

SAVANNAH ZONING BOARD OF APPEALS

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

MAY 25, 2004

2:30 P.M.

REGULAR MEETING

MINUTES

MEMBERS PRESENT:

**Susan Myers, Chairman
David Saussy
Delores Lovett**

TECHNICAL STAFF ABSENT:

Tom Todaro, City Inspections Department

MPC STAFF PRESENT:

**John Howell, Secretary
Lee Webb, Secretary
Christy Adams, Assistant Secretary**

RE: Call to Order

Mrs. Myers called the May 25, 2004 meeting of the Savannah Zoning Board of Appeals to order at 2:30 p.m. She stated the approval of the minutes will be moved to the end of the Regular Agenda.

RE: Consent Agenda

**RE: Petition of John B. Scullion
B-04-57680-2
1401 Habersham Street**

The petitioner is requesting to establish a use (restaurant, sit-down or cafeteria) which must be approved by the Board of Appeals pursuant to the requirements of Sections 8-3028(43) and 8-3163(b) of the Savannah Zoning Ordinance in order to open a computer cafe at 1401 Habersham Street, within a 1-B (Victorian Planned Neighborhood Conservation) zoning district.

Summary of Findings: The conditions necessary for the Zoning Board of Appeals to approve a use appear to be met.

SZBA Action: Ms. Lovett made a motion that the Savannah Zoning Board of Appeals approve the petition as submitted. Mr. Saussy seconded the motion and it was unanimously passed

**RE: Petition of The Wardens & Vestry of
St. Paul's Church in Savannah
Father William Willoughby
B-04-57047-2
221 East 34th Street**

Mr. Saussy recused himself.

The petitioner is requesting a use (eleemosynary or philanthropic institution) which must be approved by the Board of Appeals pursuant to the requirements of Sections 8-3025(18) and 8-3163 of the Savannah Zoning Ordinance in order to open an eleemosynary or philanthropic institution at 221 East 34th Street, within an R-M-25 (Multifamily Residential, 25 units per net acre) zoning district within the Thomas Square Streetcar Historic District.

Summary of Findings: All of the conditions necessary to establish a use appear to be met. The occupancy permit is subject to the provisions of Sections 8-3082 (r) and 8-3088, Remote Parking Facility.

SZBA Action: Ms. Lovett made a motion that the Savannah Zoning Board of Appeals approve the petition as submitted. Mrs. Myers seconded the motion and it was passed. Abstained to the petition was Mr. Saussy.

RE: Regular Agenda

**RE: Continued Petition of Poticny Deering Felder
Arend Jan de Voest
B-04-34911-2
1 West Jones Street**

Mrs. Myers stated the above-mentioned petitioner asked that this petition be continued until June 22, 2004.

**RE: Petition of Melissa Jest, Agent for
Richard Sams
B-04-56608-2
1020 Abercorn Street**

Petition continued per Petitioner's request.

**RE: Petition of LaCora Yvette Thomas
B-04-56833-2
901 Staley Avenue**

Present for the petition was LaCora Thomas.

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 Sections 8-3025(22b) and 8-3163(b) of the Savannah Zoning Ordinance in order to expand a child care center at 901 Staley Avenue, within a P-R-6 (Planned One-Family Residential) zoning district.

Findings

1. The petitioner currently operates a home occupation for six children at this site in a residential dwelling unit. The property is on a corner lot on Staley Avenue and Lamar Street. The petitioner verbally stated that she is requesting to care for a total of 12 to

18 children. The petitioner is not proposing an expansion of the existing building. Single-Family residences are adjacent to the petitioner's property. There is undeveloped residential land across Lamar Street. There is a lane to the rear of the property.

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

<u>List of Uses</u>	<u>P-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. The architectural character, including the orientation and exterior appearance of any structure, shall be characteristic of the neighborhood within which such structure is located.
 - c. 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."
 - d. There shall be no on-site outdoor recreation activities after 9:00 p.m. or later than one hour after dusk, whichever occurs first.
 - e. 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.
3. The outdoor play area requirement for 12 children is 1,200 square feet. The petitioner's outdoor play area is approximately 2,584 square feet.
4. Section 8-3089 (formerly 8-3064A) provides that one off-street parking space be provided for each two employees. Three 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 chain link fence surrounds the outdoor play area. This is not sufficient to shield the play area from the abutting residence.
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 to 18 children has the potential to adversely affect the stability of the residential neighborhood, will constitute a noise nuisance, and will cause a traffic hazard at the corner location 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 establish a child care center appear to not be met.

Mrs. Myers asked if a plan was submitted to the Traffic Department?

Mr. Howell stated he did not get anything.

Ms. Thomas stated she had the driveway permit that was requested for her to get a circular driveway to allow the cars to be off the street.

Mrs. Myers asked how many children was she requesting for her daycare?

Ms. Thomas stated 12 – 18 children, in which the house was large enough to accommodate. She said she does not live in the residence because the house has been converted into a daycare center for up to 18 children.

Mrs. Myers stated this is a residential neighborhood. She asked if she would be agreeable to 12 children?

Mr. Saussy asked what were the other conditions?

Ms. Thomas stated she has purchased a covering for the chain link fence in which you would not be able see through. She said she has not applied for her license because she had to come before Board of Appeals first. She also stated that her operation hours would be 6:00 a.m. – 6:00 p.m. She said she also talked with the neighbors in the area and they were okay with the daycare.

Mr. Saussy asked what kind of fence covering was it?

Ms. Thomas stated it was something like canvas sheeting, but it looked more like a screen that has color to prevent anyone from being able to see through. Basically, it would only be on Staley Avenue because the rest of the area was protected by bushes.

Mrs. Myers stated the back part looked over the lane.

Ms. Thomas stated she could also protect that.

SZBA Action: Mr. Saussy made a motion that the Savannah Zoning Board of Appeals approve the petition for a child center for 12 children subject to attaching an opaque covering on the chain link fence along Staley Avenue and the lane to the rear, and approval by the Traffic department of the driveway. Ms. Lovett seconded the motion and it was unanimously passed.

RE: Petition of Richard Saffol
B-04-57160-2
626 East 49th Street

Present for the petition was Steven Seacack.

Mrs. Myers called for the Staff report.

Mr. Howell gave the following Staff report.

The petitioner seeks approval of a beauty parlor as a home occupation. As proposed, a variance is sought in order to comply with the requirement that a home occupation be conducted in a room separate to but attached to a dwelling unit as provided in Section 8-3002 of the City of Savannah Zoning Ordinance.

Findings

1. The subject property is located at 3215 Harmon Street and is located within an R-6 (One-Family Residential) zoning district. The property contains a principal dwelling and an accessory dwelling.
2. A beauty parlor is allowed as a home occupation only if it is located in a room separate from but attached to a dwelling unit, the equipment being used in the operation is other than what is customarily found in a home, it occupies not more than 500 square feet of floor area, and it employs no more than two people, both of which shall reside in the dwelling to which the beauty parlor is attached.

3. The petitioner wants to operate the beauty parlor in the accessory dwelling and reside in the main dwelling.
4. The Zoning Board of Appeals may authorize variances 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.

There are not extraordinary or exceptional conditions relating to the subject property.
 - (b) The application of this chapter to this particular piece of property would create an unnecessary hardship.

The application of the Zoning Ordinance is not peculiar to the subject property and would not create an unnecessary hardship.
 - (c) Such conditions are peculiar to the particular piece of property involved.

The conditions are not peculiar to the subject property.
 - (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 for granting a variance of the requirements of a beauty parlor as a home occupation do not appear to be met.

Mr. Saussy asked if the neighbors had been contacted?

Mr. Howell stated yes.

Mr. Steven Seacack (Representing Richard Saffol) stated as mentioned in the supporting documentation submitted to the Board some weeks there would be nobody coming to the shop and at the most there would be ten people. But most of the people that they take care of were elderly people from nursing homes. He said the traffic would be minimal and he felt the houses around the property, which were rental units generated more traffic than he would. He also stated that Mr. Saffol was agreeable to move into the house if necessary.

Ms. Lovett asked if the properties had separate PIN's?

Mr. Howell stated no.

Ms. Lovett asked where would the people who come to the shop park?

Mr. Howell stated it would be on-street parking.

SZBA Action: Mr. Saussy made a motion that the Savannah Zoning Board of Appeals approve the petition as submitted based on relief would not cause substantial detriment to the public good. Ms. Lovett seconded the motion and it was unanimously passed.

RE: Petition of Vera Guyton
B-04-57287-2
2013 East 58th Street

No one was present for the petition.

Ms. Myers called for the Staff report.

Mr. Howell gave the following Staff report.

The petitioner is requesting a use (child care center) and a waiver of the requirement that such use shall only be permitted on a collector or arterial street which must be approved by the Board of Appeals pursuant to the requirements of Sections 8-3025(22b) and 8-3163(b) of the Savannah Zoning Ordinance in order to expand an existing family day care home at 2013 East 58th Street, within an R-6 (One-Family Residential) zoning district.

Findings

1. The petitioner currently operates a family daycare home (i.e., a day care for six children as a home occupation) at this site in a single-family dwelling unit. The petitioner is requesting a child care center for 12 children. The petitioner is not proposing an expansion of the existing dwelling.
2. 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.
3. The outdoor play area requirement for 12 children is 1,200 square feet. The petitioner's outdoor play area is approximately 2,800 square feet.
 4. The property is in the mid-block of a residential street. Single-Family residences are adjacent to the petitioner's property and directly across the street. Delesseps Avenue, an arterial street, is one block to the south. 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.
 5. Section 8-3089 (formerly 8-3064A) provides that one off-street parking space be provided for each two employees. Two off-street parking spaces are identified on the site plan. A driveway for drop-off and pick-up of children is required and must be submitted and approved by the City Traffic Engineer.
 6. A concrete block wall (height unknown) surrounds the outdoor play area. This wall is sufficient to shield the play area from the abutting residences.
 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.

8. 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 traffic hazard by the number of vehicles coming and going to the site. There appears to be not adequate area in the front of the property to build a drop-off and pick-up area. 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.

Mr. Saussy asked if they were required to have the two parking spaces?

Mr. Howell stated the requirement was 1 space for each two employees.

Mr. Saussy asked how many employees would the petitioner have?

Mr. Howell stated he thought for twelve children the requirement, which was a state requirement was a maximum of maybe two employees. Or if they had four employees they would still have two spaces, which would also meet that requirement.

Mrs. Myers stated she was not concerned about the employee parking, but the curve driveway. She stated she had reservation about this petition when some of the Board members and Staff went on the field trip because even though there is commercial right behind it, the block where this was located was highly residential and tight. She said she felt it would really disturb the balance of the neighborhood.

SZBA Action: Mr. Saussy made a motion that the Savannah Zoning Board of Appeals deny the petition as submitted based on the staff report. Ms. Lovett seconded the motion and it was unanimously passed.

RE: Minutes

1. Approval of SZBA Minutes – April 27, 2004

SZBA Action: Mr. Saussy made a motion that the Savannah Zoning Board of Appeals approve the regular meeting minutes of April 27, 2004. Ms. Lovett seconded the motion and it was unanimously passed.

RE: Other Business

1. Election of Officer – Vice-Chairman for 2004

SZBA Action: Mrs. Myers nominated Mr. Saussy for Vice Chairman for 2004. Ms. Lovett seconded the nomination and it was unanimously passed.

2. Lee Webb

Mr. Howell introduced Lee Webb to the Board of Appeals. He stated that Lee will be assisting Board of Appeals for the next few months.

RE: Adjournment

There being no further business to come before the Savannah Zoning Board of Appeals the meeting was adjourned approximately 3:10 p.m.

Respectfully submitted,

John Howell,
Secretary

JH/ca