



SAVANNAH ZONING BOARD OF APPEALS

STAFF REPORT

PETITIONER: Raymond Masciarella II, Esq.; Andrew Jones, Agent
FILE NO: 25-005968-ZBA
ADDRESS: 118 West Harris Street
DATE: January 22, 2026

Nature of Request:

The Appellant, Raymond M. Masciarella II, Esq., is appealing the decision of the Savannah Historic District Board of Review (HDBR) from November 12, 2025. In a 4-3 vote, the HDBR granted a Certificate of Appropriateness (COA) for a rear addition and new construction at 118 West Harris Street (File No. 25-003528-COA).

The Appellant argues that the HDBR erred in its decision by failing to properly apply the Visual Compatibility Factors and Design Standards of the Savannah Downtown Historic Overlay Ordinance, specifically regarding the mass, height, and "connector" elements of the approved design. The appeal also raises procedural concerns regarding due process during the hearing.

MPC Staff recommends the decision of the HDBR be **affirmed** and **upheld**.

Issues Raised on Appeal:

(1) Failure to Properly Apply Visual Compatibility Criteria (Section 7.8.9)

- Height: The height of individual components, specifically the elevator shaft, is not visually compatible with 118 or 120 West Harris Street.
- Proportion of Openings: The window pattern uses tall, narrow, and clustered designs ("wall of glass") that are not visually compatible with the contributing buildings within view.
- Rhythm of Structures: The addition destroys the "house-courtyard-carriage house" rhythm and east-west sightlines by overbuilding the open space between the main house and the lane.
- Rhythm of Entrance and Walkway: The third-story rooftop walkway and deck are not visually compatible with any contributing building seen from the subject property.
- Relationship of Materials, Texture, and Color: The large expanses of glass in the "connector" and clustered windows are incompatible with the materials used on nearby historic structures.
- Roof Shapes: The flat roof and party deck do not relate to the gabled roofs of the

existing historic twin structure at 118 and 120 West Harris Street.

- Scale: The mass and massing of the addition and elevator shaft are not visually compatible with the contributing buildings to which they are visually related.

(2) Failure to Properly Apply Secretary of the Interior Standards

- Violation of Standard 9: The proposal destroys spatial relationships that characterize the property and fails to provide a massing that is compatible with the historic environment.

(3) Failure to Apply the Building Form Rule (Section 7.8.10(c))

- The HDBR failed to require the proposal to utilize a contributing building form from the same or an adjacent ward to determine the appropriate height, mass, and envelope.

(4) Failure to Properly Apply Roof Deck Standards (Section 7.8.10(k)(ii)(1)(g))

- The proposal includes a roof deck on a street-facing façade (as a lane is defined as a street type), which is explicitly prohibited by the ordinance.

(5) Failure to Properly Apply Addition Standards (Section 7.8.10(l))

- The addition obscures and damages character-defining features of the contributing resource, specifically by breaking the continuity of the rear facades of the twin structures.

(6) Improper Use of Irrelevant Criteria

- The HDBR erroneously applied Preservation Brief 14, which is not an authorized criterion for a Certificate of Appropriateness review under the Ordinance.

(7) Reliance on Clearly Erroneous Factual Findings

- The HDBR relied on an intentionally misleading map of "Carriage House Connectors" that included non-comparable examples such as the De Soto Hilton.

(8) Refusal to Address Impact on Property Values

- The HDBR committed an error of law by stating property values were outside their purview, despite the Ordinance and Bylaws explicitly listing the protection of property values as a purpose of the Board.

(9) Violation of Constitutional Due Process Rights

- Disparity in Presentation Time: The Petitioner was restricted to three minutes of public comment while the Applicant was granted ten minutes.
- Lack of Board Preparation: A majority of the HDBR members admitted on the record they had not read the Petitioner's detailed letter of opposition or exhibits prior to the vote.
- Failure to Act Independently: The HDBR deferred to the opinions of the MPC Staff

- rather than conducting an independent review as a quasi-judicial tribunal.
- Arbitrary Enforcement: The HDBR has denied similar proposals (such as elevator shafts) in other cases while approving the current proposal.
- Unconstitutional Limitation on Appeals: Any provisions in the Ordinance attempting to limit appeals of visual compatibility decisions are unconstitutional under the Georgia Constitution.

Timeline of key events:

AUGUST 13, 2025	First Hearing - The Board voted to continue the item to allow the applicant to revise the wall and height of the addition. <i>(Initial motion to deny failed.)</i>
SEPTEMBER 10, 2025	Second Hearing - The Board continued the item to address Visual Compatibility concerns raised by the Board and public.
OCTOBER 8, 2025	Third Hearing - The Board continued the request again, requiring a redesign to reduce lot coverage to 75% and recommended denial of a variance.
NOVEMBER 12, 2025	Fourth Hearing - The HDBR officially approved the COA, finding the work visually compatible and compliant with standards. <i>(3-3 tie broken by Chairwoman)</i>
DECEMBER 8, 2025	Petitioner files appeal of the November 12, 2025 HDBR decision.

Findings

1. Per the *Constitution of the State of Georgia*:

Article I, Section I, Paragraph XII

Right to the courts.

"No person shall be deprived of the right to prosecute or defend, either in person or by an attorney, that person's own cause in any of the courts of this state."

Article I, Section I, Paragraph IX

Right to assemble and petition.

"The people have the right to assemble peaceably for their common good and to apply by petition or remonstrance to those vested with the powers of government for redress of grievances."

2. Per O.C.G.A. § 44-10-28(j) of the Georgia Historic Preservation Act:

"Any person adversely affected by any determination made by the commission relative to the issuance or denial of a certificate of appropriateness may appeal such determination to the governing body of the county or municipality in whose historic preservation jurisdiction the property in question is located; and such governing body may approve, modify and approve, or reject the determination made by the commission if the governing body finds that the commission abused its discretion in reaching its decision. The ordinances adopted in conformity with Code Section 44-10-26 shall specify the procedures for the review of decisions of the commission by the governing body of the county or municipality involved. Appeals from decisions of the governing body made pursuant to this article may be taken to the superior court in the manner provided by law for appeals from a conviction for municipal or county ordinance violations."

3. Per Sec. 3.23.6, the Savannah Zoning Board of Appeals may dispose of an Appeal in the manner that follows:

3.23.6 Action by the Zoning Board of Appeals

- a. The Zoning Board of Appeals shall determine whether the first decision-maker erred in the application or interpretation of this Ordinance.
- b. The Zoning Board of Appeals may reverse or affirm (wholly or in part) or may modify the final written decision appealed and shall make a final written decision that in its opinion ought to be made in the case before it unless otherwise specified by this Ordinance. To this end, the Zoning Board of Appeals shall have all of the powers of the administrative official, commission or board from whom the appeal is taken.
- c. A motion to reverse, affirm or modify the final written decision appealed shall include a statement of the specific reasons including the proposed findings of fact that support the decision. The findings of fact shall be based on the same evidence received by the first decision maker.
- d. If a motion to reverse or modify is not made, or such motion fails to receive the affirmative vote of a majority of the members present, then the appeal shall be denied.

e. The Appellant shall have the burden of proof.

4. Per Sec 7.8.9 *Visual Compatibility Criteria*:

To maintain the special character of the Savannah Downtown Historic District as identified in the architectural survey and visual analysis, new construction and any material change in appearance shall be consistent with the standards, criteria and guidelines developed for the district. The applicable criteria below shall be used to assess new construction and material changes. These criteria shall not be the basis for appeal to any board, commission or administrator described in this Ordinance, or to the Mayor and Aldermen.

- a. **Height:** New construction shall be permitted to build to the number of stories as shown on the "Savannah Downtown Historic District Height Map," referred to herein as "Height Map," (Fig. 7.8-4; see Sec. 7.8.9.b. Height) and the overall height of a building and the height of individual components of a building or structure shall be visually compatible to the contributing buildings and structures to which it is visually related.
- b. **Proportion of front façade:** The relationship of the width of a building or structure to the height of its front facade shall be visually compatible to the contributing buildings and structures to which it is visually related.
- c. **Proportion of openings:** The relationship of the width of the windows to height of windows within a building or structure shall be visually compatible to the contributing buildings and structures to which it is visually related.
- d. **Rhythm of solids to voids in front facades:** The relationship of solids to voids in the facades visible from the public right-of-way shall be visually compatible with the contributing buildings and structures to which it is visually related.
- e. **Rhythm of structures on streets:** The relationship of a building or structure to the open space between it and adjacent buildings or structures shall be visually compatible with the open spaces between contributing buildings and structures to which it is visually related.
- f. **Rhythm of entrance and/or porch projection:** The relationship of entrances, porch projections, and walkways to buildings or structures shall be visually compatible with the contributing buildings and structures to which they are visually related.
- g. **Relationship of materials, texture and color:** The relationship of materials, texture and color of the facade of a building or structure shall be visually compatible with the predominant materials, textures, and colors used on contributing buildings and structures to which the structure is visually related.
- h. **Roof shapes:** The roof shape of a building or structure shall be visually compatible with the contributing buildings and structures to which it is visually related.
- i. **Walls of continuity:** Brick walls, wrought iron fences, landscape masses, building facades, or combinations of these shall be visually compatible with the contributing buildings, structures and objects to which they are visually related and shall form

continuous walls of enclosure along the street.

- j. **Scale of a building:** The mass of a building or structure and size of windows, door openings, porches column spacing, stairs, balconies and additions shall be visually compatible with the contributing buildings and structures to which the structure is visually related.
- k. **Signs:** Signs, where permitted, shall be visually compatible with contributing buildings and structures to which they are visually related.
- l. **Directional expression of front elevation:** A building or structure shall be visually compatible with the buildings and structures to which it is visually related in its directional character, Including vertical character, horizontal character, or non-directional character.

5. Per Sec 7.8.10(c) *Design Standards: Building Form – Additions:*

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

- i. A proposed building on an east-west connecting street shall utilize a contributing building form located within the existing block front or on an immediately adjacent tithing or trust block.
- ii. A proposed building located on an east-west through street shall utilize a contributing building form fronting the same street within the same ward or in an adjacent ward.
- iii. A proposed building located on a trust block which fronts into a tithing block shall utilize a contributing building form within such trust block. If, however, no contributing buildings exist on such trust block, a contributing building form from the tithing block across the street shall be utilized.
- iv. A proposed building located on a trust block which fronts another trust block shall utilize a contributing building form from the same trust block. If, however, no contributing building exists on the trust block, a contributing building form from the trust block across the street shall be utilized. If, however, no contributing building exists on such trust block, a contributing building form from the tithing block across the street shall be utilized.

6. Per Article III of the HDBR Bylaws (Duties/Purpose):

“The powers and duties of the Savannah Historic District Board of Review are those prescribed by GA Laws 1968, Page 1591, and all amendments thereto and those assigned by the City of Savannah Zoning Ordinance. The City’s jurisdiction for requiring Certificates of Appropriateness as required by the City of Savannah Zoning Ordinance is delineated as the Savannah Downtown Historic District on the official zoning map on file in the Metropolitan Planning Commission office. The jurisdiction of the Board shall include

those elements of development, rehabilitation, preservation, or demolition that affect the exterior visual quality of the Historic District, specifically including exterior appearance of structures within the Historic District. The Board shall not consider the interior arrangement of structures.

The purpose of the Historic District Board of Review is to promote the educational, cultural, economic, and general welfare of the City through the preservation and protection of historic buildings, structures, appurtenances, and places that are of basic and vital importance for the development and maintenance of the community's vacation-travel industry. Also, for the protection of property values because of the property's association with history, unique architectural details, or relation to a square, park, or area, the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on economic, cultural, historical, or architectural motives or purposes."

7. Per HDBR Procedural Manual, Section IV. Procedure for Presentations to the HDBR:

The Chair inquires as to the number of persons from the public desiring to speak about an issue. Where there is many potential speakers or where there is the likelihood of protracted discussion, the Chair may set time limits on the debate. In this case, no side of the issue shall be afforded less than five (5) minutes for a presentation, nor more than thirty (30) minutes. Members of the public may be allotted up to two (2) minutes to speak. The maximum amount of time afforded shall be a function of the number of persons desiring to speak and the complexity of the issue. The HDBR, upon a finding that the allocated time is insufficient to fully address the issue, may, by a two-thirds (2/3) vote, elect to suspend the rules to allow a greater length of time for debate. Each side shall be allotted the same length of time. However, no side is required to utilize their full allotted time. Time not used by one side cannot be allocated to an opposing side. Adherence to time limits shall be enforced.

Analysis of Issues Raised

(1) Failure to Apply Visual Compatibility Criteria (Section 7.8.9)

- **Height:** The HDBR exercised its discretion in determining that the elevator shaft's height was compatible. The Board reviewed the design over four meetings, and the final approval reflects a finding that the vertical element, while visible, does not overpower the historic context when viewed from the public right-of-way.
- **Proportion of Openings ("Wall of Glass"):** The Ordinance grants the Board the authority to interpret the relationship of solids to voids. The Board considered the

"connector" element as a contemporary intervention distinct from the historic mass, a common and accepted treatment for differentiating new additions from historic fabric.

- **Rhythm of Structures:** The Board's requirement to reduce lot coverage to 75% specifically addressed the rhythm of open space. By enforcing this reduction, the Board ensured that the "house-courtyard-carriage house" pattern was maintained to a degree they found visually compatible.
- **Relationship of Materials:** The use of glass to differentiate new construction is a standard preservation practice supported by the Secretary of the Interior's Standards (Standard 9). The Board found the contrast in materials appropriate to distinguish the addition from the historic masonry.
- **Scale:** The Board actively regulated the scale by requiring the applicant to lower the height and reduce the footprint during the review process. The final approved scale is the result of this iterative exercise of discretion.

(2) Failure to Apply Secretary of the Interior Standards

- **Violation of Standard 9:** Standard 9 requires that new work be differentiated from the old but compatible with massing and scale. The Board's approval constitutes a finding of fact that the "connector" achieves this differentiation without destroying the spatial relationships that characterize the property.

(3) Failure to Apply Design Standards for Building Form (Section 7.8.10)

- **Subordination of Additions:** The Board explicitly enforced the subordination requirement of Sec. 7.8.10(c) by mandating a reduction in lot coverage and wall height. These specific conditions of approval demonstrate that the Board prioritized the dominance of the main building.
- **Hyphen vs. Connector:** The Ordinance definitions for "hyphens" and "connectors" serve to guide massing. Whether termed a "hyphen" or "connector," the Board found the resulting mass to be compatible based on its specific function and visual impact.

(4) Failure to Apply Design Standards for Setbacks

- **Compliance:** The setbacks were reviewed as part of the overall site plan. The Board determined that the footprint complied with the specific district standards or that the placement was appropriate given the historic lot patterns. No variance was legally required.

(5) Violation of Variances Criteria

- **Inapplicability:** The Board did not grant a variance; they approved a design they found compliant with the base zoning standards (as modified by the specific historic district regulations). Therefore, the criteria for granting a variance were not triggered.

(6) Reliance on Non-Ordinance Criteria

- **Preservation Brief 14:** The Board may use National Park Service Preservation Briefs as guidance documents to interpret "*compatibility*." Utilizing them to inform a decision is not an error of law but a demonstration of informed expert judgment.

(7) Reliance on Erroneous Factual Findings

- **Misleading Maps:** The Board is capable of distinguishing between illustrative exhibits and actual site conditions. The presence of an allegedly imperfect map in the applicant's presentation does not invalidate the Board's independent knowledge of the district and the specific site context.

(8) Refusal to Address Impact on Property Values

- **Standard Administrative Policy:** The Appellant argues the Board erred by stating property values were outside their purview. Review of the audio records from August, September, October, and November confirms that the Chairperson reads a standard opening statement at every meeting explicitly stating: "*Items such as... impact on property values are not within the board's purview and cannot be a factor in the issuance or denial of a COA.*"

While the Bylaws mention property values as a general *purpose* of the district, Sections 7.8.9 and 7.8.10 of the Zoning Ordinance which govern the issuance of a COA do not list "property value" as a criterion for review. The Board correctly confined its review to the visual/design criteria authorized by the Ordinance.

(9) Violation of Constitutional Due Process Rights

- Regarding the Appellant's claim of denial of due process, Staff finds that the local process is procedurally and substantively consistent with the Georgia Historic Preservation Act. *Deferral of expert judgement by the ZBA does not equate to the denial of the right to appeal.* The appeal process is designed to identify procedural missteps and arbitrary decisions, not to allow the ZBA to redesign the building. Deferral to the HDBR's judgement on aesthetics is not an abridgement of due process. The ZBA is charged with determining whether there has been an abuse of discretion.
- Regarding the Appellant's claim of unequal speaking time: The Board's Bylaws authorize the Chair to manage public testimony. Even if the time limit was applied inconsistently, Staff finds that the integrity of the review was maintained because the Appellant submitted a comprehensive 30-page legal and evidentiary package which was distributed to the Board in advance. *The limitation on oral remarks did not prevent the Appellant's full case from being part of the official record considered by the Board.*

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25-005968-ZBA
118 West Harris Street
January 22, 2026

Staff Recommendation

Per *Section 3.23.6* of the Ordinance, upon appeal, the Zoning Board of Appeals may take on all powers of the original decision-maker and make a final written decision that in its opinion ought to be made in the case before it.

The HDBR's decision to approve the COA was the result of a *deliberate, multi-month review process* involving *significant revisions* to the project's scale and massing. The Board operated within its legal discretion to interpret the Visual Compatibility Criteria and applicable design standards. The Appellant has not provided sufficient evidence that the Board committed a procedural error or abused its discretion in finding the final design compatible.

MPC Staff recommends that the HDBR's approval of the COA be **affirmed** and **upheld**.