

**SAVANNAH ZONING BOARD OF APPEALS**

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

**MAY 23, 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:**

**Randolph Scott, City Development Services**

**MPC STAFF PRESENT:**

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

**RE: Call to Order**

Mr. Stephens called the May 23, 2006 meeting of the Savannah Zoning Board of Appeals to order at 2:30 p.m.

**RE: Minutes**

1. Approval of SZBA Minutes – February 28, 2006
2. Approval of SZBA Minutes – March 28, 2006
3. Approval of SZBA Minutes – April 25, 2006

**SZBA Action: Mr. Robinson made a motion that the Savannah Zoning Board of Appeals approve the regular meeting minutes for February, March, and April 2006. Mr. Byrne seconded the motion and it was unanimously passed.**

**RE: Items to be Continued or Withdrawn**

**Mr. Hansen** stated he had two requests from petitioners to continue their petitions. He said the Petitions of Paula Letcher, B-060329-57789-2, 1524 Habersham Street and B-060329-57378-2, 415 – 417 East 31<sup>st</sup> Street on the Regular Agenda has requested a continuance to the next regularly scheduled meeting in June.

**SZBA Action: Mr. Byrne made a motion that the Savannah Zoning Board of Appeals continue the Petitions of Paula Letcher, B-060329-57789-2 and B-060329-57378-2 to the next regularly scheduled meeting in June. Mr. Jones seconded the motion and it was unanimously passed.**

**Mr. Hansen** stated he would also like for the Board to consider continuing the Petitions of Patrick Shay, For, Gunn Meyerhoff and Shay, B-060501-52575-2, B-060501-52687-2, and B-060501-52767-2. He said the request that he was making of the Board was that Staff has been requested by the City Manager among others to look at and study this particular area as it related to the existing development standards for this particular area (Historic District). He said they have requested a 60 day time frame in which to do that. He said they will come back to the Board as well as the MPC Board with any recommended or suggested changes that may be warranted. At this point he could not tell the Board what or if any changes they might recommend. However, this would provide them the opportunity to study the same. He said he also would like to add that should the Board grant this request and it was his understanding that the petitioner was not going to oppose the request, but if the Board grant the request that anyone who may be here today that wished to have input or to make their positions known that they send Staff a letter or call them at the Metropolitan Planning Commission and they would include them and any comments that they might have in that consideration.

**SZBA Action:** Mr. Byrne made a motion that the Savannah Zoning Board of Appeals continue the Petitions of Patrick Shay, For, Gunn Meyerhoff Shay, B-060501-52575-2, B-060501-52687-2, and B-060501-52767-2 for sixty (60) days. Mr. Robinson seconded the motion and it was unanimously passed.

**RE: Consent Agenda**

**RE: Petition of W. John Mitchell, For  
New Legacy Community Development Corp.  
B-060428-62125-2  
629 East Anderson Street**

The petitioner is requesting approval of a 20 foot rear yard setback variance from the 25 foot rear yard setback required by Section 8-3025 of the Savannah Zoning Ordinance in order to construct a single family residence. The subject property, located at 629 East Anderson Street, is zoned R-M-25 (Multi-family Residential).

**Summary of Findings:** All of the conditions necessary for granting the variance requested appear to be met.

**RE: Petition of GBS Construction Co., Inc.  
Gail Shanklin  
B-060428-62205-2  
625 East Anderson Street**

The petitioner is requesting approval of a 13 foot side yard setback variance from the required 15 foot street side setback requirement; and a two foot side yard setback variance from the five foot side yard setback requirement of Section 8-3025 of the Savannah Zoning Ordinance in order to construct a single family residence. The subject property, located at 625 East Anderson Street, is zoned R-M-25 (Multi-family Residential).

**Summary of Findings:** All of the conditions necessary for granting the variance requested appear to be met.

**RE: Petition of Paul Bush, Agent for  
Mr. & Mrs. Bryan & Janet Roussell,  
B-060428-62310-2  
208 East Henry Street**

The petitioner is requesting approval of an application to establish an Inn (Use Number 6) pursuant to the requirements of Section 8-3028 of the Savannah Zoning Ordinance. The subject property, located at 208 East Henry Street, is zoned 2-R (Victorian District – 2-R).

**Summary of Findings:** All of the conditions necessary for granting use approval for an inn as requested appear to be met.

**RE: Petition of GBS Construction CO., Inc.  
Gail L. Shanklin  
B-060428-62563-2  
1314 – 1320 East Broad Street**

The petitioner is requesting approval of a 12 foot front yard setback variance from the 16 foot front yard setback requirement; and a 1½ foot side yard setback variance for each side from the five foot minimum side yard setback requirement of Section 8-3025 of the Savannah Zoning Ordinance in order to construct a single family residence. The subject property, located at 1314 – 1320 East Broad Street, is zoned BG (General Business).

**Summary of Findings:** All of the conditions necessary for granting the requested variances appear to be met.

**RE: Petition of GBS Construction CO., Inc.  
Gail L. Shanklin  
B-060501-34461-2  
1314 – 1320 East Broad Street**

The petitioner is requesting approval of a 12 foot front yard setback variance from the 16 foot front yard setback requirement; and a 1½ foot side yard setback variance for each side from the five foot minimum side yard setback requirement of Section 8-3025 of the Savannah Zoning Ordinance in order to construct a single family residence. The subject property, located at 1314 – 1320 East Broad Street, is zoned B-G (General Business).

**Summary of Findings:** All of the conditions necessary for granting the requested variances appear to be met.

**RE: Petition of Andie Grikitis  
B-060501-53077-2  
3311 Bull Street**

The petitioner is requesting approval of a 2,200 square foot lot area variance from the minimum 7,200 square foot lot area requirement of Section 8-3025 of the Savannah Zoning Ordinance in order to construct a two family dwelling. The subject property, located at 3311 Bull Street, is zoned R-4 (Four-family Residential).

**Summary of Findings:** All of the conditions necessary for granting the requested variance appear to be met.

RE: **Petition of Neighborhood Improvement Association  
Edward Chisolm, Agent  
B-060501-52330-2  
511 Kline Street**

The petitioner is requesting approval of a two foot side yard setback variance from the five foot side yard setback requirement, and a 12 foot rear yard setback variance from the 30 foot rear yard setback requirement of Section 8-3029 of the Savannah Zoning Ordinance in order to construct a single family residence. The subject property, located at 511 Kline Street, is zoned R-M-25/P-N-C (Multi-family Residential/Planned Neighborhood Conservation Overlay).

**Summary of Findings:** All of the conditions necessary for granting the variances requested appear to be met.

**Mr. Robinson** stated a sign was not posted for the Petition of Neighborhood Improvement Association, Edward Chisolm, Agent, B-060501-52330-2, 511 Kline Street.

**Mr. Hansen** stated he felt it would behoove the Board to check with the representative from the Zoning Administration to make sure that indeed a sign was picked up. He said in any event if they were not or if the sign was not posted then he would recommend that the Board continue the petition until the next regularly scheduled meeting as it appeared that it was not properly noticed.

**SZBA Action:** Mr. Robinson made a motion that the Savannah Zoning Board of Appeals move the Petition of Neighborhood Improvement Association, Edward Chisolm, Agent B-060501-52330-2 from the Consent Agenda to the Regular Agenda. Mr. Byrne seconded the motion and it was unanimously passed.

**SZBA Action:** Mr. Mackey made a motion that the Savannah Zoning Board of Appeals approve the Consent Agenda as amended. Mr. Byrne seconded the motion.

Mr. Stephens stated opposition has been noted from residents to the motion as stated.

**SZBA Action:** Mr. Byrne withdrew his second to the motion.

Mr. Stephens stated he would like to have a motion from the Board on each item individually.

**SZBA Action:** Mr. Mackey made a motion that the Savannah Zoning Board of Appeals approve the Petition of W. John Mitchell, For New Legacy Community Development Corp., B-060428-62125-2. Mr. Byrne seconded the motion and it was unanimously passed.

**SZBA Action:** Mr. Mackey made a motion that the Savannah Zoning Board of Appeals approve the Petition of GBS Construction Co., Inc., Gail Shanklin, B-060428-62205-2. Mr. Jones seconded the motion and it was unanimously passed.

**SZBA Action:** Mr. Byrne made a motion that the Savannah Zoning Board of Appeals approve the Petition of Paul Bush, Agent for Mr. & Mrs. Bryan & Janet Rousell, B-060428-62310-2. Mr. Mackey seconded the motion and it was unanimously passed.

**RE: Petition of GBS Construction CO., Inc.  
Gail L. Shanklin  
B-060428-62563-2  
1314 – 1320 East Broad Street**

Residents requested that the Petition of GBS Construction Co., Inc., Gail Shanklin, B-060428-62563-2 be moved from the Consent Agenda to the Regular Agenda.

**SZBA Action: Mr. Byrne made a motion that the Savannah Zoning Board of Appeals move the Petition of GBS Construction Co., Inc., Gail Shanklin, B-060428-62563-2 from the Consent Agenda to the Regular Agenda. Mr. Jones seconded the motion and it was unanimously passed.**

**RE: Petition of GBS Construction CO., Inc.  
Gail L. Shanklin  
B-060501-34461-2  
1314 – 1320 East Broad Street**

Residents requested that the Petition of GBS Construction Co., Inc., Gail Shanklin, B-060501-34461-2 be moved from the Consent Agenda to the Regular Agenda.

**SZBA Action: Mr. Byrne made a motion that the Savannah Zoning Board of Appeals move the Petition of GBS Construction Co., Inc., Gail Shanklin, B-060501-34461-2 from the Consent Agenda to the Regular Agenda. Mr. Jones seconded the motion and it was unanimously passed.**

**SZBA Action: Mr. Byrne made a motion that the Savannah Zoning Board of Appeals move the Petition of Andie Grikitis, B-060501-53077-2 from the Consent Agenda to the Regular Agenda. Mr. Jones seconded the motion and it was unanimously passed.**

**SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals continue the Petition of Neighborhood Improvement Association, Edward Chisolm, Agent, B-060501-52330-2 until the next regularly scheduled meeting because there was no sign posted on the site. Mr. Mackey seconded the motion and it was unanimously passed.**

**RE: Regular Agenda**

**RE: Petition of GBS Construction Co., Inc.  
Gail L. Shanklin  
B-060428-62563-2  
1314 – 1320 East Broad Street**

Present for the petition was Benjamin Eichholz, Attorney.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a 12 foot front yard setback variance from the 16 foot front yard setback requirement; and a 1½ foot side yard setback variance for each side from the five foot minimum side yard setback requirement of Section 8-3025 of the Savannah Zoning

Ordinance in order to construct a single family residence. The subject property, located at 1314 – 1320 East Broad Street, is zoned BG (General Business).

### Findings

1. Single family residential use is allowed in the B-G district. Minimum setback requirements include five feet on the side yards, and a front yard setback tied to the classification of the street and the amount of right-of-way dedicated thereon. The subject parcel is required to have a minimum 16 foot front yard setback. The petitioner is requesting a 1½ foot side yard setback variance for each side, and a 12 foot front yard setback variance.
2. The petitioner is proposing to construct a single family residence on the subject lot, a parcel considered substandard within the B-G zoning classification. The lot measures 35 feet wide and 80 feet deep and contains approximately 2,800 square feet. Standards of the district require a minimum frontage of 60 feet and a minimum lot area of 6,000 square feet.
3. 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 considered a substandard lot within the B-G zoning classification. The parcel is approximately 35 feet wide and 80 feet deep. There are no unusual topographic features on the lot.

- 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 create an unnecessary hardship. The required setbacks would result in a relatively small building envelope.

- 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 or impair the purposes and intent of the Ordinance. The proposal is generally

consistent with the development pattern in the immediate neighborhood. Moreover, the construction of a single family residence is a good use for the small infill parcel.

### Summary Of Findings

All of the conditions necessary for granting the requested variances appear to be met.

**RE: Petition of GBS Construction Co., Inc.  
Gail L. Shanklin  
B-060501-34461-2  
1314 – 1320 East Broad Street**

The petitioner is requesting approval of a 12 foot front yard setback variance from the 16 foot front yard setback requirement; and a 1½ foot side yard setback variance for each side from the five foot minimum side yard setback requirement of Section 8-3025 of the Savannah Zoning Ordinance in order to construct a single family residence. The subject property, located at 1314 – 1320 East Broad Street, is zoned B-G (General Business).

### Findings

1. Single family residential use is allowed in the B-G district. Minimum setback requirements include five feet on the side yards, and a front yard setback tied to the classification of the street and the amount of right-of-way dedicated thereon. The subject parcel is required to have a minimum 16 foot front yard setback. The petitioner is requesting a 1½ foot side yard setback variance for each side, and a 12 foot front yard setback variance.
2. The petitioner is proposing to construct a single family residence on the subject lot, a parcel considered substandard within the B-G zoning classification. The lot measures 35 feet wide and 80 feet deep and contains approximately 2,800 square feet. Standards of the district require a minimum frontage of 60 feet and a minimum lot area of 6,000 square feet.
3. 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 considered a substandard lot within the B-G zoning classification. The parcel is approximately 35 feet wide and 80 feet deep. There are no unusual topographic features on the lot.

- 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 create an unnecessary hardship. The required setbacks would result in a relatively small building envelope.

**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 or impair the purposes and intent of the Ordinance. The proposal is generally consistent with the development pattern in the immediate neighborhood. Moreover, the construction of a single family residence is a good use for the small infill parcel.

### **Summary Of Findings**

All of the conditions necessary for granting the requested variances appear to be met.

**Ms. Rebecca Bush** stated she was a member of the Church that was next to the proposed property. She said the Church owned a part of the property. She said where the petitioner was proposing to build their buildings the Church was concerned with regards to the parking. She said from the plans, she could not tell where the residents would park. She said the Church also owned the property across the street. She said the Church also planned to build a community center which may impact where the petitioner intended to locate their buildings.

She also stated the neighbor who lives next door to the Church but was not able to attend today's meeting did not know anything about the proposed plans or the meeting until today. She said the neighbor also was opposed to the proposed petition. She said their main concern was the parking because it already was a problem. She said they were interested in purchasing the property from the petitioner.

**Mr. Mackey** asked Ms. Bush if she was a resident or a member of the Church?

**Ms. Bush** stated she was a member of the Church and she lives in the area.

**Mr. Mackey** stated in terms of parking if the use the Church enjoyed was on Sundays.

**Ms. Bush** stated they use the Church on different days. She said they have prayer meeting, bible study, and so forth. The Church was used more than just for Sunday services.

**Mr. Mackey** stated she mentioned that the Church would probably negotiate the purchase of the petitioner's property. He said it was not within the Board's purview to recommend or negotiate the sale or purchase of property. He said that would be between the Church as a landowner and the principle. He said she also mentioned that the Church probably later on



would develop their property. He said that was also something that Board could not base any findings. He said the Board would have to base their findings on what was before them today.

**Ms. Bush** stated the Church main concern was the parking and they have owned this property for a long time.

**Mr. Eichholz, Attorney**, stated the residents would come off the lane and park in the rear of each of the units. He said the parking would be on the lots themselves and not on the Church property.

**Mr. Robinson** asked if the houses would be single family?

**Mr. Eichholz** stated yes.

**Mr. Robinson** asked if there would be two parking spaces behind each unit?

**Mr. Eichholz** stated yes.

**Mr. Robinson** stated he felt that would be sufficient enough parking for a single family resident.

**Mr. Jones** stated the lane separated the Church property from the petitioner's property. He said the next street going south was East Anderson Street and the property faced East Broad. In order to get into the parking area you would have to use the lane to get into to the yard.

**Mr. Eichholz** stated they would drive off of East Broad into the lane and they will pull behind the town homes and park off-street in their two spaces.

**Mr. George Brunson (601 East Henry Street)** stated they owned the property on part of the Anderson Street side. He said they felt in order for the petitioner to be able to do what they proposed they would have to come onto their property. He said if the Church wanted to do something with their property they would not have the 5 feet clearance in between the two properties which was a requirement.

**Mr. Hansen** stated the two properties that were subject of these petitions one was shown in the hash mark and the other was the vacant lot. The Church owned this property which came behind the two subject properties which was also owned by the petitioner. He said access as Mr. Eichholz stated would be from the lane.

**Pastor Blackshear** asked what variance was being requested by the petitioner and what would that mean to them as adjacent property owners?

**Mr. Hansen** stated the petitioner has requested and it was identical for both lots was a 12 foot front yard setback variance from the 16 foot normal setback requirement that would be required from East Broad Street. He said they were also requesting a 1½ foot side yard setback variance for all sides from the normally required 5 foot setback. He said there would be a total of 7 feet distance between the two houses and code required that there be a minimum of 6 feet. He said Staff felt that all of the conditions necessary for granting this variance have been met as both of them were substandard lots. He said they measure only 35 feet in width and they were 80 feet deep and they did not meet the minimum normally requirements of this particular zoning district. He said they were not asking for a rear yard setback variance. He said there was more

than enough room per code from the back wall of the house to the back property line which was where the petitioner was talking about having their parking.

**Pastor Blackshear** asked how far was the distance from the back of the building to the property line?

**Mr. Hansen** stated code required 25 feet and what the petitioner was proposing was 25 feet.

**SZBA Action:** Mr. Byrne made a motion that the Savannah Zoning Board of Appeals **approve** the petitions (B-060428-62563-2 and B-060501-34461-2) as submitted based upon a finding that all conditions necessary for granting the requested variances have been met. Mr. Jones seconded the motion and it was unanimously passed.

**RE: Petition of Andie Grikitis  
B-060501-53077-2  
3311 Bull Street**

Present for the petition was Nathan Belzer.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a 2,200 square foot lot area variance from the minimum 7,200 square foot lot area requirement of Section 8-3025 of the Savannah Zoning Ordinance in order to construct a two family dwelling. The subject property, located at 3311 Bull Street, is zoned R-4 (Four-family Residential).

### **Findings**

1. Section 8-3025 requires a minimum lot area of 3,600 square feet per unit for two-family dwellings in the R-4 district. The petitioner is proposing to construct a duplex on the subject property and is required, therefore, to have a minimum lot area of 7,200 square feet.
2. The subject parcel, which measures 52.5 feet wide and approximately 95 feet deep, is considered a substandard lot in the R-4 district. The parcel contains approximately 5,000 square feet, a figure below the minimum requirements for a single or multiple-family residence. The request is for a 2,200 square foot lot area variance in order to accommodate development of a two family structure. It is noted that a variance would also be required to construct a single family residence.
3. The development pattern in the immediate area is predominantly residential with most of the properties located on the west side of Bull Street having been constructed as multiple family dwellings. The proposed use is consistent with this pattern.
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 property is considered a substandard lot within the R-4 zoning classification. The parcel is approximately 52.5 feet wide and 95 feet deep. There are no unusual topographic features on the lot.

- 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 create an unnecessary hardship. Although a legally existing lot of record, the parcel is substandard and is smaller than the minimum requirements of the district

- 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 or impair the purposes and intent of the Ordinance. The proposed project is consistent with the existing development pattern in the neighborhood.

### **Summary Of Findings**

All of the conditions necessary for granting the requested variance appear to be met.

**Mr. Joseph Bergen, Attorney, (3 East 49<sup>th</sup> Street)** He said he lived directly across from the proposed petition. He stated he was also representing W. Hunter and Brenda Saussy who were owners of the lot that was behind him at 50<sup>th</sup> and Bull Street. He said they were opposed to the petition because it was their position that all of the requirements have not been met. He said the property was originally built and occupied as a single family dwelling. Later, it was sold and changed to a multifamily. He said the lot that the petitioner was proposing to build on was not large enough to accommodate another dwelling that would comply with the ordinance as it exists today. He said he felt the petitioner wanted to squeeze a multifamily unit in this area. He said to get a substantial variance for the square footage which leads many things to be desired such as the parking. He said there was no provision or area that the parking could be accommodated. The public safety would be impeded by the traffic levels especially along Bull Street because the traffic was very heavy and fast. He said coming out of the lanes in that area adjacent to the property was dangerous. He said the intent and purpose of the ordinance was the size of the structure in proportion to the lot. He said he felt this would be out of proportioned and created a hardship. He said they submit and request that the petition be denied. He said it was their position that none of the criteria had been met and that the density problem would be immense. He said they felt the public safety would be adversely affected as a result of the traffic levels. He said they felt that there was no hardship and the property has been like this for

over 70 years that he personally was aware of. He said they submit that the petition should be denied and things left as they were.

**Mr. Nathan Belzer** stated he was representing the petitioner Andie Grikitis as well as the potential purchasers of the property. He said the existing house was already a duplex. He said the potential purchasers live in Ardsley Park which was around the corner from this property. He said among the things that they were looking to do was increase the housing stock in this neighborhood to make it a little nicer rather than looking at an empty lot. He said they were not looking for setback variances. He said what they were looking to do was put a duplex on this lot and stay within the setback requirements. The structure would not be out of keeping with the size of the lot. He said the proposed use was in keeping with the predominant uses on the west side of Bull Street. He said as Staff has said the standard was 3600 square feet per unit. However, you could tell up and down Bull Street the predominant uses were under 3600 square foot limit. He said the proposed use with the variance would be 2500 square foot of lot size per unit. He said they intend to be in keeping with the setback variances as well as parking requirements.

**Mr. Mackey** stated prior to the signs being placed on Bull Street that prohibited parking, the residents used to park on the grass or drive up to the door which was an eyesore. He said somehow the ownership changed and at some point was done over. He said at times there was parking in the rear and a lane was also there.

**Mr. Belzer** stated yes, and the idea was to have parking access from the rear through the lane.

**Mr. Mackey** stated he mentioned the proposal was for a two family dwelling. He asked if he was talking quad?

**Mr. Belzer** stated two family. He said there were two different parcels that were owned by Andre Grikitis which was under two different PIN's. He said number one on the map was an existing structure which was a duplex. He said the quad was number two on the map. He said what they would have was a duplex (number one that was currently existing) and a quad (number two) and what they were looking for was a duplex here separated with proper setbacks from the existing structure.

**Mr. Mackey** asked with their proposed development, how many parking spaces did they have for the duplex?

**Mr. Belzer** stated it was either two per unit or one per unit, but it would be in keeping with whatever the minimum requirements were per unit.

**Mr. Mackey** asked if his principles owned the duplex facing Bull Street which faced Mr. Bergen?

**Mr. Belzer** stated he represented the seller of the property which was Andre Grikitis who represented both the existing structure and the empty lot and was selling them as a whole to the potential purchasers that he also represented who were also seeking the variance. He said they have mutual interest in both the buyer (Andre Grikitis) and the sellers.

**Mr. Mackey** asked if number one which was existing, faced Mr. Bergen?

**Mr. Belzer** stated yes.

**Mr. Mackey** asked if his principles owned that particular parcel?

**Mr. Belzer** stated yes.

**Mr. Robinson** asked Staff what was the requirement for the parking?

**Mr. Randolph Scott (City Development Services)** stated the petitioner has to provide two parking spaces per unit.

**Mr. Belzer** stated if the requirement was two per unit the proposed buyers built that into their plans.

**Mr. Mackey** asked where was the site plan?

**Mr. Hansen** stated they did not submit a site plan although the application says that there should be a site plan Staff has not been supplied one by the applicant.

**Mr. Mackey** stated he felt since there was no site plan he was not prepared to vote on the petition. He said he was concerned that the Board has not saw a site plan and Mr. Belzer was quoting something although the Board had the information he did not feel it was the Board or Staff's job to sometimes do the petitioners or principles homework. He said he felt the burden of proof to some degree lied on the principle.

**Mr. Hansen** stated he did not necessarily disagree with what he was saying, however he would also be remised if he did not point out that in this case and in some others that they have what the petitioner was requesting was merely a lot area variance. He has not requested any other variance for this particular project. He said Staff could only assume that what he was proposing to build fits within the building envelope.

**Mr. Mackey** asked if the site plan was a part of the requirement?

**Mr. Hansen** stated the site plan was listed on the particular application. He said it was included in the preamble that was at the top of the application. He said yes it was a requirement, however Staff did not have one in this case.

**Mr. Scott** stated sometimes applicants submit their application without contacting them. He said they (City Inspections) advise everyone that not only do they need to submit a site plan but in some cases they may need elevations.

**Mr. Mackey** stated all he was saying was that something could not be dropped on the Board at the meeting and then expected that they look at, decipher it, and intelligently make a vote. He said he felt the burden lied on Mr. Belzer and his principles to provide the Board the information and they did not have it which was a requirement.

**Mr. Hansen** stated on the application for the Savannah Zoning Board of Appeals it says – “The application and all supporting documents with the required plot or site plan must be submitted in ten (10) copies to the department at least thirty (30) days prior ...” He said he did not want them to get into a situation of trying to play the semantic game about a site plan or plot plan. He said it clearly said that there needed to be something that you have a reference for or to, to make decisions. In this case and other cases Staff was not provided all of the information that they would necessarily want.

**Mr. Mackey** stated he felt the Board was at a new stage, level, and time. He said with that he felt the Board has already been sort of leaning in asking for information and felt they were back at square one when they asked for it a couple of meetings ago. He said he understood what the past historical record was, but it had no basis for the future.

**Mr. Belzer** stated he understood. He said the plan submitted while it may not be as formal as a site plan, it was submitted with the application. He said the dotted areas represented the site of the building with the appropriate setbacks. He said that would be the footprint of the building so it was as close to a plot plan or site plan.

**Mr. Byrne** asked the petitioner if he could provide the Board with a site plan if was given 30 days?

**Mr. Belzer** stated yes.

**Mr. Robinson** stated the petitioner may want to request a continuance?

**Mr. Belzer** stated he would like to request a continuance so they would have time to submit the site plan.

**SZBA Action:** Mr. Byrne made a motion that the Savannah Zoning Board of Appeals continue the petition until the next regularly scheduled meeting (June 27, 2006). Mr. Jones seconded the motion and it was unanimously passed.

**RE: Continued Petition of Dietz Consultant  
Group, Inc. For  
William & Rebecca Keith  
B-060329-56491-2  
612 Waubun Road**

Mr. Robinson recused himself from the petition.

Present for the petition was Scott Dietz.

Ms. Burke gave the following Staff report.

The petition was continued from the April 25, 2006 meeting at the petitioner's request.

The petitioner is requesting approval of a 2 ½ foot side yard setback variance from the 15 foot side yard setback requirement along the north property line, and a ten (10) foot side yard setback variance from the 15 foot side yard setback requirement along the south property line pursuant to the standards of Section 8-3025 of the Savannah Zoning Ordinance in order to construct additions onto an existing single family residence. The subject property, located at 612 Wau Bun Road, is zoned R-20 (One-family Residential).

### **Findings**

1. There is an existing single family residence located on the subject property. The petitioner indicates that it is their intention to construct additions to the single family residence on the subject parcel.

2. The subject property is approximately 129 feet wide at the front lot line and 90 feet wide at the rear lot line. The lot depth is approximately 185 feet on the southern property line and 194 feet on the northern property line. The lot area is approximately 20,000 square feet. The R-20 district requires a minimum lot area of 20,000 square feet and a minimum lot width of 100 feet.
  
3. 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 currently a conforming lot of record.
  
  - 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. The applicant would not be able to construct the proposed additions in the existing locations.
  
  - c. **Such conditions are peculiar to the particular piece of property involved.**

The conditions described above 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. There is significant vegetation on site to buffer the proposed additions from adjoining properties, as well as from the street.

### **Summary Of Findings**

All of the conditions necessary for granting a 2½ foot side yard setback variance along the north property line and a ten (10) foot side yard setback variance along the southern property line appear not to be met.

**Mr. Dietz** stated although it was a conforming lot as presented by Staff it had some peculiarities which made it difficult to add onto the site or the existing structure. He said one of the problems on the site was although it had a frontage that exceeded 100 feet it converged to approximately 90 feet in the rear. He said the footprint on the east side was already on the setback line and on the west side which was where the current drive was to the garage it ran into the setback and then the car was turned into the garage. He said he felt the issue was they wanted to have

some sort of structure over their cars which was the piece of the building that was into the setback. On the east side they currently had a bedroom that opened up into a bathroom with a closet with no separation between the bathroom and closet. He said they wanted to put a hallway in here and at the same time remodel the space which ultimately would push this out about 1½ feet – 2 feet beyond the property line. He said there was a lot of vegetation on the site.

**SZBA Action: Mr. Jones 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. Mackey seconded the motion and it was unanimously passed.**

**RE: Petition of Sandra Wade Graves  
B-060428-62042-2  
4 Fluke Street**

Present for the petition was Sandra Graves.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a two foot side yard setback variance from the five foot side yard setback required by Section 8-3025 of the Savannah Zoning Ordinance in order to remodel an existing residential structure. The subject property, located at 4 Fluke Avenue, is zoned R-6 (One-family Residential).

### **Findings**

1. Section 8-3025 of the Savannah Zoning Ordinance requires a minimum five foot side yard setback for residences in the R-6 zoning classification.
2. The petitioner is in the process of completing a home remodel project on an existing structure. The work was begun with benefit of the necessary permits and has thus encroached into the required side yard setback. Because much of the work has already been completed, the petitioner is seeking a variance so as not to have to tear out and replace that already done.
3. The subject property is a standard lot within the R-6 zoning district. The lot contains approximately 7,500 square feet and measures 60 feet wide and 125 feet deep.
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 property is currently a conforming lot of record. There are no peculiarities due to size, shape, or topography.

- 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 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 likely cause substantial detriment to the public good.

### **Summary Of Findings**

All of the conditions necessary for granting a two foot side yard setback variance appear not to be met.

**Mr. Mackey** asked Staff if he said that the work was already done?

**Mr. Hansen** stated yes.

**Mr. Shipman** stated the Inspections Department received a complaint about this project. He said it was a case of a carport being enclosed and it encroached. He said he did an investigation and the structure has already been built. He said the petitioner was coming to seek relief from violating the ordinance.

**Mr. Jones** stated he felt this was a classic example of where a person does what he wants and then they come and ask the Board for forgiveness. He said for a number of years there has been a discussion about licensing builders and carpenters. He said it has been fought in the State Legislature. However, he felt that there still should be some type of regulation and licensing of these shot-gun people who get tools and go out and say that they are contractors. He said he felt if they were licensed, there could some regulations on what they do. He said the petitioner has a problem and she believed that some shyster who talked with her and agreed to do her work knew what he was doing. He said that individual has violated the law and there should be some punishment for people who violate the law.

**Ms. Graves** stated she purchased the house for her family and had it remodeled so it could be big enough. She said she did not know all the right procedures. She said it took everything she had to remodel the property. Now, she understands and knew the procedures. She said she felt this was causing her hardship because she has to live somewhere else and still pay the mortgage on her home.

**Mr. Mackey** stated in this particular case the Board understood that the construction was done prior to approval. He asked Staff what was the recourse for the Board and City?

**Mr. Hansen** stated he felt the Board had 1 of 2 options. He said the Board could grant the variance as requested or they could deny the variance as requested. He said if they grant the variance as requested, the petitioner, contractor, or both could go to the City and seek the proper permits to finish the work that has been started. He said if the Board denied the request it was his understanding that the City could cause the petitioner to remove that portion of the structure that was in violation. He said the question as to whether or not the City would enforce that matter was better left to the enforcement personnel and City Inspections as they would be the people to make that call.

**Mr. Scott** stated the City would be inclined to have it corrected. He said he felt that maybe this case needed to be continued so they could pull the permit. He said there was a permit in the office and they may be able to do it retro and then it would be the granting of a regular variance.

**Mr. Jones** stated regardless the petitioner could not occupy the dwelling until the final inspection and receive a Certificate of Occupancy.

**Mr. Hansen** stated this was only for a carport.

**Ms. Roselle Dempsey** stated she purchased the property next door (6 Fluke Street). She said she was not aware of anything about the encroachment. She said she saw the sign and called City Inspections to find out what it was concerning. She said she also was in the process of renovating her property and she went through all the procedures and got the required permits. She said the variance was not 5 feet after the petitioner did what ever they did to the garage. She said she purchased her property in April 2006. She said she was not complaining because she did not find out there was problem with the property until she called the City to inquire about the sign.

**SZBA Action: Mr. Mackey made a motion that the Savannah Zoning Board of Appeals continue the petition until the next regularly scheduled meeting (June 27, 2006). Mr. Byrne seconded the motion and it was unanimously passed.**

**RE: Petition of Paul Bush, Agent for  
Harriett R. William  
B-060428-62449-2  
111 West Anderson Street**

Present for the petition was Paul Bush.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of an application to establish a child care center pursuant to the requirements of Section 8-3028 of the Savannah Zoning Ordinance. The subject property, located at 111 West Anderson Street, is zoned 3-R (Victorian District – 3-R).

### **Findings**

1. Day nurseries and kindergartens (child care) are allowed uses within the Victorian District subject to approval by the Board of Appeals. The petitioner is requesting approval of such a use to provide child care for 25 children.

2. The subject property consists of two lots, each measuring 50 by 105 feet. The resulting combined parcel has 100 feet of frontage on Anderson Street and contains approximately 10,500 square feet. A 1,500 square foot structure, which formerly housed a dentist office, is located on the site.
3. Section 8-3028 of the Savannah Zoning Ordinance allows child care facilities, provided that a minimum of 100 square feet of outdoor play space be provided for each child. Whereas the petitioner's request is for 25 children, 2,500 square feet of outdoor play space would be required.
4. 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 such use shall be approved on a finding by the Board of Appeals that:

- a. **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 general plans for the physical development of the City.

- b. **The proposed use will not be contrary to the purposes stated for this chapter.**

The proposed use is not contrary to the stated purposes of this chapter.

- c. **The proposed use will not affect adversely the health and safety of residents and workers in the City.**

The proposed child care center will have little, if any affect on the health and safety of residents and workers in the City.

- d. **The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.**

The subject property is located on a street (Anderson) designated as a secondary arterial on the City's Street Classification Map. Furthermore, the property is located mid-block, approximately 100 feet from Whitaker and Barnard Streets. Whitaker Street is designated as secondary arterial, and Barnard Street is designated as a collector roadway. Accordingly, the traffic and potential congestion associated with the proposed project is not likely to be detrimental to the use or development of adjacent properties.

- e. **The proposed use will not be affected adversely by the existing uses.**

The proposed use, subject to approval, can be compatible with the character of the neighborhood.

- f. **The proposed use will be placed on a lot of sufficient size to satisfy the**

**space requirements of such use.**

The subject property contains 10,500 square feet. The property is of ample size to accommodate the proposed use and the space requirements thereof.

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

Increased vehicular movement and noise generation could be a nuisance to the surrounding area.

- h. The standards set forth for each particular use for which a permit may be granted have been met.**

Standards as discussed above appear not to be met. The number of children proposed to be cared for at his location pose concerns about safety, congestion, and, the possible detrimental impacts that might be experienced by surrounding property owners. Moreover, the submitted petition requests approval for up to 25 children. The outdoor play space indicated on the site plan, however, is sufficient only to accommodate 21 children.

**Summary Of Findings**

All of the conditions necessary for granting the use approval sought for a child care center appear not to be met.

**Mr. Jones** asked Staff if the petitioner would they meet the requirements if they reduced the number of children to 20?

**Mr. Hansen** stated with no representation as to whether or not the number of children would be correct or incorrect. He said if the petitioner reduced the number of children from 25 to 21 or less, yes they have per the ordinance sufficient space to meet that particular requirement. The number of children the Board would allow them to have if they allow them to have a childcare center at this location was up to the Board to make that decision. He said the petitioner has a little over 2100 square feet, therefore 21 children would be the maximum under their present proposal.

**Mr. Mackey** asked if there were increments that the Board went up in?

**Mr. Hansen** stated there were no formal increments. He said as the Board was aware upon previous cases not in the Victorian District but rather on previous cases anywhere else in the City the increment tended to go in increments of 6, but there was no statutory limit. He said in other parts of the ordinance you could have up to 75 children provided you could meet all the requirements. In the Victorian District, there was no such upper limit.

**Mr. Mackey** stated in the memo that the Board asked of Staff from March 28, 2006 on item 6 with reference to the City's Victorian District bounded by M.L.K. Blvd. on the west, Gwinnett on the north, East Broad on the east, and Anderson on the south, it allowed childcare centers subject to Board of Appeals approval. The district required that only 100 square feet of out door play space be provided for each child. We would suggest that the Board consider an

amendment to the district that makes childcare requirements consistent throughout the City. He said may be they can talk about that particular issue at the end of the meeting.

**Mr. Bush** stated they proposed 25 children at 35 square foot per child interior. He said they did not have other than the 21.65 square feet outdoor play area. He said all the children did not go outside at the same time. He said the times would be staggered. He said Ms. William was willing to accept whatever the Board recommended as far as 21 children. He said as far as the playground area they were willing to stagger the children, so that there would be no more than 21 children or less at any time.

**Mr. Hansen** stated the Savannah Zoning Ordinance was a little convoluted in some areas and this was one of those areas. He said there were sections and zoning districts within the City where allowances were made for the square footage as required for the number of children that was outside at any one time. Some of the districts did not have that requirement and some did. He said in this particular case, for the Victorian District, it did not make specific reference. It was silent. He said it merely stated that there must be 100 square feet of outdoor play space per child. He said that has been interpreted to mean, that as perhaps unlikely as it might be, that that was what was required because they could all be out there at one time. He said that was what their recommendation was based upon.

**Mr. Scott** stated that was noted for the Victorian District. He said it was actually set up for pending Board of Appeals approval. He said when it was Board of Appeals approval it then says that it was 100 square feet per child on the roll. Otherwise, if it was allowed by a matter-of-right it would be 100 square feet per child in the pool that was taken out at the time.

**Mr. Robinson** stated he visited the site and the front yard of the site was very large. He said he did not see why some of the front yard could not be encompassed for additional exterior square footage to serve the children. He said the petitioner could also amend their request for 21 or less.

**Mr. Bush** stated they would like to amend their request for 21 children.

**Mr. Jones** stated it was nice to say that people were going to obey the rules. He said he felt the Board needed to limit the amount of children. He said he felt if they take away from the parking lot it would cause problems because as designed there was a way for you enter and exit. He said if they take some of the parking lot then it would be one way in and one way out. He said Anderson Street was a one way street going east and it was a busy street.

**SZBA Action:** Mr. Jones made a motion that the Savannah Zoning Board of Appeals **deny** the petition as submitted and **approve** the petition for a maximum of 20 children based upon a finding that the conditions necessary for granting the use approval have been met.

**Mr. Byrne** asked if there was any opposition to the petition?

**Mr. Stephens** stated the Board received a letter in opposition to the petition.

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

RE: **Petition of Allison Quincannon  
B-060501-52883-2  
2520 Bonaventure Street**

Present for the petition was Phillip McCorkle, Attorney.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of an application to establish a funeral home pursuant to the requirements of Section 8-3025 of the Savannah Zoning Ordinance. The subject property, located at 2520 Bonaventure, is zoned R-I-P (Residential-Institutional-Professional).

### **Findings**

1. Funeral homes, subject to approval by the Board of Appeals are an allowed use within the R-I-P zoning district.
2. The proposed site, located on Bonaventure Road contains approximately 3.81 acres. A majority of the site is designated as wetlands. The wetlands acreage will not be disturbed and a 25 foot wetland buffer has been maintained.
3. 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 such use shall be approved on a finding by the Board of Appeals that:
  - a. **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 general plans for the physical development of the City.
  - b. **The proposed use will not be contrary to the purposes stated for this chapter.**

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

The proposed funeral home will have little, if any affect on the health and safety of residents and workers in the City. It is likely that there will be an increase in traffic and subsequent congestion associated with the use. Though traffic is likely to be off-peak, the extent to which the increase in traffic may be troublesome will be dependent upon the usage of the site.
  - d. **The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.**

Bonaventure Road is classified as a collector street on the City's Street Classification Map. Though an increase in traffic can be expected, the roadway should be of sufficient size and capacity to handle the same.

**e. The proposed use will not be affected adversely by the existing uses.**

The proposed use, subject to approval, can be compatible with the character of the neighborhood.

**f. The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of such use.**

The subject property contains approximately 3.81 acres. The property is of ample size to accommodate the proposed use and the space requirements thereof.

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

Increased vehicular movement and subsequent noise generation could be a nuisance to the surrounding area.

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

Standards as discussed above appear to be met; however, questions may arise concerning traffic patterns and amount of traffic that might be generated by said use.

### **Summary Of Findings**

It appears that the conditions necessary for granting the use approval sought have been met, but the Board is encouraged to question the petitioner about expected traffic levels and site usage.

**Mr. McCorkle** stated a funeral home use was an appropriate use for this property since it was zoned RIP. He said the ordinance says that you shall approve it unless certain things were not proven and what you really were looking at was if this was not a nuisance, hazard, or detrimental to the surrounding area, then it should be approved. On the zoning map of the area it shows how three different jurisdictions (Thunderbolt, County, and City) converge. He said the area was residential, industrial, and in between which was clearly intended to be a transitional zone was RIP. Across the street there was some multifamily and a couple of tracts that were undeveloped. He said all of the industrial land was developed and all of the residential land that was not wetlands was developed. It seemed that the only thing that was not being put to use was this piece that was zoned RIP. He said it has been there a long time and he was sure that it was not called wetlands when it first started sitting there. It was called low land. He said it was a good transitional zone between the industrial and residential which was close in proximity. He said when you look at the list of uses for RIP there was not a lot that you could put this property to use for. He said the closest residence to his client's property was on Idaho Avenue which was a couple of hundred feet. He said with regards to if they were going to open

the streets, no. He said when they looked at this piece of property and tried to decide if putting a funeral home there was a nuisance, hazard, or detrimental given the distance from anybody else's house they felt it was not either of those things. He said his client also will not have a crematorium with the funeral home. He said he felt the only other issue would be the traffic. He said if business was good, you would have two funerals a week. Typically, funeral homes have visitation in the evenings and funerals were held usually during the day and week. You may go days when there was no one at a funeral home except for the employees who work there. He said it was off-peak which was good. He said the building would be approximately 6,500 square feet. There would be 54 parking spaces. The chapel would hold between 150 and 165 seats. He said that would be 1 parking space for every 3 seats. He said any use on Bonaventure Road was going to produce some traffic. He said a funeral home produced sporadic traffic. He said no one has done anything with this property for all these years because of the heavy concentration of industrial users. He said there also was a concentration of heavy residential users, therefore it was caught in between. He said this zone was designed to allow something that would transition and ask for the Board's support.

**Mr. Byrne** stated in reading what some the neighbors had submitted they were also concerned about the effect that it would have on the wetlands. He said if they put in 54 parking spaces that served as a natural drainage basin for the surrounding neighborhood and businesses, what effect would that have on the wetlands and has there been any kind of environmental impact study that might alleviate some of their fears.

**Mr. McCorkle** stated you could not alleviate people's fears that were not based upon a clear thought pattern. He said if there was a use for the property there would be buildings and parking. No matter what went there, you have to take care of your runoff. He said they also have to do a general development plan and a specific plan and those issues have to be addressed. He said also they have to submit to the Core of Engineers that they would not interfere with the wetlands.

**Mr. Jones** stated on the area that was going to be used for parking, if it would be necessary to do some infill.

**Mr. Dan Fisher, EMC Engineering**, stated there would probably be minimum fill in the parking area because the whole area was in a flood zone and not just this site but the other sites as well. The requirement was that you do not have net fill within a flood zone. He said the wetlands had a 25 foot buffer. He said the City had a stormwater requirement for detention. All of the drainage would have to first be routed through a detention area. He said they were looking at raising the building up slightly and possibly putting it on tiers with the foundation so that they were not filling in that flood zone.

**Mr. Jones** asked if that was part of the 100 year flood zone?

**Mr. Fisher** stated yes.

**Mr. Rowland Wolf (2403 Bonaventure)** stated he disagreed with the comments made by the attorney that this was not a nuisance. The letter he provided to the Board was composed by a number of the residents on Bonaventure Road. He said all the residents unanimously seek some relief from the Board for this project not to pass. He said they felt the proposed petition would be a nuisance and it would also increase the traffic flow on Bonaventure. He said the traffic that comes through there has destroyed a lot of the vegetation. He said in the wetland



area he felt they would have to do a lot of fill because it was below sea level. He said they felt it would destroy the wetlands that was back there.

**Mr. Mackey** stated in the lot portion of it being vacant there always was the potential that someone could come and develop it, if they own it.

**Mr. Jones** stated the zoning for this particular area was RIP (Residential Institutional Professional). He said that meant that you could put a house, business, or school. He said the petitioner would be within their rights to have a funeral home there in the present zoning requirements.

**Mr. Byrne** asked how would the proposed petition affect the traffic on Bonaventure?

**Mr. Wolf** stated he felt it would increase the traffic.

**Mr. Jones** asked Staff if the Board approved the petition without the crematory, would the petitioner have to come back to the Board in order to establish that use?

**Mr. Hansen** stated yes.

**Mr. Robinson** asked Staff if a provision or an agreement legally be constructed so that the crematory prohibited from being put on that site in perpetuity?

**Mr. Hansen** stated he was not certain if there would be a way to craft that into the motion. He said he believed the intent would be that if the Board was going to make a motion to approve this with a condition that no crematory be allowed and clearly, the Board's intent would be on the record of what they wished.

**Mr. McCorkle** stated the way it could be done was you could not agree with a public body that they would never come back and ask for anything else because that was contract zoning. But, you could put a restrictive covenant of record (use restriction) and the law has recently been changed and you could put them up for 20 years and they renew automatically. He said what you do was you put it in favor of certain other property owners and they are the ones who could enforce it like Mr. Wolf and may be a couple of more residents who were the closest neighbors. He said you would put the restriction on record to say something of the nature – *“we restrict our piece of property, we would not ever put a crematory and you are the beneficiary of the promise.”* He said that effectively would do it forever. He said they would be willing to accept that as well as part of any motion for approval. He said the second condition was that they would record a covenant. He said he could prepare it and they could let the City Attorney or whomever they wanted review it.

**Mr. David Hardie (1310 Bonaventure)** stated Bonaventure was a major cut thru from Victory all the way to Skidaway. He said he was concerned that the proposed petition would increase traffic. He said the road was very narrow and most times people come through speeding that it almost causes accidents daily.

**Mr. Mackey** stated he felt a funeral home was a less intensive use than a very busy office complex. Although it was not residential which some have indicated they would desire, but it was important for them to understand that the rest of the RIP was Institutional Professional which covered a little more than what residential zoning would cover.

**Ms. Angela Jones** stated she was speaking for herself as well as another resident (Carol Moore) who lived in the area. She said one that had not been mentioned was that it was a historical scenic area. She said Bonaventure Cemetery was a main place that a lot of tourists visit. She said with regards to Ms. Moore's letter it says –

“a right to express concern over plans to develop property located at 2520 Bonaventure Road. This beautiful and totally wooded parcel was about 2/3 wetlands to the north which serves the natural drainage basin for the surrounding neighborhood. The parcel is also habitat for nesting wild life including both grey horned owls and barn owls. The property is one of only two remaining wooded parcels left on Bonaventure Road, a beloved and scenic roadway leading to Bonaventure Cemetery. My home is 2501 Larkin Avenue is located just north of this parcel. The petitioner is requesting approval of an application to build a funeral home on the property while the use is apparently permitted in the RIP zone, I respectfully request that the ZBA consider the following in its deliberations. The property is environmentally sensitive. Storm water runoff rushes directly into the wetland from the north, west, and south and then drains slowly towards the Placentia Canal. The wetlands on this property should be preserved and not disturbed in any way. Because the property is so low and flood prone, existing trees on the upland buildable portion of the property should be preserved and protected as much as possible. This would not only help with water absorption, but it would also provide a visual buffer for residents to the west enhance the attractiveness of any structure that might be built on this site and soften the exposure of any parking areas. Parking areas surfaced with pervious pavement would also be helpful with drainage. Bonaventure Road is designated as a scenic roadway and the roadway amenities part of Savannah Chatham County's Comprehensive Tri Centennial Plan. Every effort should be made to use the property in a way which preserves the tree canopy of the road and the natural charm of the area.

The property is located at the intersection of Downing and Bonaventure where the City, County, and Thunderbolt meet. Because multiple jurisdictions are involved there is no comprehensive over site in how property is developed. In recent years, the area has been treated with great disrespect despite its historic and environmental significance. Five years ago the County completely denoted the area north of the entrance to Bonaventure Cemetery for its canal widening project. The area remains barren and trashy today. Two years ago Thunderbolt clear cut the northeast corner of Downing and Bonaventure to construct a most unattractive public works facility. Nearby residents, funeral processions, and tourists alike now look at tall cyclone fences and garbage trucks instead of deep woods. Just this past Spring a private development project on the Thunderbolt side of Bonaventure took down nearly every tree between Downing and the Placentia Canal to make way for a 120 townhouses. Little by some the beauty of Bonaventure is being destroyed. It is critical that this trend be reversed. The property at 2520 Bonaventure the last parcel within the City of Savannah limits should be developed appropriately, sensitively, and beautifully so that it sets a good example to follow rather than yet another bad one. Somebody has to stand up for Bonaventure before it's lost. Section 8-3163 of the zoning code allows for restrictions and standards as are necessary to protect the health and safety of residents and the value in use of property in general in the neighborhood. I request that the Board of Appeals impose such restrictions on this application to protect the quality of life of nearby residents and to preserve the character and nature that is so especially Bonaventure. Thank you.”

**Ms. Jones** further stated that plans she has seen for the funeral home there were four trees that would be left in front of the building between the building and Bonaventure Road. She said that was one of the major concerns that she has that it completely destroys any of the beauty of that area.

**Mr. Jones** stated in her presentation she talked about Chatham County and Thunderbolt. He said the area that the Board was concerned about was within the boundaries of the City of Savannah. He said the Board has no jurisdiction over Chatham County nor Thunderbolt.

**Ms. Jones** stated she felt the point that her neighbor was trying to make in the letter she read was that because it was an area where three come together there was not a consensus about what the whole area was like. She said taking into consideration that because some this area was not controlled by Savannah that it was already been destroyed past a point that they felt was regrettable. She said they felt that this does not have to be continued in this way and was an area that the Board had some control over monitoring. She said they would ask that the Board take that into consideration.

**Mr. Jones** stated in the wetlands area the environmental protection division would have some concerns in the area to make sure that it was not destroyed.

**Ms. Adrian Mendonsa (2414 Hawaii Avenue)** stated she felt the area was primarily residential although it had a small spot of industrial use which was next to the cemetery. She said on the western and eastern sides this was a residential street that was slow and quiet. She said she felt that as long as the parking and traffic flow could be worked out she did not have a problem with the funeral home being there because something is going to go there. She said her concern was that the wetlands be preserved.

**SZBA Action:** **Mr. Mackey** made a motion that Savannah Zoning Board of Appeals approve the petition as submitted subject to the following conditions: (1) That no crematorium be allowed on the site; and (2) That a restrictive covenant be prepared and properly recorded to run in favor of the surrounding property owners to provide that no crematorium be allowed on the site. **Mr. Jones** seconded the motion and it passed 4- 1. **Opposed to the motion was Mr. Byrne.**

**RE: Petition of Vince Emmons, Agent for  
Regal Savannah 10  
B-060501-52999-2  
1132 – 1134 Shawnee Street**

Present for the petition was Gary Shuman.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a 104 space parking variance from the requirements of Section 8-3089 of the Savannah Zoning Ordinance for a movie theatre complex. The subject property, located at 1132 – 1134 Shawnee Street, is zoned PUD-IS (Planned Unit Development-Institutional).

### **Findings**

1. Parking is regulated by the requirements of Section 8-3089 of the Zoning Ordinance. Accordingly, movie theatres are required to have one parking space for every four seats. The subject theatre (Regal 12-plex) has a total of 1,924 seats, therefore requiring 481 parking spaces. The current parking lot configuration provides 481 parking spaces in a combination of eight foot by 20 foot standard spaces, and 7½ foot by 16 foot compact

spaces.

2. The petitioner intends to resurface the existing parking lot, and in so doing, is also desirous of reconfiguring the lot to provide for spaces that are, at a minimum, nine feet by 20 feet in size. The desired configuration would result in a total of 377 spaces. A parking variance of 104 spaces is necessary to achieve the requested design.
3. It is the petitioner's contention that, based upon the number of screens and the historical customer data available, all of the parking spaces are rarely, if ever, used at one time. The petitioner has submitted photographic evidence in support of his claim. The photos are attached to this report.
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 property is considered a standard lot within the PUD-IS zoning classification. The parcel is approximately 395 feet wide and 750 feet deep. There are no unusual topographic features on the lot.

- 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. The existing parking provided currently meets the Ordinance minimums.

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

The conditions described above 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 likely cause substantial detriment to the public good.

### **Summary Of Findings**

All of the conditions necessary for granting the requested parking variance appear not to be met.

**Mr. Mackey** asked how many spaces were in there now?

**Mr. Hansen** stated 481.

**Mr. Ryan Graham** stated he was representing the theater next door. He said the plans the petitioner showed that they had unused parking spaces. He said this past weekend with the opening of the DaVinci Code all the spaces were used. He said if it was a major movie and their theater was not playing it, most times it would be playing at the Regal 10 which was how the split worked with the studios. He said their theater had enough parking therefore they would not have to park onto the Regal 10 lot. He said their theater felt that if the Regal 10 reduced their parking by 25 percent they would be parking in their lot.

**Mr. Robinson** asked what was the size of their parking spaces?

**Mr. Graham** stated 9 feet.

**Mr. Stephens** asked how many parking spaces did they have on their lot?

**Mr. Graham** stated he did not have the exact number, but thought it was over 600 spaces.

**Mr. Byrne** stated he felt that would be an issue they would have to discuss with Regal 10 outside of this.

**Mr. Graham** stated his point was that if the Regal 10 reduced their parking by 104 spaces, that they would probably have to park sometimes at the Savannah Mall or at their theater. He said their theater could not accommodate their parking and Regal 10 parking.

**Mr. Byrne** asked if Regal 10 used their parking now?

**Mr. Graham** stated no unless it was a really good weekend. However, they felt the Regal 10 would if they reduced their spaces by 104.

**Mr. Mackey** stated he remembered discussion they had years ago about parking lots. For example, Kmart on Victory Drive had an incredibly huge parking lot and they were never able to use all the parking spaces. He said it was so big until another business was able to come and locate within the parking lot and use parking spaces for their business that was originally intended for another business. He asked if the two theaters play the same movies?

**Mr. Graham** stated no.

**Mr. Gary Shuman of Hussey, Gay, Bell, & DeYoung Engineers (Regal 10)** stated as mentioned the reason they wanted to re stripe their parking was to have larger spaces. He said the theater has had numerous complaints from patrons who have had doors scratched or dented. He said they have also had complaints from patrons who have come out of the movie with their family and cars were parked so close they could not get into their car to leave. He said they felt there was a real need to change the width of the parking spaces. He said they felt they could do this and still meet the needed parking spaces on the site. He said it was his understanding that several years ago that they re striped their parking and the spaces were widen. It was his understanding that it was left like that for several years. He said it worked and they did not have the complaints from the patrons or experience any shortage of parking. He said when they went to refinance, it was discovered that they did not have enough parking spaces.

**Mr. Mackey** stated it seemed like the Board was being put in the middle of a fight. He said if one theater is busier than the other or if they were both busy at the same time, if he was a customer and saw parking available on either site he would probably park and walk over to which ever theater he had planned to go to. He said but he felt that was getting in between a fight.

**Mr. Shuman** stated he did not think either one of the theater owners had any control over which theater their patron goes to. He said once you park in a space who was going to be there to say that you have to go this theater or the other. He said you assume as the theater owner that your patrons were going to park in your parking spaces. He said he did not know if there was an answer to that. He said they were asking for a variance on parking spaces.

**Mr. Mackey** stated the reason he made the previous comment was because he mentioned that there was some financing that was sought and they could not get it because of parking spaces.

**Mr. Shuman** stated what he was getting at was they were refinancing their loan and when they did their survey in order to satisfy those requirements it was discovered that they did not have the required parking spaces for the lender. He said they went back and re striped to the original sizes 7 feet or 8 feet which was the smaller spaces and they started getting the complaints again. He said they were before the Board asking for a variance on the number of parking spaces so they could provide wider parking spaces. He said for clarification with regards to the buffer, there was no proposal to change any paving, fencing, or trees.

**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 variance requested will not cause substantial detriment to the public good. **Mr. Jones** seconded the motion. The motion was tied 2 – 2. The motion passed 3 – 2 with the Chair voting in favor of the motion. Opposed to the motion were **Mr. Mackey** and **Mr. Robinson**.

#### RE: Other Business

**Mr. Robinson** stated he would like to see the signage for applications to the Board to be more informative to the lay person in layman terms so they could understand it from some kind of summary instead of just referring to some kind of code section.

**Mr. Byrne** stated he felt the Board needed to be careful with that because it first should be considered as to who puts it in layman terms. Secondly, the translation from the law into laymans terms you may run all kinds of risks because someone could translate it and it may not quite mean what it should mean under the law. He said then you have people saying that was not what the sign said and that was not how they interpreted it. He said he felt it was better that it has the section of the ordinance and people could look it up or go and go and talk to a lawyer if they needed to. He said he was not saying that Staff or Inspections could not do it, but the problem would be if that would lead to any kind of liability.

**Mr. Robinson** stated he felt the City Attorney could look at because it would be a major change. He said he could not see from a laymans point of view he could not see why any of these nature of request could be less wordy.

**Mr. Byrne** stated he appreciated his idea and intent but felt that was a risk that you would have with it.

**Mr. Robinson** stated he would like to ask again what the Board has talked about before with regards to site plans being submitted and provided to the Board.

**Mr. Hansen** stated he felt Mr. Byrne's comment regarding the signage was well taken. He said he would not advocate for putting it in strictly laymans terms. He said what they could do that might help. For example, the signs that were posted on the property most times say where it says what is requested - variance. He said he felt it could say side yard variance or something.

**Mr. Randolph Scott (City Development Services)** stated people who were interested in knowing also called their office when they see the signs posted. He said when people call the office they give them detail information.

**Mr. Hansen** stated also in the notice letter that was mail to property owners in the last paragraph in bold type it says – “if you have questions or comments please contact Jim Hansen, Secretary to the ZBA.” He said his telephone number is also provided on the letter. He said people do call him. He said once he talk to them on the phone and explain what the petitioner is proposing it oftentimes relieve their concerns. He said with regards to the site plan issue if it was the Board's direction they could refuse to take and accept an application that does not have a site plan. He said the applications were not accepted at the MPC but at City Inspections. He said he felt if the information was not provided then it doesn't need to be accepted. He said once City Inspections accepts the application and the closing date arise and they deliver it to MPC it puts us in a bad spot to work with it. If the Board directs Staff to do that and if it does not have a site plan he will call the applicant and let them know they need to provide a site plan within 24 hours or it will not be heard by the Board.

**Mr. Scott** stated they review the applications when submitted which was some times quickly. He said in the preamble there was nothing that said they have the right to at their level not to forward the application to MPC. He said they will continue to try to let people know a site plan is needed if one was not provided.

**Mr. Stephens** asked Mr. Hansen if he could work with City Inspections so it could be a part of the process? He said the Board felt it needed to be done because it helps them when they are reviewing the cases.

**Mr. Mackey** asked if there was resolution on the signage?

**Mr. Hansen** stated it was his understanding what they just talked about was that they would continue with the legalize of the public notices and what was on the signage because they have to do that per the law. He said he could put something in addition to that, that he felt would not in any way impact what they legally have to do. He said he will work with City Inspections. He reiterated that City Inspections name and number is provided on the signs and on the property notices his name (Jim Hansen) as well his phone number was also provided.

**Mr. Mackey** stated with regards to the childcare centers based on Staff's letter of March 28, 2006, he would like for a draft of a text amendment so the Board could look at it maybe on a shorter meeting.

**Mr. Hansen** stated he would like to suggest and what he has observed was that the case loads for the City was not going down and seemed to be going up. He said their time at the end of the meeting when they would normally would discuss these types of things would like to suggest that with MPC they often have planning meetings. He said since Board of Appeals meet at 2:30

in the afternoon as a suggestion they may want to consider instead of waiting to the end of the meeting maybe they get together prior to the meeting at 1:00 p.m. or 1:30 p.m. in the conference room to discuss some of these issues. He said he felt that would give them a better chance to flush them out. He said he could prepare a draft, proposal or something that they could work on and talk about. He asked if the Board wanted to do it that way?

**Mr. Mackey** stated he felt that would be good. He said he was thinking the Board could either do a retreat for a couple of hours or as suggested by Mr. Hansen come in a little early before the regularly scheduled meeting and discuss these issues. He said the Board could do it on an as needed basis. He asked if lunch could be provided?

**Mr. Hansen** stated yes, he did not think that would be a problem. He said since the Board gets together at 2:30 p.m. on the last Tuesday of the month. He said maybe they could plan to do it June 27 which would be the date for the next meeting.

2. 2201 Cornwall Street

**Ms. Burke** stated with regards to 2201 Cornwall Street petitioning the Board for a daycare center. She said Mr. Bing came before the Board and presented the petition. She said the actual applicant had sent Mr. Hansen an email withdrawing the petition before the ZBA meeting. She said it was not received because he was attending a conference in San Antonio.

**RE: Adjournment**

There being no further business to come before the Savannah Zoning Board of Appeals the meeting was adjourned at 5:30 p.m.

Respectfully submitted,

James Hansen,  
Secretary

**JH:ca**