

SAVANNAH ZONING BOARD OF APPEALS

**ARTHUR A. MENDONSA HEARING ROOM
112 EAST STATE STREET**

FEBRUARY 24, 2004

2:30 P.M.

REGULAR MEETING

MINUTES

MEMBERS PRESENT:

**Susan Myers, Chairman
Helen Stone, Vice Chairman
Ronald Cohen
Delores Lovett
David Saussy**

TECHNICAL STAFF PRESENT:

Tom Todaro, City Inspections Department

MPC STAFF PRESENT:

John Howell, Secretary

RE: Call to Order

Mrs. Myers called the February 24, 2004 meeting of the Savannah Zoning Board of Appeals to order at 2:30 p.m.

RE: Minutes

SZBA Action: Mrs. Stone made a motion to approve the minutes of the January 27, 2004 meeting. Mr. Saussy seconded the motion and it passed unanimously.

RE: Consent Agenda

**RE: Petition of United Church for All People
Carlton Durham, Agent
B-04-55233-2
2802 Julia Law Street**

Summary Of Findings

All of the conditions required for granting a one foot front yard building setback variance and a seven foot side yard setback variance appear to be met.

SZBA Action: Mrs. Stone made a motion to approve the petition as submitted by Staff. Ms. Lovett seconded the motion and it passed unanimously.

RE: Petition of John Brown, Jr., for
Friendship Baptist Church Trustees
B-04-55633-2
2151 Weldon Street

Summary Of Findings

All of the conditions necessary to expand a use appear to be met.

SZBA Action: Mr. Saussy made a motion to approve the petition as submitted by Staff. Mrs. Stone seconded the motion and it passed unanimously.

RE: Regular Agenda

RE: Continued Petition of Alethia M. Cooper
B-03-34989-2
4015 Rockdale Street

Present for the petition was Charles Roberts.

Mrs. Myers called for the Staff report.

Mr. Howell gave the following Staff report.

The petition is continued from the July 22, August 26, September 23, October 28, December 16, 2003 and January 27, 2004 meetings.

The petitioner is requesting to establish a use (child care center) and a waiver of the requirement that such use shall abut a collector street or major arterial which must be approved by the Board of Appeals pursuant to the requirements of Sections 8-3025(22b) and 8-3163 of the Savannah Zoning Ordinance in order to open a child care center for 25 children at 4015 Rockdale Street, within an R-6 (One Family Residential) zoning district.

The petitioner indicated approval of less than 25 children would be acceptable.

Findings

1. Sec. 8-3025(22b) of the City of Savannah Zoning Ordinance reads as follows:

<u>List of Uses</u>	<u>R-6</u>
(22b) Child Care Center	B

a. Provided that 100 square feet of outdoor play space is provided each child in districts requiring Board of Appeals use approval. In other districts, 100 square feet of outdoor play space is required per child in any group using the play area at one time.

b. Such use shall only be permitted on a lot or plot of ground which abuts a collector street, or a major arterial. The Board of Appeals shall be authorized to waive this requirement if on the basis of evidence presented, it finds that the traffic to be generated by a particular use can be accomplished on other streets without creating traffic congestion and traffic hazards on such streets which would be detrimental to the neighborhood served by such other streets. Provided that approval for any center

established requiring access along a residential or lesser classified street shall be limited to a maximum of 75 children during the daytime hours and not greater than 50 children between the hours of 9:00 p.m. and 6:00 a.m.

c. The architectural character, including the orientation and exterior appearance of any structure, shall be characteristic of the neighborhood within which such structure is located.

d. Such use shall provide the number of off-street parking spaces required for educational and institutional uses as set forth in Sec.8-3064-”Minimum Space Requirements for Off-street Parking Areas.”

e. There shall be no on-site outdoor recreation activities after 9:00 p.m. or later than one hour after dusk, whichever occurs first.

f. Where an abutting use is residential, visual buffers shall be provided so as to shield all parking areas, and play areas, and outdoor activity areas from the abutting property. Such buffer shall consist of trees or other vegetation of such height and depth as determined by the Board or of an appropriately designed fence or wall or a combination thereof.

g. One non-illuminated sign not to exceed three square feet in area shall be permitted in residential districts; provided that where such use is adjacent to or directly across from a nonresidential use or district, the Board of Appeals may allow a principal use sign of up to 12 square feet in area when it shall be located on the side of the property facing the nonresidential use or district. Exterior drawings, graphics, or pictorials are prohibited.

2. The outdoor play area requirement for 25 children is 2,500 square feet. The square footage of the outdoor play area is more than 2,800 square feet. The petitioner’s property contains two parcels on the corner of Rockdale and Lloyd Streets.
3. Rockdale Street is classified as a residential street. In reference to Item 1.b. above, the traffic to be generated will be within a residential neighborhood. Lloyd Street traverses through a residential neighborhood to Liberty Parkway, which is classified as a collector street. Mills B. Lane Boulevard, an arterial street, is one block to the north. The traffic to and from the site cannot be regulated to specific streets. A day care for 25 children within a residential neighborhood has the potential to create traffic hazards and congestion. A waiver of the street classification requirement appears to not be justified.
4. The petitioner’s property abuts a church to the north. A lane separates the rear of the lot with the adjacent residence to the west. There are several vacant lots within the immediate vicinity of the petitioner’s property that are zoned for single-family use.
5. A five foot high fence surrounds the outdoor play area that is next to the house proposed to be a day care. It appears the petitioner does not reside in the house.
6. Section 8-3089 (formerly 8-3064A) provides that one off-street parking space be provided for each two employees. Five off-street parking spaces are identified and will meet the minimum parking requirements.

7. Section 8-3163(b), Request for Permission to Establish Uses, provides the following findings that the Board of Appeals must make to approve an application to establish a use.
- (1) The proposed use does not affect adversely the general plans for the physical development of the City, as embodied in this chapter, and in any master plan or portion thereof adopted by the Mayor and Aldermen.
 - (2) The proposed use will not be contrary to the purposes stated for this chapter.
 - (3) The proposed use will not affect adversely the health and safety of residents and workers in the City.
 - (4) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.
 - (5) The proposed use will not be affected adversely by the existing uses.
 - (6) The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of such use.
 - 7) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement, noise or fume generation, or type of physical activity.
 - (8) The standards set forth for each particular use for which a permit may be granted have been met.

Provided, that the Board of Appeals may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhood.

Provided, that the proposed use shall be subject to the minimum area, setback and other locational requirements of the zoning district in which it will be located.

Provided, that the proposed use shall be subject to the off-street parking and service requirements of this chapter.

Provided, that wherever the Board of Appeals shall find, in the case of any permit granted pursuant to the provisions of this chapter, that any of the terms, conditions or restrictions upon which such permit was granted are not being complied with, the Board shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.

8. Several of the conditions appear to not be met. The petitioner proposes to establish a “business” use in a residential neighborhood. A day care for 25 children has the potential to adversely affect the stability of the residential neighborhood, will constitute a noise nuisance, and will cause a hazard by the number of vehicles coming and going to the site. The residential property on Rabun Street and to the rear of the petitioner’s property would be adjacent to the outdoor play area. A day care of this size will be detrimental to the use or development of adjacent properties and the general neighborhood.
9. The proposed driveway on Lloyd Street near the Rockdale Street intersection and the parking plan have been approved by the City of Savannah Traffic Engineer. (See attached).

Summary Of Findings

The conditions necessary for the Zoning Board of Appeals to establish a use (a day care for 25 children) are not met by the proposed use in this location. The Board may consider a lesser number of children as well as a waiver of the street classification requirement.

Mr. Roberts stated that whatever regulations or conditions that he needed to meet regarding this petition he was willing to do. He said if the Board would not approve the petition for 25 children then he would request 18 children.

Mrs. Stone asked Staff that with the reduction to 18 children if this would lessen the concern?

Mr. Howell stated it would lessen the concern, but he could not with confidence go with 18 children because of it being located in a residential area. However, he would like to point out that there was some assurance in a way there would not be that much traffic coming from the other residential areas. And it still could not be controlled as to where the other traffic comes from. He said he has not heard anything from property owners in the area in favor or opposition to the petition.

Mr. Saussy asked if that was the only road into the area off of Mills B Lane?

Mr. Howell stated yes, it looked liked the only one in the immediate vicinity.

Mr. Roberts showed additional property that would be included in the daycare. He said the whole area will be fenced for safety purposes, so the children would not be able to get into the street.

Mrs. Stone stated if she was looking at the map correctly that meant this would be on a corner lot.

Mr. Howell stated yes, the whole parcel would be on a corner lot.

Mrs. Stone stated that would minimize the effect as if it were in the middle of the block.

Mr. Howell stated yes.

Ms. Lovett stated she felt a daycare center in the area would be something worthwhile and support the community. She said she felt 12 to 15 children would be more acceptable. In addition, if the petition is granted, she would like for it to have a buffer around the fence and playground. And she would also like to see ?????(inaudible) because she felt it was too commercialized in the area. She said some of the neighbors in the area called her and said the way it was located and the graphics on the house they felt it was too commercialized. She asked the petitioner if he could live with a lesser number of children?

Mr. Roberts stated as far as Georgia was concerned the center was large enough to hold 26 children. He said anything the Board wanted the house to look like he would make sure it did.

Mrs. Myers asked what about the buffer?

Mr. Roberts stated he can do that.

Mrs. Myers asked Ms. Lovett if she was talking about planting?

Ms. Lovett stated yes.

Mrs. Myers asked if he was agreeable to removing the graphics?

Mr. Roberts stated that was no problem

Mr. Howell asked Ms. Lovett if he could have some detail about the buffer as to exactly what she meant and on what side of the fence?

Ms. Lovett stated on the Rockdale Street side.

Mr. Howell stated there was an existing fence there now. He asked if she wanted it on the Rockdale Street side on the public right-of-way?

Ms. Lovett stated no.

Mr. Roberts pointed it out on the picture where the buffer would be.

Mrs. Myers stated she felt the Board was talking about more on the existing fence on Rockdale Street.

Mr. Roberts stated that was no problem.

Mr. Howell asked Ms. Lovett if she wanted the planting on the Rockdale side of the fence?

Ms. Lovett stated no. She said it did not have to be the Rockdale side of the fence. She said as long as there was a buffer either inside the fence or outside the structure.

Mr. Howell asked if she wanted plantings along this area here?

Ms. Lovett stated yes.

Mr. Howell stated the play area had to be screened from view and the cyclone fence would not satisfy that requirement.

Ms. Lovett stated that was why she was asking for the buffer/planting.

SZBA Action: Ms. Lovett made a motion to approve the petition for 15 children with the understanding that there is appropriate buffering and that the graphics is removed from the building. Mrs. Stone seconded the motion.

Mrs. Stone stated she would like to amend the motion for clarification. She amended the motion to say that there is buffering along Rockdale Street and buffering around the play area. She said in that way there is no confusion.

Ms. Lovett accepted the amendment.

SZBA Action: Ms. Lovett made a motion to approve the petition for 15 children with the understanding that there is buffering along Rockdale Street, buffering around the play

area, and that the graphics is removed from the building. Mrs. Stone seconded the motion. The motion was unanimously passed.

RE: Petition of Carrie Coppock
B-04-33970-2
719 Hamilton Street

Present for the petition was Carrie Coppock, petitioner.

Mrs. Myers called for the Staff report.

Mr. Howell gave the following Staff report.

This petition was continued from the January 27, 2004 meeting. The enclosed drawing depicts the off-street parking area or lot.

The petitioner is requesting approval to establish a church within an R-4 (Four-Family Residential) zoning district. The subject property is located at 719 Hamilton Street. Additionally, two variances are requested: 1) a variance to allow a church to be located on minor roadway; and, 2) a variance to allow a church to be located less than 100 feet from a conforming residential dwelling.

Findings

1. Section 8-3163(b), Request for Permission to Establish Uses, provides the following eight findings that the Board of Appeals must make to approve an application to establish a use.
 - (1) The proposed use does not affect adversely the general plans for the physical development of the City, as embodied in this chapter, and in any master plan or portion thereof adopted by the Mayor and Aldermen.
 - (2) The proposed use will not be contrary to the purposes stated for this chapter.
 - (3) The proposed use will not affect adversely the health and safety of residents and workers in the City.
 - (4) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.
 - (5) The proposed use will not be affected adversely by the existing uses.
 - (6) The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of such use.
 - (7) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement, noise or fume generation, or type of physical activity.
 - (8) The standards set forth for each particular use for which a permit may be granted have been met.
2. The petitioner states that a church previously existed on the property and submitted the attached utility statements. The proposed site plan indicates minor building additions, demolition of several structures and establishing a parking lot. The off-street parking requirement for a church is one space for each eight seats. The City Traffic Engineer must approve the off-street parking lot.

3. Section 8-3025(Use 15) requires that a proposed use (church) must be on a collector or arterial street and must be a minimum of 100 feet from any conforming residential dwelling.
4. The petitioner's property is on Hamilton Street, north of 37th Street between Paulsen Street and Atlantic Avenue. Hamilton Street is a residential street. Paulsen and 37th Streets are classified as collector streets and less than one block from the petitioner's property.
5. The proposed use must be 100 feet from any conforming residential dwelling. The church adjoins a residential dwelling. Establishing the use requires a variance from the 100 foot separation requirement.
6. The Zoning Board of Appeals may authorize a variance in an individual case upon a finding that:
 - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.

The petitioner's lot is regular in shape and size.
 - (b) The application of this chapter to this particular piece of property would create an unnecessary hardship.

The previous church building was adjacent to a residential dwelling. The street classification requirement was addressed when the previous church was initially allowed on the property. The separation requirement was addressed at the same time. Not allowing a church to rebuild on the same lot would create an unnecessary hardship.
 - (c) Such conditions are peculiar to the particular piece of property involved.

The conditions of size and shape are not peculiar to the particular piece of property involved.
 - (d) Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Savannah Zoning Ordinance.

Relief, if granted, would not cause substantial detriment to the public good.

Summary Of Findings

All of the conditions required to establish a use (church) appear to not be met. All of the conditions required to grant variances from the requirements that the proposed use shall be 100 feet from a residential dwelling and be on a collector street appear to not be met.

Ms. Carrie Coppock stated she has been a resident in the area for over 32 years and knew a lot of her neighbors in the area. She said that she talked to the neighbors in the area and no one had anything negative to say about the building. She said they were glad that someone had purchased the property and was going to build it up.

Mrs. Myers asked if she took her drawing back to the Traffic Engineering department for them to sign-off.

Ms. Tangi Coppock stated no. She said they went there to have everything set up. She said no one told them that they needed to sign off. But he did assist them.

SZBA Action: Mrs. Stone made a motion to approve the petition subject to the approval of the Traffic Engineer. Mr. Saussy seconded the motion and it was unanimously passed.

**RE: Petition of Annie Bell Green
B-04-53895-2
4407 Meadow Street**

Present for the petition was Ms. Annie Bell Green, petitioner.

Mrs. Myers called for the Staff report.

Mr. Howell gave the following Staff report.

The petitioner is requesting to establish a use (child care center) and a waiver of the requirement that the proposed use shall abut a collector or greater class of street, which must be approved by the Board of Appeals pursuant to the requirements of Section 8-3025(22b) of the Savannah Zoning Ordinance in order to open a child care center for 12 children at 4407 Meadow Street, within an R-6 (One-Family Residential) zoning district.

Findings

1. Sec. 8-3025(22b) of the City of Savannah Zoning Ordinance reads as follows:

<u>List of Uses</u>	<u>R-6</u>
(22b) Child Care Center	B

a. Provided that 100 square feet of outdoor play space is provided each child in districts requiring Board of Appeals use approval. In other districts, 100 square feet of outdoor play space is required per child in any group using the play area at one time.

b. Such use shall only be permitted on a lot or plot of ground which abuts a collector street, or a major arterial. The Board of Appeals shall be authorized to waive this requirement if on the basis of evidence presented, it finds that the traffic to be generated by a particular use can be accomplished on other streets without creating traffic congestion and traffic hazards on such streets which would be detrimental to the neighborhood served by such other streets. Provided that approval for any center established requiring access along a residential or lesser classified street shall be limited to a maximum of 75 children during the daytime hours and not greater than 50 children between the hours of 9:00 p.m. and 6:00 a.m.

c. The architectural character, including the orientation and exterior appearance of any structure, shall be characteristic of the neighborhood within which such structure is located.

- d. Such use shall provide the number of off-street parking spaces required for educational and institutional uses as set forth in Sec.8-3064-”Minimum Space Requirements for Off-street Parking Areas.”
- e. There shall be no on-site outdoor recreation activities after 9:00 p.m. or later than one hour after dusk, whichever occurs first.
- f. Where an abutting use is residential, visual buffers shall be provided so as to shield all parking areas, and play areas, and outdoor activity areas from the abutting property. Such buffer shall consist of trees or other vegetation of such height and depth as determined by the Board or of an appropriately designed fence or wall or a combination thereof.
2. The outdoor play area requirement for 12 children is 1,200 square feet. The square footage of the outdoor play area appears to be more than 1,200 square feet.
 3. The petitioner’s property is located on Meadow Street at the intersection of Stuyvesant Street. Meadow Street and Stuyvesant Street are classified as residential streets. In reference to Item 1.b, above, the traffic that would be generated would be within a residential neighborhood. Stuyvesant Street traverses through a residential neighborhood to Liberty Parkway, which is classified as a collector street. Mills B. Lane Boulevard, an arterial street, is five blocks to the north. The traffic to and from the site cannot be regulated to specific streets. A child care center for 12 children within a residential neighborhood has the potential to create traffic hazards and congestion. A waiver of the street classification requirement appears to not be justified.
 4. Section 8-3089 (formerly 8-3064A) provides that one off-street parking space be provided for each two employees. Seven off-street parking spaces are identified which will meet the minimum parking requirements. The angle of the parking will not work with the driveway. The site plan is not to scale and the actual area for parking cannot be determined.
 5. A six foot high fence surrounds the outdoor play area. The design and type of fencing needs to be determined.
 6. Section 8-3163(b), Request for Permission to Establish Uses, provides the following findings that the Board of Appeals must make to approve an application to establish a use.
 - (1) The proposed use does not affect adversely the general plans for the physical development of the City, as embodied in this chapter, and in any master plan or portion thereof adopted by the Mayor and Aldermen.
 - (2) The proposed use will not be contrary to the purposes stated for this chapter.
 - (3) The proposed use will not affect adversely the health and safety of residents and workers in the City.
 - (4) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.
 - (5) The proposed use will not be affected adversely by the existing uses.
 - (6) The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of such use.

- 7) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement, noise or fume generation, or type of physical activity.
- (8) The standards set forth for each particular use for which a permit may be granted have been met.

Provided, that the Board of Appeals may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhood.

Provided, that the proposed use shall be subject to the minimum area, setback and other locational requirements of the zoning district in which it will be located.

Provided, that the proposed use shall be subject to the off-street parking and service requirements of this chapter.

7. Several of the conditions required for approval of the use appear to not be met. The petitioner proposes to establish a “business” use in a residential neighborhood. A child care center for 12 children has the potential to adversely affect the stability of the residential neighborhood, will constitute a noise nuisance, and will cause a hazard by the number of vehicles coming and going to the site. The location of the proposed driveway on Meadow Street near the Stuyvesant Street intersection appears to present a traffic hazard. A child care center of this size will be detrimental to the use or development of adjacent properties and the general neighborhood.

Summary Of Findings

The conditions necessary for the Zoning Board of Appeals to establish a use appear to not be met by the proposed use in this location and a waiver of the street classification requirement appears to not be justified.

Ms. Green stated that she already had a daycare in the area. She said she wanted to relocate her daycare because in that neighborhood there were a lot of elderly people. Originally, the corner was being used as a place for people to hang out. But since she has built there and put the daycare she had less traffic and people did not hang out on the corner, and the elderly people would come out of their house. She said she had enough space for parking and whatever else the Board felt she needed to do she would.

Mrs. Myers stated she worried about the neighborhood itself.

Ms. Green stated she was located there now in her present location on Pendleton Street.

Mr. Cohen asked if there has been any correspondence or complaints from any of the neighbors in the neighborhood?

Mr. Howell stated no.

Mrs. Stone asked Staff if he was saying that the angle of the parking would not work with the driveway that will be used as the drop off, and that the site plan was not to scale?

Mr. Howell stated yes.

Mrs. Stone asked Staff if he was unable to determine if adequate parking was available?

Mr. Howell stated yes.

Ms. Green stated she had 112 feet of empty lot that was also available.

Mr. Howell stated the lot size from the tax office showed the lot was 105 +/- square feet.

Ms. Green stated the other piece of property on the side belong to her family.

Mr. Howell stated he felt that the petitioner just needed to get with the City Traffic department to work with her on the curb cuts on the street approved, as well as approval of the drop-off.

Mrs. Stone asked if this was the area that a staff study was completed to rezone the property from the R-20 to the larger lot sizes.

Ms. Green stated that the lot is 210' by 105'.

Mrs. Stone stated the reason she asked was because it was great concern for the neighborhood to protect the community character of the neighborhood with the larger lots. Also, she was concerned that Staff had received a number of telephone calls.

Ms. Green stated that although Staff received a number of calls no one came down to oppose the petition. She said she felt if they opposed the petition then they should have come to the meeting. She stated that the neighbors that she spoke to did not oppose her petition.

Mrs. Stone stated that some people are not able, due to their work schedule, to attend the meetings. She stated that this is why they make telephone calls to a Board member. However, she wished that they had spoke to Mr. Howell so that he could have gotten the names of those who were concerned. Mrs. Stone stated that she is trying to see if this is in the best interest of the community.

Mr. Saussy stated that he is a little confused as to how the fences are. He asked how are they going to get into the parking lot.

Mr. Howell stated that the curb cut issue, the loading and unloading areas, and the parking will have to be approved by the Traffic Engineering department.

Mrs. Myers stated that there seems to be a lot of confusion over the parking and access to and from the site. She asked would anyone like to move for a continuance.

SZBA Action: Mrs. Stone made a motion to continue the petition until the regularly schedule March Meeting to get the petition worked out and to make sure there are no problems with the surrounding neighbors.

Mr. Howell stated that notices will not be sent out again if the petition is continued.

Mrs. Stone stated that the residents who called should contact Mr. Howell so that he can find out the nature of their concerns.

SZBA Action: Mrs. Lovett seconded the motion and it was unanimously passed.

**RE: Petition of Donna M. Swanson,
Doug Bean Signs, for
St. George Episcopal Church
B-04-54093-2
15 Willow Road**

Mr. Saussy recused himself from the petition.

Present for the petition was James Parker.

Mrs. Myers called for the Staff report.

Mr. Howell gave the following Staff report.

The petitioner is requesting an 18 square foot sign area variance and a 7.5 foot sign height variance pursuant to the requirements of Section 8-3002, Definitions - Signs (25) of the Savannah Zoning Ordinance in order to erect an area identification sign at 15 Willow Road, within an R-6 (One-Family Residential) zoning district.

Findings

1. At the November 25, 2003 Board of Appeals meeting, the petitioner requested an 18 square foot sign area variance and a nine foot sign height variance for the same property. The petitioner represented a religious institution that was requesting to erect an area identification sign that would be 14 feet high with a 48 square foot sign area. The Board denied the petitioner's request. The findings reported at the November 25th meeting have not changed.

The petitioner again represents a religious institution that is now requesting to erect an area identification sign that would be 12.5 feet high with a 48 square foot sign area. The Zoning Ordinance provides that no appeal requesting the same relief in regard to the same property shall be heard by the Board of Appeals for a period of 12 months. The Zoning Administrator determined that the petition is for a different relief (a 12.5 foot high sign where previously the request was for a 14 foot high sign.)

2. Section 8-3002 defines an area identification sign as a single or double-faced identification sign noting the name of a subdivision, public, charitable, educational or religious institution. It shall not exceed 30 square feet in area (excluding architectural embellishments and decorative sign support structures) nor extend more than five feet above ground level.
3. The petitioner's lot is "L" shaped and contains approximately 3.4 acres. The lot contains a church building that faces Willow Road and a wooded area along White Bluff Road. The proposed sign would be at the corner of Willow Road and White Bluff Road. The adjacent Windsor Forest Baptist Church is within a B-N zoning district and the allowable sign area is 60 square feet and 25 feet in height.
4. The petitioner's application states that the variance requests are "in keeping with other [approved signs for] churches in the area."

5. The Zoning Board of Appeals may authorize a variance in an individual case upon a finding that:
- (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.

The lot is not substandard and there are no extraordinary and exceptional conditions relating to its size, shape, or topography.
 - (b) The application of this chapter to this particular piece of property would create an unnecessary hardship.

The application of the development standards to this piece of property would not create an unnecessary hardship in the development of the property.
 - (c) Such conditions are peculiar to the particular piece of property involved.

There are no conditions peculiar to the property involved.
 - (d) Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Savannah Zoning Ordinance.

Relief, if granted, would impair the purposes and intent of the Savannah Zoning Ordinance.

Summary Of Findings

All of the conditions required for granting a sign height and sign area variance do not appear to be met.

Mrs. Stone asked if he said that it went from 14 feet to 12½ feet.

Mr. Howell stated, yes. He stated that in Finding 2, 30 square feet in area, nor extend more than five feet above ground level. He stated that this was in a R-6 one family residential.

Mrs. Stone stated so the petitioner was asking for a variance, which is over what was even required.

Mr. Howell stated yes. He said the petitioner was asking for a 48 square foot sign, which 30 square foot is allowed and 5 foot high was the maximum they could go. And the petitioner was asking for 12½ foot high sign. He said it was pointed out in the previous meeting that different zoning districts had different requirements.

Mr. Cohen asked what the harm would be to the public and why if a variance was granted?

Mr. Howell stated you could some suppositions. He said the church owned this property here, possibly these could be made into residential lots and they would be looking to a large sign here.

Mr. Cohen asked who owned the property?

Mr. Howell stated the entire property was owned by the church.

Mr. Cohen stated it appeared that it would only harm the church.

Mr. Howell stated you have people across the street.

Mr. Cohen stated his question was what would be the harm to the people across the street if a sign this size was put there.

Mr. Howell stated you could say that this was a transitional area and you were going from a neighborhood business into a residential area. Therefore, you want the size of the sign to be smaller as you are going into a residential area.

Mrs. Stone stated she frequently traveled this road and was familiar with the site. She said once you are around the corner, this was a nice residential area, past the corner it appeared to be a very well lived-in neighborhood. She said her concern would be in an R-6 to more than double the allowed space on signage. She said she understood that what the Board did here did not set precedent, but it does make it difficult in other residential areas if the Board grants the petition. She asked Staff if he has heard from any of the surrounding neighbors?

Mr. Howell stated no.

Mr. Cohen stated he understood and agreed with what she was saying. However, he wanted to point out to look at the size of what the church owned.

Mrs. Stone asked if the sign would be in the front of where the church was?

Mr. Howell stated on the petition submitted, this is Willow Road and the corner of White bluff and the sign is here. He said this was the proposed sign location that was submitted on the petition.

Mrs. Stone stated she felt where the sign was going to be located was of the utmost importance on this particular piece of property. She said it was one thing if it were closer to residential, but if it was out on White Bluff that was a different story.

Mr. Howell stated any approval by the Board, he would suggest that the petitioner specifies the exact location of where the sign will be on the lot.

Mrs. Myers asked Staff if he had any idea of how to solve the signage the brick one for the church?

Mr. Howell stated that was in a B-N district and is not relevant to what the Board was looking at today. He said because of the difference in the districts that was established by City Council they established the signage for each district.

Mrs. Stone stated for reference if he could find out how tall the sign was because if it was going to be on the corner of White Bluff and not impacting the residential she had a different feel.

Mr. James Parker (Director and President of the Corporation of St. George's Episcopal Church) stated in terms of proximity it was about 14 feet high. He said looking directly across the street from their proposed sign location there was some kind of facility back there that was

not residential. He said they owned all the property and there were no homes immediately down Willow Road. The Baptist Church and Episcopal Church owned all the property towards for several hundred feet and then Windsor Forest starts. He said he knew that because he used to live within a block of the area. He said if the Board was concerned about homes being able to see the signs, there were no homes to see it, but the Baptist Church may be able to see it. He said White Bluff Methodist also had a steel tubular designed sign and was about 20 feet high. He said if the Board was really worried about it then they may want to talk to White Bluff about taking their sign down. In looking in a 180 degree pattern around there what use to be Lakeside Apartments the second floor was above their buffer zone. He added that the sign was lighted and if you looked diagonally across White Bluff there was another apartment complex that was in full view of the lighted sign for White Bluff Methodist.

He further stated there were about four apartment complexes within 500 feet that were in view of the lighting from the sign. And if you looked straight down White Bluff going towards Coffee Bluff they had a buffer there. But it was the only buffer they had on their property for their sign.

Mrs. Stone asked if he could get back to their sign for their petition.

Mr. Parker stated their sign was designed in a similar fashion as the White Bluff Methodist sign although not on such a grand scale. He said they were a small church and they were trying to grow the church. He said the church itself was setback from White Bluff and it was difficult for people to find them. He said the original intention was to build a church on the wooded area that was now blocking the view of their church. He said what they were trying to do was to show some permanence that they do not have to just have temporary signs on the street corners. He said they were trying to design a sign because they will put a permanent structure on that piece of property, therefore the sign would not have to be redesigned but fit the architecture of the church that they were going to build.

Mr. Cohen stated he appreciated what Staff said that City Council set up the zoning districts and this was the way they set them up. However, City Council also set up the Board of Appeals for exactly this same purpose that if it did not meet what they did then the Board had authority to grant a variance if the Board felt it was justified. He said his concern was if the sign was blocking traffic it would be a detriment because White Bluff Road would be a hazard.

SZBA Action: Mr. Cohen made a motion to approve the petition.

SZBA Action: The motion failed for lack of a second.

Mr. Parker asked if they could have some explanation. He said what they were asking for was equity. He said there were other church signs farther in to down White Bluff going towards Coffee Bluff into this residential area that you keep speaking about that were presently taller than their sign. He said they would like some equity. They were trying to establish a house of worship and place of faith and he get the feeling that the Board is not particularly in favor of those things.

Mrs. Myers stated what the Board is talking about is the zoning laws. She said her concern was the size of the sign itself.

Mr. Parker stated if the Board could give them some suggestions as to what they would like to see they could consider it.

Mr. Howell interjected to show some pictures of other signs regardless of the districts they were in that were along the roadway.

Mrs. Myers stated all of those had some element of design to it and this sign did not.

Mrs. Stone stated it was on a corner, but it was the entrance to residential. She said she would like to be somewhat considerate and thoughtful as to what kind of signage you could put as you enter into a residential area.

Mr. Cohen asked the petitioner if the Board saw fit to grant a continuance, he could go back and redesign the sign, come back and show the Board something a little different. He asked if that would be agreeable to the petitioner?

Mr. Parker stated yes.

SZBA Action: Mrs. Stone made a motion to continue the petition until the next regularly scheduled meeting.

Mr. Todaro stated for clarity the proposed sign was internally lighted. He said signs that were adjacent to residential can be internally lighted, but they have to be reverse silhouette or cut out letters and the reader board has to be a vermuted tone is how it states it in the Ordinance.

SZBA Action: Mr. Cohen seconded the motion and it was unanimously passed.

**RE: Petition of Julie Thomas Gerbsch, for
Parent & Child Development Services, Inc.
B-04-54844-2
505 East 54th Street**

Present for the petition was Julie Thomas Gerbsch, agent for the petitioner.

Mrs. Myers called for the Staff report.

Mr. Howell gave the following Staff report.

The petitioner is requesting to expand a use (eleemosynary or philanthropic institution) which must be approved by the Board of Appeals pursuant to the requirements of Section 8-3025(18) of the Savannah Zoning Ordinance in order to add three buildings for classroom use onto the property for a nine month period in order to renovate an existing facility at 505 East 54th Street, within an R-6 (One-Family Residential) zoning district.

Findings

1. The definition of an eleemosynary or philanthropic institution is a “not-for-profit organization that provides a variety of services to its members or the community but does not provide sleeping accommodations or daily meals.”
2. The petitioner provides services to teenagers. The request is to continue to provide classroom instruction in temporary buildings on the property while the main building is being renovated. The temporary buildings are industrial classroom buildings that were used by the Board of Education.

3. Section 8-3163(b), Request for Permission to Establish Uses, provides the following findings that the Board of Appeals must make to approve an application to establish a use.

The use is already established and the petitioner is requesting a temporary (nine month) expansion of the use.

- (1) The proposed use does not affect adversely the general plans for the physical development of the City, as embodied in this chapter, and in any master plan or portion thereof adopted by the Mayor and Aldermen.
- (2) The proposed use will not be contrary to the purposes stated for this chapter
- (3) The proposed use will not affect adversely the health and safety of residents and workers in the City.
- (4) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.
- (5) The proposed use will not be affected adversely by the existing uses.
- (6) The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of such use.
- (7) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement, noise or fume generation, or type of physical activity.
- (8) The standards set forth for each particular use for which a permit may be granted have been met.

Provided, that the Board of Appeals may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhood.

Provided, that the proposed use shall be subject to the minimum area, setback and other locational requirements of the zoning district in which it will be located.

Provided, that the proposed use shall be subject to the off-street parking and service requirements of this chapter.

Provided, that wherever the Board of Appeals shall find, in the case of any permit granted pursuant to the provisions of this chapter, that any of the terms, conditions or restrictions upon which such permit was granted are not being complied with, the Board shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing

4. There will be no abnormal increase in the numbers of persons visiting the site or in vehicular traffic to the site.
5. A site plan has not been submitted. A site plan should be submitted and should include the location of the temporary buildings, vehicular access and parking, and fencing or screening of the temporary buildings.
6. The Board has the authority, based on Section 8-3163, to require that the petitioner submit a site plan and screen the temporary buildings from view of adjacent properties

and from the public rights-of-way.

Summary Of Findings

It cannot be determined at this time if all of the conditions necessary to expand a use are met. The petitioner should submit a drawn to scale site plan showing the location of the temporary buildings, vehicular access and parking, and fencing or screening of the temporary buildings.

If approved, the expansion should be limited to nine months beginning on the date of the placement of the temporary trailers on the property.

Mrs. Stone asked for clarification as to the nature of this petition?

Mr. Howell stated the petitioner was requesting an expansion of the use.

Mrs. Stone asked with appropriate site plan and buffering?

Mr. Howell stated yes.

Mrs. Stone stated the Board should have this information before. She said an appropriate site plan and some ideas for buffering. She said she was not in a position to vote on something based on what they may or may not bring in.

Mr. Howell stated the Board could give direction. He said he felt this part would be sent out to the City Infrastructure department.

Mr. Cohen asked if they were planning to build a permanent building nine months from now?

Mr. Howell stated no. He said they were renovating the existing building.

Mr. Cohen stated if they were not renovating they would not have to be here for anything.

Mr. Howell stated correct.

Mr. Cohen stated if they just wanted to put these temporary classrooms until they finish the renovations then they go back into the same building, and not changing the footprint.

Mr. Howell stated correct. He said he also believed that the Board had the authority to direct the petitioner and if there is a neighborhood association or the adjacent property owner to meet together to come up with an equitable and fair screening, if the Board so choose to allow them to do that. He said if the Board wanted it to come back so they could look at the site plan they could also do that. He said he felt a good question to ask the petitioner is if this temporary use was not granted, what would be their plan of action?

Mr. Jeff Powell (Parent & Child) stated they owned this building and the property behind it. He said they used it for pregnant teens. He said they would only need the temporary building if they could not finish the work during this summer. He said they were doing about \$230,000 in renovations, mostly for inside the building and maybe with a new roof. He said the girls would be on the first floor. He said they were also looking at doing renovations to the top floor to make more classrooms. The three temporary trailers were about 24 X 60 feet with a 25 foot buffer zone from the City, they would still have about 75 to 80 feet in this lot. He said they may not

need the trailers, but it depended on the contractor and how fast he could move along with the work. He said he did speak with most of the neighbors and they would try to work with them in every way possible. He said if they would like a privacy fence around the trailers, they would be glad to put one around.

Mrs. Stone stated she knew there are others who wanted to speak and the Board certainly wanted to hear from them. But she felt a motion of continuance was in order to give the petitioner the opportunity to talk to each concerned citizen. She said then the petitioner could come back and the Board could see what consensus has been reached and what action if any needed to be taken.

SZBA Action: Mrs. Stone made a motion to continue the petition until the next regularly scheduled meeting.

Mr. Dwight R. Davis (501 East 55th Street) stated the property was directly across the street from him. He said right now they have moved in two storage trailers and two dumpsters. He said he wanted to know what else they were going to put in. He said his property across the street was residential.

Ms. Mary Branson (517 East 55th Street) stated this was all in her front yard and that was what she was in objection to. She said she did not want anything else to detract from her property. Also, she was concerned about the parking.

Ms. Jean Davis stated the main thing she objected to was having the petitioner to park too close to their side and parking to where they could not get out of their driveways. She said if they do have the trailers to have them between their building or around the front of it, so it would not be in their face.

Mrs. Myers asked Ms. Stone if she wanted to remake her motion.

SZBA Action: Ms. Stone made a motion to continue the petition until the next regularly scheduled meeting, with the understanding that the owner of the property meet with all the concern neighbors and understand what their concerns are, so the Board will have some direction and a site plan for what the intentions were for this property. Ms. Lovett seconded the motion and it was unanimously passed.

Mrs. Myers stated the motion was asking for the neighbors to get together with Parent and Child Development to speak their concerns and they will see how they could address them. Parent and Child will come back with a site plan showing exactly where the trailers will be on the property. She said the Board will make sure the parking issues are also addressed.

**RE: Petition of Valerie D. Davis, for
Luv-N-Arms of Savannah, Inc.
B-04-55095-2
126 Hampstead Avenue**

Present for the petition was Valerie Davis, agent for the petitioner.

Mrs. Myers called for the Staff report.

Mr. Howell gave the following Staff report.

The petitioner is requesting a use (child care center) which must be approved by the Board of Appeals pursuant to the requirements of Section 8-3025(22b) of the Savannah Zoning Ordinance in order to expand a child care center from 12 to 18 children at 126 Hampstead Avenue, within an R-6 (One-Family Residential) zoning district.

Findings

1. Sec. 8-3025(22b) of the City of Savannah Zoning Ordinance reads as follows:

<u>List of Uses</u>	<u>R-6</u>
(22b) Child Care Center	B

 - a. Provided that 100 square feet of outdoor play space is provided each child in districts requiring Board of Appeals use approval. In other districts, 100 square feet of outdoor play space is required per child in any group using the play area at one time.
 - b. Such use shall only be permitted on a lot or plot of ground which abuts a collector street, or a major arterial. The Board of Appeals shall be authorized to waive this requirement if on the basis of evidence presented, it finds that the traffic to be generated by a particular use can be accomplished on other streets without creating traffic congestion and traffic hazards on such streets which would be detrimental to the neighborhood served by such other streets. Provided that approval for any center established requiring access along a residential or lesser classified street shall be limited to a maximum of 75 children during the daytime hours and not greater than 50 children between the hours of 9:00 p.m. and 6:00 a.m.
 - c. The architectural character, including the orientation and exterior appearance of any structure, shall be characteristic of the neighborhood within which such structure is located.
 - d. Such use shall provide the number of off-street parking spaces required for educational and institutional uses as set forth in Sec.8-3064-"Minimum Space Requirements for Off-street Parking Areas."
 - e. There shall be no on-site outdoor recreation activities after 9:00 p.m. or later than one hour after dusk, whichever occurs first.
 - f. Where an abutting use is residential, visual buffers shall be provided so as to shield all parking areas, and play areas, and outdoor activity areas from the abutting property. Such buffer shall consist of trees or other vegetation of such height and depth as determined by the Board or of an appropriately designed fence or wall or a combination thereof.
2. The petitioner currently operates a 24 hour child care center for 12 children. A circular driveway, employee parking, outdoor play area and fencing are already established. The outdoor play area requirement for 18 children is 1,800 square feet. The square footage of the outdoor play area is in excess of 1,800 square feet.
3. Section 8-3163(b), Request for Permission to Establish Uses, provides the following findings that the Board of Appeals must make to approve an application to establish a use or in this case, to expand the current use.

- (1) The proposed use does not affect adversely the general plans for the physical development of the City, as embodied in this chapter, and in any master plan or portion thereof adopted by the Mayor and Aldermen.
- (2) The proposed use will not be contrary to the purposes stated for this chapter.
- (3) The proposed use will not affect adversely the health and safety of residents and workers in the City.
- (4) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.
- (5) The proposed use will not be affected adversely by the existing uses.
- (6) The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of such use.
- (7) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement, noise or fume generation, or type of physical activity.
- (8) The standards set forth for each particular use for which a permit may be granted have been met.

Provided, that the Board of Appeals may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhood.

Provided, that the proposed use shall be subject to the minimum area, setback and other locational requirements of the zoning district in which it will be located.

Provided, that the proposed use shall be subject to the off-street parking and service requirements of this chapter.

4. Several of the conditions to expand the use appear to not be met. The petitioner proposes to intensify a “business” use by 50 percent. The child care center is located in a residential block. A child care center for 18 children has the potential to adversely affect the stability of the adjacent residential properties, will constitute a noise nuisance, and will cause a hazard by the number of vehicles coming and going to the site. A child care center of this size will be detrimental to the use or development of adjacent properties and the general neighborhood.

Summary Of Findings

The conditions necessary for the Zoning Board of Appeals to approve an expansion of the use appear to not be met.

Ms Valerie Davis, stated that she is one of the directors of Luv-N-Arms. Luv-N-Arms is a 24-hour daycare and currently they are running the program out of two rooms in the home, in addition to the kitchen, bathroom, and closet space. They are having multiple problems because of the age of the children that they service. They service newborn through age 12. She stated when you are working out of two rooms you have to really condense your ages. This can cause problems when it is time to run activities. They looked at moving some of the children to the other side of the house that would make it so that the ages would be closer and there would be more spacing.

Mrs. Myers stated that it really has nothing to do with the Board where the children are placed within the structure.

Ms. Davis stated that she can appreciate that, but she wanted to give the Board an overview. She further stated that the reason they are asking for the increase is, once again, for many different reasons. If they move to another room, now the babies have grown up. They might have one infant and the rest in the toddler area. They are asking to increase by only six more children. They service several sibling groups and some times they might be short of space for a sibling group and they have to turn away the entire family because they don't have the room for that one child.

Mrs. Myers asked have any of the neighbors complained.

Ms. Davis stated, no. She stated that they have been at the present location for the past nine years. They are very active in their neighborhood and they have a very good rapport with the residents in the community.

Mrs. Stone stated that she has a couple of concerns. She asked is it correct that the daycare is located in the middle of the street.

Mr. Howell stated that the property is not located on the corner.

Ms. Davis stated that they are the fourth house from Rogerwood and Hampstead.

Mrs. Stone stated that she has never heard of a 24-hour daycare center.

Ms. Davis stated that there are a few similar businesses, but not very many.

Mrs. Stone stated that her concern would be to preserve the integrity of the neighborhood, especially since the businesses is a 24-hour operation and to keep the limit at 12 children. She further asked if Staff had heard from any of the surrounding neighbors. She understands the petitioner's need and she appreciates what she does, but as a member of the Zoning Board and in the perspective of planning she is a little concerned about the number of 18 children in a 24-hour operation.

Mr. Cohen asked if the property in question would allow the petitioner to serve 18 children. He further asked does the site meet all of the requirements to serve 18 children on a 24-hour basis.

Mr. Todaro stated that it would not be more than 18 children at one time.

Mr. Cohen stated as the result of shift work and nurses and such there really is a need for a 24-hour service.

Mr. Todaro stated that he remembers when his children were little having a 24-hour daycare was handy. He further stated that the outdoor play area is in excess of 1,800 square feet. He further stated that the children are not allowed outside after 9:00 P.M. that is a part of the ordinance.

Mr. Cohen asked could they accommodate 18 children.

Mr. Todaro stated that the petitioner has the room for 18 children.

Ms. Brown stated that she is a parent of Luv-N-Arms daycare and she has been there for five to six years. Before going to Luv-N-Arms, she took her children to Windy's Preschool in downtown Savannah. At the time as a young mother she thought this was excellent care. They seemed to do everything as far as she was concerned as a parent. If you are at the traffic light on Hampstead and White Bluff Road, there is the Department of Labor. If you turn left there is also a Jiffy Lube on the corner of Hampstead and White Bluff. Further down there is a salvage place for military goods. Located behind this site there is a limousine service on Hampstead Avenue. They have approximately five or six cars in the area. A little bit down you will find Luv-N-Arms. The military base is located down from the daycare center. The military families depend on the services of Luv-N-Arms. There have been instances where military personnel who could not leave the country because they didn't have any family members to take care of their children. They have had to depend on Luv-N-Arms as the guardian of their children. Some have had to leave their children with Luv-N-Arms for a year or two to complete their military service.

Ms. Brown further stated that the renovations are very important not just for the Hampstead Community, but for the military personnel in the area as well. The facility can accommodate 18 children. They need the additional space for the children's activities. They have to turn down children because they do not have adequate space. It will not detract from the area, but will add to the community as children bring joy to a lot of families.

Ms. Janice Swann, director of Luv-N-Arms, reiterated there is a need for 24-hour service daycare. The six children they would still do the same thing that they were doing with the twelve children.

Ms. Lovett asked the petitioner what kind of pick-up and drop-off activity did she have at night?

Ms. Davis stated the children who are there at night their parents worked hours where they came to pick them up maybe 1:30 a.m. She said she had some parents who pick-up at 4:00 a.m. She said the military parents drop-off their children starting at 5:00 a.m. Although there was a constant flow there was no disturbance to the area. She said the parents call the daycare ahead to let them know that they are coming, so they are at the door waiting. She said so you did not have horns blowing or anything like that. Also, there is no loud music when the parents arrive at their daycare. She said that is something that the daycare does not tolerate because they are conscious of the community.

Mr. Howell stated he felt that was one of the reasons for the requirement for a daycare center to be on a collector street is so that it was on a street that has a normal amount of activity throughout the day and nighttime. He said that would be a reason to have it on that type of a street that would not be in the interior of residential area.

Mr. Cohen asked how many children are usually picked-up late at night?

Ms. Davis stated probably one and if there is a sibling two, but it is not a group of children.

Mr. Cohen stated it is not like 18 cars coming in to pick-up at night.

Ms. Davis stated no.

Mr. Saussy asked what was the age group of the children that they provide service for?

Ms. Davis stated newborn through age 12.

SZBA Action: Mr. Cohen made a motion to approve the petition as submitted. Mr. Saussy seconded the motion and it was passed.

**RE: Petition of Bernita Murray
B-04-55434-2
1032 Allen Avenue**

Present for the petition was Bernita Murray.

Mrs. Myers called for the Staff report.

Mr. Howell gave the following Staff report.

The petitioner is requesting to establish a use (child care center) and a waiver of the requirement that the proposed use shall abut a collector or greater class of street, which must be approved by the Board of Appeals pursuant to the requirements of Section 8-3025(22b) of the Savannah Zoning Ordinance in order to open a child care center for 18 children at 1032 Allen Avenue, within an R-4 (Four-Family Residential) zoning district.

Findings

1. Sec. 8-3025(22b) of the City of Savannah Zoning Ordinance reads as follows:

<u>List of Uses</u>	<u>R-4</u>
(22b) Child Care Center	B

a. Provided that 100 square feet of outdoor play space is provided each child in districts requiring Board of Appeals use approval. In other districts, 100 square feet of outdoor play space is required per child in any group using the play area at one time.

b. Such use shall only be permitted on a lot or plot of ground which abuts a collector street, or a major arterial. The Board of Appeals shall be authorized to waive this requirement if on the basis of evidence presented, it finds that the traffic to be generated by a particular use can be accomplished on other streets without creating traffic congestion and traffic hazards on such streets which would be detrimental to the neighborhood served by such other streets. Provided that approval for any center established requiring access along a residential or lesser classified street shall be limited to a maximum of 75 children during the daytime hours and not greater than 50 children between the hours of 9:00 p.m. and 6:00 a.m.

c. The architectural character, including the orientation and exterior appearance of any structure, shall be characteristic of the neighborhood within which such structure is located.

d. Such use shall provide the number of off-street parking spaces required for educational and institutional uses as set forth in Sec.8-3064-"Minimum Space Requirements for Off-street Parking Areas."

- e. There shall be no on-site outdoor recreation activities after 9:00 p.m. or later than one hour after dusk, whichever occurs first.
 - f. Where an abutting use is residential, visual buffers shall be provided so as to shield all parking areas, and play areas, and outdoor activity areas from the abutting property. Such buffer shall consist of trees or other vegetation of such height and depth as determined by the Board or of an appropriately designed fence or wall or a combination thereof.
2. The outdoor play area requirement for 18 children is 1,800 square feet. The back yard is a 60 X 37 (2,220 square feet) area and will be used for the outdoor play area.
 3. The petitioner's property is located in the middle of a block, two blocks west of Stiles Avenue and two blocks south of West Gwinnett Street, both of which are classified as major arterials. Allen Avenue is classified as a residential street. In reference to Item 1.b above, the traffic that would be generated would be within a residential neighborhood. The traffic to and from the site cannot be regulated to specific streets. A child care center for 18 children within a residential neighborhood has the potential to create traffic hazards and congestion. A waiver of the street classification requirement appears to not be justified.
 4. Section 8-3089 (formerly 8-3064A) provides that one off-street parking space be provided for each two employees. No off-street parking spaces are identified on the site plan. A driveway and parking plan must be submitted and approved by the City Traffic Engineer.
 5. A six foot high wooden fence surrounds the back yard of the property.
 6. Section 8-3163(b), Request for Permission to Establish Uses, provides the following findings that the Board of Appeals must make to approve an application to establish a use.
 - (1) The proposed use does not affect adversely the general plans for the physical development of the City, as embodied in this chapter, and in any master plan or portion thereof adopted by the Mayor and Aldermen.
 - (2) The proposed use will not be contrary to the purposes stated for this chapter.
 - (3) The proposed use will not affect adversely the health and safety of residents and workers in the City.
 - (4) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.
 - (5) The proposed use will not be affected adversely by the existing uses.
 - (6) The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of such use.
 - (7) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement, noise or fume generation, or type of physical activity.
 - (8) The standards set forth for each particular use for which a permit may be granted have been met.

Provided, that the Board of Appeals may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhood.

Provided, that the proposed use shall be subject to the minimum area, setback and other locational requirements of the zoning district in which it will be located.

Provided, that the proposed use shall be subject to the off-street parking and service requirements of this chapter.

7. Several of the conditions required for approval of the use appear to not be met. The petitioner proposes to establish a “business” use in a residential neighborhood. A child care center for 18 children has the potential to adversely affect the stability of the residential neighborhood, will constitute a noise nuisance, and will cause a hazard by the number of vehicles coming and going to the site. A child care center of this size will be detrimental to the use or development of adjacent properties and the general neighborhood.
8. The petitioner has indicated that she is are looking for a building for a child care center. Ownership of the subject property appears to be by others and it appears the petitioner will not be residing in the child care center.

Summary Of Findings

The conditions necessary for the Zoning Board of Appeals to establish a use appear to not be met by the proposed use in this location and a waiver of the street classification requirement appears to not be justified.

Mrs. Myers stated the street is a very narrow street. She said when you come out you come out on a blind curb onto Gwinnett Street.

Ms. Bernita Murray stated she owned the property and has talked to the neighbors before she decided to use it as a child care. She said she use to rent the property, but she started receiving complaints from the neighbors about the tenants. Currently, she is a child care provider and she has looked for a building because she wanted to expand to have more children. She said she talked to the neighbors to find out how they would feel about her using the property for day care and no one opposed what she was doing. Regarding the parking, she is willing to do a circular driveway for loading/unloading. She said she is requesting approval for a day care for 18 children. Also, she is willing to make any adjustments.

Ms. Lovett asked if the park was on Allen Street?

Ms. Murray stated it was between Allen Street and another street.

Mrs. Myers stated she was concerned about the traffic into a residential area and she felt it was not safe.

SZBA Action: Mr. Saussy made a motion to deny the petition as submitted.

Mr. Saussy stated he was concerned about extra road and it was not a corner lot. Also, he felt that 18 children was too many.

Ms. Lovett stated she also felt that 18 children was too many. She said she felt maybe six children would be better.

Ms. Murray stated she currently provided child care service in her home for six children. She said in her home she was not allowed to keep more than six children because of state regulations and because she lives in the residence. She said the proposed location the house is vacant, so she would be able to provide service for more than just six children.

Mr. Howell stated in an R-6 district one could go the Inspections Department and get a home occupation for six children. He said anything more than six children in a residential area required Board approval. He said it would be appropriate for the Board to grant something between 6 and 18 children if they chose.

Ms. Murray stated she was before the Board because she was trying to expand from six children.

Mrs. Myers asked Ms. Lovett if she wanted to amend her motion?

Ms. Lovett stated she did not make the motion.

Mrs. Myers stated she did not feel that the proposed building was a good place for a day care because the road was very narrow.

SZBA Action: Mrs. Myers seconded the motion. The petition was denied.

RE: Other Business

Mrs. Myers stated in the direction of signs Staff has provided the Board with the regulations. She said there were three things that needed to be done. She said in each one the word “shall” is used and not “can or maybe.” She said she needed a motion that the Board will only hear petitions that have met all three conditions as outlined in the Board’s Bylaws.

Mr. Cohen stated he had one thing that he wanted to add. He said when the Board does something and deny or approve a petition the Board has to state why. He said he felt it would be helpful if the Staff report states why the conditions have not been met, rather than just saying they have not been met.

Mr. Howell stated in the four conditions he makes a statement after each one.

Mrs. Myers stated that Staff outlined it in the Staff report.

Mr. Howell asked if he received the Staff reports?

Mr. Cohen stated no.

Mr. Howell stated he would check with Christy to make sure she has the correct information.

Mrs. Myers state the Board will start doing field trips of the sites that are scheduled for hearing. She said Mr. Howell said that he could do the field trips on Monday at 10:45 a.m. She asked if that was a good time for everyone?

Mr. Saussy asked if that was the day before the meeting?

Mr. Howell stated yes. However, if the Board wanted to do the field trip a week before the meeting, he could also do that.

Mrs. Myers stated that would be better.

Mr. Howell restated that he would schedule the field trips on Mondays, a week before the meeting.

Mrs. Myers stated that she told Mr. Howell that he did not have to call the Board members and that if they were going to be there they would show up. She said if someone is going to be late and you want them to wait then they should call, otherwise they will be leaving at the set time.

Mrs. Myers stated that she would also like to do a resolution for Paul Felser, thanking him for his service on the Board.

RE: Adjournment

There being no further business to come before the Savannah Zoning Board of Appeals the meeting was adjourned approximately 4:30 p.m.

Respectfully submitted,

John Howell,
Secretary

JH/ca