



City of Savannah Zoning Board of Appeals

Minutes
January 22, 2026 at 10:00am
112 East State Street, Arthur Mendonsa Hearing Room

January 22, 2026, City of Savannah Zoning Board of Appeals

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

MPC Staff Present: Edward Morrow, Director, Development Services/Current Planning
Sadie Esch-Laurent, Assistant Planner
Subhashi Karunaratne, Planner, Development Services
Sally Helm, Administrative Assistant II, Development Services/Current Planning
Hind Patel, IT Helpdesk & Support

I. Call to Order and Welcome

II. Invocation and Pledge of Allegiance

III. Swearing in of Witnesses

IV. Notices, Proclamations and Acknowledgements

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

[1. Variance to Maximum lot coverage, front & rear yard setbacks | 809 W. 53rd St | 25-005378-ZBA](#)

Motion

Item removed from the final agenda.

Vote Results (Approved)

Motion: Stephen Plunk

Second: Betty Jones

Stephen Merriman, Jr. - Abstain

Michael Condon - Aye

Stephen Plunk - Aye

Betty Jones - Aye

Armand Turner - Aye

Brad Baugh - Aye

Benjamin Griffith - Aye

VI. Item(s) Requested to be Withdrawn

VII. Approval of Minutes

[2. Approval of the November 20, 2025, Meeting Minutes.](#)

Motion

Approval of the November 20, 2025 meeting minutes.

Vote Results (Approved)

Motion: Betty Jones

Second: Stephen Plunk

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

VIII. Approval of Final Agenda

IX. Consent Agenda

X. Old Business

XI. Regular Agenda

[3. Variances to maximum building footprint for ADU & setback of residential driveway | 6 Chipper Cir | 25-005775-ZBA](#)

Ms. Sadie Esch-Laurent, Planner for Development Services here to talk about Six Chipper Circle. The petitioner is requesting the following two variances in association with the construction of an accessory dwelling unit in the RSF-10 zoning district. One, to allow the ADU to exceed the 700-square-foot building footprint maximum by 282 square feet, and two, to reduce the setback of a residential driveway from three feet to one foot. The parcel is just over 16,000 square feet and is conforming in the RSF-10 zoning district. The primary dwelling on the parcel was built in about 1951 and has a building footprint of about 2,500 square feet. In the rear of the property, the petitioner is proposing to construct an ADU and also a pool in between the ADU and the primary dwelling.

There will be an off-street parking space provided in the ADU, and the height requirements will be met. As mentioned, they are requesting two variances. This does not exceed the 40% building footprint in relation to the primary dwelling. It exceeds the 700-square-foot maximum. Just for reference, 40% of the building footprint of the primary dwelling would be 1,035 square feet. The other variance that they are requesting is that the ordinance requires driveways to have setbacks of at least three feet from the side property lines. The area at the corner of it reduces that setback to one foot, which is why they are requesting the variance. In terms of the analysis and the zoning ordinance, the requested variances are not consistent with the intent of the zoning ordinance. The ADU could be built to conform to the development standards. It could be built to be 700 square feet.

MPC staff recommends the denial of the requested two variances.

Jared Lott, Petitioner: For the ADU the livable space is 695 square feet. Just under the square foot

maximum for the livable space. The only reason we exceeded it is to provide off-street parking that's covered and attached to the ADU. It is just a garage that we are attaching to the ADU. The other setback variance is just to get the vehicle back there safely. Of course, as mentioned, it does not exceed any other maximum. It is just the 700 square foot. Again, it is just livable space.

Chair Merriman: Any members of the public that wish to speak concerning this petition? There is no speaker cards set out for it. We will enter into board discussion. Mr. Baugh, do you have anything you would like to say?

Mr. Baugh: I am wondering if the living space is under 700 square feet. Is there some way they could separate it that would make it conform? I do not know if that would be better. It sounds like it might be worse. Is that the entire accessory structure? What is it?

Sadie Esch-Laurent: As the petitioner had mentioned, the living space would be under the 700 square feet, but because the garage is attached on the first floor, because it is not a two-story ADU, that is why the building footprint exceeds the 700 square feet, because they are hoping to provide the parking.

Mr. Baugh: Okay. It is the building footprint, not the livable space.

Sadie Esch-Laurent: Correct, yes.

Mr. Baugh: That is the rule?

Sadie Esch-Laurent: Yes, it is the building footprint.

Chair Merriman: Mr. Plunk, do you have anything?

Mr. Plunk: No, sir. Just to note, it seems like he has quite a few letters of support from his immediate neighbors, and there is no one from his neighborhood here speaking against it, which is impressive.

There being no further discussion, the Board entertained a motion.

Motion

Approval of the following two variances in association with the construction of an accessory dwelling unit (ADU) in the RSF-10 zoning district:

To allow the ADU to exceed the 700 square foot building footprint maximum by 282 square feet;
To reduce the setback of a residential driveway from 3 feet to 1 foot.

Vote Results (Approved)

Motion: Stephen Plunk

Second: Armand Turner

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

4. Variances to building footprint and eaves or roof overhang | 220 W Duffy St | 25-005784-ZBA

Sadie Esch-Laurent, Planner for Development Services: This is 220 West Duffy Street. The petitioner is requesting the following two variances in association with the construction of an accessory dwelling unit in the TN1 zoning district. One, to allow the building footprint of the ADU to be 55% of the primary dwelling, where a maximum of 40% is allowed. Then, additionally, to allow the eaves or roof overhangs to go from three feet to two feet on the sides.

This is located in the Victorian Historic District. It was heard at HPC in December. However, it was continued due to the building footprint variance being required, and historic staff are here as well to answer any questions regarding that. This is a conforming parcel in the TN1 zoning district with just over 3,000 square feet. Currently existing on the property is an over-under duplex that was built in about 1900 with a building footprint of about, excuse me, 1,100 square feet. The petitioner is proposing to construct a two story ADU in the rear with a building footprint of 648 square feet. It will meet lot coverage requirements as well as providing off-street parking. It is proposed to be 24 feet and 4 inches tall. One of the variances they are requesting is to exceed that 40% that was mentioned. They will be encroaching 15% over the maximum allowed. Additionally, the other one is eaves or roof overhangs can be up to three feet from the property line, and they are just requesting for this to be one foot into that setback.

In terms of the ordinance, the requested variances are not consistent with the intent of the ordinance. The petitioner could construct an ADU that would be able to meet these development standards. Here are the elevations that are proposed for the ADU. Then here is the plan for the placement. It shows the 25-foot separation right here. These two feet are the eaves and overhangs that are encroaching on the side. With that said, MPC staff recommends denial of the requested two variances.

Stan Perkins, Petitioner: The biggest issue we normally have with these ADUs is the livable space. We are just trying to get more adequate parking space. Today, say if you go with 20 by 20 to 400 square feet, you are not going to get two midsize vehicles, and then still have traffic patterns and maybe still a room for a little bit of storage. That is what we are trying to just get done here once again. We have done this a couple of times before, and you all have passed it for us for the same reasons.

Mr. Condon, Board Member: What is the setback for the building itself?

Stan Perkins: We meet the three-foot setback there. We just want to do a little eave overhang and then put some gutters there. Yes, sir. Instead of having that flush eave overhang, we want to have some type of overhang there, but we do meet the three feet on the building footprint itself.

Mr. Condon: I am always concerned about working on buildings. I am familiar with that neighborhood, as you know.

Stan Perkins: Yes, sir.

Mr. Condon: My concern is the ability to maintain these buildings if we are crowding them. Is there adequate space to work on the roof of the building off of ladders and so on if we allow you to have these overhangs?

Stan Perkins: Yes, sir. Because it has become the standard. Some of these lots are narrow. That is when we produced this building footprint. It typically always meets that three-foot setback. There is a five-foot setback, which is even better.

Mr. Condon: I agree on that.

Stan Perkins: Yes, sir. Exactly.

NO PUBLIC COMMENT

NO BOARD DISCUSSION

Motion

Approval of the requested two variances in association with the construction of an accessory dwelling unit (ADU) in the TN-1 zoning district:

To allow the building footprint of the ADU to be 55% of the primary dwelling, where a maximum of 40% is allowed;

Relief for eaves or roof overhang from 3 feet to 2 feet.

Vote Results (Approved)

Motion: Benjamin Griffith

Second: Michael Condon

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

[5. Re-establish nonconforming ADU in assoc. with nonconforming multifamily dwelling | 619 Maupas Ave | 25-005837-ZBA](#)

Sadie Esch-Laurent, Planner for Development Services: This case is located at 619 Maupas Ave in the Baldwin Park neighborhood. The request before you are to reestablish a non-conforming two-family dwelling as an accessory dwelling unit in association with an existing non-conforming four-family dwelling, which would remain the principal structure. Both structures currently sit on separate legal non-conforming lots within the RSF6 zoning district. As part of this request, the petitioner proposes to recombine the two lots into a single parcel. No physical or structural modifications are proposed at this time. These subject properties are located at the corner of Maupas Ave and Reynolds Street. One lot contains a legal nonconforming four-family dwelling constructed around 1916, and the adjacent lot contains a legal nonconforming two-family dwelling constructed around 1930. Both lots are non-conforming.

There is approximately four feet of separation between the two structures, and no off-street parking is provided. A recombination application has been submitted that would result in a single lot measuring approximately 5,096 square feet. While this would combine the parcels, the resulting lot would remain non-conforming under RSF6 standards, which require a minimum lot width of 60 feet and a minimum lot area of 6,000 square feet.

To move forward with the recombination, the petitioner is requesting approval to reestablish the rear two family structure as a non-conforming accessory dwelling unit subordinate to the four-family principal structure. Oh, jeez. I lost my place. While historic mapping indicates that two structures once existed on a single lot, staff evaluated this request under both the non-conforming use reestablishment criteria and the standards related to expansion of non-conforming uses. Additionally, a zoning confirmation letter from the zoning administrator was received, and they deemed the two lots as legal non-conforming in their current state.

Expansion of a non-conforming use requires that the expanded area has the same operational characteristics as the existing non-conforming use. In this case, staff find that the rear structure functions as an independent two-family principal dwelling rather than as a subordinate accessory unit. This level of intensity exceeds what is permitted for an ADU and would effectively allow a group development which is prohibited in the RSF6 district. As such, staff finds the proposal establishes a density pattern that is

detrimental to neighborhood character and the public interest.

While the building has not been redesigned and continues to exist as a two-family structure, staff find the proposed use is different from the most recent non-conforming use. The most recent use is as a two-family principal structure, and the request would reduce its status to an accessory structure. Additionally, this proposed recombination would trigger the application of current development standards, which would result in multiple non-conformities related to setbacks, structure separation, and dwelling unit intensity that would not apply otherwise if the lots remained separate.

Based off of that analysis and just showing you here as well, the proposed recombination of the principal structure and then the other principal structure that's two-family, MPC staff recommends denial of this request to reestablish this.

Josh Yellen, Agent for the Petitioner: Josh Yellen, representing the petitioner on the corner LLC, the owner of this property. We have with us the two members of the LLC, Mark, and Elizabeth, who are here with us. It is important to note they have actually owned this property for 29 years. This is not a recent issue. They submitted a letter to you all, which I hope you received. I do just want to read some of the information from it because it is critical to the discussion that we are having today that this is currently a non-conforming quadplex.

Currently, a non-conforming quadplex at the front of the site, along with a non-conforming duplex at the rear of the site. I know there is some distinction between ADU and duplex, but the intent here was simply to correct a historical wrong and to remove the lot line from the middle of this property. When this site was initially developed, they have actually done the research on the site, and have done extensive research on the site, that both the primary structure and also the carriage house, for lack of a better word, were both constructed in 1916.

In 1940, the primary structure was converted to a quadplex, and then thereafter, the carriage house was converted into a duplex. Even currently, with the two lots, both lots share the same mailing address from the tax assessor. That rear lot was never assigned a separate address. Based upon the research, a prior owner simply threw in perhaps an illegal subdivision so that they could get two separate loans for the property. It was for financial reasons that a prior owner got a lot line, which likely would not be approved today.

If I were to go in and try to submit this subdivision request, it would be rejected for creating two nonconforming uses on this site. Our attempt here is to remove the lot line and not increase any existing nonconformities. We are, in fact, decreasing the non-conformities on the site. That was their intent. It is also important to note that the HVAC for one property is located on the adjacent property. The properties share the same sewer line. They share the same water line. The water line for the duplex actually runs underneath the quadplex.

They have significant reasons here for trying to recombine these properties. It is a management issue. They went before the Board of Assessors. The Board of Assessors recommended that they recombine the sites. It took some time to get that in motion. They went in 2024. It simmered for a little bit. They had the subdivision plat or the recombination plat, I should say, prepared. It has just taken time to get here. They also live directly behind this property. Every single property owner surrounding this site is in support of this application. We are simply trying to correct a historical wrong. If we were in downtown, you all have seen that new ordinance that says, if you are recreating the historical lot pattern from the historic district, that the subdivisions or recombination should be approved. That is exactly what we are doing here, is trying to recreate the historical lot pattern that existed when these two buildings were constructed. I am happy to answer any questions that you may have.

NO PUBLIC COMMENT

NO BOARD DISCUSSION

Motion

Approval of the request to re-establish a nonconforming two-family dwelling as an accessory dwelling unit

(ADU) in association with a nonconforming four-family dwelling as a principal structure in the RSF-6 zoning district.

Vote Results (Approved)

Motion: Michael Condon

Second: Brad Baugh

Stephen Merriman, Jr. - Abstain

Michael Condon - Aye

Stephen Plunk - Aye

Betty Jones - Aye

Armand Turner - Aye

Brad Baugh - Aye

Benjamin Griffith - Aye

[6. Variance to reduce rear yard setback of an ADU | 509 E 39th St | 25-005838-ZBA](#)

Sadie Esch-Laurent, Planner for Development Services: This is 509 East 39th Street. The petitioner requested a variance to reduce the rear yard setback of an accessory dwelling unit that exceeds 15 feet in height in the TN2 zoning district from 15 feet to 5 feet. Just to mention, this variance was identified after a building permit was issued. This is the area on-site map for location for 509 East 39th Street. It is located in the Midtown neighborhood. This property is also in the Streetcar Historic District. They received a COA for this on March 26th last year. The HPC did not provide a recommendation for this variance request as it was not identified as a variance at the time. However, historic staff are here if you have any questions regarding that.

Additionally, a building permit for this was issued in November of last year. This variance was identified after the building permit was issued and after construction began. That is why they are here today. To give a bit more about the subject property, it is conforming in the TN2 zoning district. It does not have lane access, and it is just over 5,500 square feet. The primary dwelling on the lot was built in about 1920 with a building footprint of 1,100 square feet. They were proposing to put the ADU in the rear of the property. It would have a building footprint of 440 square feet and be 24 feet and 10.5 inches. The ADU would provide two off-seat parking spaces.

Normally, ADUs have a rear setback of 5 feet. However, if it is over 15 feet high and does not have access to a lane, that then triggers a rear setback of 15 feet versus the 5 feet. This is what is here today. Additionally, I wanted to mention that in May of 2023, the tax amendment for this added the ADU section. Before this, there were no height restrictions in place for the constructions of ADUs. This proposal is not consistent with the intent of the zoning ordinance. Additionally, the height would potentially permit a resident to impede the privacy of the adjoining neighbors to the south and the east. Additionally, I do want to mention that the property directly to the east does have an ADU that is over 15 feet high and closer than 15 feet to the rear property line. However, this ADU was constructed before the tax amendment that added this development standard. Two years ago, this development standard was added, and before, there were no regulations on this. Here are the elevations for the property and also the site plan of the primary dwelling here, the driveway here, and the proposed ADU here. With that said, MPC staff recommends denial of the requested variance. However, if the board is inclined to support the variance request, MPC staff recommends the following condition to help protect the privacy of adjoining neighbors. On the south and east elevations of the ADU, there shall be either small accent windows only or no windows at all.

Mr. Condon, Board Member, asked if there was a COA for this project.

Jody Brown, Principal Planner, Historic Preservation, said yes.

Mr. Condon, Board Member, asked if the recommendation for small accent windows or no windows at

all would comply with the COA that was issued.

Ms. Brown said yes.

Ellen Harris: Excuse me. My name is Ellen Harris with Ethos Preservation. Mr. Chairman, members of the board, thank you for hearing this. I am here today with the property owner, Alex Mangum, as well as the contractor, Will Sweeney. This is just a really unfortunate situation. Mr. Mangum went through the process, of course, in good faith, went through every step of the way, got a COA from the HPC. No variances were requested. This variance was not identified at the time. He proceeded to apply for a building permit, which was issued in November of 2025, last year. That went through the city's normal review process. Again, the variance was not identified. A building permit was issued. Of course, he proceeded and broke ground, poured concrete, has plumbing in place, et cetera, and received a call unexpectedly from the city saying, "Hey, wait a minute, we just realized you're not meeting the standard." He is caught in a difficult situation in that regard. He would have been happy to move the ADU forward 10 feet had it been caught earlier in the review process, but now, because of the investment that he has already made in the ground, if you will, we are just respectfully asking for you to approve this. One thing I wanted to show on the staff's potential conditions is that on these elevations, she is asking for no windows or reduced windows on the east and south elevations. These are actually, and I apologize for this, these are mislabeled. This is the south elevation. There are no windows on that elevation at all. This is the east elevation. There are two small windows on that elevation. We feel that we have met the privacy intent of the staff's concerns.

NO PUBLIC COMMENT

NO BOARD DISCUSSION

Motion

Approval of the requested variance to reduce the rear yard setback of an accessory dwelling unit (ADU) that exceeds 15 feet in height in the TN-2 zoning district from 15 feet to 5 feet.

Vote Results (Approved)

Motion: Michael Condon

Second: Betty Jones

Stephen Merriman, Jr. - Abstain

Michael Condon - Aye

Stephen Plunk - Aye

Betty Jones - Aye

Armand Turner - Aye

Brad Baugh - Aye

Benjamin Griffith - Aye

[7. Variances to reduce rear yard setback of an accessory structure & building footprint | 4 Sir Lancelot Ct | 25-006064-ZBA](#)

Sadie Esch-Laurent, Planner for Development Services: This is 4 Sir Lancelot Court. The petitioner requested variance to reduce the rear yard setback of an accessory structure from 5 feet to 2 feet in the RSF-10 zoning district. Additionally, staff identified a second variance to allow the building footprint of an accessory structure to be 45.9% of the building footprint of the primary dwelling, where a maximum of 40% is permitted. Here is the aerial and site map of 4 Sir Lancelot Court. This is located in the Oakdale neighborhood. It is a conforming parcel in the RSF-10 zoning district and has a subject property of just over 26,000 square feet. The primary dwelling was built in about 2004 and has a building footprint of almost 4,500 square feet. There is an existing pool on the rear of the property with a building footprint of 688 square feet. According to the petitioner, there was a pool enclosure that suffered damage in the last

ice storm, and the damaged pool enclosure did not have a building permit. The petitioner is requesting to replace the screen pool enclosure and thus encroach into the rear yard setback. The proposed pool enclosure has a building footprint of just over 2,000 square feet. For the zoning ordinance, this is considered an accessory structure. They require rear setbacks of five feet. The petitioner is requesting to reduce this to two feet. Related to this, I want to mention that the existing pool does meet the existing setback requirements. It is the pool enclosure that is encroaching. Additionally, the building footprint of the accessory structure is not allowed to exceed 40% of the primary dwelling. This reaches up to 45.9% of the primary dwelling. Additionally, in the recent text amendment that was approved, the language for accessory structures was changed from floor area to footprint, which aligns with that of ADUs and accessory structures.

The requested variances are not consistent with the intended zoning ordinance. However, the variances are not likely to be injurious to the neighborhood. Here is the plan for the pool enclosure in the rear. I will also show the exterior perspective of what it will look like. The petitioner also provided some photos of the damage to the previous pool enclosure. The previous pool enclosure, as I mentioned, did not have a building footprint, and the petitioner is requesting it to replace it as it was. With that said, MP staff recommends the denial of the requested variances.

Eli Lurie, Petitioner: The reason that we are doing this is because, as you saw in those photos, there was a, I would say, semi-transient structure over the pool. It was one of those extruded aluminum structures that do not require foundations or footings or anything like that. It is just surface mounted. The owner did not believe that they had needed a building permit for that before, but now we are going back with something that is an actual structure that will need footings. We wanted to go through the correct processes to get this thing approved. This is a screened enclosure. It is not conditioned. The roof does shed water, but the walls and everything like that are screened. It is a semi-enclosure. Semi-open enclosure. We are replacing it in footprint of what is there currently. There is all of this concrete around the pool that we are basically going to cover.

NO PUBLIC COMMENT

NO BOARD DISCUSSION

Motion

Approval of the following two variances:

To reduce the rear yard setback of an accessory structure from 5 feet to 2 feet in the RSF-10 zoning district;
To allow the building footprint of an accessory structure to be 45.9% of the building footprint of the primary dwelling, where a maximum of 40% is permitted.

Vote Results (Approved)

Motion: Armand Turner

Second: Stephen Plunk

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

8. Variance to use in the HAAF Accident Potential Zone I | 7312 & 7412 White Bluff Rd | 25-005839-ZBA

Subhashi Karunaratne, Planner for Development Services: For 7312 and 7412 White Bluff Road the petitioner is requesting a variance to allow a residential use in the Hunter Army Airfield accident potential zone 1. The proposal here is to change an existing hotel use into a single-room occupancy use in the BC zoning district. You can see the two parcels that we are talking about, and right across the White Bluff Road, it is the Hunter Army Airfield. The reason I pulled the Google Maps is to show how direct it is to the runway and also how directly placed it is in this red zone, which is the accident potential zone 1. The accident potential zone 1 overlay is intended to safeguard the public and limit the danger from potential accidents related to the operation of aircrafts within the prescribed distance from the runway. Residential uses are strictly prohibited. The property being looked at is used as a transient hotel, motel, operations, and guests would be staying here for less than 30 days or so. When converting this into a single-room occupancy, the duration of the stay would increase to a month or even more. This would have potential risk for the occupants and more likely be for the property as well. During the research, we found out that the Savannah Zoning Ordinance prohibits any residential uses within this accident potential zone.

A letter was received from the Chief of the Master Planning Branch of Hunter Army Airfield saying that they do not support this proposal or the existing use at this location. MPC staff finds that the requested variance is not consistent with the zoning ordinance. The special condition that exists for this property, which is the location in the APZ zone 1, is more restrictive than giving more room for the variance. Based on these findings, MPC staff recommends denial for this variance.

Chair Merriman: For the danger zone, in the history of Hunter Army Airfield being where it is, has there ever been any crashes or anything happen in this area?

Subhashi Karunaratne: Not to my knowledge but we may not have that information.

Chair Merriman: Okay. I understand. Am I correct to make sure I understand this right? The only thing we are doing is changing how this is being used.

Brooks Stillwell: Brooks Stillwell on behalf of the petitioner. She was correct, and your question is correct. The only change here is that the existing use, which has been there for about 20 years, is as an extended stay hotel. It is like a residence inn or something where people stay there for a week or two weeks or something like that while they are working on a project somewhere. The potential buyer of the property wishes to convert it only in the length of the stay of the occupants. It will still be a hotel. It will still be rented, but instead of another week, it will be rented by the month. Other than that, there is no change at all. There is no increase in any danger. There is no construction. There are no other than perhaps interior renovations or ruins or something like that upgrading. But the use is going to be exactly the same as the current use. The danger is not going to be any more than it is today. There is no interference at all with Hunter's operations. The only reason that this is up here is this is a technical issue under the NewZO, in that, even though they seem to an average person thinking about it, that it's almost exactly the same use, when you define it as a use over a month as opposed to a use under a month in rental, it goes from being classified under NewZO as a residential use instead of a commercial use. To show how that would work, you could build a new hotel here on this site. You could tear this one down and build a whole new hotel, but you could not build an apartment house because that is deemed a residential use even though for all intents and purposes, the risk and the effect on the landing area is exactly identical. This is just a technical glitch under the ordinance, and the use has not changed at all except for the length of stay. We would request that it be approved.

Mr. Plunk: The same question to you. In your research, were you able to find any evidence? I think Hunter's been there for about 100 years. Are you aware of any accidents that have occurred in this accident zone during that time period?

Brooks Stillwell: No, sir.

NO PUBLIC COMMENT

BOARD DISCUSSION

Mr. Plunk: I agree that from a practical standpoint, I am not sure what is changing there. It is full of residents. If a plane crashes into it, it does not really have an influence whether they are there for a night or they are there for a month. I do not know why we protect one group of people more than the others. I am inclined to support it.

Motion

Approval of the requested variance to allow a residential use in the Hunter Army Airfield Accident Potential Zone I in association with a proposal to change the existing hotel use into a single room occupancy use in the B-C zoning district.

Vote Results (Approved)

Motion: Stephen Plunk

Second: Betty Jones

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

[9. Appeal to an HDBR decision on November 12,2025 | 25-005968-ZBA](#)

Edward Morrow: Good morning, Mr. Chair, members of the Board. As Edward Morrow, Director of Development Services, I am going to do something a little bit different this morning. It is important that I submit this staff report for the record. I am going to attempt to keep my comments brief because you are probably going to hear lengthy testimony from both the appellant and the recipient of the contested certificate of appropriateness. This appeal is in regard to a COA that was granted at 118 West Harris Street. It is an appeal of COA 25-003528-COA, which was approved by the HDBR in November of 2025.

The appellant is Raymond Masciarella II, who is represented by Mr. Andrew Jones this morning. We are not here to relitigate what the building looks like. Essentially, Mr. Masciarella is appealing the decision of the HDBR on November 12th of 2025, wherein a 4-3 vote, the HDBR granted a COA for a rear addition and new construction at 118 West Harris Street. The appellant is arguing that the HDBR did err in its decision by failing to properly apply the visual compatibility factors and design standards of the Savannah Downtown Historic Overlay, specifically regarding mass and height and connector elements, and the approved design. The appeal raises procedural concerns regarding due process during the hearing as well. In its findings, MPC staff does believe that the decision of the HDBR should be affirmed and upheld.

To offer you a timeline of how this played out over the course of four separate hearings, the first hearing was held on August 13th, at which time the board voted to continue after an initial motion of denial did fail. On September 10th, the petition came back for a second time. Visual compatibility concerns were raised, and the board again continued it. Again, on October 8th, the board chose to continue the petition. At that time, it appeared that there was potential support given the petitioner's willingness to go back and revise the design to not need a variance. At the November 12th hearing, the revised design did come back, and it did not require a variance as was discussed during the third hearing. However, there was a three-to-three tied vote between the board members, and the chairwoman broke that tie, making a four-three vote for approval successful in this case. The appellant then filed an appeal on December 8th.

There are numerous issues that were raised by the appellant in their lengthy submittal, but I have grouped them according to three buckets essentially. The first is due process and jurisdiction of the board-related complaints. Second would be visual compatibility concerns. The third would be technical standards that are believed to have been breached. These complaints find their basis in the Constitution of the State of

Georgia, the State Historic Preservation Act, the city zoning ordinance, and the Savannah Historic District Board of Review bylaws. There are allegations that arise from all of these that are raised in those complaints. I am going to first address the constitutional and due process-related issues because those are likely the most significant in framing what our standard of review is here. One of those complaints that the petitioner is raising, in essence, is that the deferral of expert judgment by the ZBA constitutes an abridgment of their right to appeal. In essence, in reviewing the Georgia Historic Preservation Act, staff did find that deferral of that expert judgment does not actually equate to a denial of the appellant's right to appeal.

This process is designed to identify procedural missteps that may have occurred. In essence, the ZBA is charged with determining whether or not there has been an abuse of discretion on the part of the original decision-maker. That is probably the first thing that should be understood on this appeal. The appellant raised claims of not being allowed equal speaking time. Within the context of this particular petition, they were a member of the public. The bylaws do give the chair of the board the right to set speaking times. In the course of maintaining order within the meetings, this is established within the bylaws. That is exactly what happened. Being a member of the public, they were afforded the same amount of time to speak as anyone else. Lumped into this, there were some concerns about the board's preparedness for making a decision. What the appellant is attempting to raise here is concerns around the presumption of regularity. It is staff's understanding that their submission was included at the time that the board's agenda went out for review. Under this presumption of regularity, we take the assumption that our board members are reviewing those documents that they show up to these meetings prepared. That they are familiar with the policies, the ordinances that they are charged with upholding. What the appellant is arguing is in an effort to overcome this presumption of regularity. The idea that our officials are acting in good faith and that they are not blatantly motivated by bias or improper motives.

Next, I would like to call out the petitioner's allegation that there was board reliance on erroneous or irrelevant factual findings. In essence, the presence of an allegedly imperfect map in the applicant's presentation does not invalidate the board's independent knowledge of the district. All of these are individuals who are members of this community, and they are familiar with this particular context. Again, it is on that basis that they are qualified to sit on these boards. Finally, the appellant raises the issue of the board's refusal to address the impact of the design on property values.

In reviewing that particular complaint, we found that this was something that was established by the bylaws within the general purpose of the establishment for the board itself. This is not actually a criterion that is related to the board's decision or disposition of the certificate of appropriateness. Within your packet, you will see the general-purpose statement in its entirety, listed so that the board can understand. Again, the establishment of the board and the establishment of the district boundaries have numerous purposes. Among them, generally, are the protection of property values and the preservation of this architectural heritage within this identified area. Those are three of the arguments that I wanted to highlight. Obviously, the rest of them are enshrined within the visual compatibility criteria in the board's assessment of the conformance of the proposal with the standards. With that, NPC staff did find that the HDBR's decision to approve the COA was the result of a deliberate multi-month review process. That involved significant revisions.

Again, there appeared to be a time where there were board members who may have been in support that ultimately, in seeing the final revision, they decided that it did not necessarily, in their view, meet the standards. There was change over time as we saw this petition evolve in its development. After this multi-month review process, there were significant revisions to the project scale and massing. In assessing it, the board operated within its legal discretion to interpret the visual compatibility criteria and the applicable design standards. The appellant has not provided sufficient evidence that the board committed a procedural error in its discretion in finding that the design was compatible. With that, NPC staff does recommend that the decision of the HDBR in granting this COA be affirmed and upheld. I am happy to answer any questions you may have.

Andrew Jones, Agent for the Petitioner, asked the Board if they read all 32 pages of the supplemental documentation.

Chair Merriman: The board's not here to give you testimony.

Andrew Jones: Well, it would help me understand the depth of your knowledge. The record also includes exhibits A through M, think, which includes submittal packet and certified copies of the pertinent ordinance sections. It, of course, includes this PowerPoint presentation, and we hereby submit the foregoing documents to the record for each of the COA and ZBA proceedings. This oral presentation incorporates, by reference, all facts and arguments contained in the foregoing documents.

Today, I will try to focus on the most important ones as opposed to every single argument. Here is the proposal. In the petitioner's view, this addition destroys the historic nature of the Twin Houses and invades the petitioner's privacy. The view from the southwest, number 120, is Mr. Masciarella's home. He has owned this for 25 years. It is a beautiful home, very well-maintained. He has a side porch. He has a rear yard. There is a small addition on the back, and then there is a new non-contributing garage carriage house. 118, the LLC recently purchased this house. The supposed owners are from Connecticut. They do claim to be that this is going to be their home forever. However, if it is their forever home, Mr. Masciarella is about 25 years over them, however long they stay. Interestingly, as new neighbors, they did not introduce themselves to Mr. Masciarella. They did not reach out to him. Instead, they filed for this addition. To this date, they have never reached out to him. This addition builds a wall between the gardens that breaks the free flow of air and light. Some might call this a spite wall. On top of it, there is a large deck and a walkway. These are what invade his privacy. Yes, Mr. Masciarella has a very lovely garden, and I am sure they want to look at it. Here you see it from the other side. They are proposing an elevator shaft here on the rear of the twin buildings. They have a walkway and a deck. Currently, there is an addition here, and there is a deck. For that deck, if people are out there, they are looking at Mr. Masciarella's bedroom windows from an angle. It is not a huge invasion of privacy. You are just seeing the sides of the windows.

The party deck is going to look directly into all the windows into the rear of his house. This is a substantial diminution in privacy and a decline in the value of his property. Ask yourself, if this were going to be your forever home, is this the first thing you would do to your next-door neighbor? This case is in the same disposition as one you saw last month. Because the law is unclear about whether or not the ZBA has jurisdiction, we have to file both a Superior Court petition, and here because there is a 30-day limit on both. Historically, the ZBA has always heard this type of appeal, but the law has been changed somewhat. A lot of the law in this area was case law originally, and now it is in a statute, and the statute has definitions. The definition does not appear to allow a quasijudicial body like this to hear an appeal from another quasi-judicial body like the HDBR.

What is new is that Judge Karpf, on September 10th, made the determination that the HDBR, in fact, was quasi-judicial. That had never been official before, and the city always took the position that it was an administrative body, which would allow you to have jurisdiction. I would ask that you consider a continuance, as I had asked last time. To the extent that some of you may not have read the full documentation, it would give you a chance to do so. It would also allow this issue to be decided in Superior Court before you spend time on it. The criteria ultimately will be determined by Superior Court because they are going to review your findings of law and your findings of fact. The standard here echoes some things that Mr. Morrow said, but not exactly. There are three main areas to focus on. One is, were the facts clearly erroneous, facts presented to the HDBR? Did the HDBR act within its discretion, and was there evidence?

Next row, abuse of discretion. Last row, lack of evidence. The columns are the different criteria for a COA. Those are prescribed under 3.19 and 7.87 that you need to look at the Secretary of Interior's standards if they apply. They do apply here because it is a contributing building. Of course, visual compatibility and the design standards. I am going to focus primarily on one of the design standards called the building form rule. Technically, what we have is-- we are usually down in this box, in the red box, errors of law. That is what these are usually about.

If there is one error of law under one standard, then you have to grant the appeal because you have to meet all the COA criteria, but you cannot have clearly erroneous findings or abuse of discretion or lack of evidence. This is one of the most unusual cases that I have ever handled because there are a lot of red boxes. The problems with this case are across the board. All three levels of review, all three criteria. The only one that they had was there was evidence for the Secretary of Interior's standards because it looks to 118 and 120. It looks to the twin buildings, and there were photographs of the twin buildings. As you will see, nothing else meets the guidelines. Let us just focus clearly on erroneous findings pertaining to visual compatibility and the design standards. The applicant supplied as evidence a map of what he called carriage house connectors. That is his language. You can see it on the left. This is not a carriage house

connector, and it is not a carriage house. It is an addition, an extension to the back of the building. They use that language through the HBDR proceedings. Their counsel now is correctly calling it an addition.

This map was relied on by the HBDR. It is in the November 12 decision. It was technically an earlier version of this map where some of the colors are limited to just the actual connector portion, but otherwise, it is the same map. In fact, counsel, in the documents they provided you, wants to rely on this as the current map. It was relied on by the HBDR. They copied it and printed it. It is in the decision. The map is clearly erroneous. If you look at the legend, red is the 118 West Harris site building.

Then there are these carriage house connectors. The ones in orange are called end conditions, and the ones in blue are middle or mid-block conditions. I will not go why that distinction was made. It had to do with the National Park Service. For your consideration, they are roughly the same. It is just the location. An end condition carriage house connector in this map includes this big one here. That is the largest one on the map. That is on the corner of Bull Street and Liberty. That is the DeSoto Hilton. Is the DeSoto Hilton a townhouse with a carriage house and a connector? I do not think so. Everybody makes a mistake from time to time. Let us look at the closest mid-block connector that is cited in that map. Also, notice that map does not have any addresses. I had to go to Board of Assessors, the building map supplement, in order to tie all this up. The HBDR is presented in the map with no addresses. Keep that in mind. They are told that this building is an example of a townhouse with a carriage house and a connector. I have gone to the site. I have taken pictures. There is no connector there. This is the map being relied on by the HBDR and copied by them.

Let us look at some of the buildings that are pertinent. You want to look at West Harris Street because, of course, under the building form rule, you look to the same street. The orange are ones that are at the end. All the ones here are orange. I included the one on 101 West Liberty and 311 Whitaker because it was so close to the others. This is as high as this map goes. It goes down further south four or five blocks, as you saw in the original. Visual compatibility is only concerned about what is within view. The building form rule only cares about what is on West Harris Street. This one, 317 to 319 Tattall, that's McCorkle, Johnson's office. There is a porch. There is no carriage house. There is no connector. Let us look at 218 West Harris Street. I have gone to the site. There is a building in the rear of the property, but there is no connector. You can see right through here. 106 West Harris Street, there is no connector. You can see the carriage houses in the main building.

This wall is an old Art Deco wall left over, but it is just a wall now. You can see there is all garden in between. There is no connector between a townhouse and a carriage house. Then, 26 West Harris Street is a building that is built through the lot. That is not an example of a connector. 101 West Liberty, one-story building, built through most of the lot with a completely separate building in the back with a different pin number. Let us look at abusive discretion, exclusion of evidence. Mr. Morrow talked about property values. He cited the bylaws, and the bylaws, of course, require that property values be considered, but he diminishes the significance of the bylaws. Well, the bylaws echo what is in the ordinance. It is there. In fact, it is the opening intent provision for the overlay. It says the overlay provides for the preservation of historic buildings and for the protection of property values. This is required by the ordinance. Now, what does the HDBR say?

This is a systematic problem across every single HDBR hearing. The HDBR says items such as impact of property values are not within the board's purview. We have a problem here. The HDBR is holding hearings telling people they cannot present any evidence about value, whereas the ordinance requires it. Testimony of Karen and Ray Masciarella as to how the addition would invade their privacy and lower the value of their homes not considered. They did raise the issues. Opposing counsel says they should have had an appraisal. Well, obviously, it would have been disregarded because the chairperson tells you that they are not allowed to look at it. It is silly to think that you are going to get an appraisal that values the decline in your privacy. Abuse of discretion, due process violations. Yes, the petitioner was treated as just merely a member of the public, but the petitioner is the adverse party in a judicial proceeding. The COA is a judicial proceeding now. He was an adverse party. He owns the property next door. He is the one who, in this judicial proceeding, is having his property rights affect his enjoyment of the property. Unfortunately, to date, Mr. Masciarella has been denied his due process rights in a fair hearing. Errors of law. Errors of law generally. Burden of proof. Yes, of course, as counsel here today before you, I have a burden of proof in this appeal. The HDBR is also a judicial proceeding, and the applicant had a burden of proof. The applicant was the party that needed to assert or affirm facts and support his efforts to get a COA. As you will see, the applicant did not argue the building form rule at all. He did not present any evidence.

Let us jump now to the details on errors of law. I am also going to mention erroneous findings. Secretary of Interior Standards. As you can see, these are twin houses. They were built by the same builder at the same time. Standard 9 of the Secretary of Interior Standards for Rehabilitation states that new additions will not destroy spatial relationships that characterize the property.

New work shall be compatible with the historic massing to protect the property and its environment. I cannot think of an addition that is less compatible with the historic massing than this. Throughout the decision, you will see language like that. It does not actually answer the question, and therefore, the decision does not represent actual findings. These twin houses, the rears, are visible from Liberty Street. There they are. They are twin. Now there is going to be a big elevator shaft here. The Secretary of Interior says that exterior features that distinguish one historic building or a row of buildings and which can be seen from a public right-of-way. This is a view from Liberty Street. Obviously, you can see it from Liberty Lane.

You can see it from Liberty Street, which can be seen from a public right-of-way are most likely to be the most significant. This clearly does not fit the Secretary of Interior's standards. Now, let us look at the other design standards. I am going to look at that prong of lack of evidence as we discuss these. Keep in mind that there's intent around the design standards. When you apply the design standards, you need to use the intent. The intent is to protect and complement existing contributing resources, the existing resources, those existing houses, and to protect the historic integrity of the contributing houses. Typically, in zoning law, you defer to the right of the owner to develop the properties they choose, but that is the presumption. Here, there is an overriding intent of the law to protect the historic structures. Let us go to the building form rule. This is probably the most important issue in this hearing. The HDBR failed to apply the rule. That is clear. There is no mention of it in the NPC staff reports, there is no mention of it in the HDBR decision. I attended all four hearings. There was no mention of it by the MPC, by anybody on the board.

The building form rule says a proposed building located on an east-west street, like Harris Street, shall utilize a contributing building form fronting the same street in the same ward or an adjacent ward. What is a building form? It is defined as the physical shape of a building resulting from its height, mass, and envelope. What do you need to do? Go back to that language. It shall utilize a contributing building form. There has to be a building form. Obviously, you need to identify it. Opposing counsel says, "Oh, you don't have to identify any buildings." To me, that's clear language. You need to find a contributing building form fronting the same street. It needs to front West Harris Street. It has to be contributing. It has to be within the same ward or an adjacent ward. The adjacent ward is Curry town. This is Pulaski Ward, and there's Jasper Ward. The HDBR decision did not even mention the building form rule. This is very typical of what is happening at the HDBR. They are applying the ordinance selectively. For one matter, they apply the rules correctly. Next matter, they just ignore some of them. That is not proper. That is an error of law. Georgia case law makes it clear that you cannot treat a portion of an ordinance as mere surplusage. They cannot just say that we are just going to ignore the building form rule because we just do not feel like it today. An interesting opposing counsel actually argues for the building form rule and argues that they need the building form rule. It will be interesting to hear what they say, but they are acknowledging that it applies. It was raised by the public and the petitioner, but the HDBR disregarded this testimony. Just no acknowledgement.

Obviously, there is also exclusion of evidence and a due process violation, to just completely disregard of the public. Now, on building form rule, let us go to sufficient evidence. You must overturn the HDBR decision because it was not based on facts that are relevant to determining whether any legal requirements are satisfied. An applicant can throw out a bunch of facts, but if they are not tied to that particular legal requirement, then you have no evidence for that particular legal requirement. The map is not relevant to the legal issues. As we saw, the map does not even have addresses on it. The applicant used the map to show a precedent for townhouse carriage house connectors. The applicant never talked about building form rule. They talked about this precedent concept. Well, as they now admit, it is not a connector, it is an addition. Their terminology was wrong. The ordinance does not use the concept of a connector. They needed to show additions and explain what those additions were and what they would be contributing. That was not done. The map is just off topic. The ordinance does not justify new construction based on precedent. It has just not designed that way. There are other preservation ordinances in other cities that might, but very clearly in Savannah, it is not. If you are a contributing building, you fall under a certain set of standards. Right now, if you wanted to build a hotel that looked just like the 1790 Inn, you would not be allowed to.

Under the building form rule, the buildings on the map, most of them are not on West Harris Street. It goes four or five blocks. In fact, in the materials from the opposing council they talk about, it is 18 West Taylor Street. You have Harris, and then you have Macon, right? Charlton, Jones, and then Taylor, and the building they are citing is between Whitaker and Bull. For building form rule, first, it is not on West Harris. It is nowhere near, and they are claiming that that is one of the closest comparable buildings to look at. Even if the map were not erroneous, even if it had addresses on it, and even if it actually showed a building form you could look at, it does not give any dimensions. How can you compare? You do not know how high anything is. All you have is that little footprint on the map. You do not know its overall mass, and you do not know the envelope. You do not know how it is shaped, where the roof sticks up, or whether it is a slanted roof, or it is lower in the back. There is no evidence upon which the HBDR can conclude that the building form rule is met.

Now, let me jump ahead. In addition to Taylor, which was a building that was never discussed in the hearings themselves, there was one building that was mentioned in the hearings, not with respect to the building form rule. It was not introduced as evidence to the building form rule under visual compatibility. This building is 20 West Harris, and you can prove it by looking at the number here and lining up the number there. You can see that there is a building in the back. This is the sole piece of evidence that was not introduced for the building form rule, but it is in the record. Under this map, it is treated as two buildings. Now, they may have combined ownership at some point, but what is important is that the front is contributing and the rear is non-contributing. You cannot use this as a building form rule other than to compare the front building with the front building. That is not the issue here. He is trying to compare his back building with a contributing back, rear, connector, or addition. This is not relevant because it is not contributing. There is no evidence.

Now, we turn to visual compatibility. Of course, the other side argues that the visual compatibility cannot be heard by the ZBA, even though you actually have in some of their hearings. What is important is that we are not second-guessing. The opposing counsel claims we are trying to second-guess their visual compatibility conclusions. No, what we are saying is they never applied it. What we are really appealing is under Section 3.19 and 7.87, which are the sections that say for COA, you have to apply the visual compatibility guidance.

What they have done here is something that just is not visual compatibility. We will look at some examples. Visual compatibility, the proposed addition must be visually compatible with the contributing buildings and structures to which it is visually related, which is defined in the ordinance as being within view of the proposal. They have to be contributing. Now, just as a threshold matter, the HDBR decision does not list the buildings that are visually related. It is just visually compatible with something. We do not know what it is, but it is visually compatible with something somewhere. There are some references to West Harris Street. The 20 West Harris, the one I just showed you that had the non-contributing rear, which is between Whitaker and Bull. That may be the non-contributing piece in the back is visible from the site, but the facade is not going to be visible from the rear addition of 118. The HDBR does not specify which buildings the proposal is visually compatible with. There are a lot of buildings, all around, 106, 108, 110, 116, 126. It has to be visually compatible with all of them. Not a single one of those is referenced.

Let us look at some of the issues. All of the sections under visual compatibility are the same. They all talk about being, at the end here, visually compatible with the contributing buildings and structures to which the structures are visually related. I am not going to repeat that. Then they each have a focus, whether it is mass, or height, or something else. There is one about mass. What did the HDBR say? This is their finding. Not saying it is visually compatible. They just said the applicant provided some examples of buildings that are connected to their accessory buildings. What does that have to do with whether or not it is visually compatible with the buildings within view? That is not the standard. They did not apply the standard. Let us look at roof shape. It will be visually compatible. The HDBR said, and I am quoting from the decision, and it is the decision that I am appealing, the applicant is proposing a flat roof with a parapet. Flat roofs are a common design in this district. That is not an application of visual compatibility. It does not say contributing buildings.

They have to be within view. They are just saying all over the district, there are some flat roofs. Well, yes, there are lots of flat roofs in non-contributing buildings, but what does that have to do with the standard that is to be applied here? By the way, 118 and 120 both have gable roofs, not flat roofs. Then we look at the relationship with the width of the windows. Here is what the HDBR says. The proposed opening

pattern remains visually compatible with the revised design. Is that a finding that the windows are visually compatible with contributing buildings within view? No, they are saying it is visually compatible with itself. Let us look at the relationship of the building and structure to the open space. Between it and adjacent buildings, it should be visually compatible. This is the issue here. This open space that separates the front buildings from the rear buildings is being destroyed by a wall, a two-story wall with a deck on top. HDBR did not address it. Obviously, it is an issue.

They cannot selectively pick and choose what parts of the ordinance they want to apply and which ones they do not, especially when it is a section like that, that clearly is implicated in this particular proceeding. There is a section about walkways. HDBR did not address the section as applied to that walkway over the connector. It just did not. Again, complete selective disregard for sections of the ordinance in violation of Georgia case law. There is a section on materials, whether these materials are visually compatible. HDBR says the following materials are proposed, and then it lists them. That is not a finding that they are visually compatible. There are other areas where they talk more about these materials under the design standards, whether they meet the requirements of the design standards that you can only use this material or that material. There is no finding for visual compatibility on the materials. Think about it. You have the open spaces, no finding. You have the mass; they are relying on that math. There are whole sections here that they are not even addressing, and you have not seen a single section here that actually talks about it being visually related.

Now, did they get a couple of them right? Maybe. It is about 10 different things. If you get one wrong, technically, the COA is invalid. Really wrong as an error of law. Not questioning their conclusion, but they did not even apply. Then there's lack of sufficient evidence. Not only does the map not have addresses on it. It does not show which buildings are contributing. How can you use that map to see whether something is visually compatible with the contributing building if you do not know what on the map is contributing? The map was what was cited in the discussion of the visual compatibility of the maps. The map only shows the footprint. Even if you knew which ones were contributing, you do not know what it looks like. It is just a little square on the map. The record does not contain any photographs or renderings of any similar connectors within view of the proposal. There is no evidence. This is a rare case. I have not seen one like this. There is no evidence of a similar connector or addition within view of the property of a contributing building. There is no evidence upon which the HDBR could have drawn the conclusion that it is visually compatible with all of the subcategories within that visual compatibility guideline. In review, as I said, this is a very unusual case. You have clearly erroneous findings. The DeSoto Hilton is not a townhouse, nor were all those other buildings in the map. You have the exclusion by the HDBR chairperson of any evidence of value when the ordinance says that they are supposed to consider value. Due process violations, not recognizing the rights of an adverse party in a judicial proceeding. You folks do that. Errors of law, especially with regard to the building form rule because they did not apply it at all. If you read that decision, you will not find the building form rule. Even though opposing counsel acknowledges that it applies, they will make an argument about why it applies. Lack of evidence. There is no evidence of anything like this anywhere near the site that is contributing, anywhere that is within view. There is no mention of the buildings within view, and the standards are just not applied in many of those sub-criteria. Those conclusions that it is compatible with itself are not a finding that it is visually compatible with buildings within view.

The building form, there is just no evidence for the building form. It is just not there. That is unlike any case, I think, that you have ever seen before. The owner of 118 West Harris Street initiated a legal proceeding against my client. It does not say it that way. Obviously not, but it is. It was a judicial proceeding, and it does take away the privacy of my client's property, and it does take away a substantial amount of its value. The owner's architect failed its burden of proof, having presented no evidence to show why the proposal met either the building form or the visual compatibility criteria. In fact, the architect did not even argue the building form rule. It is just not in the record. The HDBR relied on erroneous evidence. The map excluded pertinent testimony about value and about why the map was wrong and misapplied the ordinance. Further, the HDBR violated my client's due process rights. With that, I would request that you overturn the COA, and feel free to ask questions.

Mr. Plunk, Board Member: Is there any update on the status of the Superior Court case? I know we have been hearing about it several times now. Has it been scheduled? Is it on the docket?

Andrew Jones: It is on the docket, yes. The parties can serve. They have 60 days to respond, which I

think-- let me try to get the date. That is probably going to be February. Typically, the next step would then be a motion to dismiss, and then those motions hopefully get heard quickly. One of the motions to dismiss will obviously be about whether or not there's jurisdiction. Also, keep in mind there is another case, the one that you heard last time, the Ballastone, identical issues. Those motions are active. There have been some other issues where motions have just been filed. I would think at this point, people are done with their motions, and the court is going to be interested in hearing them. Then, at least last time, the judge made a decision very promptly, same day. Hopefully, we will get some resolution.

Mr. Plunk, Board Member: Thank you. Then the other aspect of your argument that I was interested in was your suggestions regarding due process. I guess what I am wondering is your suggestion that anyone who feels that they have been affected by a COA, a building permit, a zoning variance is automatically party to the proceedings? Where would you draw the line there?

Andrew Jones: Under Georgia law, you have to be an aggrieved party. There's case law about whether a party is aggrieved or not. Typically, you have to be really close, and you have to show that it is damaging you in some way. They will come into this process at some point if they are unhappy and if they are happy. Not all adjoining property owners are unhappy. You have applicants who have, you saw one earlier today, adjoining property owners who come in and encourage the approval. Where an adjoining property owner is so concerned that they start hiring attorneys, it might be better to hear them earlier in the process and sort out the issues at the HDBR level

Chair Merriman: I think that the fact that the historic district itself is governed by a specific set of laws to protect the integrity of it, that any person living within the landmark district could say they are an aggrieved party because of that. As opposed to whether you, if you lived in Windsor Forest, had something to say about what is happening in Ardsley Park.

Andrew Jones: Chairman, if I may interject, because I have had to face the other side, making standing arguments against clients of mine. It gets tough if you are two blocks or three blocks away. In an early proceeding before I waded into George as an attorney, I attempted to file a ZBA appeal because I was affected legally by what was going on.

Andrew Jones: Thank you. The property owner, I understand he is here with his representation.

Mike Connor: I represent the property owner, 118 West Harris Street. With this board's indulgence, the way we would like to go about this is I would like to provide some introductory remarks, address at a high level some of the sanguine arguments made by Mr. Jones and then allow the real experts to talk to you all. Allow Kevin Rose, who was the attended architect for this project, to speak to you all about some of these various design elements and Kim Campbell of Ethos Restoration. We have been participating with us by electronic means, Mr. Ted Carroll, who is a representative of the property owner. Our first issue is I do not believe that the issues that have been raised about visual compatibility are, in fact, appealable before this board. The standard of ordinance that we have cited in the paper and that we would commend to you is at 7.8.9, which specifically says, shall not be the basis for appeal. We would submit that most of what they want to argue about here today, in fact, is not appealable under the very standards that they wish to proceed under. Number two, I would like to point out that the property owner here has gone through at least four or five iterations of the various proposals submitted to the historic review board. In each of those cases, addressed things that are all related to building form, which are related to visual compatibility, which are related to all the various issues that were brought up by able counsels. Those various iterations were in response to comments by staff, comments by other interested parties, members of the public. Were also revised in response to comments brought by the appellant here. That being said, further, there has been much criticism directed toward the board itself. You have heard essentially an argument that the board was derelict in the way it approached this, that the board was derelict in applying standards. We would submit that the record is wholly opposite of that. Again, there are four different iterations of this proposal.

There are four different hearings, and those hearings include comment from all kinds of folks. There were detailed submittals by the supervising architect, Mr. Rose, and likewise, there were submittals made by appellants council here. There was an awful lot that indeed went into this board, and there was an awful

lot of time, energy, and attention that was spent on the matter. As the report that you received this morning provides, this was a multi-month, this went on forever, deliberative process where the board made an informed decision applying the various principles that we want to talk to you about today. As the appellant has correctly pointed out, they do have the burden of proof on this appeal. Again, based upon the record that is here today, we do not think that they can satisfy and that they do in fact satisfy the burden of proof. Let me talk to you very briefly. I told you I would give you sort of an overarching view of some of these issues. Much has been made about this map. Staff directly addressed the issue about the map. It is in staff report. Staff indicated that it was offered for illustrative purposes only. In addition, the map was not offered simply to show connectivity between structures, but it was also offered to show that there are various breaks, if you will, and the continuity within the district. The map has been misconstrued or misapplied to you all as being an example of nothing other than the connectedness of the various structures that are sought here. Indeed, there were many reasons for the map. Again, one of that was to show that there are breaks in the continuity of the open space.

In addition, as I said, staff report indicates that it was aware that it was an exemplar map and they have the ability to go out and look around. In fact, they did that and made various recommendations to the board. Finally, the map was revised on any number of occasions. We submit that the issue about the map is a red herring. As to due process issues, the ordinance under which we travel today, and the hearing procedures have been around for a long time. They have been upheld as being constitutional. In fact, I would submit that under Georgia Code Section 36665, that code section expressly allows cities and counties, who I do a lot of work for all over the state, do a lot of work on zoning issues, but cities and counties can enact various zoning hearing procedures. They are entitled to enforce those.

The quintessential issue of due process is I had an opportunity to make my position known, and I had an opportunity to be heard. They filed a 30-page paper that outlined all of the various issues that they brought to you today. There were four different hearings. There were interested parties from the public who spoke to all of these issues. I would respectfully submit again, due process is another of those red herrings. As to the building form rule, Mr. Rose, who is much better able to address those kinds of issues than I can. He will tell you that, again, given the various iterations that went into these different proposals, height, mass, footprint, envelope, were all addressed. In fact, there were changes made to those. The staff report even notes that. The staff report that you received in advance of this hearing knows that there were changes to height, mass, footprint in these various iterations where obviously the building form rule was under consideration. The building form rule does not, as Council would suggest to you, require a mimic or a copy. That is really a lot of what this is about is it does not look the same. It is different. It does not look like everything else. That is not the standard at all. Then finally, I want to point out that it is important to recognize as to what is here, meaning what currently exists today. Our view is also addressing property value issues. Our view is that what we propose will materially enhance the district and, in fact, will improve property values. Their speculative, unsupported proposition that this project will reduce property values in the district and in this particular ward we submit is absolutely another of these red herrings.

What we intend to do is expose another 65% of the original historical facade which is currently covered and obscured. That is a good thing. That is a good thing for the district. That is a good thing for property values. Again, going to what is there today, what is there today is there is an existing addition on this particular piece of property. It is a two-story structure. It has a flat roof, and it has a 400-foot roof terrace. That is what exists today. We submit that what we have proposed, and Mr. Rose will talk about this, is actually much less intrusive than what is there today. What is there today is a 1996 addition. What we propose to do, again, is to peel some of that back, let you see what existed when the original structure was built, another 65% of that wall.

In addition, the existing terrace already overlooks the rear yard of the appellant here, and that will not change. As to the appellant's property, there is an existing two-story, three-bay garage apartment on that structure. Guess what? It has a flat roof. The structure is a cement structure. It also has a large industrial size HVAC unit on the top. That is what is there today. There is argument that we have essentially invaded, destroyed the historic fabric of the district, and particularly this particular ward and this particular street by changing what is there between 118 and 120. Well, they are not historical twins, have not been historical twins for a long time. Again, we have a structure on the back end of ours. They have a fundamentally different structure on the back end of theirs, both with flat roofs. As reflected in staff reports, and I will try to conclude here, but as reflected in staff reports, there is not an unbroken line of visual continuity that is available to the public viewshed from the lanes, from anywhere related to these properties. The staff report notes that sight lines from surrounding streets are limited to a partial southwest

view. Also notes that pedestrian-level views are already highly constrained by existing structures, trees, and shrubbery. The additional concept that from building form considerations or anything else that we have, through our addition, invaded the basic historic fabric of what is there or what should be there, that is absolutely erroneous.

We have done nothing other than propose something that, in our view, number one, increases property values, and number two, be less intrusive than what is currently there today. We would respectfully ask that this board deny the appeal. With that being said, I would ask that Mr. Rose address you all as to some of these specific issues. Thank you.

Kevin Rose: Thank you for letting me speak. My name is Kevin Rose with Rose Architects. It is a record setting day for me, 39 years practicing here in preservation and architecture. It is the first time I have ever had to do this. Pardon me, I am not a lawyer, I am an architect, so I am going to speak to the architecture and the process that went into this. There was a lot of thought that went into this. I am not going to try to pick apart every little piece because I want to respect your time, but I want to give you a good high-level view of what we did. If there are more detailed questions that are not in that huge response that we submitted, then I am happy to answer them as well. I guess when I was a child, my parents would look at me and say, "Come on, Kevin," because they knew that I was reaching on things. This is that type of day for me. I am on the other side of it. Now I know how my parents felt.

Visual compatibility has come up a lot in this, in context and the building form rule. As an architect, I am going to say with 39, almost 40 years of experience here, that I have a lot more of an understanding of the nuance in that than maybe a lawyer or a layperson. I am going to outline a little bit of how we dealt with context here and visual compatibility. We first looked at the lane. There are no contributing lane-facing structures that meet any of the requirements for us to be inspired by. What we did is we took the primary structure, and we extracted the elements that we felt were the most important. The material, the stucco is what we used. It is to match the existing building or to meet the Secretary of the Interior Standards. We are using a different scoring pattern to delineate the old from the new. The flat roof, we can talk about the building not having a flat roof. This is a semantic argument, but I would say that if you stood in front of this building, that the primary structure is designed to look like it has a flat roof. The cornice and everything on the front, when you look at the front of this building, the slope on the roof is set back. If you look at it, we can look at it on Google Earth, but this, from an architectural standpoint, is a flat roof building that has a pitch just to shed water.

Another element that we took from the main house was the scale and the proportion of the windows. We basically used that proportion on the lane-facing, which would be the secondary primary facade. That is the most important facade that the people see from the lane. Unfortunately, there is a giant parking lot across the street, so you can see it from Liberty. That is another element. I want to get into visual compatibility. If visual compatibility were meant to be visually alike, the ordinance and the Secretary of the Interior Standards would say alike. The nuance between compatible and alike is easy for us to find in everyday life. We can talk about what is exactly alike and what is compatible. We all put on clothes, and some of us do not match. That is great. That is our prerogative. At the end of the day, we all have our own version of what is compatible. I feel like our moves, height of the addition, matches the height of what few carriage houses there are that are historic in that ward. We placed the elevator at the back of the building, furthest from the road, which is what is recommended on the back of the building by the Secretary of the Interior Standards. We used a lot of what I would call-- our ordinance is great, but the Secretary of Interior Standards is where the buck stops. That is where the real minutia comes into play. This is a tax credit job. We are going to the National Park Service. We are going to the State Historic Preservation Office, and we are presenting this. 39 years, I have 100%-win rate on tax credit jobs and satisfying these people.

I am standing in front of you now saying I am 100% confident that this meets all of their standards, and we are going to go through that process. When we look at the building form rule, we can look at certain elements in the block, but they do not really adhere to what we are doing here. This is a lane-facing building. All the other buildings that are lane-facing are not contributing. We felt like the best building that we could be inspired by was the building onto which we were adding. That is a commonsense approach. It meets the diligence and rigor of looking at what we can do, those window shapes, everything that faced the lane. The roof terrace already exists on the property. We are not recreating a wheel here. It is moving.

We can use hyperbole and call it a party deck, or we can call it what it actually is, which is what my client requested, a place for her to have an herb garden and to be able to piddle and enjoy those 30 days a year

that are not blistering hot or too cold here. When I want to talk about scale, the ordinance and the Secretary of the Interior's standards say that a building should be subservient to the primary structure. We meet that standard. We meet 60 of the standards, all of the standards. The staff report reflects that. We can talk about the connector a little bit. We use Preservation Brief 14 and how we connected the building by using the glass on the connector so that it creates a visual lightness. If you look up Preservation Brief 14, there are three or four visual examples of exactly what we did right down the road here on the Kehoe House when they put the elevator on it. There is a glass connector. I do not know how many of you all are aware of that, but we are not creating any tricks here. We are not doing anything that is out of the ordinary. I would understand if we were trying to put a Pizza Hut 80s-style mansard roof on this, but that is not the case here. We can use all the hyperbole, and we can, once again, as my parents used to say, "Just because you say it doesn't mean it's true, Kevin." I believe in what we have presented here meets all the standards, that the several meetings that we went through with the board, us addressing community comments, board comments, and everything landed us to a project that is not only visually compatible, but it is going to enhance the property values on that street.

In conclusion, I just want to agree with the staff and say, please uphold the HDBR. There was a lot of thought that went into this. We can pretend like the applicant here said that they did not, but there was a lot. There was a lot of handwringing, a lot of meetings, and a lot of discussion. Just please understand that what has been presented may not be completely true.

Chair Merriman: Thank you, Mr. Rose. Anyone else on the team?

Kim Campbell: The property owner contacted us, Mr. Ted Carroll, last summer to advise on the certificate of appropriateness process, along with Slide, Mr. Rose, as well as to prepare the historic tax credit applications for this project. A little bit about my background. I am working on this particular project because my expertise is in historic tax credit applications. I have prepared something over 400 individual applications in the last decade, over 150 different individual buildings across the states of Georgia and South Carolina. I have thought, well, with both state historic preservation offices, as well as the National Park Service. I am qualified as both an architectural historian and a historian under the Secretary of the Interior Standards, as outlined in the Code of Federal Regulations. I am also a part-time instructor in the Masters of Heritage Preservation Program at Georgia State University, where I specifically teach historic tax credits and the application of the Secretary of the Interior Standards. I bring all that to your attention today because, as a tax credit project, we have to meet the Secretary of the Interior Standards.

In our ordinance here in Savannah, visual compatibility is not specifically defined. As the appellate has pointed out, visually related is defined in the ordinance, but visual compatibility is not. It is understood in the Secretary of the Interior Standards that different practitioners and different people may have different opinions on exactly what is compatible or what may be differentiated. We do, however, get one-- we know exactly what visual compatibility is not. It is the best way to say this. In the Secretary of the Interior Standards for Rehabilitation Number 9, I would like to read this to you, and it is entirely, it says, "New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion and massing to protect the integrity of the property and its environment." Notably, this appeal document skips the particular statement, the new work will be differentiated from the old. I draw your attention to that specifically today because all of the arguments about errors of law relate to a reading of visual compatibility that calls for it to be an exact match or to have a precedent. As a tax credit project, it cannot do that. It will be denied. It has to meet the standards. It has to be differentiated, whether it is an entirely new building, whether it is an addition, whether it is new flooring on the interior of this building, which will be reviewed because tax credit projects review the entire project. It must be differentiated.

It seems to me that this entire argument, whether it's the building form rule, which, by the way, falls under 7.8.10, the initial definition of which points out it's not designed to promote exact copies within the historic district, or whether it's visual compatibility in and of itself, just to remind you that it doesn't have to have a precedent. It does not have to have a match. It is supposed to be compatible, and that is up to the discretion of this board. I would argue, in this case, we have exact evidence that the board did apply visual compatibility. We had votes that voted not to approve the certificate of appropriateness. We see how the process works, and how one group of individuals found that it was not visually compatible, and a majority did. I will be here as well to answer any additional questions you may have about this or preservation theory. At this time, I believe the owner, Mr. Carroll, has a few remarks he would like to address to the

board.

Chair Merriman: Thank you. Tim Carroll, are you online?

Ted Carroll: We've heard a lot of comments earlier. Just bring you through the two key goals that my wife and I had after we decided to land in Savannah, which has a lot to do with my family background. We are originally from the Lowcountry for hundreds of years in the family. The two key goals when we decided to actually land in Savannah and establish some roots primarily had to do with, we wanted a project that would help us get our hands around historic renovation. We have experience here in Connecticut. We restored an 1890s antique home. I point that out because we know what is involved. We ended up raising our family in the home. We are proud of that. The community is proud of the work we have done there. One of the key lessons we learned was to make sure that we had top-level pros, people involved that we could depend on, that both had the academic credentials, had the experience, knew the community. Hence, we went with Kevin Rose's team and with Ethos Preservation to guide us along the way here. We are very dependent on their expertise in driving through the renovation project and introducing basically designs that are appropriate for our needs.

Then we jump into our personal requirements, which have a lot to do with accessibility. Frankly, making sure that the house has the ability of handling issues going forward that our family just happens to be involved with having to do with caretaking of some of the elderly siblings that we have, which is highly possible. Having independent living where there is some dignity along with-- and this leads directly to the idea of the elevator, adding accessibility to the home so people can get up and down the home. Originally, we had put that elevator out by the parking area where we thought that would be the best place for it so that somebody coming into the home in inclement weather would be able to access the rest of the home.

Those are the two key design considerations that we had. We thought that a project that we could get our hands around from a community standpoint would make folks proud of our work. Again, we have experience doing that. Then secondly, and important, is to take care of our family needs. Nobody is getting any younger here. We anticipate aging in place is part of our thinking. It is a narrow lot. We have done the best we could to stay under the ordinances. We are within the guidelines, and I have read them 100 times. I have gone to the folks that I trust to help us interpret what we did not understand.

Frankly, this is within the guardrails. It is not coming to you guys asking for a variance of any sort at all. It is basically allowing us to take what I fondly think of as a Home Depot addition that absolutely needs to be redeveloped, if you will. It has been leaking. It causes problems for us. Take that footprint and apply it so that we can add more light, more livability, if you will, to the home, and provide a modern home that we could be proud of not only today, but 20 years from now, and frankly, 200 years from now. We intend to be good caretakers. This process has slowed us down quite a bit on our desire to get down to Savannah and get going. We would really like it to come to a conclusion. Open for any questions, but I appreciate your time. Again, I would be happy to answer anything you guys have.

PUBLIC COMMENT

Artis Wood: Artis Wood, Savannah residence. The analysis of Attorney Jones can be seen as overwhelming or even intimidating, but I think we really must look at the important information that is like adjusting binoculars. It fine-tunes something so that from a distance, it might look one way, but up close, another. I thank him for his diligence and his studies of this concern. I look at the concern as simply a question of whether we are going to nibble away the elements that make our historic district worthy of being designated as a landmark of our country. I think we do not want to get carried away about what we have to do because of the national, what do we call it, the Secretary of Interior stating that things must be different if added to that. It is not that what is being proposed is different. It is the function, which is different. It functions with much less privacy in the area. This is talking about compatibility as well with the Secretary of Interior. It is definitely not compatible in terms of usage. The air and light, as we see, will be limited. The privacy, limited. It can be, perhaps, by the family that is proposing this, but in future uses. It sets a precedent, which is new. It is a key thing. It is not a frivolous thing, like the size of a sign can always be changed in the future or some other details. This is the bones of our community. How do things flow? How do things open and close and fit up against their neighbor? I think you must decide for the future of our landmark district.

Andrew Jones: Yes, thank you. Obviously, there were just a lot of speakers, a lot of different points

brought up. I will try to organize it, but it is a little hard. The opposing counsel talked about how visual compatibility was not appealable. We have made it clear that we are not second-guessing visual compatibility conclusions. We are saying that based upon what you see in that decision, they did not apply visual compatibility. No comparison to properties that are contributing, that are within view, and they are not even making that comparison. They are saying things that are just oblique. Then the opposing counsel talked about the BFR in that context. The BFR, the building form rule, is separate. That is in the design standards, and those are appealable, and they cannot be ignored. The issue about appealability, we believe that this is a different case than what they are trying to say it is. This is about visual compatibility not being applied. They actually came here to argue the whole thing. That is not a defense to what I am saying. What I am saying is it was not applied. Furthermore, the visual compatibility, just for information, under Georgia, the Constitution guarantees a right of appeal. It is likely that provision in the ordinance at some point will be declared unconstitutional. You cannot just prevent people from appealing something that they have a grievance towards. They talk about the four and five iterations as if that is a defense that this building went. There was a lot of testimony, and a lot of people talked, and a lot went on, and a lot of hearings. Yes, there were. The first building design was so horrible that even the HDBR would not accept it, and it had to be redesigned over and over.

There was opposition testimony, which was very typically ignored by the HDBR, testimony about specific portions of the ordinance, just completely disregarded. Yes, there were many iterations, and many of the same mistakes were made over and over and over again. To say that the board was derelict in their duty, which is his wording. That is not my wording. I would like to note that if you read every decision from the HDBR, it is almost identical to what the NPC staff wrote, even to the page. The question is, why are these provisions not being enforced? Why is there selective enforcement? There were some suggestions that attorneys are not as capable as architects to understand the ordinance. I would let people know that I have been practicing law since the 1980s. My specialty was statutory interpretation, generally involving multimillion-dollar bond transactions, but the same skills applied. I have been involved in historic preservation since that time. In fact, served on the historic committee of the Community Board 2 of Manhattan, in charge of all changes in Greenwich Village. I have many years of experience in this. In the submission by opposing counsel, they said, "Oh, the petitioner's just trying to re-argue everything." No, you have seen very clearly. We have gone through the criteria for review. We have shown that there was erroneous evidence. We have shown that there was no evidence for the most important provisions, and we have shown other abuses.

Ironically, what you have just heard is re-arguing every single issue on its merits. We believe there are problems, but the problems are even bigger than that, this does not meet certain thresholds. Then they are spending a lot of time trying to convince you this meets the tax credits, and since it meets the tax credits, it meets the ordinance. I do not see anything in the ordinance that says that if you have a tax credit project, you get a freebie. I just do not see that. In fact, the ordinance only quotes the Secretary of Interior Standards. It does not quote the preservation briefs that are constantly referred to. Are they interesting? Are they informational? Yes, but they are not the law. The law is everything that I discuss that is in the ordinance, where I have cited the provisions of the ordinance, and you have certified copies of every section there. For example, the building form rule, which are not in the tax credit law. That is a provision that was enacted by the City of Savannah to protect the historic district. Tax credit arguments are completely irrelevant, and that building form rule was not even addressed by the architect or by the HDBR. The opposing counsel says, "Well, they must have addressed it. They must have. It's obvious they must have addressed it." I went to every single hearing.

They did not address it. I have read every single staff report and every decision. It is not in there. What they are trying to do now is open up the merits of the discussion of visual compatibility. We are not arguing the merits. We are saying it is not being applied. Effectively, what they are trying to do is suggest that our case is about something that it is not and then confuse you and then argue. It is a very typical litigation technique. We never said that visual compatibility requires replication or duplication. Have I said that? Is that anywhere in our supplemental documentation? Of course not. Question is whether something is visually compatible along all these different criteria. It cannot be visually compatible with empty space. It has to be visually compatible with a contributing building within view, and that was never done. It just was not done. In fact, you saw one example where they said it was visually compatible with itself. The building form rule technically does not require a copy, but it says you have to base your building on the height, mass, and envelope of another building. It can be in a different style, but it has to be contributing, and it has to be on that street. Now, I understand that architects do not like that provision. I know they do not like it, and I know developers do not like that provision. If you do not like the provision, then you get the

ordinance amendment, but you do not say the provision does not exist. You cannot do that as a matter of law. You cannot just pretend that it is not there. While it is not requiring a copy, it is specifying three things, height, mass, envelope. None of that was done in this proceeding.

For visual compatibility, we are arguing that certain provisions were just simply not addressed. Again, selective interpretation of the ordinance, they have to address all of them. They even recognize they need to be addressed. 7.8.9E about open space, which needs to be addressed. The HDBR did not address it. They are addressing it now, and they are arguing it. HDBR did not address it. What did they use? Right now, to support it, the map. He specifically said for open spaces that the map code breaks in continuity. Do you remember that? They are actually admitting that the map was intended to be used for this visual compatibility argument.

No, the map is referred to in the HDBR decision. They even referred to it here in order to justify that one provision. Importantly, that one provision was never considered by the HDBR. In opposing counsel's written submission, they say that the value issue is not a factor. We have shown you, of course, it is. It is in the ordinance. It is the very beginning of the intent section of 7.8. He is saying, "Oh, well, we bring a lot of value to the whole neighborhood, the whole district." Well, it is obvious. He is increasing the value of his property by lowering the value of my client's property. It is not improving the value of my property. Would you want a two-story wall on your property line, and then the whole thing with a roof deck where your neighbors are peering over your backyard? He is saying that there is a deck there already, which I discussed, and the fact that there is, but it is not as bad, at least certainly in the petitioner's view. Due process. Again, they say, "Well, you can submit your statements ahead of time as everybody did." Yes, we did. We did. They did not read it. That is even in the minutes that opposing counsel attached to their statement. He talks about the tax credit when he gets to the Secretary of Interior Standards. Again, he is confusing things. This is not a tax credit case. City of Savannah has its own preservation concerns that are in addition to what the Department of Interior might be concerned about. The ordinance does not cite preservation 314, but the HDBR decision spent three pages on it. They are negating the fact that this building is visible not just from the lane, but it is also visible from Liberty Street as twin houses in the photograph that I showed you. They are claiming that they are improving the building and restoring it by removing their addition and putting a different addition over it.

They are claiming that they are restoring the building. Again, that's sort of a red herring, but let us just for a moment see what they are doing. They are going to argue all sorts of tax credit stuff back and forth, but I think you should just understand that if they are trying to say they are bringing value by restoring the building, it is aside from the tax credit issues. This is from the staff report. You can see before these additions were there, what the buildings had as a condition is an inset sleeping porch. It was a lodger. That is the original condition. They cannot restore those and have their addition. That is just not the case. They can argue all the technicalities of Preservation 314, but that is not a convincing argument in terms of value or the coordinates.

Again, for visual compatibility, under 7.89E, opposing counsel said that they made this determination, but they did not. You can look at the decision. It is not there. I can pull it up for you, but then you would have to read the whole thing just to find out it is not there. They make a big issue about the flat roof of my client's property. It is non-contributing. If you are applying the building form rule, it is not relevant. Applying visual compatibility, it is not relevant. It is next door, but it is not relevant evidence under either of those laws. The bottom line is that the HDBR did rely on that erroneous map. It is in the decision. The actual map is in the decision, and they refer to it.

The visual compatibility, there was no evidence of the buildings with which this was visually compatible, and the individual findings are not visual compatibility findings. Many sections were simply ignored. Finally, the building form rule, it is just not there. They did not apply it. They acknowledge that it is applied, and they are making an argument for it. It was not heard by-- the NPC does not address it, single staff report, the HDBR did not address it. It is important. What is the form of this building? Does it fit the form rule? There is no evidence supporting it. They have not showed you any evidence in their defense. With that, I request that you overturn this COA because it is so far from an appropriate decision. They have interesting arguments to make. They should make them in front of the HDBR, and then the HDBR should write a decision that looks at those, and next time they should produce some evidence. Deny this COA, they can start again. That is simple. There is no prohibition against them filing tomorrow.

Chair Merriman: Thank you, Mr. Jones. Are there any questions for Mr. Jones? All right. We are going to

enter into board discussion. I wanted to start by saying I talked to Mr. Morrow yesterday because I asked him, I had not yet made it to the minutes of the Historic Review Board meeting, and Ms. Campbell touched on it. When they made the motion to approve this, it was a split decision, three for and three against, and the chairwoman made the tiebreaker. I did not know if maybe you all caught that or not. It is important.

Motion

Denial of the appeal regarding the November 12, 2025, decision of the Savannah Historic District Board of Review in the grant of COA number 25-003528-COA for a proposed rear addition and new construction. Further, the Board found no error on the part of the HDBR.

Vote Results (Approved)

Motion: Brad Baugh

Second: Michael Condon

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

XII. Other Business

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.