oglethorpe Avenue, Petitioner’s property, rather than the property rights of owners of non-contributing resources, such as the Applicant. While new construction can be “contemporary” in design, it must “protect and complement existing contributing resources” and “protect the historic integrity of the contributing resource.” Ordinance Section 7.8.10 explains the intent of the Design Standards,

7.8.10 Savannah Downtown Historic District Design Standards

The intent of these standards is to ensure appropriate new construction, additions, and alterations within the Savannah Downtown Historic District. They are not intended to promote copies of the architectural designs of the past, but to encourage contemporary designs that protect and complement existing contributing resources. They are further intended to protect the historic integrity of the contributing resource.

(Exhibit B-6, Certified Copy of the Ordinance, Section 7.8.10).

In other areas of Georgia property law, if the law is ambiguous, courts defer to the right of a property owner to develop its property. Section 7.8.10 specifically creates a carve out to this general rule in favor of owners of contributing resources. Section 7.8.10 explicitly states that the purpose of the Design Standards, including the Building Form Rule, is to protect contributing structures such as Petitioner’s property. Thus, in interpreting the Ordinance, the ZBA must resolve any perceived ambiguities in the laws in favor of the owner of a contributing property rather than the owner of a non-contributing property such as the Proposal.

B. The HDBR Erroneously Failed to Apply the Building Form Rule in Section 7.8.10 (c) and Relied Solely on the MPC

For approval of height and mass, the Ordinance requires that the tests in three sections of Design Standards in Section 7.8.10 must all be met.⁴ One of these sections is Section 7.8.10 (c)(ii) (the “Building Form Rule”), which states that a proposed building on an east-west street shall utilize a contributing building form⁵ fronting the same street within the same ward or in an adjacent ward. Ordinance Section 7.8.10 (c) provides:

c. Building Form

Building form is based on the height, mass and envelope of a building. The proposed building form for new construction shall comply with the following:

...

ii. A proposed building located on an east-west through street shall utilize a contributing building form fronting the same street within the same ward or in an adjacent ward.

(Exhibit B-6, Certified Copy of the Ordinance, Section 7.8.10).

Based on the Record, no Majority voter addressed the Building Form Rule. This, the decision to approve the COA was made without applying the required criteria and should be reversed.

Even if the ZBA gave deference to the HDBR’s discretion, in this case the HDBR Majority did not use their discretion. Even the minority voters were confused, appearing to blend building

⁴ The first applicable section is Ordinance 7.8.10 (b), the Height Map, which sets a maximum height of five stories at this location. However, this section is modified by 7.8.10 (t)(v) which allows a bonus story if certain tests are met. The second applicable section is the buildings form test in Section 7.8.10 (c). The bonus floor provision does not apply to this section. The third applicable section is the large-scale development rules under 7.8.10 (t) which set forth additional requirements intended to break up the massing of the building. The bonus floor provision also does not apply to this section. See also Footnote 7, *infra*.

⁵ Ordinance Section 13.5 also defines buildings form as “the physical shape of the building resulting from its mass, height, and envelope.” (Exhibit B-8, Certified Copy of the Ordinance, Defined Terms, Historic).

form and visual compatibility ((Exhibit L-1, May 14, 2025, HDBR, MP3, 2:25:27 (Testimony of Sara Woodfield, “They, they have not, they have not made the link between their building and the contributing buildings along this section of Oglethorpe. And for me, that is, it means this is not the building in its current form that should be approved on this site.”))).

Based on the Record, rather than exercise their discretion and apply the Building Form Rule, the Majority relied on the MPC Staff Report. The MPC Staff Report recommended approval of the Proposal and stated that the Building Form Rule had been met. (Exhibit N, May 14, 2025, MPC Staff Report, pp. 15-21). In executive session, Mr. Thomson stated,

I have full confidence on the staff that looked at this project and applied all of our standards with no bias and correctly so. I support the staff recommendation, but I have a couple other comments later.

(Exhibit L-1, May 14, 2025, HDBR, MP3, 2:14:33).

C. MPC’s Interpretation of the Building Form Rule Was Erroneous

MPC Staff intentionally mislead the HDBR as to how the building form test applies to this Proposal, and the HDBR relied on that misrepresentation.

The misleading language appeared in the MPC Staff Report dated February 12, 2025 (Exhibit O, February 12, 2025 MPC Staff Report). The MPC Staff repeated this erroneous guidance in the MPC Staff Report dated May 14, 2025. However, the MPC staff had knowledge that the interpretation was erroneous because this mistake had been pointed out in public comments at both the February and May hearings (Exhibit P, February 12, 2025, Public Comment of the Oglethorpe Plan Coalition, Inc, (dated February 10, 2025); Exhibit Q, May 14, 2024, HDBR, Public Comments, Oglethorpe Plan Coalition, Inc. (dated April 26, 2025); Exhibit R-1, February

12, 2025, HDBR, MP3,⁶ testimony of James Hundsrucker at 1:20:52) (Exhibit L-1, May 14, 2025, HDBR, MP3, testimony of James Hundsrucker, 1:46:46).

MPC Staff argued that the Building Form Rule is met: “Oglethorpe Avenue is an East-West Through Street at the bottom of Percival Ward. The proposed building form is one that is seen in the ward and adjacent ones in the ‘downtown area’.” (Exhibit N, May 14, 2025, MPC Staff Report, p. 14). The MPC, however, has altered the meaning of the requirement. As discussed above, the MPC Staff is not permitted to cite buildings just anywhere in the “downtown area.” They are only permitted to look at buildings fronting East Oglethorpe Avenue in the same or adjacent wards. What exists in other parts of the “downtown area” is irrelevant.

MPC Staff also argues: “Given the growth of the area over the years, a character-defining feature is the notable variety of building forms found with larger scale ones often directly adjacent to smaller ones.” That statement bears no relevance to the building form rule. Such an interpretation would constitute a major modification of the Ordinance and be contrary to its meaning and intent. (Exhibit N, May 14, 2025, MPC Staff Report, p. 15).

Thus, the COA must be overturned because the HDBR erroneously relied on misleading and inaccurate statements about the test that the HDBR was obligated to apply. The intent of the MPC was to misstate the Building Form Rule so that the HDBR would rely on it and agree with the recommendation of MPC Staff. The HDBR Majority in fact relied on the MPC Staff Report. Member Thomson explicitly said he did. The resulting action thereby injured the Petitioner’s property interests.

⁶ Audio Link for the MP3 is [thempc.org/agendas/hdbr/2025/02-12-25 HDBR Meeting.mp3](https://thempc.org/agendas/hdbr/2025/02-12-25%20HDBR%20Meeting.mp3). See also Exhibit R-2, February 12, 2025, HDBR, MP3 Transcript.

The HDBR Decision must be reversed also because the HDBR does not have the authority to sanction the MPC's change in the meaning of the Ordinance. The HDBR is not a legislative body entitled to manufacture new rules. It is a quasi-judiciary tasked with enforcing the Ordinance. To the extent the HDBR sanctions new rules in reliance on the MPC, its members are acting in an *ultra vires* fashion, *i.e.*, intentionally acting beyond the scope of their duties to harm Petitioner's property interests. This arbitrary and capricious abuse of power also mandates that the HDBR Decision be reversed.

D. Correct Application of the Building Rule Eliminates at Least One Story

A proper application of the Building Form Rule limits the Proposal to five floors, with the fifth floor set back.⁷

The MPC Staff Report acknowledges that the Building Form Rule must be applied. The MPC Staff Report also acknowledged that Oglethorpe Avenue is an east-west through street. (Exhibit N, May 14, 2025, MPC Staff Report, p. 15).

One must look only to contributing buildings located as specified in the Ordinance, which are the buildings fronting East Oglethorpe Avenue in the same ward or an adjacent ward. The Record cites only one large building that unambiguously qualifies under this language as an eligible building comparison: the Juliette Gordon Low House (Exhibit P, February 12, 2025, Public Comment of the Oglethorpe Plan Coalition, Inc; Exhibit Q, April 26, 2025 Public Comment

⁷ Although a bonus floor granted under 7.8.10 (t)(v)(ii) modifies the height map under 7.8.10 (a)(2), it does not increase what is permitted under the Building Form Rule. Section 7.8.10 (t)(v)(ii) refers only to "additional stories above the Height Map for non-contributing large-scale development."

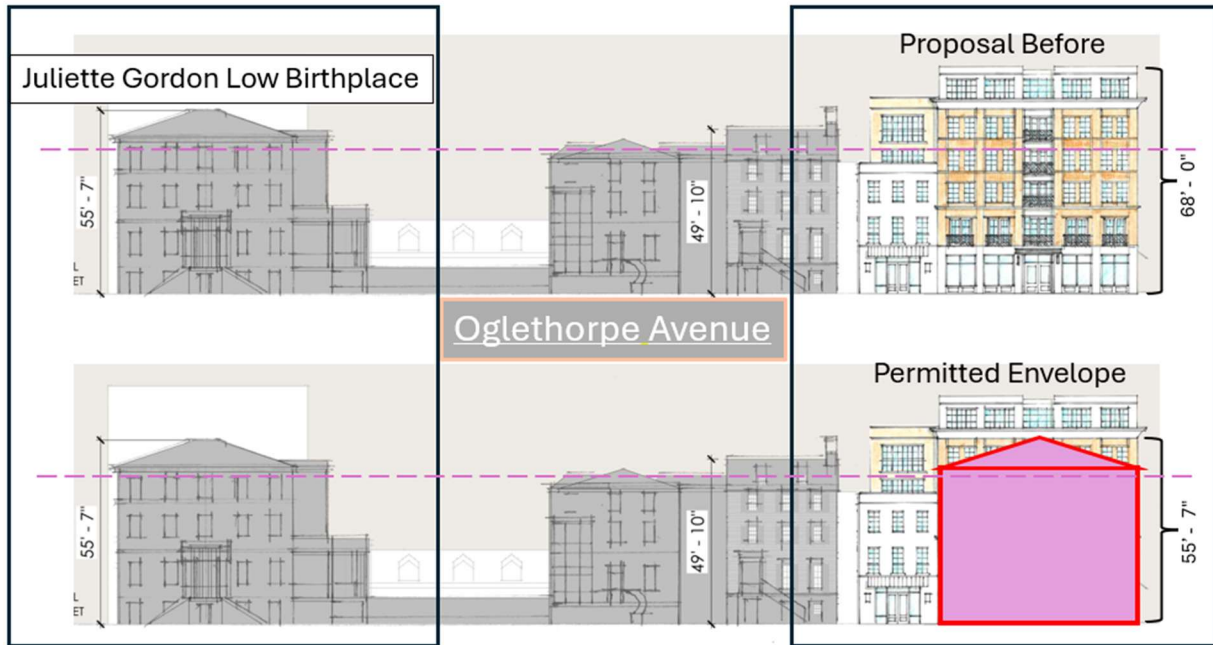
Under the long-established rule of statutory interpretation, *expression unius est exclusion alterius*, that the section refers only to the Height Map and not the Building Form Rule means that the section must be read to exclude the Building Form Rule. Further, the protection offered by 7.8.10 to contributing resources means that any ambiguities must be resolved in favor of the contributing resource. Note that the MPC Staff cited the bonus floor in combination with the Height Map. (Exhibit N, May 14, 2025, MPC Staff Report, p. 14.).

of the Oglethorpe Plan Coalition, Inc.; Exhibit R-1, February 12, 2025, HDBR MP3, testimony of James Hundsrucker at 1:20:52; Exhibit L-1, May 14, 2025, HDBR, MP3, 1:46:46, testimony of James Hundsrucker, 1:46:46).

Using the Juliette Gordon Low House as an eligible building form, the new building should have a façade wall of no more than four stories with a shallow pitched roof at the fifth floor. The sixth floor is eliminated. The result is a five-story building 55 feet 7 inches in height, compared with the Proposal's 68 feet, 6 inches (not including the mechanicals). The result has a façade wall has a height of approximately 48 feet. The Applicant's Architect provides this rendering showing the proposal and the Juliette Gordon Low House (lower left), together with measurements.



(Exhibit I, May 14, 2024, HDBR, Submittal Packet, p. A7). Using the Architect’s renderings and applying the Building Form Rule results in the permitted form for the Proposal on the lower right, below.



Another building form is 18 East Oglethorpe Avenue, the Petitioner’s property, third building from the left in the above image. This is visually a three-story building with a raised basement and an attic story, although it counts as five stories under the Ordinance. The applicant has chosen to make the ground floor of the Proposal commercial rather than residential. This self-imposed constraint makes it hard to use building forms with a raised basement because a commercial floor must have a visual expression of at least 14 feet 6 inches in height. (Exhibit B-6, Certified Copy of the Ordinance, Section 7.8.10 (b)(ii)(8)(b)(i)). Moreover, the Proposal far exceeds 18 East Oglethorpe in height and mass and fails the Building Form Rule.

The only building referenced by the MPC Staff Report and the HDBR on East Oglethorpe is the Board of Education Building (the “BOE”). It is referenced with respect to the visual

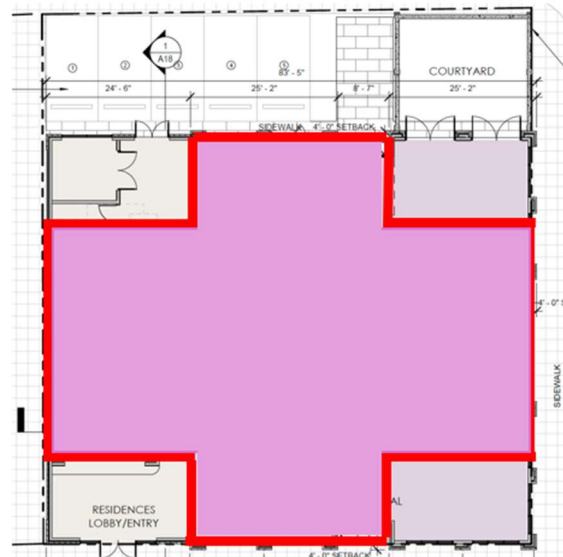
compatibility tests only, not with respect to the Building Form Rule. Nothing in the Record indicates that the HDBR addressed the BOE in the context of the Building Form Rule.

Although the applicant references the BOE, it is not an applicable building form because it fronts 208 Bull Street, not Oglethorpe Avenue. Moreover, it is not an applicable building form because it is simply too big, covering an entire block, and would not fit on the lot under the Proposal. Further, the portion across from the Proposal is cruciform in shape, whereas the Proposal is a box. Specifically, the eastern portion of the BOE building has walls that are set back by several bays at each of the four corners. If one superimposed the building footprint of the BOE on the site plan for the Proposal, the result would be a building with all four corners significantly set back. Since the applicant is not proposing a cruciform building, the BOE cannot be an applicable building for purposes of the Building Form Rule.

BOE Arial View



BOE Envelope Superimposed on the Proposal



Even if the BOE were an applicable building form, its façade wall is only approximately 50 feet in height, comprising 3 stories plus a low basement. The pitched roof recesses the 4th floor

from the street view. Here is the elevation provided by the Architect, with the BOE shown in the upper left.



(Exhibit I, May 14, 2025, HDBR, Submittal Packet, p. A7).

If one superimposed the building form of the BOE building on a side elevation of the Proposal, the result would still be a building with a lower street façade and with a pitched roof, as shown below.



Thus, even if the BOE is an appropriate building form, the Proposal is only able to fit four full floors into the permitted façade height of approximately 51 feet plus an attic floor with a pitched roof. The sixth floor must be eliminated, and the fifth floor must be set back.

ARGUMENT II – HDBR FAILED TO PROPERLY APPLY THE LARGE-SCALE DEVELOPMENT STANDARDS, WHICH REQUIRE REMOVAL OF ONE STORY

The HDBR Decision should be reversed because it failed to properly apply the large-scale development rules under Ordinance Section 7.8.10 (t). These rules are part of the Design Standards, which are intended to protect the Petitioner’s contributing property. That section requires that the Proposal be no more than one story above 18 East Oglethorpe; however, the proposal is approximately one and a half stories above 18 East Oglethorpe.

Ordinance Table 7.8-1⁸ provides, “Maximum Height shall not exceed one (1) story greater than a principal contributing building ... on same or abutting lot for a minimum distance of 30 feet ...” (Exhibit B-6, Certified Copy of the Ordinance, Section 7.8.10 (t), Table 7.8-1)).

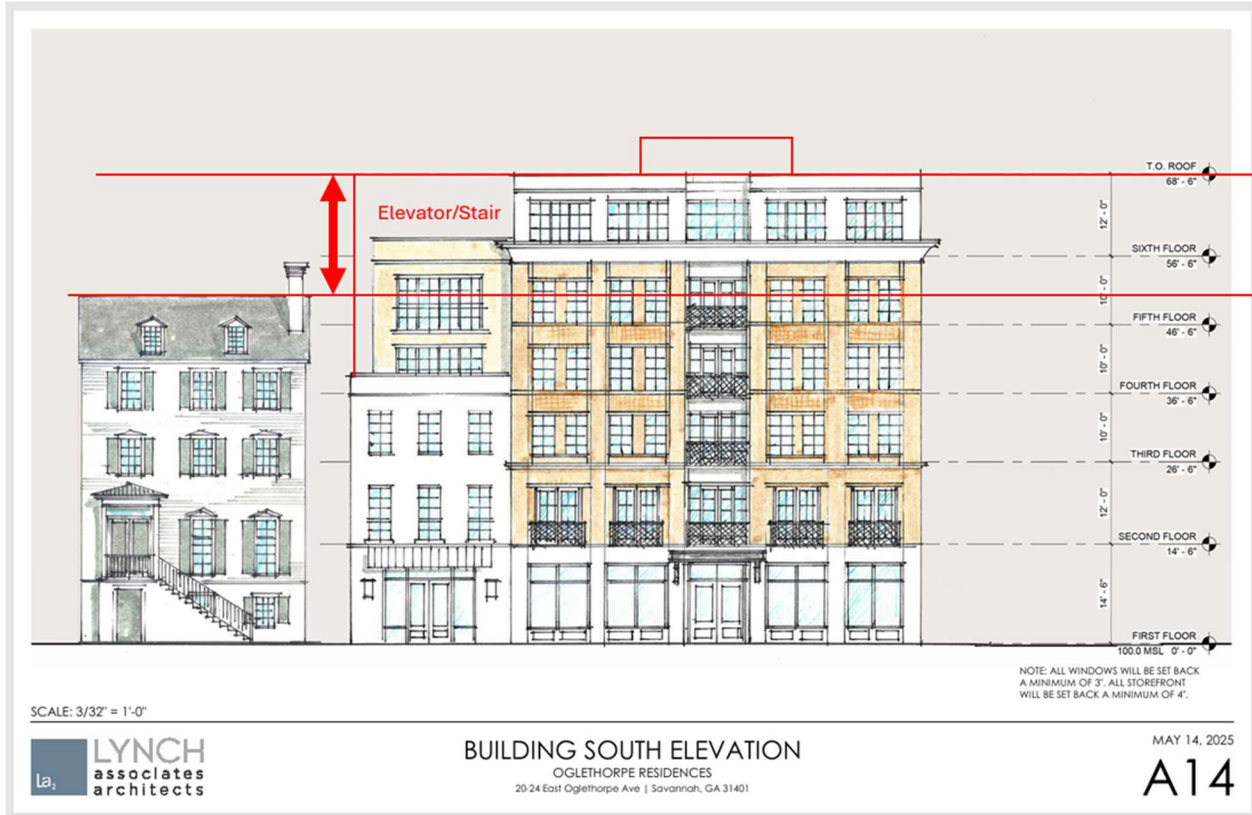
⁸ This table was amended in 2024 to correct errors. (Exhibit B-9, Certified Copy of Ordinance Amendment).

While the Proposal is six stories, and the adjacent building at 18 East Oglethorpe is five stories, the Ordinance does not compare the number of floors of the proposed structure to the adjacent contributing building. It compares difference in the height of the buildings, which is greater than one story. Thus, under the restrictions imposed by Ordinance Table 7.8-1, in order to comply with the Design Standards, the Proposal has to eliminate at least one story.

The Ordinance addresses the height of the proposed building and the adjacent contributing building. It uses the word “story” not to describe each building but rather to describe the *difference* in the roof height between the two buildings. The difference in the physical height of the roofline of the two buildings is greater than one floor, as the architect’s rendering clearly shows. Ordinance Section 13.5 defines “Height of building” as “The vertical distance measured from the mean finished ground level adjoining the building to the highest point of the roof.” (Exhibit B-8, Certified Copy of the Ordinance, Section 13.5). Thus, what matters is the difference in the rooflines, excluding chimneys, mechanicals, etc., which is a difference greater than one story.

In the May 14, 2025 Submittal Packet, page A7, Site Elevations, the Architect states the height of 18 East Oglethorpe as 49 feet 10 inches. On page A14, the Architect indicates the height of the Proposal as 68 feet 6 inches. The difference is 18 feet 8 inches. Ordinance Section 7.8.10. Page A 14 also shows that the sixth floor is only 12 feet high and the highest story, the ground floor, is only 14 feet 6 inches. Thus, the difference in height as defined by the Ordinance is greater than the greatest height of any story of the Proposal. Thus, the difference, being greater than one story, does not comply with the Ordinance. The HDBR Majority did not address this section of the

Ordinance.

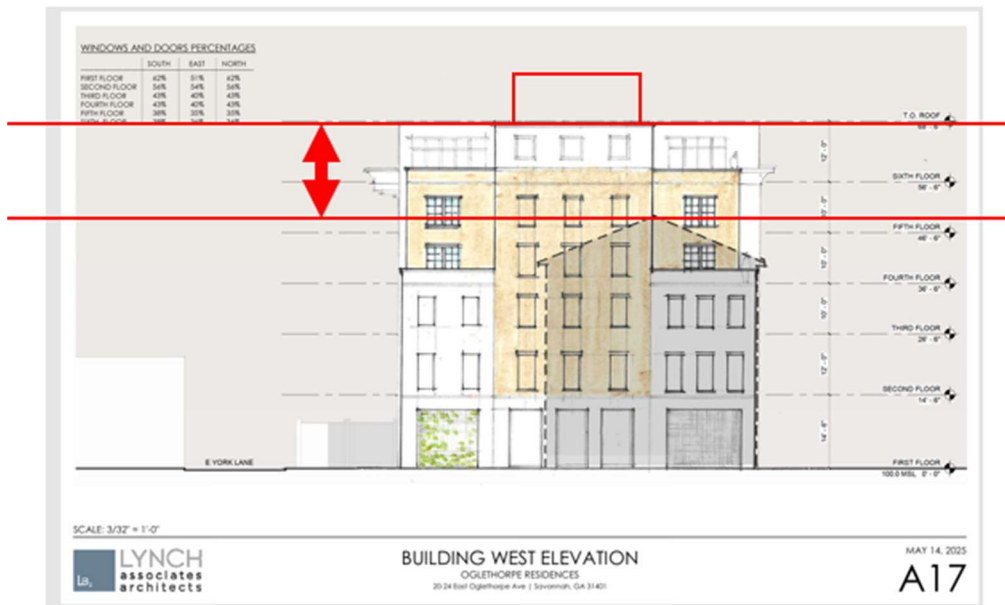


(Exhibit I-1, May 14, 2025, HDBR, Submittal Packet, p A14 (red lines and text added)). The difference in building heights is also clear in the Architect's model and a detail below it:





(Exhibit I-1, May 14, 2025, HDBR, Submittal Packet, p A24). The difference is confirmed in another rendering:

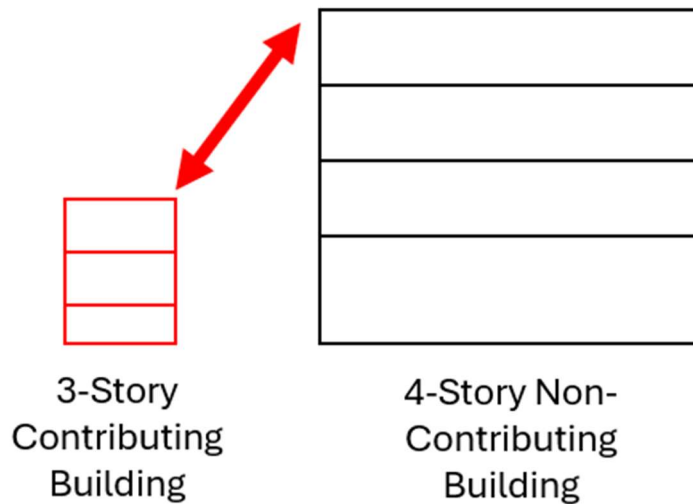


(Exhibit I-1, May 14, 2025, HDBR, Submittal Packet, p A17) (red lines added)..

Once again the MPC has acted beyond its authority in an *ultra vires* fashion to alter the plain meaning of the Ordinance.

Because this rule is one of the Design Standards, and because the intent of the Design Standards is to protect contributing properties (18 East Oglethorpe), not non-contributing properties (the Proposal), any perceived ambiguity in the Ordinance must be resolved in favor of the contributing property.

Moreover, the MPC's and HDBR's conclusion would create absurd results. If a contributing building had low ceiling and the new construction maximized ceiling height, the new building could tower over the contributing building, which is contradictory to the intent of the Design Standards. Any interpretation of an Ordinance that leads to absurd results is erroneous. Below is a figure showing how a four-story non-contributing building could dwarf a three-story contributing building under the MPC's and HDBR's erroneous interpretation. In this illustration, the difference in physical height is two-and-a-half stories.



**ARGUMENT III – ARBITRARY AND CAPRICIOUS REWRITING OF THE VISUAL
COMPATIBILITY TEST REQUIRES REVERSAL OF THE HDBR DECISION**

The HDBR violated Ordinance Sections 3.19.8 and 7.8.7 because it erroneously created a version of the visual compatibility test that does not conform to Ordinance Section 7.8.9.

The criteria applied by the HDBR were a creation of its own, influenced by the MPC. The tests they applied purportedly as the “visual compatibility test” is not the test found in the Ordinance. Thus the Petitioner’s Appeal is not an appeal of the Visual Compatibility Criteria under Ordinance Section 7.8.9. It is an appeal of Ordinance Sections 3.19.8 and 7.8.7 because the visual compatibility criteria, as written in the Ordinance, was not applied.

What was applied was a different test that only looks at larger buildings, ignores the smaller ones, and looks instead to variation in height rather than the height of the buildings themselves.

The HDBR is not a legislative body entitled to manufacture new rules. It is a quasi-judiciary tasked with enforcing the Ordinance. To the extent the HDBR creates new rules, its members are acting in an *ultra vires* fashion, *i.e.*, intentionally acting beyond the scope of their duties to harm Petitioner’s property interests.

Such behavior is arbitrary and capricious and requires that the HDBR decision be reversed because it made up its own rules rather than applying the criteria set forth in the Ordinance.

A. The HDBR Erroneously Looked Only at Large Buildings and Ignored Smaller Ones

The visual compatibility criteria address many aspects of height and mass. Two particularly applicable subsections are Ordinance Sections 7.8.9 (a) for height and 7.8.9 (j) for scale or mass. In each case the new construction must be “visually compatible” with the contributing buildings

and structures to which it is “visually related.” (Exhibit B-5, Certified Copy of the Ordinance, Section 7.8.9).

The term “visually related” is defined as “The relationship between buildings, structures, squares and places within the view of the subject property. Greater weight is placed upon adjacent historic buildings and structures.” (Exhibit B-8, Certified Copy of the Ordinance, Section 13.5, Definitions, Historic).

Thus all buildings within view are relevant, not just the tallest ones. Further, the ones nearer the site are more relevant.

The Applicant referenced the large contributing buildings in the area, but not the smaller ones:

The property sits to the east of a five-story contributing building and across from the monumental Board of Education which occupies the full block. The greater context in a 1-2 block radius includes many additional large-scale buildings including the Chatham County Courthouse, SCAD’s Bradley Hall ...

(Exhibit S, February 12, 2024, HDBR, Submittal Packet – Project Narrative, p. 2).

Ironically, the big buildings cited by the by the applicant, including the BOE, the Courthouse and Bradley Hall, do not read as six-story buildings; rather, they have a visual expression of three floors with a basement and/or pitched roof with dormers or gables.



BOE



Bradley Hall



Courthouse

They are also buildings for institutional municipal or non-profit entities, not private residential structures and are therefore dubious comparables.

In the hearing, the MPC acknowledged the relevance of buildings visible from the site but ignored the smaller buildings and directed the HDBR to focus on the BOE. Mr. Mellon, Director Historic Preservation & Urban Design at the MPC, stated,

We've had a number of discussions about this and what the definition of that is. And there's a pretty clear definition. It's the buildings. What you are charged with is looking at the buildings that this is visually related to, which means if you're standing at this site, whatever buildings you can see from this site are the buildings that are. It is visually related to.

This is the Board of Education building directly to the south. It is on the other side of Oglethorpe. However, it is one that you should take into consideration. You can see it from the site as you can see a number of the other buildings.

(Exhibit L-1, May 14, 2025, HDBR MP3, 1:00:36). The Majority did not question the exclusion of the smaller contributing buildings. Majority voter Melissa Rowan stated,

I agree with a lot of the things that Mr. Thomson said. And I also think that, like-you can't ignore that the school board is across the street, and it is massive and it takes up the whole block.

(Exhibit L-1, May 14, 2025, HDBR MP3, 2:18:25). Ms. Rowan deemed it essential not to ignore the BOE but was satisfied in ignoring the numerous small buildings that were even closer.

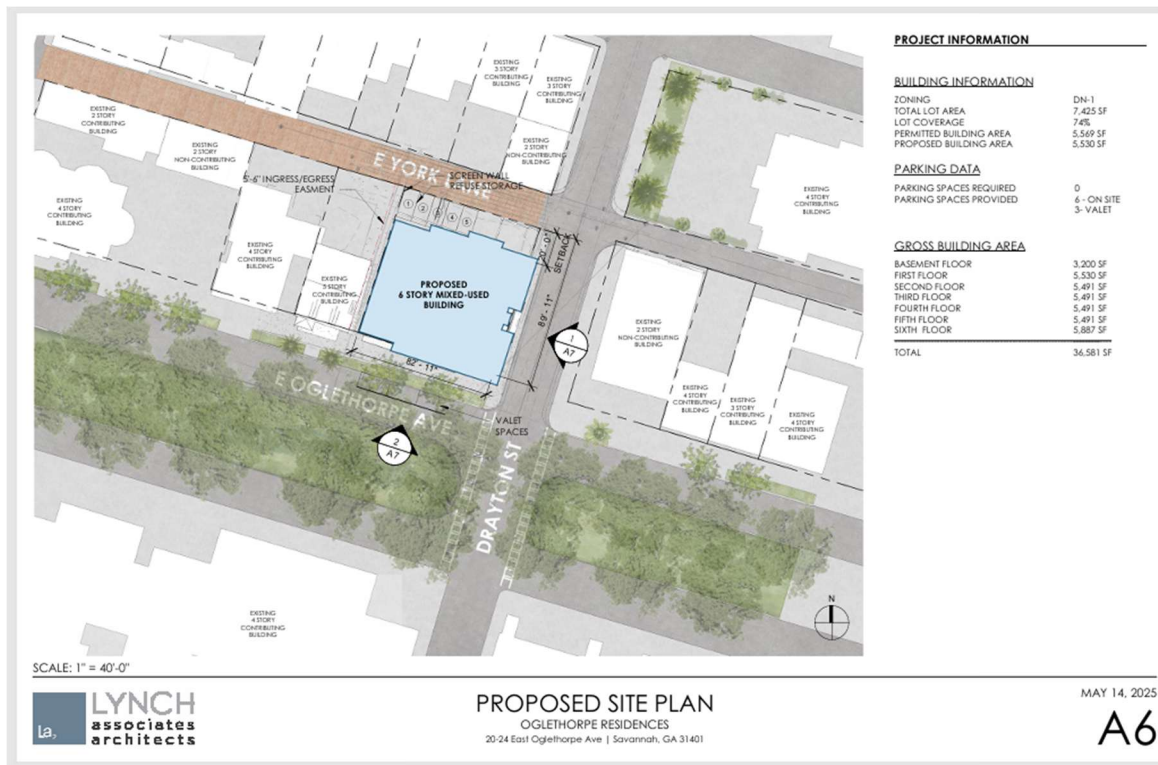
The Majority seems to be using an erroneous line of reasoning that goes something like this: The large buildings cited are contributing. The small buildings are too. Thus, they must be visually compatible with each other, and therefore any new building similar to a large contributing building is visually compatible with the smaller buildings. This line of reasoning fails because there is no basis for saying that large and small contributing buildings are visually compatible with each other. What makes a building worthy of being contributing is its historical and architectural significance even if it clashes visually with its neighbors.

The other line of thinking may be that since a large building is contributing, it becomes a precedent for new buildings. The error in this argument is that the Ordinance does not rely on precedent. See discussion infra pp. 53-54.

By contrast, the Minority voters were concerned about visual compatibility with the nearby smaller buildings. ((Exhibit L-1, May 14, 2025, HDBR MP3 (testimony of Sara Woodfield at 2:16:08: “The other point is just the overall height, I think takes away from the contributing buildings”; testimony of Sabrina Nagel at 2:08:58: “I think that six story building would dwarf the Ballastone Inn next to it.”)).

B. Most Nearby Buildings Are Small and Would be Overwhelmed by the Proposal

Most nearby buildings are no more than four stories. Here is the proposed site plan submitted by the Architect:



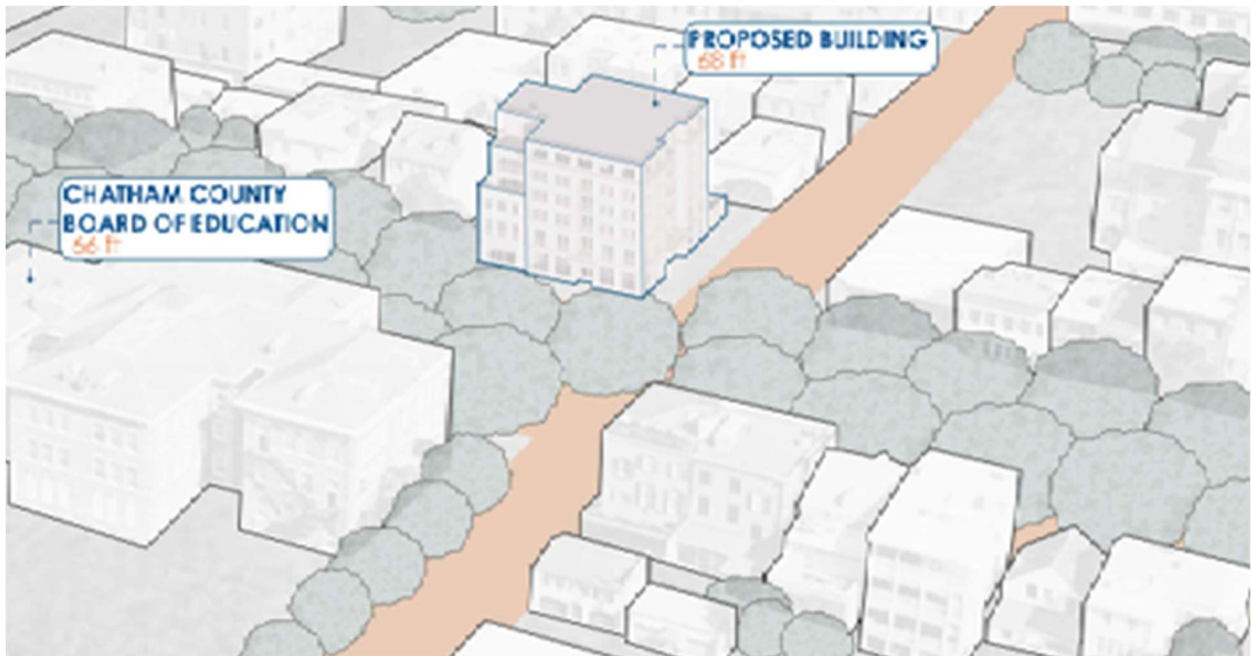
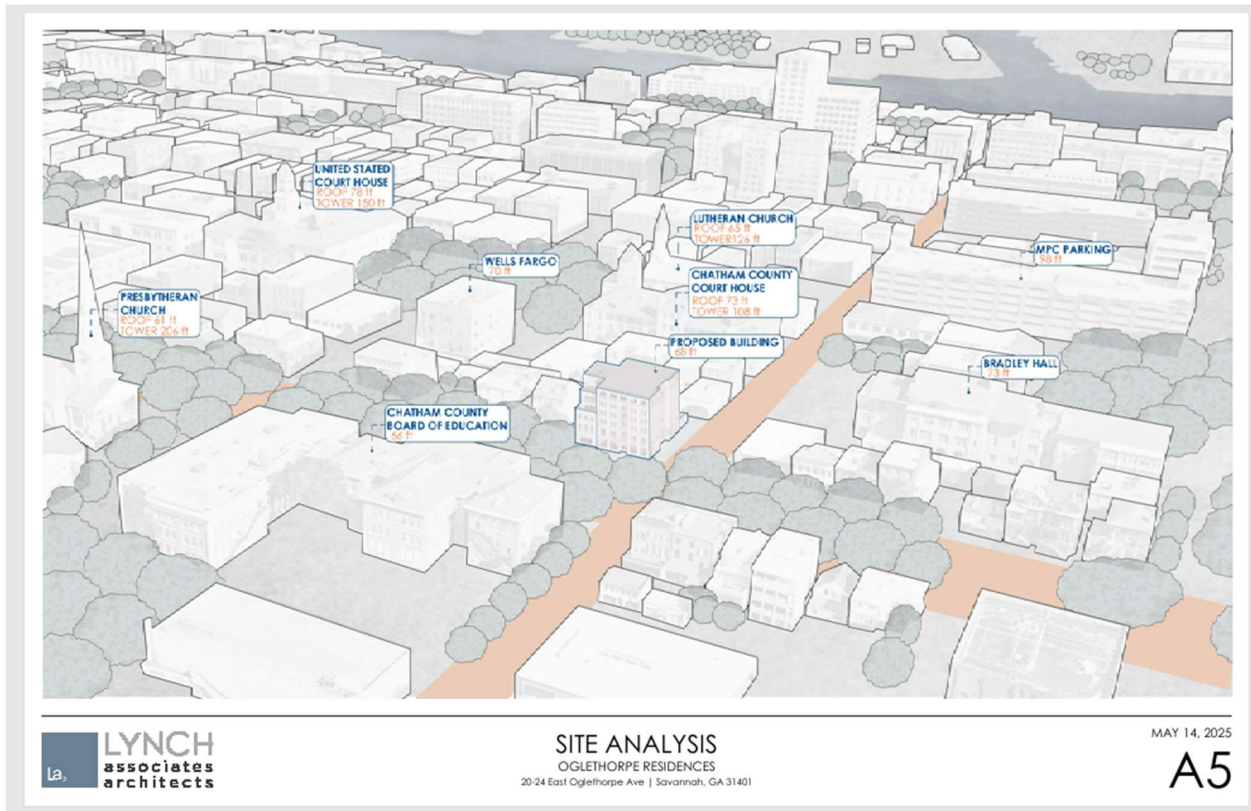
The Architect’s image above shows eleven nearby buildings, According to the Architect, one is five stories, six are four stories, three are three stories, and one is two stories. As the Architect’s Site Plan shows, there are a larger number of smaller buildings closer to the Proposal than the number of large buildings close to the Proposal cited by the Applicant. Two of the large buildings include the large BOE and Bradley Hall, which the HDBR considered. If we look at the other nine buildings, we see that they have an average height of 3.44 floors and an average square footage of approximately 5459 square feet. This is far less than the 6 stories and over 36,000 square feet of the Proposal.

| Contributing Building | PIN | Stories | |
|---|--------------|---------------|---------------|
| | | per Architect | Mass in SF |
| Juliette Gordon Low House | 20015 08012 | 4 | 10,416 |
| Julette Gordon Low Accessory Structure | 20015 08012 | 2 | 2,145 |
| 21 E. York | 20015 08007 | 3 | 4,590 |
| 25 E. York (estimated contributing portion) | 20015 08008 | 3 | 3,510 |
| 14 E. Oglethorpe | 20015 08012A | 4 | 11,852 |
| 18 E. Oglethorpe | 20015 08013 | 5 | 4,800 |
| 110 E. Oglethorpe Avenue | 20015 07010 | 3 | 4,030 |
| 112 E. Oglethorpe | 20015 07009 | 3 | 2,250 |
| 116 E. Oglethorpe | 20015 07007 | 4 | 5,537 |
| Average Contributing Buildings | | 3.44 | 5,459 |
| 20-24 East Oglethorpe | | 6 | 36,581 |

(Exhibit T-1 to T-8, Chatham County Board of Assessors Reports) (mass estimates based on total interior square footage of stories).

Other renderings in the Submittal Packet Shows confirm the low height and smaller mass of the nearby contributing buildings. The first image below is where the Applicant’s Architect points out the large buildings. The second image is a close up, where you can see that many smaller buildings are closer to the site. Than the BOE, Courthouse and Bradley Hall. There are more small

buildings close to the site than large buildings, and these smaller buildings were ignored by the Majority voters.



This fact was amply demonstrated in several presentations by the public. One member of the public, Cory Highland, surveyed every building in Percival Ward, the ward where the Proposal is located, and found that 96% of the contributing buildings are four stories or less, two are five stories, and none are six stories, concluding “I think in conclusion, based on the data, this large six-story building in the location is an anomaly.” (Exhibit L-1, May 14, 2025, HDBR MP3 1:52:40). Another member of the public, Anna Habersham Wright produced a photomontage of every building on East Oglethorpe Avenue in the adjacent blocks and stated “I just wanted to show the original of this. That- that for someone who spent hours taking photographs from ground level of these streets to show that this is the Savannah we know.” (Exhibit L-1, May 14, 2025, HDBR MP3, 1:34:38).

The failure to address the nearby small buildings was addressed by Paul Cobet of the Downtown Neighborhood Association:

And then it goes on to leapfrog over nearby contributing structures along Oglethorpe Avenue and compare this proposal to large scale buildings further away and not even visible from the site. Based on these further away large-scale comparisons, staff then concludes that the visual compatibility test is passed.

First, it's inappropriate to ignore the contributing structures along the same block in order to justify height, mass, visual compatibility. Reaching beyond the most nearby contributing structures to consider large scale projects- blocks away, defeats the intent of visual compatibility to the nearby structures. Secondly, bypassing nearby contributing structures in order to justify a large-scale project opens the dangerous door to a practice that would enable the justification of any large scale project by cherry picking comparisons beyond the view of any proposed site within the district.

(Exhibit L-1, May 14, 2025, HDBR MP3, 1:58:47).

**C. The MPC Erroneously Altered the Test To Be a Comparison to a Variation,
Not a Comparison to a Building**

The Applicant’s Architect stated,

We'd also shown some precedent images of some other larger scale contributing structures adjacent to much smaller buildings. As a reference, even though our project sits next to a five-story building as determined by the zoning department, we thought it was important to show these.

(Exhibit L-1, May 14, 2025, HDBR MP3, 1:15:07).

The MPC Staff parroted this line of reason, comparing the Proposal not to the contributing buildings, but to the variation in the buildings: “In particular, the East Oglethorpe Avenue corridor has a notable variety in the heights of its buildings, the most relevant to this site being the Board of Education collection of contributing buildings directly to the south / across the landscaped median, that has a height of 66’.” (Exhibit N, May 14, 2025, MPC Staff Report, p. 10). The plain words of the Ordinance require that the Proposal be compatible with the nearby contributing buildings in terms of height. Variation in the height of buildings is not mentioned. Inventing a new concept of compatibility with variation renders the Ordinance meaningless and is therefore an invalid approach.

This line of reasoning is erroneous because it makes the Visual Compatibility Criteria meaningless. There are variations in height between contributing buildings all over the downtown, but this does not mean that such variations have ever been deemed by the City Council, the legislative body, to be visually compatible. Taking the Applicant’s reasoning, no new building would fail the test because the Height Map limits height more than a variation-based rule would. Any interpretation of a statute that renders it void is erroneous.

**ARGUMENT IV - THE HDBR DECISION IS ERRONEOUS BECAUSE THE MPC
DIRECTED IT TO RELY ON MISLEADING RENDERINGS RATHER THAN THE
ACTUAL PROPOSAL**

The HDBR Decision was erroneous because it was based on an inaccurate and incomplete Submittal Packet.

In the hearing, the inaccuracies were acknowledged, but the MPC directed the HDBR to base its decisions on the inaccurate renderings in the Submittal Packet, not any corrected versions offered by the public and not what the actual Proposal entailed.

The inaccuracies pertained to the height and mass of the elevator shaft, stairs and rooftop mechanicals, and relationship to the adjacent building, which were all relevant to the Design Standards and the Visual Compatibility Criteria.

Under the Design Standards, the Building Form Rule, explained supra pp. 8-18, looks to the building height, mass and envelope. It is therefore not possible to render a valid decision if those three aspects are misrepresented. The same issue applied to the Large-Scale Development Rules.

Similarly, a proper determination of visual compatibility requires that the HDBR address what the proposal will actually look like, rather than a misrepresentation or incomplete rendering thereof.

Because of the misleading drawings, the HDBR could not render a fair decision because it did not know what the building would actually look like or how much of it would be visible from the right of way. Surprisingly, the MPC even refused to let the HDBR try to understand what was missing from the renderings. In fact, the MPC directed the HDBR to consider only what was submitted, whether it was accurate or not. Mr. Mellon, representing the MPC, stated,

We didn't think there were- I mean, renderings can sometimes be, you know, or if you do watercolors, can sometimes be a little off.

...

I think you all need to look at what was submitted, as the chair said, and whether you feel what is submitted meets the ordinances and the standards.

(Exhibit L-1, May 14, 2025, HDBR MP3, 1:05:15). Thus, the MPC directed the HDBR to base their views on the elevations, even though they were inaccurate. Thus the HDBR Decision is arbitrary and capricious because it addresses a building that does not exist rather than the Proposal.

A. Applicant's Architect Eliminated the Elevator Core and Stairwell from the Elevations

The applicant submitted an elevation that fails to portray the full mass of the building. An elevation is a drawing without perspective, *i.e.*, any mass parallel to the elevation must be included. On the left below is the Applicant's Architect's rendering. On the right below is a more accurate elevation, reflecting that the floorplans show additional volume at the fourth through sixth floors due to the elevator shaft and stairs. (For full renderings see Exhibit I-1, May 14, 2025, HDBR Hearing, Submittal Packet).



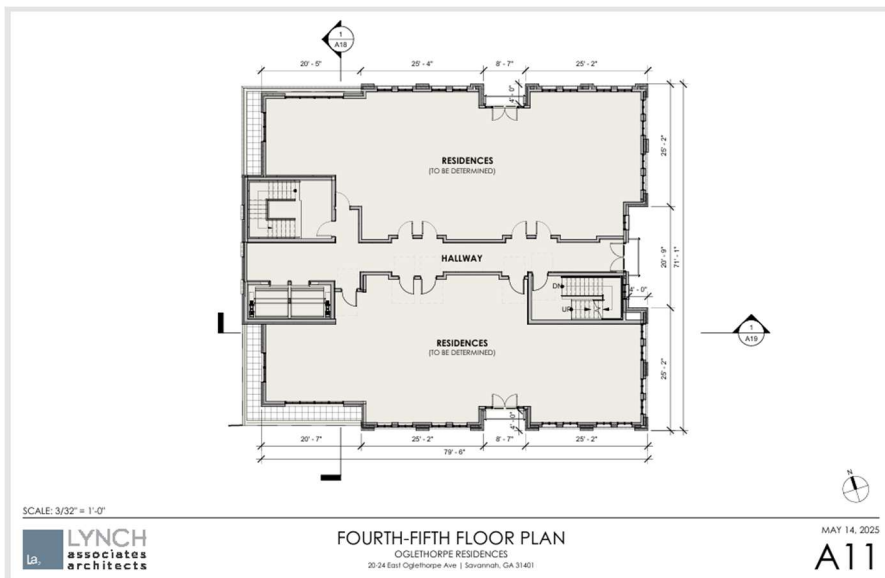
The floor plans for the fourth through fifth and sixth floor are below. The floor plans show the elevator shaft and stair continuing up through the sixth floor. The image on the upper left is

the same as what was provided to the MPC for its evaluation. Here's what the MPC Staff Report shows,



Figure 2 – Revised Rendering (Front - South Elevation – East Oglethorpe Avenue)

(Exhibit N, May 14, 2025, HDBR, MPC Staff Report, p. 5). Below are the architect's plans for the upper floors, showing the elevator shaft and stair tower.



SCALE: 3/32" = 1'-0"

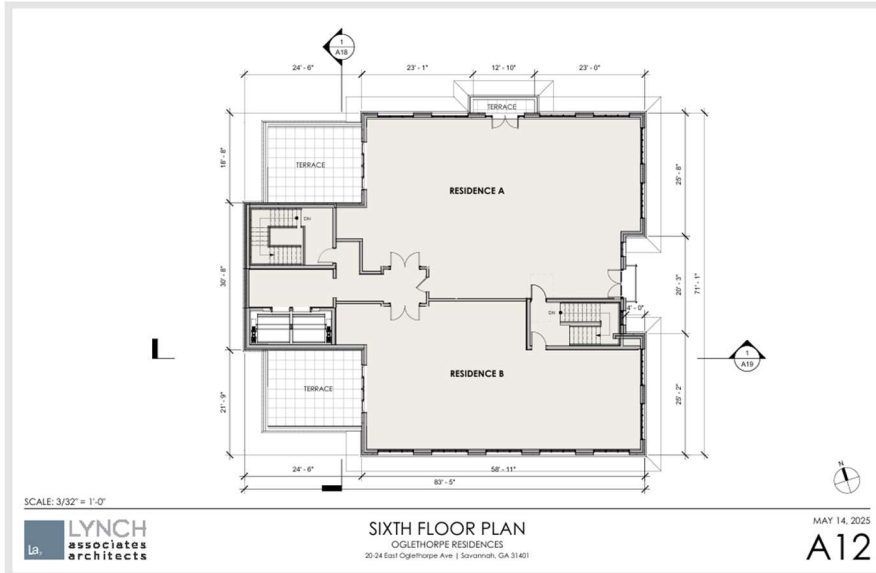
LYNCH
associates
architects

FOURTH-FIFTH FLOOR PLAN
OGLETHORPE RESIDENCES

20-24 East Oglethorpe Ave | Savannah, GA 31401

MAY 14, 2025

A11



(Exhibit I-1, May 14, 2025, HDBR, Submittal Packet, pp. A11-12).⁹

The elevator core and stair are not only required to be shown in the elevation, but they are also visible from the right-of-way East Oglethorpe Avenue. The Applicant’s Architect misled the MPC and the HDBR into thinking that the elevator core would not be visible from East Oglethorpe Avenue, stating,

We did set back the elevator core. It's about 25ft from the property line, which is not visible from the right of way. Which is why we hadn't shown it ... We just didn't feel that it was- Since it wasn't visible from the right of way, it shouldn't be evaluated.

(Exhibit L-1, May 14, 2025, HDBR MP3, 1:18:20).

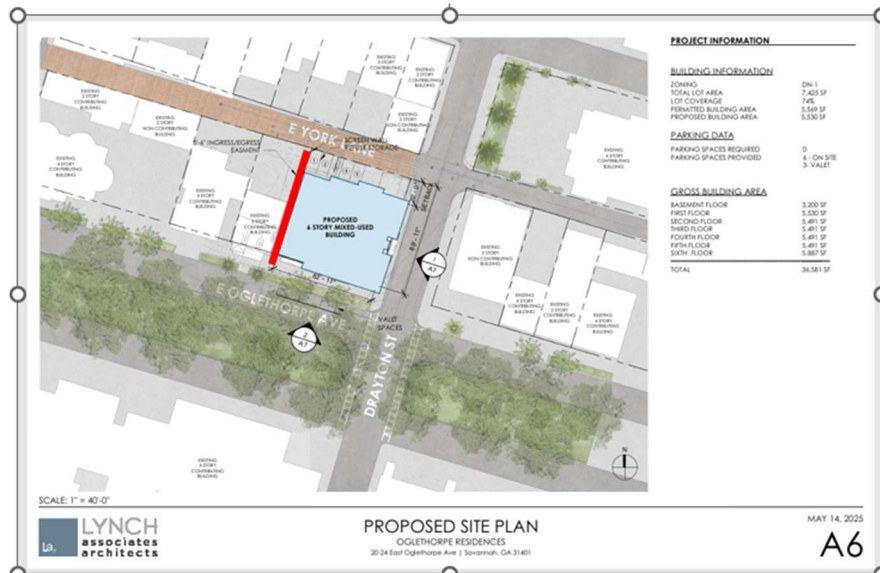
⁹ At the May 14, 2025, HDBR hearing, the MPC projected its own MPC Staff Report on the monitors to describe the Proposal. (Exhibit L-1, May 14, 2025, HDBR MP3, 00:51:58). We note that the MPC Website now contains a submittal packet with renderings that differ from what the MPC presented in its MPC Staff Report at the HDBR on May 14, 2025, where much of the testimony focused on why the elevator shaft and stair tower were missing from the elevations. The new version, apparently submitted after the MPC Staff Report, which itself was dated May 14, 2024, shows the elevator shaft and stair tower. (Exhibit I -2, May 14, 2025, HDBR, Post-Staff-Report Submittal Packet). The MPC is giving the appearance of collusion with the Applicant to alter the Record.

However, the Applicant's Architect's own renderings contradict this statement. As the Applicant's Architect's rendering below shows, the elevator core will be visible from the right of way, as shown by the overlay in red.



(Exhibit I-1, May 14, 2025, HDBR, Submittal Packet, p. A17).

Further, there is a passageway on the property of 18 East Oglethorpe Avenue, which means that the entirety of the west façade of the Proposal is visible from the sidewalk and street of East Oglethorpe Avenue. See the red highlight below.



(Exhibit I, May 14, 2025, HDBR, Submittal Packet, p. A6). Here is a photo of the passageway. Given that the side of 18 East Oglethorpe is fully visible, so will the side of the Proposal, including the elevator core, be fully visible.

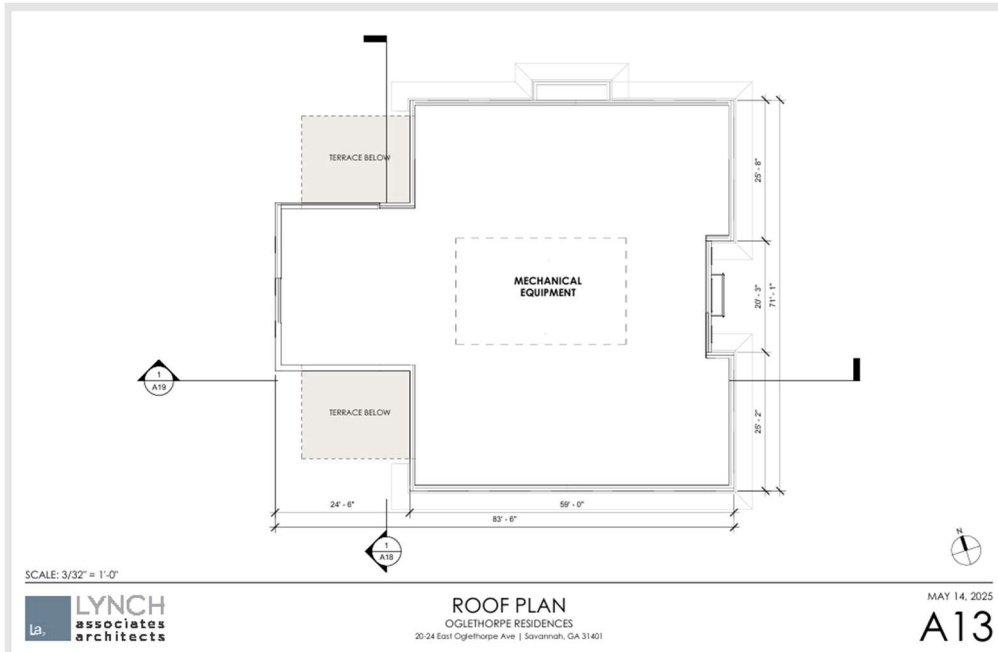


B. The Applicant’s Architect Eliminated the Roof-Top Mechanicals from the Elevations

Additionally, the rendering should include rooftop mechanicals, which would increase the height well above the measure set forth by the Applicant’s Architects.



The Applicant's Architect indicated the mechanicals on the plans but not the elevations:



(Exhibit I-1, May 14, 2025, HDBR Hearing, Submittal Packet. P. A13). The Applicant's Architect even conceded that the renderings were incomplete, saying,

And we haven't shown- We obviously dashed in the mechanical areas. We don't know what the mechanicals are going to look like. Obviously, if they're going to be visible, which we don't think they're going to be because they're up high enough and set back considerably from the edge of the building.

(Exhibit L-1, May 14, 2025, HDBR MP3, 1:23:44).

C. The MPC Directed the HDBR To Decide Based on the Inaccurate Renderings

Although the inaccuracies had been pointed out in the public comment submitted by the Oglethorpe Plan Coalition, Inc., in the hearing Mr. Mellon, representing the MPC, refused to explain whether the drawing were accurate or not and misled the HDBR, saying as follows:

So, I'm not going to necessarily opine on the Oglethorpe Coalition's position. I'll let them speak for themselves, and I'll let the project architect walk through.

[MPC] Staff was able to fully understand what's being proposed here, if that's the question? We didn't think there were- I mean, renderings can sometimes be, you know, or if you do watercolors, can sometimes be a little off.

...

I know they showed it to kind of be as comprehensive as possible, but I wouldn't get into necessarily what the Oglethorpe Coalition is saying or not saying. I think you all need to look at what was submitted, as the chair said, and whether you feel what is submitted meets the ordinances and the standards.

(Exhibit L-1, May 14, 2025, HDBR MP3, 1:04:55).

Thus, the MPC directed the HDBR to base their views on the elevations, even though the MPC acknowledged that they might be inaccurate and were clearly incomplete.

The MPC also misled the HDBR on the visibility of the mechanical equipment on the roof, stating

We've been out to the site a million times. And we obviously, it's right near here. We walk down it. You would not be seeing this mechanical equipment on top of the roof.

(Exhibit L-1, May 14, 2025, HDBR MP3, 1:08:06).

The Applicant's Architect argued that he could eliminate portions of the building from the elevation if he deemed them not visible, stating,

And then again at the upper story, we had set it back 25ft in both directions. So it's not even visible from the. From the right of way.

(Exhibit L-1, May 14, 2025, HDBR MP3, 1:24:57).

However, the mechanical would be visible several blocks away. Thus, the renderings are misleading when the HDBR addresses those sections.

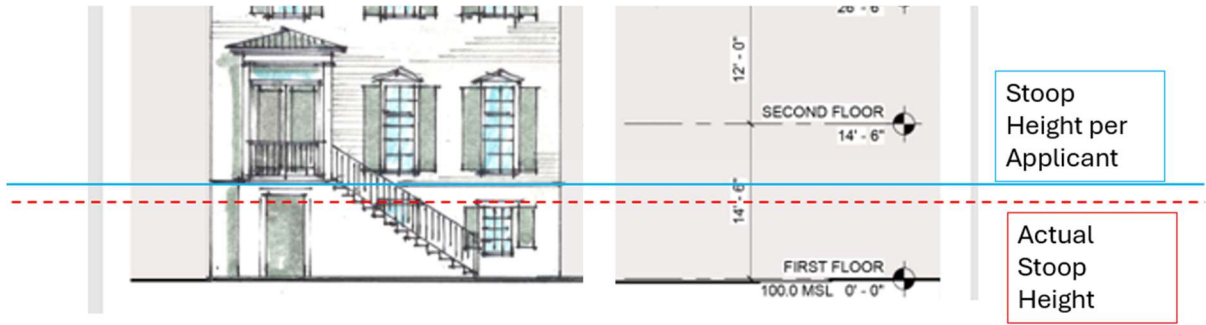
D. The Applicant’s Architect Altered the Dimensions of 18 East Oglethorpe Avenue

The HDBR Decision should be reversed because it relied on renderings that inflated the proportions of 18 East Oglethorpe Avenue to make the Proposal look more compatible. Here is the Applicant’s Architect’s rendering:



(Exhibit I-1, May 14, 2025, HDBR, Submittal Packet, p. A14).

If one zooms in and leaves out the middle, the inaccuracies are clearer. The overlay in red shows the actual stoop height. It appears the Applicant’s Architect inflated the features on 18 East Oglethorpe to make the Proposal appear more compatible.



The Petitioner’s Architect, Reggie Gibson, pointed out this misrepresentation in his testimony at the May 14, 2025, HDBR hearing, saying,

The drawings that they've used of our building are not quite accurate. The- our building at 18, they're showing it with a nine-foot porch off the street. It's a seven-foot porch off the street. Two feet not. Doesn't sound like it makes a lot of difference, but when you're saying I'm lining stuff up with the stuff next door, it does make a lot of difference.

(Exhibit L-1, May 14, 2025, HDBR MP3, 1:41:10).

Compare the Architect’s rendering above to a photo of the property.



**ARGUMENT V – HDBR ERRONEOUSLY APPLIED IRRELEVANT CRITERIA AND
PERSONAL PREFERENCES**

The HDBR Decision should be reversed because it was arbitrary and capricious in that one or more of the Majority voters erroneously based their vote in part on erroneously applying personal opinions or other criteria not relevant to the issue at hand. The testimony of the HDBR Majority members suggests that they did not understand the criteria that they were supposed to apply.

In the introductory remarks to the May 14, 2025 HDBR hearing, the Chair, Ms. Guinn, stated that the Board “cannot consider criteria not specifically identified in the Ordinance,” But, as explained below, the Majority did consider such criteria. She also said, “Personal preferences will not be the basis for a decision, either.” (Exhibit L-1 May 14, 2025, HDBR MP3). However, the HDRB decision was based on philosophies and personal preferences.

In executive session, when the public is no longer permitted to speak, the Majority members explained why they supported the Proposal. With respect to Mr. Thomson and Mr. Coleman, their reasons were based on personal preferences and irrelevant criteria and revealed that they did not understand the issue at hand.

Because Mrs. Thomson and Coleman, two of the three non-Chair Majority votes, stated that their decision reflected matters unrelated to the COA criteria, their positions were arbitrary and capricious. As a results, the HDBR decision should be reversed.

The task of the HDBR was to determine if the height and mass of the Proposal satisfied the Design Standards and the Visual Compatibility Criteria. As their comments revealed, they seemed to think that the decision was whether or not to allow a contemporary building in the historic

district, regardless of its height and mass. Because they addressed a different issue than the one that was before them, the HDRBR Decision was arbitrary and capricious and should be reversed.

The following includes quotes of individual members of the HDBR. This is not meant to be an *ad hominem* attack; however there is no other evidence in the record of the HDBR's reasoning. Thus, the quoted passages are essential to demonstrate that individual members of the HDBR substituted their personal philosophies and opinion in lieu of the Ordinance. If the any single Majority vote was erroneous, the resolution to approve would not have passed, and the resolution to deny would have passed. Therefore if the ZBA finds that any single Majority member acted arbitrarily and capriciously, the HDBR Decision should be reversed.

A. HDBR Erroneously Addressed Whether to Allow a Building “of Its Time”

Majority voter Thomas Thomson, with the help of Mr. Mellon, explained his decision apparently based on the Secretary of Interior Standards¹⁰ (The National Park Service is an agency within the Department of the Interior).

Thomson: I'm not as articulate as some of the people that spoke today, so I'll struggle through this. But you know, I was the staff person that helped rewrite historic district ordinance along with my staff and some other people. And we struggled with one thing a lot, and that was large scale or larger buildings. And I need help with this. What's it called? Architectural in its time or what's that expression?

Mellon: It should be. I mean, the National Park Service says it should be of its time.

Thomas Thomson: Yes, of its time. So, we are of our time in 2025.

(Exhibit L-1, May 14, 2025, HDBR MP3, 2:12:54).

This erroneous line of reasoning altered the discussion from an application of the relevant standards to a discussion whether the building was too modern, which is not a relevant discussion

¹⁰ Exhibit U, Secretary of Interior Standards, p. 62, Rehabilitation Standard No. 3: “Each property will be recognized as a physical record of its time, place and use...”

to a decision about height and mass. The Design Standards already acknowledge contemporary structures, so the discussion was superfluous and not on point.

Moreover, the criteria for a COA under Ordinance Section 7.8.7 do not refer to rules of the National Park Service. While the Ordinance does refer to the Secretary of the Interior, the Ordinance is unambiguous in its limitation of the application of the Secretary of Interior Standards to only contributing buildings, not new construction, which is non-contributing by definition. The MPC Staff acknowledges that the buildings are non-contributing. (Exhibit N, May 14, 2025, MPC Staff Report, p. 3).¹¹

Ordinance Section 7.8.8 is unambiguous that the Secretary of Interior Standards do not apply in the review of a COA for the Proposal because it involves a non-contributing building. That section begins, “Material changes to contributing resources ... shall be evaluated by the use of the current edition of the Secretary of Interior’s Standards and Guidelines for Rehabilitation...” (Exhibit B-4, Certified Copy of the Ordinance, Section 7.8.8).

Application of the “architecture in its time” concept was arbitrary and capricious, because it was not related to the review criteria for granting the COA, it was not dispositive of height and mass and introducing it as grounds for a decision deprived the Petitioner of a fair hearing.

B. MPC Erroneously Supported this Erroneous Line of Reasoning

The Secretary of Interior Standards were first raised by Mr. Thomson in executive session. They had not been mentioned at all in the earlier portion of the hearing when a member of the public could have pointed out the error in applying them.

¹¹ The Ordinance is clear. The current buildings on the site are non-contributing. (Exhibit V, Historic Building Map; Exhibit W, Historic Building Map Supplement, p. 21).

The MPC Staff is supposed to provide support for the HDBR, which includes commenting throughout the hearing. As such, the MPC had an obligation to inform Mr. Thomson that his statements were not relevant to this particular hearing.

In fact, the MPC Staff Report for May 14, 2025 does not mention the Secretary of Interior Standards as one of the applicable standards for the hearing. Thus, prior to the hearing, the MPC considered them inapplicable to this Proposal. (Exhibit N, May 14, 2025, MPC Staff Report, pp. 9-20, setting forth the applicable standards).

Nonetheless, when the issue arose in executive session, instead of guiding Mr. Thomson, the MPC supported his erroneous line of reasoning.

Thus, rather than ensuring that the HDBR follow the Ordinance, the MPC knowingly and willfully gave inaccurate guidance to the HDBR so that the HDBR would rely on that guidance and support the MPC recommendation, to the detriment of Petitioner's property interests.

C. HDBR Erroneously Argued for Buildings of the Future

Mr. Coleman augmented Mr. Thomson's remarks, contributing to the erroneous line of reasoning with what he even described as his personal philosophies. Mr. Coleman argued not for "architecture in its time" but for buildings of the future, saying,

Yes. I'm going to have probably more of a philosophical speech on the fact that, you know, the Oglethorpe Plan started with very little small cottages. You know nothing of what we have here now is what was what Oglethorpe saw. It wasn't anything he could anticipate, but he created a great city plan that allowed a city to develop.

As these buildings were built, they were new and they changed what was around them at some time. And they were out of scale. They were bigger than what was originally there, but they helped create the fabric of what we consider dear, now. There is no way for us to articulate and create buildings that are just going to honor everything of what the past has. We do have to think about how we take care of the future.

(Exhibit L-1, May 14, 2025, HDBR, MP3, 2:19:17).

Again, this focus is erroneous and unrelated the standards that the HDBR was supposed to apply. Mr. Coleman did not address the COA criteria in his remarks at all.

Rather than following the Ordinance and protecting existing resources, Mr. Coleman apparently wants to change Savannah, implying that it is not “great” enough right now. This is a personal view that had no place in the HDBR Decision. He stated,

Not just with this project, but ongoing. I'm going to be sitting on this board for another two and a half years and you'll be hearing me say this kind of thing for those two and a half years that I want to see Savannah turn into something that's great.

To which Mr. Thomson added, “Very well said it- Said, Mr. Coleman. I just add that you can get another three years on the board if you want.” (Exhibit L-1, May 14, 2025, HDBR MP3, 2:21:22).

It even appears that Mr. Coleman does not even think that a new building can meet the Design Standards and their intent to complement contributing resources. Isolating a statement from the earlier passage, we see his rejection of the intent of the Design Standards:

There is no way for us to articulate and create buildings that are just going to honor everything of what the past has.

(Exhibit L-1, May 14, 2025, HDBR MP3, 2:19:54).

If Mr. Coleman disagrees with the Design Standards, which include the Building Form Rule, he should act through the legislative process in his personal capacity. Using the HDBR to overturn the Design standards is an *ultra vires* act, an act outside the scope of its authority. This behavior is the definition of arbitrary and capricious.

D. HDBR Cited a Non-Contributing Building to Justify the Proposal

Mr. Thomson erroneously cited the Perry Lane Hotel as a justification for approving the Proposal.

The Perry Lane is a non-contributing structure built in 2018. Justifying the Proposal because he likes the Perry Lane bears no relationship to the tests that the HDBR was supposed to apply. The Building Form Rule only looks to buildings facing East Oglethorpe, not Perry Lane. The visual compatibility test addresses only contributing buildings, which do not include the Perry Lane. Thus, Mr. Thomson acted in an *ultra vires* manner, abandoning his duty to follow the ordinance and substituting his own personal preferences.

Back to my point, I just wanted to point out, in thinking about this project, I couldn't help but think of the Perry Lane Hotel. And I went and looked back at a prior aerial photo that SAGIS had and I just couldn't remember what was there before the Perry Hotel. And there's two buildings. One's about six stories with the rooftop thing and the other is five. They're across from each other off across the street. They butt up against some townhomes on the- Is that Abercorn- over there- street? And you know, so there are some similarities.

(Exhibit L-1, May 14, 2025, HDBR MP3, 2:22:45).

E. HDBR Majority Made Additional Comments Unrelated To The Ordinance

Mr. Thomson made many additional remarks that are erroneous because they have no relationship to the Ordinance. For example, he stated,

And the economics have changed. Building perspectives in terms of what they have in them have changed. One of the major issues for Savannah and historic district is that we've lost a lot of-. I don't live in historic district, but I live in Savannah. We've lost a lot of residents in historic district and there's a bunch of reasons. Vacation rentals, houses that are bought and people live in New York and come here once a year. All that kind of part of it. But the number of people have changed. Look at the demographics is your kids have gone away somewhere else and so there are fewer people here other than the visitors.

Notwithstanding that the connection between demographics and this building is unclear, the statement has no bearing on the application of the Ordinance to the Proposal and shows that the HDBR Decisions is erroneous. (Exhibit L-1, May 14, 2025, HDBR MP3, 2:13:35).

Mr. Coleman fared no better. He explained that rather than apply the Ordinance, the HDBR must keep an “open mind,” presumably, by allowing project that do not meet the terms of the Ordinance and “fit into what we have here now.” He said,

We do have to think about how we take care of the future. I'm not saying this building is the answer to that, but we as citizens of the city need to be more open to the fact that if we really want to see Savannah become something, we have to be open minded about what it becomes. And that is very important. The person sitting on this board, we've all volunteered our time to sit here through a very difficult process, every day. I've spent 15 years on boards here in this city and I've heard a lot of different arguments. And my commitment as an architect is not about my business.

It's about loving the city. And loving the city means that you understand that it's growing and that it has to be able to become something more than a museum piece for people who visit. You know, we talk about people coming here to visit. Well, what happens? You build hotels for that. Then we argue against the hotels.

Well, we have to decide what do we want to argue for? ***Do we want to create better buildings in the city that are able to be great later on or fit into what we have here now?*** But we're not going to get everything right. It's not possible. And it's really very subjective.

I respect what everyone has said here today. I think everyone's right in their own way, but everyone's wrong in their own way as well. Because we have our own biases. That's what we are as people. So we need to open our mindset to what's being presented to here.

(emphasis added)

(Exhibit L-1, May 14, 2025, HDBR MP3, 2:19:59).

While this philosophy has its sycophants, it is not a philosophy embodied in the Ordinance. There is no “open mind” in applying the Ordinance; rather, the HDBR is tasked with applying it. It is not supposed to override it.

Mr. Coleman’s statement suggests that he believes that the HDBR is showing bias if it applies the Ordinance literally, and that the only unbiased approach is to prepare for the “future” by keeping an “open mind.” While some may agree with this philosophy, it is just that – a philosophy. As Chair Ms. Guinn explained, personal preferences are not to be the basis for a decision.

F. In the Related Prior Hearing, the HDBR Chair Indicated an Unwillingness to Follow the Ordinance

The HDBR Chair, Ms. Guinn, did not offer much comment on the Proposal in the May 14, 2024 hearing. In the prior hearing on February 12, 2025, of which the May hearing was a continuation, Ms. Guinn explained that she felt the HDBR should not limit itself to approving just those buildings that satisfied the Ordinance. She described how her decision is based on her “opinions,” not “what can get approved” under the Ordinance,

I also want to share some of *my opinions*, I guess, are the reasons that I look at things the way that I do. I look at the historic district and our city as a living, breathing, and evolving thing. ... So, I think there has to always be room for interpretation, to envision what he might think our future looks like. And I think it would be very sad if we, as a city and as a community and as a board and as a body of professionals and architects, designed mediocre buildings based *on what can get approved*. (emphasis added)

She also erroneously cited the Secretary of Interior Standards, which as explained above, do not apply to the Proposal:

I think also if you look at the Secretary of the Interior standards and what they lay out, they strictly warn about creating false historicism.

She also made clear that she would apply this erroneous reasoning to the proposal in future hearings, such as the May 14, 2025 hearing:

So, I think that those are all things that we should consider as we move forward, not only with this application, but with future applications that come forward. And so those are my comments, and I guess that wraps it up for us.

Finally, she too seemed to think the issue was whether the building should look like a 21st century building or a 19th century buildings, which was not the issue before the HDBR, which was the height and mass of the building, not its decorative appearance. In doing so, she rejected the Building Form Rule by negating the importance of employing the form of the contributing buildings on East Oglethorpe Avenue, saying,

So, they don't want you copying the buildings that are next door. They don't want you copying the buildings across the street. They actually don't want you copying buildings, period. A building built in 2025. 2025, should look and read like a great building built in 2025, not a replica of a great building that was built in 1873.

(Exhibit R-1, February 12, 2025, HDBR MP3, beginning at 2:10:13).

ARGUMENT VI – CONSTITUTIONAL CLAIMS

Because the HDBR Decision was arbitrary and capricious for all the foregoing reasons, the Petitioner was denied a fair hearing and deprived of its procedural due process rights under the Georgia and U.S. Constitutions. For the same reasons, the HDBR Decision unfairly deprived the Petitioner of its property interests and thereby violated the Petitioner's substantive due process rights under the Georgia and U.S. Constitutions. Depriving the Petitioner of its due process rights is a violation of the Fourteenth Amendment to the United States Constitution, as well as Art. 1, Sec. I, Par. I and Art I, Sec. III. Par. I (a) of the Constitution of Georgia.

ARGUMENT VII – APPLICANT'S BAD ACTS REQUIRE REVERSAL OF THE HDBR DECISION

The Applicant took or failed to take action that prevented a just resolution of this dispute. The Applicant, through its agents, also made misrepresentations and irrelevant arguments intended

to cause the MPC and HDBR to draw erroneous conclusions. The Applicant should not benefit from such bad acts.

A. The Applicant Never Met with the Petitioner

Normal practice for the applicant for a major project like this is to meet and have discussions with its neighbors. This did not occur.

The COA Applicant did not meet with the Petitioner. Reggie Gibson, the Petitioner's Architect stated,

Hello, I'm Reggie Gibson, I'm an architect, one of the architects for the building next door that's been in- primarily shown on those elevation drawings. I've never met nor has anyone that we've worked with-, with the developers. Anyone. No one's ever said, hey, how y'all doing? We're gonna be your next-door neighbor.

We didn't expect a casserole or anything. But we did expect like, hey, how are you?

(Exhibit L-1, May 14, 2025, HDBR MP3, 1:40:02).

It is particularly strange that the Applicant did not reach out because the Proposal will require construction access to the path on the property at 18 East Oglethorpe Avenue. There may be an easement for entry access but not necessarily construction equipment.

B. The Applicant's Architect Falsely Stated that the Petitioner Supported the Project

In the February 12, 2025, HDBR hearing, the Applicant's Architect stated that they had spoken with the Petitioner and that Petitioner had no problem with the buildings. That statement was inaccurate. Even after her misstatement was pointed out, Ms. Lynch, representing the Applicant's Architect, continued to insist on her inaccurate description of the situation. Here is the exchange between Ms. Lynch and Michael Higgins, a member of the HDBR Board at the time:

Michael Higgins: Also, you mentioned you have the support of the neighboring building, the five-story building.

Becky Lynch: Yes, they are actually new owners and they were not able to- They were not willing to write a letter. But they also said that they did not oppose what we were doing.

Michael Higgins: What's the address of that building? ... Would it be 14 to- 14 to 18 East Oglethorpe? ... Because I'm looking at it- I think it was [letter] number 56 where they oppose this project.

Becky Lynch: I did not see that letter. But we had been in discussions with them and they had told us they did not have an issue with it.

(Exhibit L-1, February 12, 2025, HDBR MP3, 1:00:22).

C. The Applicant Included False Statements in the Applications for the COA

The application for the COA (the “Application”) stated that the owner of the property is Butch Ross, a member of Butch Ross Hotel Partners, which in fact is not the owner, the real owner being the Applicant. (Exhibit X, Application). At the hearing, the public raised the issue that the Application was defective since it did not list the correct owner of the property. The HDBR refused to address that the Application was defective. (Exhibit R-1, Feb 12, 2025, HDBR MP3, 1:10:21).

Subsequent to the hearing on February 12, 2025, the Applicant revised the Application (the “Revised Application,” Exhibit Y). Although the Applicant corrected the owner name, the Applicant once again erred by falsely backdating the Revised Application to January 1, 2025. (Exhibit Z, April, 2025 Email between Mellon and Jones.).

The Petitioner contends that the Application should not have been heard on February 12, 2025 because it was defective. The Application asked for approval of work on a property for which the real owner was not listed. Further, the actual owner had not submitted with the Application the required authorization form indicating the Architect as its agent.

Since the HDBR should not have held the February 12, 2025 hearing, likewise it should not have heard the continuation of such hearing on May 14, 2025.

Finally, the Revised Application should not have been heard, as it was falsely backdated. Moreover, the substitution of a different owner should have required an entirely new application, not just a revision of the initial one. The new owner was not entitled to a continuance of a hearing for a different party who never owned the property in the first place.

D. The Architect Provided Misleading Renderings in the Submittal Packet

Bad acts of the Applicant and the MPC include all the inaccuracies in the May 14, 2025, HDBR Submittal Packet described above, *supra*, pp. 31-40. Also see Footnote 11, *supra*, providing evidence that the Applicant and the MPC may have conspired to alter the Record after the hearing.

E. The Applicant’s Agents Introduced Red Herrings and Irrelevant Arguments To Confuse the HDBR

Bad acts of the Applicant and the MPC include introducing red herrings and irrelevant arguments in an attempt to confuse the HDBR, described *infra*, pp. 53-55.

F. The Applicant’s Architect Falsely Described Specific Buildings as “Adjacencies,” Which the Applicant’s Architect Knew Were Not

See example *supra*, p. 30. Ordinance Section 13.5 defines “adjacency” as “Abutting parcels, buildings, or buildings within the same parcel. Only East 18 Oglethorpe fits that definition, not the large buildings cited by the Applicant and MPC. (Exhibit B-8, Certified Copy of the Ordinance, Section 13.5, Definitions, Historic).

**ARGUMENT VIII – MPC’S BAD FAITH REQUIRES REVERSAL OF THE HDBR
DECISION**

The COA should be overturned because the HDBR relied on misleading statements made by the MPC, as described above, including misrepresenting the Building Form Rule, the Large-Scale Development Standards and the Visual Compatibility Criteria. These misrepresentations were made by the MPC knowingly and with intent to mislead the HDBR so that they would rely on such statements and vote in accordance with the MPC’s recommendation, to the detriment of Petitioner’s property interests. Also see Footnote 9, *supra*, providing evidence that the Applicant and the MPC may have colluded to alter the Record after the MPC Staff Report.

Such actions are *ultra vires* actions because committing fraud is outside the scope of the duties of MPC employees.

The COA applicant should not be permitted to benefit from *ultra vires* actions of the MPC. Such action denied the Petitioner its state and federal constitutional substantive and procedural due process rights.

**ARGUMENT IX – APPLICANT’S AND MPC’S ERRONEOUS ARGUMENT ABOUT
PRECEDENT AND CORNER LOTS INVALIDATES THE COA**

The HDBR Decision should be overturned because it relied on the MPC Staff Report, which repeated the Applicant’s Architect’s red herrings and irrelevant arguments that the Applicant’s Architect and MPC intended to use to confuse the HDBR and distract them from the sections of the Ordinance that were supposed to be applied.

A. Precedent Is Not A Concept Contained in in the Ordinance

The applicant is arguing that the HDBR should respect “precedent.” The concept of “precedent” is not found in the Ordinance.

What the Applicant seems to be arguing is that new construction must be approved is it resembles a contributing building. But that concept is nowhere in the Ordinance, In fact, the Ordinance does the opposite. It treats new construction and contributing buildings under different rules. Thus, the DeRenne Apartments, four blocks away, cited by the Applicant, are not relevant unless the Applicant showed how it was relevant under the Building Form Rule (which the Applicant ignored) or under the Visual Compatibility Criteria (which the Applicant addressed by overlooking the many small buildings closer to the Proposal than the DeRenne).

Rather than stating that contributing buildings are “precedent” for new construction, the Ordinance has two different sets of rules for contributing structures vs. new construction. The underlying concept is that some buildings merit contributing status even though the Ordinance would not permit them to be built today. Thus, the applicant’s citing contributing buildings as so-called precedent is a red herring because this is a new building that falls under the rules for new construction. The following chart shows examples of how the Ordinance separates the treatment of contributing buildings from new construction.

| Type of Work | Rules for Contributing Buildings | Rules for New Construction |
|------------------------|----------------------------------|----------------------------|
| Foundations | 7.8.10(e)(i) | 7.8.10(e)(ii) |
| Exterior Walls | 7.8.10(f)(i) | 7.8.10(f)(ii) |
| Entrances and Doors | 7.8.10(g)(i) | 7.8.10(g)(ii) |
| Windows | 7.8.10(h)(i)(1) | 7.8.10(h)(i)(2) |
| Commercial Storefronts | 7.8.10(h)(iii)(1) | 7.8.10(h)(iii)(2) |
| Porches | 7.8.10(i)(i) | 7.8.10(i)(ii) |
| Roofs | 7.8.10(k)(i) | 7.8.10(k)(ii) |

Similarly, the applicant argues that because of precedent, corners lots must have large buildings.
(Exhibit L-1, May 14, 2025, HDBR MP3, 1:14:39).

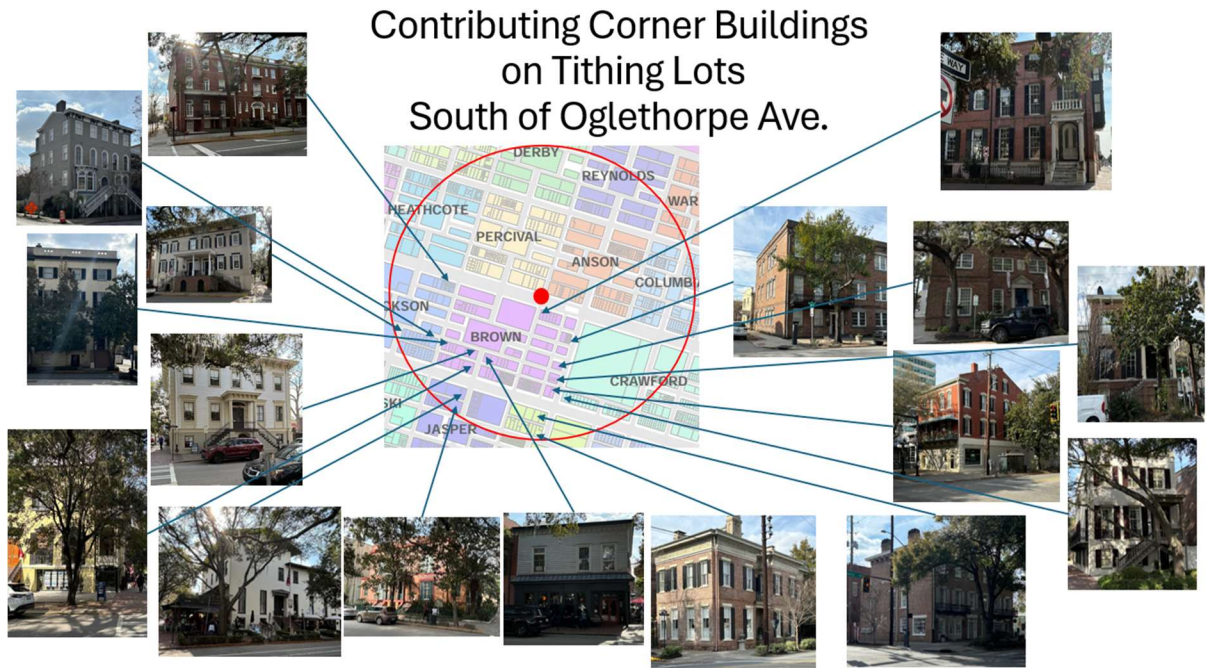
And we've demonstrated that here with- we took a lot of cues obviously on Liberty Street from the Derenne building, which sits in the corner, on the same corner that we sit on further north. And then obviously Drayton Tower, there's a number of other larger scale buildings, such as the Lafayette. Wells Fargo building sits directly behind the Juliette Gordon-Low House.

This theory fails on both law and facts. Legally, as noted above, precedent is not mentioned in the Ordinance. Factually, the idea that corners predominantly have large buildings is also inaccurate. There are approximately 20 wards reflecting the design of the Oglethorpe Plan. Each of these wards has 16 corners for tithing lots and 16 corners for the trust lots for a total of 32 corners per ward, totaling 640 corners. The Applicant has been able to identify large scale contributing buildings on only a small number of these corners.

To understand just how limited such tall buildings are, consider the illustrations below of how many corners have contributing buildings of four stories or less.

Contributing Corner Buildings on Tithing Lots North of Oglethorpe Ave.





ARGUMENT X - PUBLIC POLICY JUSTIFIES OVERTURNING THE COA

The first policy consideration is the public’s interest in preventing the detriment caused by allowing overscale buildings in the historic district. As one member of the public, David Young, stated,

I'm a 49-year resident of the historic district. I was brought to Savannah to create the Convention and Visitors Bureau, which is now Visit Savannah. So, I know a great deal about the economic influence that our visitors industry has brought to Savannah. I really have just one comment and that is does this project enhance the qualities that have been so appealing to the rest of the world, or does it detract?

I think it's very straightforward. It detracts. It does not add anything, it does not improve anything, it does not support what's already here. It's an aberration and inappropriate and unhelpful to the future economy of the city.

(Exhibit L-1, May 14, 2025, HDBR MP3, 2:04:40).

The public expressed their concerns loudly and clearly at each hearing. See discussion of the hearings, supra at pp. 6-8.

Another speaker noted how new and inappropriate structures are undermining the uniqueness of historic Savannah. Shannon Browning Mills, Director of the Juliette Gordon Low Birthplace, stated,

Hello, I'm Shannon Browning-Mullis. I'm the Executive Director of the Juliette Gordon Low Birthplace, which is on the same block as the project being proposed. Our site is really important to about 2 million Girl Scouts and 50 million Girl Scouts alum around the country. And we're really proud that it's in Savannah, Georgia. This is one of only three properties that are on this block.

And we really want to be good neighbors. We have- We've not heard from the developers, so we haven't had a chance to have a conversation with them about the project. But we don't oppose construction on this lot. There certainly should be buildings there.

And we want Savannah to be a really, vibrant city. But we do oppose the scale. I know that- I hear the staff when they say five stories for the other buildings around, but a raised basement and an attic are a little bit different than what we're talking about here. So, we would just ask that we not go six stories with this building.

We'd really like people in Savannah to really know they're here and not be able to think maybe they're in Austin or Raleigh or somebody else, because Savannah has a really distinct character. And so we just request that you keep that in mind and keep this building in line with its neighbors.

(Exhibit L-1, May 14, 2025, HDBR MP3, 1:31:48).

The public also expressed concern over the granting of a discretionary “bonus floor.” The bonus story is not warranted as a matter of public policy. As Paul Cobet of the Downtown Neighborhood Association, the group that represents the quality-of-life interest of the residents of Downtown Savannah, stated,

The staff recommendation is somewhat unclear. It recommends the approval of new construction height and mass for a five-story building with potential bonus sixth floor as requested.

The DNA's position is that bonus floors should rarely if ever be approved. In this case, the requirement for a bonus floor lies in the public access, meaning a commercial business on the first floor. Seabolt offices are there on site now. Essentially in this instance, the public gains nothing by approving a bonus floor.

(Exhibit L-1, May 14, 2025, HDBR MP3, 1:57:58).

Public policy also encourages developers to work with their neighbors during building planning. This did not occur.

Public Policy also requires that the HDBR respect the rule of law. One speaker, Susan Atkinson, stressed the rule of law:

Proposals must conform to the laws, codes and ordinances of the historic district or they will be denied. So, let's start here today and teach the public that there are rules to be followed. It's our duty to protect the beauty of historic Savannah.

(Exhibit L-1, May 14, 2025, HDBR MP3, 2:02:19).

POTENTIAL CONFLICT OF INTEREST

The Applicant's attorney HunterMaclean, is counsel to two LLCs owned by Mr. Brad Baugh, a member of the ZBA. Our firm represents separate petitioners in two relevant cases. In one, Mr. Baugh's LLC is a defendant. Clara Greig and Tana Fileccia-Flagg v. City of Savannah, Seacrest Seven, LLC, 1015 Whitaker, LLC and Portfolio Holdings LLC, Case No. SPCV25-00195, Superior Court of Chatham County. In another case, the property owned by Mr. Baugh's LLC is the subject of the dispute. Anna Habersham Wright and Andrew Berrien Jones, as Authorized Agent for Anna Habersham Wright, v. The City of Savannah Zoning Board of Appeals, et al., Case No. SPPA23-00448, Superior Court of Chatham County.

We request that the ZBA ensure the impartiality of its decision in this matter and follow proper procedures to ensure that Mr. Baugh can either conduct himself in an impartial decision-making process or alternatively recuse himself.

OTHER PROCEDURAL MATTERS

We also note that this is an open meeting and that all comments by the Board should be on the Record and that no side conversations should occur off the microphone.

RELIEF REQUESTED

Petitioner requests that the ZBA reverse the HDBR Decision because it was arbitrary and capricious, given the following errors:

- The HDBR did not properly apply the Building Form Rule in the Design Standards
- The HDBR did not properly apply the Large-Scale Development Standards in the Design Standards
- The HDBR did not properly apply the Visual Compatibility Criteria
- The HDBR relied on inaccurate and incomplete renderings of the Proposal
- The HDBR relied on irrelevant criteria and personal opinions

If the Applicant seeks to re-apply, the new application should indicate the actual owner, the actual date the application is signed, and accurate renderings of the proposal.

Petitioner notes that the ZBA is entitled to provide alternative relief. Ordinance Section 3.23.6 provides,

3.23.6 Action by the Zoning Board of Appeals

a. The Zoning Board of Appeals shall determine whether the first decision-maker erred in the application or interpretation of this Ordinance.

b. The Zoning Board of Appeals may reverse or affirm (wholly or in part) or may modify the final written decision appealed and shall make a final written decision that in its opinion ought to be made in the case before it unless otherwise specified by this Ordinance. To this end, the Zoning Board of Appeals shall have all of the powers of the administrative official, commission or board from whom this appeal is taken.

(Exhibit B-2, Certified Copy of the Ordinance, Section 3.23, Appeals).

Alternative relief includes the following:

- 1) Requiring that the Proposal use a building form no greater than that of the Juliette Gordon Low Birthplace with a facade wall of 4 stories at 48 feet

- 2) Requiring the proposal to eliminate one floor and set back the fifth floor 15 feet from all sides

Such alternative remedies are consistent with the Building Form Rule, described in detail, supra, pp. 8-18.

WHEREFORE, Petitioner respectfully requests that the ZBA provide the relief requested.

This 11th day of June, 2025.

Respectfully submitted,

THOMERSON, JONES & EDWARDS P.C.

/s/ Michael J. Thomerson

Michael J. Thomerson (GA Bar No. 706999)

/s/ Andrew B. Jones

Andrew B. Jones (GA Bar No. 802033)

/s/ Michael L. Edwards

Michael L. Edwards (GA Bar No. 240112)

Attorneys for Petitioner Ballastone Inn Property, LLC

P.O Box 8006
Savannah, GA 31412
mthomerson@tjelaw.net
ajones@tjelaw.net
medwards@tjelaw.net