

SAVANNAH ZONING BOARD OF APPEALS

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

JANUARY 24, 2006

2:30 P.M.

REGULAR MEETING

MINUTES

MEMBERS PRESENT:

**Mickey Stephens, Chairman
James Byrne, Vice-Chairman
John P. Jones
Timothy Mackey
Paul Robinson**

TECHNICAL STAFF PRESENT:

Tom Todaro, City Development Services

MPC STAFF PRESENT:

**Jim Hansen, Secretary
Deborah Burke, Assistant Secretary
Christy Adams, Administrative Assistant**

RE: Call to Order

Mr. Stephens called the January 24, 2006 meeting of the Savannah Zoning Board of Appeals to order at 2:30 p.m.

RE: Minutes

1. Approval of SZBA Minutes – December 20, 2005

SZBA Action: Mr. Mackey made a motion that the Savannah Zoning Board of Appeals approve the regular meeting minutes of December 20, 2005. Mr. Byrne seconded the motion and it was unanimously passed.

RE: Consent Agenda

**RE: Petition of Aaron Fox, For
AFOX Construction, Inc.
B-051221-57899-2
1102 Richards Street**

Ms. Williams stated she would like clarification on the above-mentioned petition.

SZBA Action: Mr. Byrne made a motion that the Savannah Zoning Board of Appeals move the Petition of Aaron Fox, for, AFOX Construction, Inc. from the Consent Agenda to the Regular Agenda. Mr. Mackey seconded the motion and it was unanimously passed.

RE: Petition of Oddie Luckett
B-051222-62131-2
618 East Duffy Lane

Mr. Mitchell stated he would like clarification on the above-mentioned petition.

SZBA Action: Mr. Byrne made a motion that the Savannah Zoning Board of Appeals move the Petition of Oddie Luckett from the Consent Agenda to the Regular Agenda. Mr. Mackey seconded the motion and it was unanimously passed.

RE: Petition of Kern – Coleman & Co.
B-051222-62234-2
N.W. Corner of Duffy & Bull Streets

The petitioner is requesting approval of an application to establish a residential use within a commercially designated area pursuant to the requirements of Section 8-3028 of the City of Savannah Zoning Ordinance. The subject property is located at the northwest corner of Duffy and Bull Streets. The property is zoned 2-B (Victorian Planned Neighborhood Conservation District – 2-B).

Summary of Findings: It appears that all of the conditions necessary for granting use approval of residential uses in an area designated for commercial development have been met.

SZBA Action: Mr. Mackey made a motion that the Savannah Zoning Board of Appeals approve the Consent Agenda as submitted. Mr. Robinson seconded the motion and it was unanimously passed.

RE: Regular Agenda

RE: Petition of Aaron Fox, For
AFOX Construction, Inc.
B-051221-57899-2
1102 Richards Street

Present for the petition was Ms. Janice Fox.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of an 11½ foot side yard setback variance to the 15 foot side yard setback requirement of Section 8-3057 of the City of Savannah Zoning Ordinance in order to construct a single family residence. The subject property, located at 1102 Richards Street, is zoned R-4 (Four-Family Residential).

Findings

1. Development standards within the R-4 districts typically require a five (5) foot side yard setback. However, because the subject property is a corner lot, the requirements of Section 8-3057 apply. Section 8-3057 requires a minimum side yard setback (street side) of 15 feet from the property line for corner lots.
2. The R-4 districts require a minimum lot width of 60 feet, and a minimum lot area of 6,000

square feet for one-family detached structures. The subject property is considered a substandard lot being only 30 feet wide and 90 feet deep (2,700 square feet in area).

3. The petitioner is proposing to construct a single family residence measuring 18 by 46 feet in size. The structure will maintain the required five (5) foot interior side yard setback, but a side facing porch will further reduce the street side side yard setback to 3½ feet. The proposed structure is similar in design and composition to other single family units in the neighborhood area.
4. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.**

Though legally established, the subject property is considered a substandard lot within the R-4 zoning district due to its small lot frontage and lot area.

- b. **The application of these regulations to this particular piece of property would create an unnecessary hardship.**

Strict application of the development standards for the R-4 district would create a hardship. The combined required side yard setbacks for the subject property total 20 feet. Whereas the lot is only 30 feet in width, the buildable building envelope is only 10 feet wide.

- c. **Such conditions are peculiar to the particular piece of property involved.**

The conditions described above are 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. The proposed project is consistent with other development in the neighborhood, and would allow reuse of a vacant, substandard lot.

Summary Of Findings

All of the conditions necessary for granting an 11½ foot side yard setback variance for the purpose of constructing a single family residence appear to be met.

Ms. Carey Williams (1106 Richards Street) stated she lives in the house on the corner. She said she called the City when they tore the house down on the corner and told them that she was interested in purchasing the lot and they told her that they were going to put a park there.

Also, she felt that there was not enough space between the houses for emergency services to get between the houses if they needed to do so.

Mr. Mackey stated what the petitioner was requesting was not for sale of the property but to develop and build a house on the property. He said the sale of property was not within the Board's purview.

Mr. Jones stated there was house located on the corner at one time and it was torn down that was a small double tenant house.

Mr. Robinson stated although the Board did not know the setback of what her house was from the property line, the proposed house showed a 5 foot distance from its property line. He said he would imagine that there was a minimum of 10 feet separation between the two structures which was enough for emergency services.

Ms. Janice Fox (Representing Aaron Fox) stated they were working in collaboration with the City for the Dream Maker's project and this particular home that they were going to construct was for that project. The land was purchased from the City. She said it will be a single family home. With regard to the neighbor, they will gladly meet with Ms. Williams to discuss services such as renovation projects. Again, this project is for the Dream Maker's project which was one of many homes to be developed in the area.

SZBA Action: Mr. Byrne made a motion that the Savannah Zoning Board of Appeals approve the petition as submitted based upon a finding that all conditions necessary for granting the relief requested have been met. Mr. Mackey seconded the motion and it was unanimously passed.

**RE: Petition of Oddie Lockett
B-051222-62131-2
618 East Duffy Lane**

Present for the petition was Oddie Lockett.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a 39 foot front yard setback variance to the 40 foot front yard setback requirement; a 15 foot rear yard setback variance to the 25 foot rear yard setback requirement; a four (4) foot side yard setback variance to the five (5) foot side yard setback requirement; and a two (2) percent lot coverage variance to the 50 percent lot coverage allowed in Section 8-3025 of the City of Savannah Zoning Ordinance in order to construct a single family residence. The subject property, located at 618 East Duffy Lane, is zoned P-R-4 (Planned Four-Family Residential).

Findings

1. The subject property is located with an R-4 zoning district. Development standards within the R-4 district (Section 8-3025) requires a minimum lot width of 60 feet when constructing a single family residence; a minimum lot area of 6,000 square feet; a minimum front yard setback of 50 feet measured from the centerline of the public right-of-way; a minimum rear yard setback of 25 feet; minimum side yard setbacks of five (5) feet; and, a maximum lot coverage of 50 percent.

2. The subject property is considered a substandard lot for development purposes. The lot, which contains only lane frontage, is 37 feet wide and 48 feet deep, resulting in a total lot area of 1,776 square feet.
3. The petitioner intends to construct a single family residence with a building footprint of 923 square feet. Due to the size of the property in question, several variances, as listed above, will be required in order to accommodate development as proposed.
4. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.**

Though legally established, the subject property is considered substandard within the R-4 zoning district due to its small size. As noted above, the lot contains only 1,776 square feet.

- b. **The application of these regulations to this particular piece of property would create an unnecessary hardship.**

Strict application of the regulations to this particular piece of property would create an unnecessary hardship. Development standards require a 25 rear yard setback and a 40 foot front yard setback (measured from the property line), resulting in a total setback requirement of 65 feet. The subject property is, however, only 48 feet deep. Strict application of the standards would render the lot unbuildable.

- c. **Such conditions are peculiar to the particular piece of property involved.**

The conditions described above are 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, is not likely to cause substantial detriment to the public good. Other instances of substandard lot development, including lane accessible units, currently exist within the immediate vicinity. It is noted, however, that due to the existence of the CSX Railway to the east, the lane dead ends and that all vehicular traffic must ingress and egress from East Broad Street.

Summary Of Findings

It appears that all conditions necessary for granting a 39 foot front yard setback variance to the 40 foot front yard setback requirement; a 15 foot rear yard setback variance to the 25 foot rear yard setback requirement; a four (4) foot side yard setback variance to the five (5) foot side yard setback requirement; and a two (2) percent lot coverage variance to the 50 percent lot coverage allowed have been met.

Mr. Jones stated he was asking for a 4 foot variance on the side yard. He asked if that was side towards the railroad tracks?

Mr. Lockett stated yes.

Mr. Jones stated on the side next to the fence, going towards the railroad there would be a 1 foot space between his house and the fence. He said he felt he needed at least 3 feet in order to get through to do maintenance. He said if not, they would have to go on the next person's property to maintain that side of the house.

Mr. Wallace Bell stated the reason they did it this way was because the lot was substandard and they needed to create space for two parking spaces. He said the plans show that the space left was approximately 10 feet, therefore it was not a buildable lot.

Mr. W. John Mitchell stated he owned the property next to the petitioner's. He said he was concerned in that if the petitioner tried to park in the lane that would interrupt his ability when he builds on the vacant lot that it does not impede the people who are here from backing out. He said he was not sure what the footprint would be on the lot with the setbacks that they were requesting because it was a tiny lot. He said he had no other concerns than the parking and felt if the petitioner could work that out it would be okay.

Mr. Bell stated they had two off-street parking in the spaces that were required. He said if the variances were granted, the house would fit on the lot.

Mr. Byrne stated he felt the petitioner was concerned that while the construction was going on that the parking would be a problem. He asked Mr. Mitchell if that was what he was saying?

Mr. Mitchell stated yes, but also after the house is constructed the parking would be an issue because of the turning radius being tight.

Mr. Byrne asked the petitioner if they could assure the neighbor with regards to the parking while construction is going on because he (Mr. Mitchell) would also have construction going on his property?

Mr. Bell stated he could not speak with regard to the construction, but felt the owner would accommodate so that it would not be a problem.

Mr. Mackey asked what was the square footage on their proposed single-family?

Mr. Bell stated the footprint would be 27 X 33. He said there was a 4' X 12' porch that would be on the front. The total square footage with the building and porch would be 955 square feet.

Mr. Mackey asked if the parking would be in the rear?

Mr. Bell stated on the side.

Mr. Mackey asked with regard to the neighbor's comment about the turning radius if they took that into account?

Mr. Bell stated everyone in that area basically has to back in and back out. He said with regard to their project a car would have to come in, park, back out, and then go back out that way. He said that was the only way the lot could work.

Mr. Stephens asked if this was single-family because in looking at the floor plan he did not see any stairs?

Mr. Lockett stated yes and it would be one-level.

Mr. Bell stated when they initially submitted they submitted it as a two story duplex but the lot requirements were not in their favor. He said they resubmitted as a single-family and may be the paperwork did not follow through. He apologized for the confusion.

Mr. Mackey asked if the Board were to grant the petition, what assurances could they give that this would not be a duplex?

Mr. Bell stated what they intended to submit for permitting was for one story single-family. He said the plans that he have and showing to the Board were the final plans to be submitted to the Inspections Department for permitting.

Mr. Mitchell stated he hope the petitioner could do this. He said his concern was when you look at this drawing, the lane is 10 feet wide and a car is at least 8 feet long. He said he was concerned with the turning radius for the parking aspect of it. Currently, his tenants park on East Broad Street because the lane was too narrow to accommodate parking any where in the lane because other vehicles could not get by. He applauded the fact that they were trying to put something on the lot because it would improve the neighborhood, but he also felt that the turning radius was going to be a problem.

Mr. Robinson stated he felt the neighbor brings up something that is problematic. He said not only would the new owner possibly be banging up on his neighbor's property, but unless they were to negotiate cars in and out on the other neighbor's property to the west, he may be running over his property or hitting his own house because it was so tight. He said he did not see how it could be done.

Mr. Mackey stated with regard to the footprint it was mentioned that it did not reflect what the actuality was. He said it was also concern raised about the parking. He said they may want to take it back and look at their design again. He said he would have to agree with his colleague in that he could not see how the parking could be navigated. He said it was alluded to by Mr. Jones that they were looking at a situation where they possibly could compromise their neighbor's property whether it was the current owner or a future owner. He asked how will the trash trucks be able to service the residents in the lane?

Mr. Bell stated a regular parking space is 8 or 9 feet wide X 19 feet wide. When you pull out of the parking space you are pulling out into a lane that's at least 20 feet wide. He said with regard to the trash trucks, they come in/out the lane now with little or no problems and the house is not

there so they will be able to get thru when the house is built because they would not be encroaching on that area.

Mr. Byrne stated the staff's recommendation says that other instances of substandard lot development including lane assessable units currently exist within the immediate vicinity. He asked if they also had driveways? He said he felt the issue was whether or not they could back out into the lane (ingress/egress).

Mr. Hansen stated he has not witnessed the ingress or egress from the lane. He said there were other units and testimony today alluded to the fact that some of the respondents here owned some of the properties and units. Certainly, when you are out looking at the area they somehow manage to be able to ingress/egress from the lane. He said as to how they did it, he has not had the opportunity to witness. He said he also wanted to point out that the lane has a 20 foot right-of-way. He said whether or not the entire 20 feet was usable and whether there has been some encroachments onto that was a matter perhaps for different discussion. But the right-of-way lane was 20 feet in width.

Mr. Todaro stated it was not unusual that a lot this size to also request a parking variance. He said he understood the petitioners were trying to provide two spaces but it was not working. He said that may be one option that they may want to consider which was similar to the lots downtown. The other option was may be they could make it a 1½ story and put a one car garage on the bottom level or an open carport.

Mr. Robinson stated he felt it may be in the petitioner's best interest to request a continuance.

Mr. Luckett agreed to a continuance.

Mr. Todaro suggested that they also talk with City Traffic Engineering.

SZBA Action: Mr. Robinson made a motion that the Savannah Zoning Board of Appeals continue the petition until the next meeting. Mr. Byrne seconded the motion and it was unanimously passed.

**RE: Petition of Timothy Walmsley, For
Larry Nicola
B-051101-33982-2
1600 Wheaton Street**

The petitioner is requesting approval of an application to establish a cemetery (expansion), and is seeking a 192 foot setback variance for the proposed mausoleums from the 200 foot setback requirement of Section 8-3025 (Use 45) of the City of Savannah Zoning Ordinance. The subject property, located at 1600 Wheaton Street, is zoned C-A (Agricultural Conservation).

Summary of Findings: All of the conditions necessary for granting the requested variance appear not to be met.

Mr. Hansen stated this was a request brought by Timothy Walmsley on behalf of Hillcrest Abby. The issue has been before the Board on a number of occasions. If the Board recalls there was some disagreement between Hillcrest Abby and the adjacent Catholic cemetery. He said he has been led to believe by the parties concern that they have reached an agreement. However, they have requested that the petition be continued to the February 28 meeting.

SZBA Action: Mr. Mackey made a motion that the Savannah Zoning Board of Appeals continue the petition until the next meeting. Mr. Byrne seconded the motion and it was unanimously passed.

**RE: Petition of Elaine Lahey, For
Lahey's Carriage House, LLC
B-051221-57734-2
909 Lincoln Street**

Present for the petition was Elaine Lahey.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of an application to establish an inn (Use 6) pursuant to the requirements of Section 8-3028(d) of the Savannah Zoning Ordinance. The subject property, located at 909 Lincoln Street, is zoned 2-R (Victorian Planned Neighborhood Conservation District-2-R).

Findings

1. Subject to approval by the Zoning Board of Appeals, an inn is an allowed use within the Victorian District (2-R).
2. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals shall hear and decide upon requests for permission to establish uses upon which the Board of Appeals is required to pass under the terms of this chapter. The application to establish uses shall be approved on a finding by the Board of Appeals that:
 - 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.**

The proposed use will not affect adversely the existing General Plan. Inns are an allowed use within the district subject to Board of Appeals approval.
 - 2) **The proposed use will not be contrary to the purposes stated for this chapter.**

The proposed use is not contrary to the purposes stated in this chapter.
 - 3) **The proposed use will not affect adversely the health and safety of residents and workers in the city.**

The development of an inn 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.**

It is not anticipated that the proposed use will be detrimental to the existing neighborhood or surrounding area. As proposed, the inn will consist of three guest rooms. Increased traffic, both pedestrian and vehicular, will be insignificant.

5) The proposed use will not be affected adversely by the existing uses.

The proposed project site is surrounded by residential uses. A commercial node (grocery and drug store) is located at the intersection of Gwinnett and Habersham Streets, approximately 1½ block from the subject site.

6) The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of the use.

The subject property, measuring 23.33 feet wide and 103.83 feet deep, contains slightly more than 2,422 square feet. It is proposed that the existing single family residence located on the property be converted into an inn. No new construction is proposed.

7) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such a facility, vehicular movement, noise or fume generation or type of physical activity.

Due to the small number of guest rooms to be developed, it is unlikely that the use will constitute a nuisance or hazard to surrounding properties. It is noted, however, that the petitioner has not yet provided information relating to the parking requirements of the district. One parking space must be provided for each guest room. The Ordinance encourages the use of shared and remote off-street parking facilities, but information regarding the same has yet to be provided.

8) The standards set forth for each particular use for which a permit may be granted have been met.

As noted in number seven (above), the petitioner has yet to provide information relating to how parking requirements will be 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.

Additional restrictions may be added at the discretion of the Board.

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

The subject property is considered a substandard lot and the building thereon does not meet all of the minimum setback requirements. However, the structure

proposed for use currently exists and is considered to be legally non-conforming. No new construction is proposed or anticipated.

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

As noted above, provisions for off-street parking have not been identified.

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 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.

Not applicable.

Summary Of Findings

All of the conditions necessary for granting use approval for an inn appear not to be met.

Mr. Byrne asked how many rooms would the carriage house have?

Ms. Lahey stated a three bedroom house that has been reconfigured to have three full baths per bedroom with a powder room on the downstairs level.

Mr. Byrne asked what were the arrangements for parking?

Ms. Lahey stated although they only needed three spaces as indicated on the plans you would be able to fit up to 8 cars in the rear.

Mr. Arthur Burdett (Bolton Place Condominiums) stated the back of there condominiums was up against the petitioner's property. He said with regard to the inn they had a meeting and everyone was in favor of having an inn, but the application mentions a carriage house. He asked if that would be approved at this meeting or later?

Mr. Hansen stated originally the applicant had submitted information indicating that she would also like to build a carriage house. He said that has been withdrawn. Therefore, at this time there has been no application to do any exterior modifications or construction to the house or the building of a carriage house.

Ms. Barbara Zinn (President, of Bolton Place Condominium Association) stated she agreed to attend the meeting today on behalf of Cheryl Pritchard who would be purchasing the top unit (condo). She said she felt it was very close to the unit. She said also of concern were people checking in/out of the inn. She said if the inn was three units, you would still have different people checking in/out. Another concern was if the guests would enter the inn from the rear or block the bicycle path and check in from that area. She said they thought it was going to be a single-family residence as in the past. She said also the trees were removed. Also, they would need permission to access the petitioner's property to reconfigure their fence because it was configured around the trees.

Mr. Jones stated tree removal within the City limits was under the purview of the City Arborists and to remove a tree would have to be approved by the arborist.

Mr. Byrne asked the petitioner if she was converting the three bedrooms into six units?

Ms. Lahey stated three bedrooms. She said with regard to the trees, the fence was built in a strange configuration around the trees.

Mr. Byrne asked how will she handle the drop off and pick up?

Ms. Lahey stated there will be a wrought iron fence and the guests will enter from the side. She said once the guests park they will enter from the lane. Also, they have requested trees to be planted by the City and she will also plant additional trees.

Mr. Robert (225 Bolton Street) stated he was concerned about the traffic and quality of life because he was new to the area and just purchased his unit. He said with regard to the parking and bicycle lane, it was his understanding that there had to be some sort of green space in the rear.

SZBA Action: Mr. Byrne made a motion that the Savannah Zoning Board of Appeals approve the petition as submitted with the following conditions based upon a finding that the conditions necessary for granting the use requested have been met: (1) That the approved inn shall be limited to no more than three (3) rooms.

Mr. Mackey asked if the motion could be amended to include that there be no parking within the front of the property in the bicycle lane.

SZBA Action: Mr. Byrne accepted the amendment to include (2) That no street parking shall be allowed; all required parking is to be at the rear of the structure. Mr. Robinson seconded the motion and it was unanimously passed.

**RE: Petition of Don A. Lindner
B-051221-58369-2
501 East Bay Street**

Present for the petition was Harold Yellin.

Mrs. Burke gave the following Staff report.

The petitioner is requesting approval of a variance from the requirements of Section 8-3082(r) of the City of Savannah Zoning Ordinance that requires remote off-street parking spaces to be no more than 150 feet distance from the use served. The subject property, located at 501 East Bay Street, is zoned R-B-C (Residential-Business-Conversion).

Findings

1. In accordance with Section 8-3082(r), required off-street parking shall be provided on the same lot as the main building to be served or on a lot not more than 150 feet distance from the use it is intended to serve, as measured along the nearest pedestrian walkway.
2. The subject property is currently vacant. However, at the April 2005 meeting of the

Board of Appeal the applicant was granted a 100 percent lot coverage variance in order to construct an office building on this site (MPC File No.: B-050406-42825-2).

3. In order to meet the parking needs of the proposed office building, the applicant has arranged for parking at a lot located on East Bryan Street between Habersham Street and Lincoln Street. The proposed parking is located more than 150 feet from the subject property.
4. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Savannah Zoning Ordinance.
5. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals 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 minimum lot size for a nonresidential use in the R-B-C district is 6,000 square feet. The subject property is approximately 40 feet by 90 feet, which results in a substandard lot of only 3,600 square feet. Therefore, it is challenging for the applicant to provide on site parking and appropriate parking must be secured elsewhere.

- b. **The application of these regulations to this particular piece of property would create an unnecessary hardship.**

The application of these regulations to this particular piece of property would not create an unnecessary hardship.

- c. **Such conditions are peculiar to the particular piece of property involved.**

The conditions described above 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 or impair the purposes and intent of the Savannah Zoning Ordinance.

Summary Of Findings

All conditions necessary for granting a variance from the requirement that remote off-street parking spaces be no more than 150 feet distance from the use served do not appear to be met.

Mr. Yellin stated as mentioned in April 2005 the Zoning Board of Appeals unanimously approved that they build 100 percent on the property. However, what they did not know in April was exactly where they would park. Since then there has also been one garage demolished and no longer available for parking. Also, as a point of clarification they went to a number of locations for parking. He said there would be four parking spaces on-site. He said there were another ten spaces available next door at the Mulberry Inn. In addition, there were fourteen spaces at the Bryan Street garage for which he had confirmation. Also, there were three more spaces available on the Drayton Ramp off Bay Street. The available spaces totaled to 31. He said for the building, only 27 spaces were required. Of the 27 required spaces, 14 were within 150 feet and the balance was beyond 150 feet. He said they respectfully request that the variance be approved.

Mr. Robinson asked if that meant that the four parking spaces that were on-site that they were not going to be occupying 100 percent of the building or was it going to be underneath the building?

Mr. Yellin stated only on the ground floor.

SZBA Action: Mr. Mackey made a motion that the Savannah Zoning Board of Appeals approve the petition as submitted, based upon a finding that the relief granted will not cause substantial detriment to the public good. Mr. Byrne seconded the motion and it was passed 4 – 1. Opposed to the motion was Mr. Jones.

**RE: Petition of Michael Jeffrey Smith
B-051221-58548-2
302 East 50th Street**

Present for the petition was Michael Jeffrey Smith.

Mrs. Burke gave the following Staff report.

The petitioner is requesting approval of a ten (10) foot side yard setback variance to the 15 foot side yard setback requirement of Section 8-3057 of the City of Savannah Zoning Ordinance in order to construct a detached garage. The subject property, located at 302 East 50th Street, is zoned R-6 (One-Family Residential).

Findings

1. Pursuant to Section 8-3057 of the Zoning Ordinance, the minimum side yard setback for property where a side yard of a building is between a building and an abutting street is 15 feet. The standard side yard setback in the R-6 district is five (5) feet. The subject property is bounded on multiple sides by public street right of ways which results in the additional side yard setback requirements of Section 8-3057.
2. The subject property is approximately 9,100 square feet, with a lot width that is 54 feet at the front lot line and increases to 105 feet in width at the rear lot line. The proposed garage would be located in the portion of the lot with the largest width resulting in only a portion of the structure within the side yard setback.
3. The applicant indicates that the proposed garage would be 24 feet by 18 feet.

4. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Savannah Zoning Ordinance.
5. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals 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 subject property is approximately 9,100 square feet in size. The lot exceeds the minimum lot area requirements in the R-6 district of 6,000 square feet. However, the subject property is somewhat irregular in shape, with a front lot line of 54 feet and the rear lot line of 105 feet. In addition, the parcel is bounded on two sides by public streets, which results in additional side yard setback requirements.

- b. **The application of these regulations to this particular piece of property would create an unnecessary hardship.**

The application of these regulations to this particular piece of property would not create an unnecessary hardship.

- c. **Such conditions are peculiar to the particular piece of property involved.**

The conditions described above 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 or impair the purposes and intent of the Savannah Zoning Ordinance. The proposed location of the detached garage is consistent with several garages in the immediate area.

Summary Of Findings

All conditions necessary for granting a side yard setback variance for the subject property do not appear to be met.

Mr. Smith stated when he made the submission for the variance and the reason he applied for a variance was because the person at City Inspections visited the site. Apparently, there is a plane in his house which was sort of gerrymandered on the lot. He said in this particular area if you have an imaginary line that ran along the back of the house this would be his backyard and this would be his front yard. He said the reason he requested the variance was so he could extend from his backyard into his front yard approximately 10 feet.

Mr. Jones stated there seemed to be a hill where the lane went down behind his house. He asked if he would have to cut some of that down to get his project to work?

Mr. Smith stated no. He said the garage door would be on the end of the property and he would access to the lane and not come to the public street.

SZBA Action: Mr. Byrne made a motion that the Savannah Zoning Board of Appeals approve the petition as submitted, based upon a finding that the relief granted will not cause substantial detriment to the public good. Mr. Jones seconded the motion and it was unanimously passed.

**RE: Petition of Mark Smith, Agent for
Holiday Inn Express
B-051222-61823-2
Bay Street & Abercorn Street**

Present for the petition was Patrick Shay, Architect.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a two story variance above the six story limit, a floor to floor variance from twelve (12) feet to ten (10) feet on the second floor, and a floor to floor variance from ten (10) feet to nine (9) feet on floors above the third story pursuant to the requirements of Section 8-3030 of the City of Savannah Zoning Ordinance in order to construct a hotel. The subject property, located at the southwest corner of Bay and Abercorn Streets, is zoned B-C-1 (Central-Business).

Findings

1. In 2001, the petitioner applied to the Board of Appeals for approval of the above referenced variances in order to construct an eight (8) story hotel at the southwest corner of Abercorn and Bay Streets. The requests were approved subject to receipt of a building permit or certificate of occupancy within 12 months of the decision. One year extensions of the approval were granted in both 2002 and 2003. Whereas the approvals have lapsed, the petitioner is once again seeking variance relief to allow construction of a hotel.
2. Whereas the subject property is located within the City's Historic District, development can only be made in accordance with the design standards thereof. As defined in Section 8-3030, the allowed height on the subject property is limited to six stories. Moreover, the exterior expression of the height of the ground floor for commercial buildings shall be not less than 14'-6"; the exterior expression of the height of the second floor shall be not less than 12 feet; and the exterior height of each story above the second shall be not less than 10 feet. Variances of the requirements are allowed in conformance with visual compatibility factors outlined in Section 8-3030(k)(6).
3. The Historic District Board of Review has previously found that the stated variances would result in a development that would be consistent with the Visual Compatibility Factors as set forth in Section 8-3030(k)(6).

4. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals 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 subject parcel is a standard lot measuring 124 feet wide and 90 feet deep.

b. The application of these regulations to this particular piece of property would create an unnecessary hardship.

Strict application of the regulations of the Ordinance would not create an unnecessary hardship.

c. Such conditions are peculiar to the particular piece of property involved.

The conditions described above (prior approvals) are 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 or impair the purposes and intent of the Savannah Zoning Ordinance. The project proposal has previously been approved by both the Zoning Board of Appeals and the Historic District Board of Review.

Summary Of Findings

All of the conditions necessary for granting approval of a two story variance above the six story limit, a floor to floor variance from twelve (12) feet to ten (10) feet on the second floor, and a floor to floor variance from ten (10) feet to nine (9) feet on floors above the third story pursuant to the requirements of Section 8-3030 of the City of Savannah Zoning Ordinance in order to construct a hotel appear not to be met.

Mr. Tom Todaro, Zoning Administrator, stated this petition came before the Board on three different occasions for the identical variances as well as the Historic Review Board. He said nothing has changed as far as the ordinances as to height or the language pertaining to the other variances. He said they were still the same as they were at that time. He said the City recommends approval.

Mr. Byrne asked if a study has been done on the parking downtown because there is a lot of construction being done downtown?

Mr. Hansen stated he understood that was and would be a concern. However, that was not necessarily something that was before the Board today. He said all the Board was merely doing today was granting approval for them to proceed and build. The model or site would have to be approved and the petitioner will have to provide all of the necessary parking. He said if the petitioner does not, they will have to come back before the Board for a parking variance.

Mr. Todaro stated this was also reviewed by the stormwater water and sewer, traffic engineering, and park and tree. He said inspections was ready to issue a building permit but things changed on the petitioner's end and not the ordinance.

Mr. Jones stated the height restrictions were floors. He asked if there was a height restriction according to the number of feet that you could go up?

Mr. Shay stated the Historic District Zoning Ordinance does not have a height standard expressed in feet. He said it had a height standard that's expressed in story. The variances that they were requesting will allow the building to be built at similar floor-to-floor heights to the adjacent Hampton Inn which was approved prior to the standards being established and very similar to the adjacent parking garage. He said all of these issues have been approved three different times by the Historic District Board of Review. However, in response to the question, by having less floor-to-floor height it meant the overall building height could be lower. He said with regard to parking there was an agreement in place for all the parking spaces that were necessary with the City of Savannah and the adjacent parking garage. He said that was the case before and it remains the case today.

SZBA Action: Mr. Mackey made a motion that the Savannah Zoning Board of Appeals approve the petition as submitted based upon a finding that the relief requested would not cause substantial detriment to the public good. Mr. Byrne seconded the motion and it was unanimously passed.

**RE: Petition of Orren Wilson
B-051223-49142-2
1519 – 1521 Jefferson Street**

Present for the petitions was Orren Wilson.

Mr. Hansen gave the following Staff reports.

The petitioner is requesting approval of a one (1) foot rear yard setback variance to the five (5) foot rear yard setback requirement of Part 8, Chapter 3, Article K, and Section 5.6 of the City of Savannah Zoning Ordinance in order to construct a porch onto an existing single family dwelling. The subject property, located at 1519 – 1521 Jefferson Street, is zoned TN-2 (Traditional Neighborhood - 2).

Findings

1. Part 8, Chapter 3, Article K, and Section 5.6 of the Zoning Ordinance requires a minimum five (5) foot rear yard setback in the TN-2 district. The TN-2 district is intended to ensure the vibrancy of historic residential neighborhoods with traditional development patterns characteristic of Savannah from 1890 to 1930.
2. District standards also require a minimum lot width of 30 feet, and a minimum lot area of

3,000 square feet for a detached residential structure. The subject property is considered a substandard lot, measuring 30 feet in width, but containing only 2,070 square feet in lot area (69 feet depth).

3. The petitioner is seeking a variance to allow construction of an 8 by 14 foot porch at the rear of the existing residential structure. Said structure would encroach one (1) foot into the required rear yard setback.
4. The City's Historic Preservation Officer has given preliminary approval to the proposed porch addition.
5. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals 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 subject property is a substandard lot containing only 2,070 square feet. A single family residence currently exists on the property and it is the desire of the petitioner to add a porch at the rear. Because the lot is only 69 feet deep, an encroachment of one foot into the rear yard is proposed.

- b. **The application of these regulations to this particular piece of property would create an unnecessary hardship.**

Strict application of the regulations of the Zoning Ordinance would not create an unnecessary hardship.

- c. **Such conditions are peculiar to the particular piece of property involved.**

The conditions described above are 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. The rear yard of the subject property abuts an adjoining rear yard.

Summary of Findings

All of the conditions necessary for granting a one (1) foot rear yard setback variance appear not to be met.

**RE: Petition of Orren Wilson
B-051223-49312-2
1520 – 1522 Jefferson Street**

The petitioner is requesting approval of a two (2) foot rear yard setback variance to the five (5) foot rear yard setback requirement of Part 8, Chapter 3, Article K, and Section 5.6 of the City of Savannah Zoning Ordinance in order to construct a porch onto an existing single family dwelling. The subject property, located at 1520 – 1522 Jefferson Street, is zoned TN-2 (Traditional Neighborhood – 2).

Findings

1. Part 8, Chapter 3, Article K, and Section 5.6 of the Zoning Ordinance requires a minimum five (5) foot rear yard setback in the TN-2 district. The TN-2 district is intended to ensure the vibrancy of historic residential neighborhoods with traditional development patterns characteristic of Savannah from 1890 to 1930.
2. District standards also require a minimum lot width of 30 feet, and a minimum lot area of 3,000 square feet for a detached residential structure. The subject property is considered a substandard lot, measuring 31.7 feet in width, but containing only 2,082 square feet in lot area (65.7 feet depth).
3. The petitioner is seeking a variance to allow construction of an 8 by 12 foot porch at the rear of the existing residential structure. Said structure would encroach two (2) feet into the required rear yard setback.
4. The City's Historic Preservation Officer has given preliminary approval to the proposed porch addition.
5. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals 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 subject property is a substandard lot containing only 2,082 square feet. A single family residence currently exists on the property and it is the desire of the petitioner to add a porch at the rear. Because the lot is only 65.7 feet deep, an encroachment of two feet into the rear yard is proposed.

- b. **The application of these regulations to this particular piece of property would create an unnecessary hardship.**

Strict application of the regulations of the Zoning Ordinance would not create an unnecessary hardship.

- c. **Such conditions are peculiar to the particular piece of property involved.**

The conditions described above are 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. The rear yard of the subject property abuts an adjoining rear yard.

Summary of Findings

All of the conditions necessary for granting a two (2) foot rear yard setback variance appear not to be met.

Mr. Wilson stated on the first pair of buildings he was trying to go 1 foot over what was required, so he could come out the back of the building. He said when he purchased the buildings, the exits were in on the back of the building and there were no porches. He said he was trying to get a 6' X 12' porch on the back, but to do it he needed the 1 foot variance.

He stated with regard to the other pair of buildings, it was an enclosed area. He said there was a fence that ran the entire length of the building on one side and there was a fence that came out here. He said what he was trying to do was come out 2 feet into it and have 3 feet between this fence and 3 feet here, so they could come around to get to the air conditioning units that were proposed to go here.

Mr. Jones stated if you look at the house next door to the one that he was renovating, the porch and stairs come closer to the fence than what he was proposing. He said when he puts the porch on the back of the house he would have more space between the porch and the fence than the house next door. He said he felt more renovation, repairs, and infill needed to be done in the City because land was getting scarce. He said it was good to see this proposed redevelopment.

SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals **approve** the petitions (B-051223-49142-2 and B-051223-49312-2) as submitted based upon a finding that the relief requested will not cause substantial detriment to the public good. Mr. Mackey seconded the motion and it was unanimously passed.

RE: Other Business

RE: Adjournment

There being no further business to come before the Savannah Zoning Board of Appeals the meeting was adjourned 4:00 p.m.

Respectfully submitted,

Jim Hansen,
Secretary

JH:ca