

HISTORIC DISTRICT BOARD OF REVIEW  
REGULAR MEETING  
112 EAST STATE STREET

ARTHUR A. MENDONSA HEARING ROOM

December 12, 2007

2:00 P.M.

MINUTES

HDRB Members Present:

Joseph Steffen, Chairman  
Swann Seiler, Vice-Chairman  
Ned Gay  
Gene Hutchinson  
Brian Judson  
Richard Law, Sr.  
Eric Meyerhoff  
Linda Ramsay  
Dr. Malik Watkins

HDRB Members Not Present:

Dr. Charles Elmore  
Sidney J. Johnson

HDRB/MPC Staff Members Present:

Thomas L. Thomson, P.E./AICP, Exec. Director  
Beth Reiter, Historic Preservation Director  
Janine N. Person, Administrative Assistant

RE: CALL TO ORDER

The meeting was called to order at 2:00 p.m.

RE: REFLECTION

RE: SIGN POSTING

All signs were properly posted.

RE: CONTINUED AGENDA

RE: Continued Petition of Gunn, Meyerhoff & Shay  
Patrick Shay  
H-06-3711-2  
PIN No. 2-0031-16-006  
217 West Liberty Street  
New Construction Part II, Design Details for a  
Condominium Building

Continue to January 9, 2008, at the petitioner's request.

RE: Continued Petition of Gunn, Meyerhoff & Shay  
Patrick Shay  
H-07-3784-2  
PIN No. 2-0016-04-003  
501 West Bay Street  
New Construction Part I Height and Mass –  
Hotel/Condominium

Continue to January 9, 2008, at the petitioner's request.

RE: Continued Petition of Houston & Oglethorpe  
Richard Guerard  
H-07-3832-2  
PIN No. 2-0005-30-002  
143 Houston Street  
New Construction/Rehabilitation/Addition Part I,  
Height & Mass, Three-Story Condominium

Continue to January 9, 2008, in order to receive Site Plan Review comments.

RE: Continued Petition of Gunn, Meyerhoff & Shay  
Patrick Shay  
H-07-3862-2  
PIN No. 2-0016-03-008  
23 Montgomery Street  
New Construction Part II, Design Details – Hotel

Continue to January 9, 2008, at the petitioner's request.

RE: Continued Petition of Gunn, Meyerhoff & Shay  
Patrick Shay  
H-07-3916-2  
PIN No. 2-0015-01-001  
225 East President Street  
New Construction, Part I Height and Mass for a  
Five-Story Condominium

Continue to January 9, 2008, due to incomplete submittal regarding Site Plan Review issues.

**HDRB ACTION:** Ms. Seiler made a motion that the Savannah Historic District Board of Review approve the Continued Agenda items as submitted. Mr. Gay seconded the motion and it passed unanimously. Mr. Meyerhoff recused himself from H-07-06-3711, H-07-3784-2, H-07-3862-2, and H-07-3916-2.

RE: CONSENT AGENDA

RE: Petition of Greenline Architecture  
Keith Howington  
H-07-3781-2  
PIN No. 2-0032-10-005  
417 East Charlton Street  
Rehabilitation/Addition

The Preservation Officer recommends approval.

RE: Petition of Viet Hoang  
H-07-3919-2  
PIN No. 2-0004-12-005  
2 Lincoln Street  
Sign

The Preservation Officer recommends approval.

RE: Petition of Sign-A-Rama  
Yves Delorme  
H-07-3924-2  
PIN No. 2-0015-09-001  
134 Whitaker Street  
Sign

The Preservation Officer recommends approval.

RE: Petition of First Tabernacle Baptist Church  
H-07-3926-2  
PIN No. 2-0045-10-010  
310 Alice Street  
Fence

The Preservation Officer recommends approval.

RE: Petition of Steve Day  
H-07-3931-2  
PIN No. 2-0004-49-002  
424 East State Street  
Stucco Repair

The Preservation Officer recommends approval.

**HDRB ACTION:** Ms. Seiler made a motion that the Savannah Historic District Board of Review approve the Continued Agenda items as submitted. Mr. Gay seconded the motion and it passed unanimously. Mr. Steffen recused himself from H-07-3926-2.

RE: REGULAR AGENDA

RE: Petition of Greenline Architecture  
Pete Callejas  
H-06-3631-2  
PIN No. 2-0032-44-009  
19 East Gordon Street  
New Construction of a Carriage House

The Preservation Officer recommends approval.

Present for the petition was Mr. Pete Callejas.

Ms. Ward gave the Staff report.

**NATURE OF REQUEST:**

In July of 2006 the Review Board granted approval to demolish the existing non-historic carriage house and erect a new carriage house in its place. This approval expired in July of 2007.

**FINDINGS:**

The applicant is resubmitting his application for re-approval with the following revisions:

1. The addition of a chimney and Ipe and Tatajuba pergola with retractable canvas awning on the roof of the proposed carriage house.
2. A bridge from the main house over the roof of the addition to the new carriage house.
3. New three-bay oriel box bay window on west wall of dining room.
4. Please verify that the French doors and bay windows are Kolbe and Kolbe as previously approved.
5. Garage doors are nine-foot wood plank overhead doors by the Carriage Door Company.
6. Proposed colors are Benjamin Moore Black Forest Green or Charleston Green for the shutters and garage doors. Kolbe and Kolbe Abalone for the windows. Beige for the trim columns and railings. The brick is Old Carolina Brick Company "Savannah Grey".

The applicant submitted the plans to Site Plan Review. One comment was received that the garage apron cannot extend into the public right-of-way. It will be accommodated within the structure.

The lot coverage of 55 percent (petitioner's calculations) has not changed.

**RECOMMENDATION:**

Approval.

**Ms. Ramsay** asked if Staff had received a sample of the Tatajuba material for the pergola.

**Ms. Ward** stated that the Ipe material had been approved before in the Historic District.

**PETITIONER'S COMMENTS:**

**Mr. Pete Callejas (Greenline Architecture)** stated that Tatajuba was similar to Ipe and the Ipe had been used and approved in the Historic District. He said the reason they were using the columns was because you cannot get a six-by-six Ipe column. The Tatajuba was another Brazilian hardwood that was similar in color and texture.

**Ms. Ramsay** stated that when she researched it she found that it came in yellow and darkened to a burgundy color and that she was not familiar with it.

**Mr. Callejas** stated that he used a similar pergola before and it was very difficult to tell the difference. He said it might be a little lighter but it is not yellow and added that they were using Kolbe and Kolbe doors and windows.

**Mr. Meyerhoff** asked if they considered reducing the mass of the chimney or separating it from the parapet to keep it from being in the same plane as the wall.

**Mr. Callejas** answered yes, and said that there was a fireplace on the parlor floor below and a small fireplace on the roof deck. To get the flues to pass each other it was the smallest they could get it. He said most of the chimneys in the Historic District were on the plane of the exterior structural wall and had constructional considerations involved. Lining it up made it more compatible with the structural system they were using.

**Mr. Meyerhoff** stated that they could take the parapet line and carry it through to make it look like part of the elevation.

**Mr. Callejas** stated they would consider continuing the coping as an insert into the veneer to create a line if the Board felt it was more compatible.

**Mr. Meyerhoff** stated that it would help.

**Mr. Gay** stated that the height of the chimney was so big and massive that he wondered if it needed to be tall.

**Mr. Callejas** stated that it did because he made it as small as he could in all dimensions. He said in trying to meet the client's needs that it was as small as he could get it.

**Ms. Ramsay** asked if the north/south walls of the box bay were paneled or had windows.

**Mr. Callejas** stated that it was paneled wood with painted wood framing on the sides.

**PUBLIC COMMENTS:**

**Mr. Mark McDonald (Historic Savannah Foundation)** stated they were concerned about the chimney, the massing, and how the lines pass down through the center of the windows. He said it violated design principals about masonry bearing construction. When it was over glass, they felt it was not compatible with the way other buildings were built and asked the petitioner to look at it again to find a way to reduce the mass and keep it from looking like it was floating above the glass.

**BOARD DISCUSSION:**

**Mr. Meyerhoff** stated that extending the parapet line through the coping would be appropriate. He said the symmetry of the ground floor with the three garages should be repeated with the windows since the two end windows are directly centered. Then the fake window should be directly in line with the center of the chimney and the center of the middle garage door to give it more symmetry.

**Mr. Gay** asked if there was going to be a fireplace in the living quarters and one on the roof.

**Mr. Callejas** stated that there was a small gas-burning fireplace on the roof deck.

**Mr. Meyerhoff** asked if it was a bar-b-que or was it for heating.

**Mr. Callejas** stated that it was for ambiance.

**Mr. Callejas** stated that there was a chimney there before but it was taller and wider because of the second story. He said that it had an insulated steel flue and was not as big as true masonry, and that there were certain requirements for space and clearances.

**Mr. Steffen** asked if Mr. Callejas would respond to Mr. Meyerhoff's comment about the window placement.

**Mr. Callejas** said that the chimney on the parlor floor was directly behind the false window. On the roof deck it was centered on the plan. It was requested by the client to create symmetry in the living space on the roof deck. He did not disagree with what was said about the chimney, but the floor plan on the parlor floor and meeting the clients needs did not allow exact alignment with the garage doors. The three garage doors did not align with the center of the garage doors but there were four windows. The false shutter window was placed to create a rhythm with the windows, or it could be a brick recess. He said there was no relationship between what happened on the parlor floor and the garage doors below. Most of the structural requirements for the garage doors were what dictated the placement as well as being able to enter and exit.

**Mr. Meyerhoff** stated the elimination of one window would create symmetry at the second level.

**Mr. Callejas** stated that if there was one window in the middle it would be right where the fireplace was on the parlor floor.

**Mr. Meyerhoff** stated that the false window would be directly in the middle. He suggested moving the window over, eliminating the second window from the left, and placing the closed fake window directly over the garage and in line with the chimney.

**Mr. Callejas** stated that it would not work because the windows flanked the chimney on the parlor floor. He said the client would not be willing to do that because it brings light into the room.

**Mr. Meyerhoff** stated that the Board was concerned with the exterior of the building and thought the building would be more compatible with more symmetry and a visual reduction of the mass on the chimney.

**Mr. Callejas** stated that the symmetry had not changed from what was originally approved.

**Mr. Meyerhoff** stated that the chimney had not been as massive as what was shown now and that there was not a fireplace on the terrace roof.

**Ms. Seiler** stated that it did not concern her because when you stand in the lane and look straight up it would not be in your vision. She said it would only be seen from a greater distance. The petitioner said what the Board was looking at was the discussion of the chimney compared to other chimneys in the neighborhood, that it was fine, and had Staff's approval.

**HDRB ACTION:** Ms. Seiler made a motion that the Savannah Historic District Board of Review approve the petition with the condition that the coping on the parapet be extended through the chimney. Mr. Hutchinson seconded the motion. Mr. Judson, Mr. Gay, Ms. Seiler, Mr. Hutchinson, and Mr. Law were in favor. Ms. Ramsay, Dr. Watkins, and Mr. Meyerhoff were opposed. The motion passed 5 to 3.

**RE: Petition of Sign-A-Rama  
Hamilton-Turner Inn  
H-07-3920-2  
PIN No. 2-0032-04-001  
330 Abercorn Street  
Sign**

The Preservation Officer recommends **approval**.

There was no one present for the petition.

Ms. Reiter gave the Staff report.

**NATURE OF REQUEST:**

The applicant is requesting approval of a freestanding principal use sign to be placed behind the fence in the front garden of the Hamilton Turner Inn. The material of the sign is sandblasted HDU on an aluminum fluted base. The background of the sign is black with gold letters. Copy: The Hamilton Turner Inn, 330 Abercorn Street, 912-233-1833.

The total height of the sign is eight feet. The sign face is 24 inches high by 36 inches wide or 6 square feet.

**FINDINGS:**

One principal use sign is permitted. The maximum size for a freestanding sign in this zone is 12 square feet.

**RECOMMENDATION:**

**Approval.**

**Mr. Steffen** stated that since the petition was not controversial that he would proceed without the petitioner's presence.

**HDRB ACTION:** Ms. Seiler made a motion that the Savannah Historic District Board of Review approve the petition as submitted. Mr. Gay seconded the motion and it passed unanimously.

**RE: Petition of Ramsay Sherrill Architects  
Linda Ramsay  
H-07-3928-2  
PIN No. 2-0032-13-012  
214 East Taylor Street  
Fence**

The Preservation Officer recommends **approval**.

Present for the petition was Ms. Linda Ramsay.

Ms. Reiter gave the Staff report.

Ms. Ramsay recused herself.

**NATURE OF REQUEST:**

The applicant is requesting approval of a wood screen wall, lattice trellis on the west side of 214 East Taylor Street. The trellis is proposed to be located in front of the existing masonry wall and will rise approximately 9' – 5" plus or minus above the existing fence for a total of 16'-3". The purpose of the trellis is to screen the adjacent addition from the applicant's garden.

**FINDINGS:**

1. The screen wall is located along the north south property line between the carriage house and main structure. There are some precedents provided by the applicant for such privacy walls within the district.
2. Applicant needs to provide color to Staff.

**RECOMMENDATION:**

Approval with color to be provided to Staff.

**Ms. Reiter** stated that within the ordinance she looked at it as being a garden screen and an element of the garden, and there was a question of it being a fence. Within the City of Savannah Zoning Ordinance under Exceptions and Modifications, Walls and Fences for the Historic District it stated, "...that no fence shall exceed 11 feet in height within a front or side yard. However, where adjoining walls exceed 11 feet, any new wall may be constructed to the height of the existing wall." She said the ordinance was silent on a definition of what a fence and a screen was and might be subject to interpretation by the Department of Inspections. If it were deemed that it was a fence and go the full 16 feet, you would have to go to the Zoning Board of Appeals for a variance. She looked at it as a garden ornament and it did not constitute a fence. If it did, the carriage house and wall of the addition were tall. The Board had received pictures of previously approved screens that were as high as the carriage house of the adjoining property. She felt the Board would be in their right to approve the 16 feet and if the Board were in favor and made a motion, they might want to add a caveat to get something in writing from inspections.

**Mr. Steffen** asked if Ms. Reiter's interpretation was more in the nature of a screen than a fence and asked if there were other decisions the Board made in the past to that effect.

**Ms. Reiter** stated that usually a wall enclosed something. She said this was sitting in the middle of the garden and not attached to another fence.

**Ms. Seiler** stated that there were noted examples given in the Historic District. She asked what the color would be.

**PETITIONER'S COMMENT:**

**Ms. Ramsay** stated it would be Charleston Green.

**Mr. Meyerhoff** asked if the columns that held up the latticework were wood.

**Mr. Steffen** stated that he assumed Ms. Ramsay did not have any problems with submitting the colors to Staff.

**Ms. Ramsay** answered no.

**PUBLIC COMMENTS:**

**Mr. Bill Saxman (Representing 210 East Taylor Street)** stated that the petitioner had concerns and spoke with Staff regarding this. He said that it was a fence because the city design standards for buffers and fences located in the code had a definition for a fence. The property was being screened off from the adjoining property by an additional five feet of structure. The posts sit back one to two feet from the property line and the fence will be a freestanding element that would not be a portion of the adjoining fence. He said if they build a fence on top of the existing fence, it would require the Board of Appeals approval. His opinion was that it was a fence and a violation of the section of the code that limited fences to an 11-foot height in the Historic District. The property owner (of 210) was willing to work with the property owner of 214 East Taylor Street if they wanted to place an 11-foot brick lattice fence to get to the maximum height allowed by the code. It would be a more compatible design based on both properties. They felt that it was a screen element and it was depriving the owner of light, air, and circulation of space. He stated that he went through the codes and the Zoning Board of Appeals actions over the last 20 years and did not find any actual petition for a fence height limitation. The main fence downtown that exceeded the 11-foot height was the fence behind Kroger's. It was a service area that blocked the housing fronting on the south side of Bolton Street, and the fence was designed to be higher than allowed because it served as a buffer to the housing units. There is a house on Lincoln Street with a metal type apparatus built to allow the vines to grow higher than 11 feet, and those fences were put in place to screen residential properties from non-residential properties. In this case, it would be for similar residential uses and he did not feel that they were needed.

**Mr. Martin Melaver (Owner of 210 East Taylor Street)** stated that Melaver, Inc., was doing the development on the house and doing the large redevelopment on the west side of town for Sustainable Fellwood involving thousands of residents, commercial development, the Housing Authority, the city, and a large number of stakeholders. The amount of collaboration on the west side of town versus the noise with this one single home struck a critical note where true community lies and where it was problematic. He said that Mr. Saxman talked about walls being 11 feet in the Historic District and six feet anywhere else. The petition was requesting a fence that was almost 150 percent higher than fences in the rest of the city, close to 85 percent higher than other fences in the Historic District, it was out-of-scale, and against the ordinance. He would be happy to discuss it with the neighbor to collaboratively build an 11-foot high fence. Either an addition to the existing fence between their two properties or something that was amenable. He felt that the 16-foot (?) height was inappropriate for the Historic District and it would create problems later.

The petitioner stated that the purpose of the wall was to, "screen the adjacent addition from the applicant's garden." He said it only told half the story, that it was a spite fence. In the beginning section of the Comprehensive Zoning Ordinance for the City of Savannah it addressed light and air for all. If you look at the plans, the 16 feet was not an accident, it runs directly to the top of the glass windows that were approved by the Board in June of 2006, and extended 48 feet to the end in length (48 feet times 16.25). He said when he was before the Board a month ago he asked for a two-foot eight-inch extension that was opposed. His neighbor came four weeks later and asked for 16 and ¼ inches, 48 feet long, and 780 square feet in total. It was massive and inappropriate. Two days after the Historic Review Board hearing in November his neighbor planted a series of tall magnolias against his wall and installed a trellis that ran along the current structure without permitting. It was situated directly where the windows were being planned. He said that it was spite.

He said that the Old Savannah, Old Town Trolley, and the Oglethorpe tours drive by his house everyday. They park, everyone looks out the windows, the diesel bus was rolling, and people take pictures because of his neighbor's lovely garden and house. The Old Savannah Tour

stops 22 times a day, the Old Town Trolley stops 30 times a day, and the Oglethorpe Tour stops 21 times a day, which is 73 times a day of picture taking. With approximately 50 percent occupancy on the buses over a course of a year it equals 501,328 people who stop, peer over the front wall, take pictures, and move on. He guessed it was ok for 501,328 people to peer over into his neighbor's yard; it was the 329<sup>th</sup> person that was the real issue.

He said the third issue, in addition to the height and spiteful purposes obstruction...

**Ms. Seiler** asked for a point of order, said the spiteful comments were out of order, not germane to the discussion, and would like for the person from the public to stop.

**Mr. Steffen** stated that he agreed and asked Mr. Melaver to move on to his next point.

**Mr. Melaver** stated that the fence was being planned and erected to interfere with the permitted construction activity on the house he was working on. He said the neighbors had threatened him with an injunction to keep them from invading the air rights while they worked on the outside of the building. He believed the fence was a similar attempt to create a roadblock to keep them from doing the work they needed to do. He would like to get in, get out, and be finished. He asked that if the Historic Review Board granted the fence, he hoped that it was in compliance with the 11-foot height restrictions in the Historic District, are that a permit would be granted after the construction work was done to enable him to finish his work.

He said they did a quick survey of the downtown area and identified that 39 other properties duplicated the situation he had, another 78 other parties could potentially be before the Board asking for variances beyond 11 feet. It opened up a huge can-of-worms pitting neighbor against neighbor and a war of the fences that no one wants. The Historic District was full of zero lot lines with windows everywhere and it sets a dangerous precedent for everything in the neighborhood.

One month ago, they came before the Historic Review Board for a two-foot eight-inch extension and Ms. Ramsay was among the most vocal opposing it.

**Ms. Seiler** stated that Mr. Melaver's comment was not in order.

**Mr. Melaver** stated that he believed the conflict of interest laws say you cannot speak about petitions or anything before the Board. He said that Ms. Ramsay spoke 30 days ago against their petition while doing work for the neighbor. He understood it, but would expect Ms. Ramsay to recuse herself if they appeared before the Historic Review Board again.

**Mr. Dana Braun (Attorney for Mr. Melaver)** stated that it was clearly a fence. He said the petitioner filed the petition and checked off fence under the nature of the proposed work. It was not Staff and not Mr. Melaver, but the petitioner. The drawing the petitioner submitted was labeled "Fence Section" and not labeled trellis, as it was a fence. He displayed a portion of the plans with the words "Proposed Fence Location" that he said the petitioner used. The petitioner could not come up and say it was not a fence and because it was a fence and fell under the ordinance regarding heights for fences in the Historic District without question. The height of a fence in the Historic District was 11 feet. If it was a wall that was attached to an adjoining wall, then you could go to the height. The fence did not adjoin any wall that was 16 feet high and would be built freestanding in the yard. There was no question that what was intended was a fence to act as a screen to keep something out and fell under the definition of a fence, which is, "a barrier intended to prevent escape or intrusion or mark a boundary, etc. A barrier made of posts and wires or boards." He said it was a fence under the ordinance, the submission by the petitioner, and it cannot be built without a variance from the Zoning Board of Appeals. If the Historic Review Board did anything to authorize it, they could only authorize it to 11 feet or to a

certain height, but they must go to the Zoning Board of Appeals, or deny the petition as being incompatible. The fences that were beyond the height were on the lane and blocked the lane from the back yards. There were few in the Historic District and none in the block or the two-block area surrounding the lane that reached this height blocking two adjoining properties. It was a dangerous precedent to start allowing people to build fences 16 feet high to block neighboring windows on property lines. The first petition that was before the Board today had a neighboring house at 19 East Gordon Street with windows on the property line that were looking into their yard and they were not seeking a petition to block the windows. In June 2006 the Board approved the addition, found it to be historically compatible, and now the petitioner wanted to block off something the Board had already found to be historically compatible. It was a dangerous precedent, it was a fence, and it cannot be authorized by the Board to be built at this height.

**Ms. Jamie Brennan** stated that there was a house on Taylor Street with a lattice fence, and it was beautiful when you sit in the garden at night. She said they had cocktails out there and that it was lovely. They supported downtown Savannah all of the time and had done everything they could do in their home like opening it up for the Victorian Tea, the Christmas Tour, garden tours, a spring tour, and she said the Legends of Golf wanted to do a special tour for 80 wives this spring. Her neighbors, Sharon Galin and Harriett Meyerhoff, do walking tours and have brought people into her home. She talks about the history of the house that has been in the family since 1905. The trolleys come down the street but never stop in front of her house because they stop in front of the Gunkel's and discuss the Savannah Grey brick. She said she keeps the window boxes looking beautiful and her sidewalk swept for the tourists of downtown Savannah.

**Mr. Ed Brennan** stated that this was the reason for the privacy screen. He said a glass addition had been built, and if your neighbor built a glass addition on a zero property line looking right at you, then of course, you would want to erect a privacy screen. There was no coincidence that it was the height it was and came to the top of the glass, which was the reason it was being placed there. Without the glass addition he would not be before the Board today with the privacy screen. He said that Mr. Braun objected to the privacy screen and called it a spite fence. The only way you could legally stop someone from protecting their privacy was to say that it was spite. For example, if there were 300 yards of woods he owned that abutted a house where he could not see, and he erected a screen right in front of the windows, then it would be spite. He said they had a right to design with glass but he had a legal right to protect his privacy, did not feel guilty about it, did not think he was doing the wrong thing, and thought that nine out of ten people would do the same thing. He and his wife think it looks good and was attractive, that Ms. Ramsay did a great job designing it, and that she designed the addition to his house in 1989. The privacy screen met the visibility guidelines of the Board, met the visual compatibility standards in the Historic District ordinance, and Staff pointed out that the 11-foot requirement in the code did not apply where there were adjoining walls. There was an adjoining wall to the left and the adjoining wall to the right was the carriage house. Even to the extent that the ordinance applied, it would not apply where adjoining walls exceeded 11 feet. It seemed that the neighboring property owner wanted the Board to be a state court judge and object to it based on spite versus privacy. He also wanted the Board to be an appeal court to object based on what the Zoning Board of Appeals may or may not do. He just wanted the Board to be the Historic Review Board. There were dozens of these types of fences throughout the Historic District and his understanding was that most were approved at Staff level and did not come before the Board. He wanted the Historic Review Board to address the petition in front of them and not be a court judge or a Zoning Ordinance appeal member.

**Mr. Steffen** stated that there was a question raised concerning a Board member's responsibility to recuse herself. He said that the Board members were charged to recuse themselves when they felt there was a conflict. The Board had done a good job of that and had occasionally asked for advice on whether they should be recused. As an attorney, he had a double

obligation to avoid the appearance of impropriety, but for the rest it was an economic interest. He said that whether Ms. Ramsay could sit again on this particular issue now acting on behalf of the petitioner was an interesting question, and if it arose she would handle it properly. Ms. Ramsay had no vote or interest in the decision today.

For the benefit of both parties, he stated that he let everyone talk more than they should have with issues that were not under the Board's purview, and he did it for three reasons. He said that 1) they had the benefit of the shortest agenda ever with three items; 2) he felt with knowing both parties that there were no people in the community that cared more about the community than the people in the room, did not feel that the motivation was wrong, but did feel there was a cathartic need to hear each others points-of-view more; and 3) he was convinced that the matter would eventually be heard by the Zoning Boards of Appeal and there needed to be a record of the vote. He told the Board members that the issue was easier than it was portrayed because the Board would decide on one issue regarding whether the structure was historically compatible. If the Board believed it was a fence, then the recommendation of historical compatibility would go to the Zoning Boards of Appeal. If the Board decided that it was not a fence but a screen, then they would make the same decision based on historic compatibility. He said that Ms. Reiter gave the Board very good counsel given the fact that whether or not it was a fence appeared to be a legal issue, and a question that only the Zoning Board of Appeals could properly decide. The decision the Board should reach was whether what was proposed as an addition to the property was historically compatible. If the Board believed it was, then it would be sent to the Zoning Boards of Appeal and they would decide whether it was a fence or not. If they decided that it was a fence then they would decide whether they should grant a variance for the additional height. He did not think it was within their purview to say it should be 11 or 9 feet unless the petitioner came to the Board and said they wanted something different. He asked if any of the Board members disagreed.

**Mr. Meyerhoff** stated that there was a masonry fence that presently existed between the two and the fence was not on the petitioner's property but on the neighboring property. He said the proposed was a freestanding latticework trellis fence or privacy screen, and he did not think it should be considered as an extension of the existing fence that was on the neighbor's property.

**Mr. Steffen** stated that both parties agreed to that. He said the one thing they agreed on was the fact that it was not technically an extension of the fence but a separate structure in the same area. He assumed that the Board was in agreement with what he had stated and that the decision should be whether the proposed structure was historically compatible. If it was, then the recommendation should go to the Zoning Boards of Appeal and they could decide if it was a fence, and if it was in fact a fence, than a variance should be granted for the additional height.

**Ms. Seiler** stated that she did not agree. She said it could be interpreted as a screen as Staff had and pointed out that there was no place on the application to check screen. If she were Ms. Ramsay she would have checked the closest item to it, which would have been fence. The petitioners were gardeners, and knowing their reputation for being gardeners she assumed that it would have landscaping on it, crawling up it, and going through it because it would have lattice on it. She saw it as a screen and compatible because there were countless examples of it through the Historic District and she would vote to approve it as a screen.

**Dr. Watkins** stated that he agreed with Ms. Seiler because there was already a fence in place, and based upon a definition that was read earlier that if the fence was to restrain or separate, then he had not seen a lattice act as an effective fence. It seemed that it would be more of an issue of privacy and more of a wood screen.

**Mr. Law** stated that both parties said that both were fences.

**Mr. Steffen** stated that the petitioners' were urging that it was not a fence and that it fell under a different headline. He said Staff recommended that they felt it was their inclination and they indicated that in prudence the Board should ask the Zoning Boards of Appeal to give a final decision.

**Ms. Seiler** stated only if the Board decided to rule it as a fence.

**Ms. Reiter** stated that she recommended it be in writing from the Department of Inspections from the Zoning Administrator as to what it would be.

**Mr. Gay** stated that if the Board did not approve it as a screen they still had the option to approve it as being compatible as a fence. He said the petitioner would have to get approval.

**Mr. Steffen** stated that the Board should not get involved in defining what it was. He said it would take them down a path where one or the other party would sue the other, but he felt it was not within the Board's purview to determine if it was a fence or a screen. He was not giving a legal opinion because this was his opinion.

**Mr. Gay** stated that it needed to be called something. He said the Board should say that whatever it was that it was either compatible or not.

**Mr. Steffen** stated that was not the motion that was made. He said the motion was that it was a screen and a perfectly proper motion.

**Mr. Gay** stated that if it was not approved there was still the option of whatever it was, that they could approve it as being compatible.

**Mr. Judson** stated that he was abstaining.

**Mr. Gay** stated that he was abstaining.

**Mr. Steffen** stated that if they abstain they had to give a reason for abstaining. He said they had to vote against the motion or abstain, but they had to state reasons for abstaining.

**HDRB ACTION:** Ms. Seiler made a motion that the Savannah Historic District Board of Review approve the petition as a screen. Dr. Watkins seconded the motion. Mr. Law, Dr. Watkins, Mr. Meyerhoff, Ms. Seiler, and Mr. Hutchinson were in favor. Mr. Gay and Mr. Judson were opposed. The motion passed 5 to 2.

**RE: STAFF REVIEWS**

1. Petition of Coastal Canvas  
Laura Mouhot  
H-07-3918(S)-2  
217 West Broughton Street  
Awning  
**STAFF DECISION: APPROVED**
2. Petition of Teresa V. Coleman  
H-07-3921(S)-2  
603 Whitaker Street  
Color Change  
**STAFF DECISION: APPROVED**

3. Petition of Charles Angell  
H-07-3922(S)-2  
341 Bull Street  
Color Change  
**STAFF DECISION: APPROVED**
  
4. Petition of John Herdina  
H-07-3925(S)-2  
301 East Oglethorpe Avenue  
Existing Windows/Doors  
**STAFF DECISION: APPROVED**
  
5. Petition of Roy Ogletree  
H-07-3927(S)-2  
410 Drayton Street  
Windows/Doors  
**STAFF DECISION: APPROVED**
  
6. Petition of Coastal Heritage Society  
Becki Harkness  
H-07-3929(S)-2  
303 Martin Luther King, Jr. Boulevard  
Roof Repairs  
**STAFF DECISION: APPROVED**

**RE: MINUTES**

**Approval of Minutes – November 14, 2007**

**HDRB ACTION:** Ms. Seiler made a motion that the Savannah Historic District Board of Review approve the minutes as submitted. Mr. Gay seconded the motion and it was passed unanimously.

**RE: OTHER BUSINESS**

**Report of the Nominating Committee and Elections**

**Ms. Ramsay** stated that Dr. Malik Watkins was nominated as Chairman, and Mr. Brian Judson was nominated as Vice-Chairman.

**Mr. Steffen** asked for any other nominations. There were none.

**HDRB ACTION:** Ms. Seiler made a motion that the Savannah Historic District Board of Review approve by acclamation the nomination of Dr. Malik Watkins as Chairman and Mr. Brian Judson as Vice-Chairman. Mr. Gay seconded the motion and it passed unanimously.

**Mr. Steffen** stated that those who were rotating off might not be rotating off right away because the city might not fill the appointments soon. He said they might be asked to continue to come to the Board meetings until the appointments were filled to continue with a quorum.

**RE: WORK PERFORMED WITHOUT CERTIFICATE OF APPROPRIATENESS**

**Mr. Meyerhoff** stated that the approval of the fencing around the condensing units of the shopping center at Oglethorpe Avenue and Houston Street were only done on the east side. He said they did not do anything on the south side.

**Ms. Reiter** stated that it had been brought to their attention.

**RE: INFORMATION ITEMS**

**Mr. Thomson** thanked Mr. Steffen and Ms. Seiler for their service through the difficult past two years. He said that City Council voted to reinstate the ordinance as it existed prior to the 217 Liberty Street lawsuit with the language that says, "Maximum heights on the Height Map shall be permitted." They voted to go along with the MPC recommendation to restart the Revisions Committee for the Historic Review Ordinance. He said that he, Ms. Reiter, and Ms. Ward would be working with Mr. Chris Morrill from the City to gather a recommendation for being on the committee. City Council voted to pass a resolution to reaffirm all of the Board's actions and any subsequent actions by the City that took place between October 2, 2003, and the present to make sure there were no questions about any actions that fell within that period due to the cancellation of the ordinance. On the MPC agenda for December 18, the City Council requested that the City Manager request the MPC to address the changes in the procedure for making recommendation to the City Council, to clarify that the Legislative Body could do as they please with recommendations from a recommending body. They could accept, modify, reject, or send it back.

**Mr. Steffen** stated that it would effectively make the Board a full advisory board.

**Mr. Thomson** stated that it affected the MPC more than the Review Board. He said it was for recommendations on zoning and recommendations that might come from other Boards that send recommendations to the City Council. The Review Board made decisions that did not affect the City Council.

**RE: ADJOURNMENT**

There being no further business to come before the Historic District Board of Review the meeting was adjourned approximately 3:18 p.m.

Respectfully Submitted,

Beth Reiter,  
Preservation Officer

**BR/jnp**