

SAVANNAH ZONING BOARD OF APPEALS

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

JULY 25, 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:

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

RE: Call to Order

Mr. Stephens called the July 25, 2006 meeting of the Savannah Zoning Board of Appeals to order at 2:30 p.m.

RE: Minutes

1. Approval of SZBA Minutes – May 23, 2006
2. Approval of SZBA Minutes – June 27, 2006

SZBA Action: Mr. Byrne made a motion that the Savannah Zoning Board of Appeals approve the regular meeting minutes of May 23, 2006 and June 27, 2006. Mr. Jones seconded the motion and it was unanimously passed.

RE: Regular Agenda

Mr. Stephens asked if there was anyone present that would like to request a continuance on items scheduled to be heard under the regular agenda.

**RE: Continued Petition of Patrick Shay, For
Gunn Meyerhoff Shay
B-060501-52575-2
Liberty & Tattnall Street**

Mr. Shay stated they had two petitions that were on the agenda for today that his client and Jonathan Hart, Attorney has requested a continuance until the next regularly scheduled meeting. He said they would like a continuance for the Petition of Patrick Shay, For, Gunn Meyerhoff Shay, B-060501-52575-2 and B-060501-52767-2. He said they were asked by the

Board two months ago to voluntarily continue for 60 days with the understanding that MPC or staff would be further studying the issue and coming back with some recommendations. As of the end of last week they were told that those deliberations were inclusive. He said they did not have sufficient time to be ready for this meeting in order to address the fact that those were inclusive. He said they would ask that the Board to continue the petition numbers 1 and 3 as previously stated.

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 and B-060501-52767-2 until the next regularly scheduled meeting. Mr. Mackey seconded the motion and it was unanimously passed.

Mr. Rubin Clark, Attorney, (Beehive Foundation) stated both the Beehive Foundation and Gary Arthur own property that was approximate to the prospective developments. He said they have appeared at two consecutive hearings and while they do not object to the petitioner's continuance they would ask that the petitioner carefully review the variance ordinance. Also, if possible they would like the petitioner to submit a development that avoided a variance review by the Board.

Mr. Robinson asked the petitioner if there was a reason why petition number 2 on the Regular Agenda was not being pulled from the agenda?

Mr. Shay stated it was a different project and client with a different set of circumstances.

**RE: Continued Petition of Gunn Meyerhoff Shay
Patrick Shay
B-060501-52687-2
Liberty & Whitaker Streets**

Present for the petition was Patrick Shay.

Mr. Hansen gave the following Staff report.

The petition was continued from the May 23, 2006 hearing in order to allow staff an opportunity to assess the development pattern with regard to lot coverage in the Liberty Street corridor and to make possible recommendations thereto.

The petitioner is requesting approval of a variance to increase lot coverage to 90 percent as opposed to the 75 percent allowed; and is seeking a lot area variance of 600 square feet from the 11,400 square feet of lot area required pursuant to Section 8-3025 of the Savannah Zoning Ordinance in order to construct a multi-family residential structure. The subject property, located at the northeast corner of Liberty & Whitaker Streets, is zoned R-I-P-B (Residential-Medium Density).

Findings

1. Section 8-3025 of the Savannah Zoning Ordinance allows lot coverage of 75 percent within the R-I-P-B zoning district. The petitioner intends to construct a multi-family residential development on the subject property (upper floors) with commercial uses at the ground floor and is requesting a variance to allow lot coverage of 90 percent. Section 8-3025 also requires a minimum lot area or 600 square feet per unit for multi-

family residential uses in the R-I-P-B district. The petitioner is proposing to construct 19 units, which would require 11,400 square feet of lot area. Whereas the subject parcel is 10,800 square feet in area, a variance of 600 square feet is sought.

2. The subject parcel is approximately 120 feet wide and 90 feet deep. The parcel has frontage on both Whitaker and Liberty Streets. The parcel is considered a standard development lot within the R-I-P-B district.
3. The petitioner has submitted documentation in support of his application that is attached hereto. The documentation provides an analysis of the existing Liberty Street corridor developments and gives particular note to the lot coverage of other structures in the vicinity of the proposed development.
4. The petitioner has yet to appear before the City's Historic Review Board for approval of the design of the proposed structure. Such approval will be necessary prior to the issuance of building permits.
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 parcel is considered a standard lot within the R-I-P-B zoning classification. There are no unusual topographic features associated with the parcel.

- 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.**

Based upon development patterns in the immediate area, relief, if granted, would not likely cause substantial detriment to the public good, although granting the variance request is counter to the purposes and intent of the Ordinance.

Summary Of Findings

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

Mr. Mackey with regards to the letter that was sent from Mr. Thompson, Executive Director of MPC to Mr. Arthur he needed clarification on paragraph 2 where it said – “due to the complex nature of the discussion of density and lot coverage within the Landmark Historic District we have decided to address this as a component of the downtown Master Plan process.” He asked who was “we” as referenced in the letter?

Mr. Hansen stated he felt “we” in this case referred to SDRA, City of Savannah, and MPC. He said as they go through this process there would be public meetings, public hearings, and opportunities for public input.

Mr. Mackey asked if the petition that was before the Board by Mr. Shay with respect to Liberty and Whitaker Street which was talked about involving some of it in the downtown Master Plan process if it had a bearing on this? He asked if Staff was asking the Board to put this on hold until such time they could go back and deliberate on it?

Mr. Hansen stated no. He said the process that was referred to in both the letter to Mr. Arthur and in the letter which was sent to the Board regarding their research and study of the area would not impact directly these particular applications. He said these applications were filed under the existing ordinance at that time then the rules that were in effect at that time would apply regardless. He said they could not go back and retroactively apply new rules to these. He said what they hoped to originally to be able to do with their request for a continuance in May was to provide the Board with perhaps some more information and guidance as to where they thought they were going to be going with this. At this time they could not do that. He said they have not had enough time for study or public input.

Mr. Mackey stated some time ago in a totally different petition the Board witnessed someone come before it asking for a change in zoning, land use, or variance request and they did not have proper clear authority to do so. He asked Staff to the best of their knowledge this particular case with reference to Mr. Shay at Liberty and Whitaker Street if those lines were clear in that they were the proper owners of the property in their request for a variance?

Mr. Hansen stated to the best of knowledge Mr. Shay was acting in his capacity as the legal representative agent for the property owners and does have the permission of the property owner to pursue this particular case.

Mr. Jones asked if the variance was not allowed if the petitioner would have to go back and redesign?

Mr. Hansen stated yes. He said within this particular zoning district Mr. Shay or anyone had the right and ability to develop at the 75 percent lot coverage criteria. If the Board denied what was requested of the petitioner or granted something other than what they have requested then that would take a redesign of what he was proposing. Again, what the petitioner was proposing was not germane to the Board’s deliberation today. He said the petitioner’s request was for 90 percent lot coverage. Secondly, he was requesting the 600 foot lot area variance so that he might have the 19 units. He said his point in trying to make sure the Board understood this was that it did not matter to them whether or not the particular building in question was one story or 100 story, but rather the footprint on the ground. He said that was what was before the Board

today which was lot coverage and not the design, height, mass, etc which would be adjudicated by the Historic Review Board.

Mr. Shay stated as a point of correction the project originally went before the Historic Review Board and at that time they said they would not hear the petition because it involved a lot coverage variance. He said the Review Board felt they needed to come before Board of Appeals first to seek that relief before they could be heard by the Review Board. At that time they had the project and had the land in question under contract for a period of 6 months. He said when they came before the Zoning Board of Appeals two months ago they had the permission of the seller of the property at that time (Chuck Sile) to pursue the variance. During the 60 days while the MPC was studying the property, Mr. Sile apparently allowed somebody else to put the property under contract. He said he no longer had a property interest in this particular development and it may be out-of-order to be in front of the Board.

Mr. Mackey stated that was why he asked the question in the beginning. He asked if he could reclarify his comment?

Mr. Shay stated at the time he brought the petition he had the permission of the seller of the property, Mr. Chuck Sile in his blessing to come forward before the Board and ask for the lot coverage variance. In the ensuing 60 days Mr. Sile allowed somebody else to put the property under contract. He said their option that they had purchased had expired in the meantime. He said he came before the Board today to explain that circumstance and say what they proposed was a project with 90 percent lot coverage that was going to be residential over retail street level with parking below grade. The person that has since put the property under contract was a hotel developer and may not care whether this passes or fail. He said he presents this to the Board as fact.

Mr. Tom Todaro, City Development Services, asked if he understood the petitioner in that he was not the authorized agent for this property?

Mr. Shay stated he was given permission of the seller but the seller has since demonstrated that they were not that interested in them any longer because they allowed somebody else to put the property under contract, therefore he did not know what his status was.

Mr. Jones stated the petitioner has stated the property has been sold and he no longer had the right to represent or come before this Board to request anything. He said he felt the Board needed to say no and move on.

SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals forego the petition.

Mr. Todaro stated he felt the request should be acted on some fashion and that leaving it open-ended was not appropriate. He said he felt if the petitioner was not the authorized agent he probably should have withdrawn the petition and perhaps would like to do that at this time.

Mr. Shay stated if that was the appropriate course of action then he would like to withdraw the petition.

SZBA Action: Mr. Jones withdrew his motion.

SZBA Action: Mr. Robinson made a motion that the Savannah Zoning Board of Appeals accept the withdrawal as requested. Mr. Byrne seconded the motion and it was unanimously passed.

**RE: Continued Petition of Gunn Meyerhoff Shay
Patrick Shay
B-060501-52767-2
Tattnall & Jefferson Streets**

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 and B-060501-52767-2 until the next regularly scheduled meeting. Mr. Mackey seconded the motion and it was unanimously passed.

**RE: Petition of Walter O. Evans
B-060628-52721-2
462 – 470 Martin Luther King Jr., Blvd.**

Present for the petition was Dr. Evans.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a 1,470 square foot lot area variance from the 8,400 square foot lot area required by Section 8-3025 of the Savannah Zoning Ordinance in order to construct a multi-family residential structure. The subject property, located at 462 – 470 Martin Luther King, Jr. Blvd., is zoned B-C-1 (Central Business).

Findings

1. The petitioner intends to construct a five story mixed use development on the subject parcel. The first floor will contain store front commercial space; the upper floors will be developed with 14 residential units.
2. The subject parcel, which contains 6,930 square feet, measures 110 feet wide and 63 feet deep. The property is considered a standard lot within the B-C-1 district.
3. Development standards, as listed in Section 8-3025 of the Savannah Zoning Ordinance require a minimum lot area of 600 square feet per unit in the B-C-1 district. The proposed development of 14 units would require 8,400 square feet of lot area to meet the minimum standard.
4. On March 8, 2006, the Historic Review Board approved final design plans for the proposed development. Moreover, the proposed development is consistent with the goals, intent, and land use classification of the proposed MLK/Montgomery Street Corridor Plan.
5. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize 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 standard lot measuring 110 feet in width and 63 feet in depth. There are no extraordinary or exceptional conditions on the lot pertaining 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 cause substantial detriment to the public good. The project has the support of the Historic Review Board and is consistent with planning efforts in the area.

Summary Of Findings

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

Dr. Evans stated he felt if the petition was not met the alternative would be such that they would only be able to construct 11 units. He said he felt that would increase the size of the units from approximately 1,500 square feet each to 3,000 square feet each. He said he felt that this would be such that the units would be difficult to sell in this area at this time. Another alternative would be to create an office floor on the second floor. Again, while office space was probably needed downtown he has not seen the need in this particular area. He said he felt this would create a hardship for this particular building at this time.

Mr. Tom Todaro, City Development Services, stated this property has also been heard by City Council for a rezoning and conceptually they were aware of the project and what the petitioner wanted to do when they rezoned it.

Mr. Jones stated the petitioner wanted to do 14 units. He said according to the regulations that would require 28 parking spaces (2 per house). He asked how much parking did he have for the proposed project?

Mr. Hansen stated in this particular zoning district only 1 space was required. The rezoning that Mr. Todaro referred to which was recently enacted by City Council changed the zoning district to the BC-1 which only requires 1 parking space per unit. He said Dr. Evans has provided the necessary number of spaces per his conceptual plan which was also reviewed by MPC.

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 petition was Mr. Jones.

**RE: Petition of Steven Firra
B-060628-52998-2
301 East 54th Street**

Present for the petition was Steven Firra.

Mrs. Burke gave the following Staff report.

The petitioner is requesting approval of a two (2) percent lot coverage variance from the 30 percent lot coverage allowed in Section 8-3025 of the Savannah Zoning Ordinance in order to construct an addition onto an existing garage. The subject property, located at 301 East 54th Street, is zoned R-6 (One-family Residential).

Findings

1. Section 8-3025 of the Savannah Zoning Ordinance allows a maximum building coverage of 30 percent in the R-6 district.
2. The applicant is proposing to add a 200 square foot addition to an existing garage, which would result in a building coverage of 32 percent. The existing garage is situated on the rear property line. The site plan submitted by the applicant indicates that the proposed addition will follow the front and side wall of the existing garage.
3. The subject property is a conforming lot that contains 7,507 square feet and measures 71.5 feet in width and 105 feet in depth. The R-6 district requires a minimum lot area of 6,000 square feet with a minimum width of 60 feet.
4. The Visual Compatibility Officer has reviewed the application and indicates that there appear to be no adverse impacts on the district by this request.
5. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize 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 rectangular in shape and exceeds the minimum lot area requirements for the R-6 district.

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

Strict application of these regulations 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 cause substantial detriment to the public good. The petitioner proposes to construct an addition to an existing garage.

Summary Of Findings

All conditions required for granting a two (2) percent lot coverage variance appear not to be met.

Mr. Firra stated they were requesting a 2 percent lot variance to cover the additional space where the fence line was shown on the plans. He said the rear and outer portion of the garage would maintain as is. The additional space would allow his wife's car and his truck to park inside the garage and have the two separate doors. It would also allow the doors to open without contact. He said his wife has been diagnosed with Multiple Sclerosis and they were planning for the future of when she would be needing assistance.

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 First Tabernacle Baptist Church
Wardell Holmes, Agent
B-060628-53259-2
310 Alice Street**

Mrs. Burke gave the following Staff report.

The petitioner is requesting approval of a variance from the requirement that a "Type G" buffer be provided in accordance with the requirements of Section 8-3066 of the Savannah Zoning Ordinance in order to construct a parking facility for an existing church. The subject property, located at 310 Alice Street, is zoned R-B-C-1 (Residential-Business-Conversion-Extended).

Findings

1. Section 8-3066 of the Savannah Zoning Ordinance requires a minimum of a three (3) foot high fence or hedge and three (3) feet planted width where four or more parking spaces adjoins an adjacent property or abuts a public or private road right-of-way.
2. The applicant is proposing to develop four vacant lots and a part of an existing church property as a parking lot for the church. The applicant has indicated that they will combine the lots into one lot of record.
3. The R-B-C-1 district does not have any minimum lot area or width requirements in regards to nonresidential uses.
4. The Visual Compatibility Officer (VCO) has reviewed the application and does not oppose the request. However, the VCO states that any proposed walls for the site should go before the Review Board for approval.
5. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize 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.**

There are no extraordinary or exceptional conditions pertaining to these particular pieces of property.

- 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. However, the applicant would not be able to accommodate as many parking spaces if they were subject to the "Type G" buffer standards.

- 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. One row of the proposed parking spaces would face the wall of an existing structure on an adjacent parcel. In addition, the applicant is proposing to provide the "Type

G” buffer along Montgomery Street within a portion of the street right-of-way if the variance is approved.

Summary Of Findings

All conditions required for granting a variance from the “Type G” buffer requirements appear not to be met.

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 Cobblestone Developers, LLC
John H. Sumner, Agent
B-060628-53395-2
308 / 316 East 31st Street**

Present for the petition was John Sumner.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a 778 square foot lot area variance from the 11,000 square foot lot area requirement of Part 8, Chapter 3, Article K, and Section 5.6.5 of the Savannah Zoning Ordinance in order to construct a five unit residential project. The subject property, located at 308 / 316 East 31st Street, is zoned TN-2 (Traditional Neighborhood-2).

Findings

1. The petitioner intends to construct a five unit residential development on an existing vacant lot located along 31st Street within the Mid-City/Thomas Square area. Development standards within the TN-2 district require a minimum lot area of 2,200 square feet per unit for attached residential construction. Thus, a total of 11,000 square feet of lot area would be required to accommodate a five unit development.
2. The subject parcel is considered a standard lot within the TN-2 district. However, the parcel is irregularly shaped. The parcel measures approximately 110 feet in width, and 105 feet deep along the western side property line. The eastern side property line measures only 82.15 feet deep. The rear property line parallels the front property line for a distance of 30 feet in an easterly direction, and then cuts on a diagonal to connect with the eastern side property line. If the lot was a typical rectangle shape, the resultant area would be approximately 11,530 square feet.
3. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize 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 standard lot measuring within the B-C-1 zoning classification. There are, however, extraordinary conditions pertaining to the lot shape as described in 2. above.

- 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 City's Visual Compatibility Officer supports the proposal.

Summary Of Findings

All of the findings necessary for granting the requested lot area variance appear not to be met.

Mr. Byrne asked how many parking spaces were required?

Mr. Hansen stated 2 per unit.

Mr. Byrne asked if the petitioner met the parking requirements?

Mr. Hansen stated yes.

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

**RE: Petition of Carl L. Ramey, Sr.
B-060628-54156-2
5610 Skidaway Road**

Present for the petition was Carl Ramey, Sr.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of an application to establish a use (child care center) which must be approved in accordance with the provisions of Section 8-3025 of the Savannah Zoning Ordinance. The subject property, located at 5610 Skidaway Road, is zoned R-6 (One-family Residential).

Findings

1. The subject property, located at 5610 Skidaway Road, is presently occupied by a one-story single-family residential structure containing approximately 1,600 square feet. A small shed is located in the rear yard. The property is rectangular in shape, measuring 50 feet wide and 217 feet deep. Although the parcel contains nearly 11,000 square feet, the lot is substandard in lot width. The minimum lot width for a typical parcel in an R-6 district is 60 feet.
2. The petitioner is requesting approval of a child care center that would accommodate up to 25 children. A child care center with more than six children in a residential district requires Board of Appeals approval.
3. Section 8-3025 of the Savannah Zoning Ordinance requires Board of Appeals approval to establish a child care center in an R-6 zoning district. The requirements for establishing a child care center per Use 22b include: a) that not less than 100 square feet of outdoor play space be provided for each child; b) that the center be located on a collector or arterial street; c) that the architectural character shall be characteristic of the neighborhood; d) that the use provide off-street parking in conformance with the requirements of Section 8-3089; e) that no outdoor activities occur after 9:00 p.m.; f) that visual buffers be provided to shield parking areas, play areas and outdoor activity areas from abutting property; and, g) that a sign not to exceed three square feet may be permitted.

The requirements of a, b, c, d, e, and g (above) appear to be met. Article (a) requires that a minimum of 100 square feet of outdoor play space be provided for each child. The petitioner is requesting approval of the use for up to 25 children, thus requiring 2,500 square feet of outdoor play space. As noted above, the entire lot encompasses approximately 11,000 square feet. Based upon the site plan submitted by the petitioner, it appears that adequate outdoor play space is available to accommodate the desired number of children. Article (d) requires that an off-street loading and unloading area be provided for the safety of the children. The petitioner has proposed the installation of a circular drive to accommodate the same. A driveway permit request was submitted to the City of Savannah Traffic Engineering Department. The request was approved and the permit was subsequently issued. Article (f) requires that a visual buffer be provided to shield play areas, parking areas, and outdoor activity areas from abutting properties. Although the property contains significant vegetation, it is noted that the rear yard is enclosed with an approximate four foot wire fence that is not opaque in design.

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 use will not affect adversely the health and safety of residents.

- 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 secondary arterial street in a mixed use neighborhood. The resulting traffic and potential congestion associated therewith 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 existing area.

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

A minimum of 100 square feet of outdoor play space is required for each child. The petitioner's site plan illustrates ample space for the number of children requested. Sufficient space is available to accommodate the required parking.

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

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 required screening appears insufficient to adequately buffer the use from adjacent properties.

Summary Of Findings

All of the conditions necessary for granting the use permit required appear not to be met.

Mr. Ramey, Sr. stated the property as it was contiguous to one residential lot to the north. A vacant commercial lot to the south and across the street from the Azalea Land Nursing Home two lots to the south was Mom's Loving Daycare. Also, two lots to the north were Hancock Day School and Southside Baptist Church. He said it was a mixed-use neighborhood and has been for quite some time. He said he lived in the residence for 19 years until July 2005. He said with regards to the size, the lot was 50 feet wide X 217 feet deep. The intent on the diagram when he had it prepared for this request was there was within this request the intent to construct a 6 foot privacy fence that was opaque. He said he understood that it was also a requirement for the daycare which he was prepared to begin construction if the request was approved. He said the 36 foot width of the playground area was all of the lot that they intended to use in the back. He said the area that existed outside of the 36 foot width was reserved for a garden area which was part of the daycare's curriculum.

Mr. James Holland stated Mr. Ramey had a structure at 5629 and 5610 Skidaway Road. He said he was on the corner of Theresa Drive which was across the street from the nursing home. He said he has lived in the area for 38 years and Mr. Ramey 19 years and they never had any problems. However, there was a nursery on the corner of Theresa Drive and they have a lot of noise. He said Mr. Ramey told him that he would only have 25 children which was okay. He said his concern was if business was good the possibility of him adding children than the requested 25 would increase the noise. He said he would be in the middle of the two daycares.

Mr. Jones stated for the petitioner to increase the number of children at the daycare he would have to come back before the Board for approval. He said if the Board granted the petition today for 25 children he would not be able to increase it.

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

**RE: Petition of Park Place Outreach, Inc.
Robert J. Egan, Agent
B-060628-54552-2
512 & 514 East Henry Street**

Present for the petition was Tom Mahoney, Attorney and Robert Egan.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of an application to establish a use (group home) which must be approved in accordance with Section 8-3028 Of the Savannah Zoning Ordinance. The subject property, located at 512 & 514 East Henry Street, is zoned Victorian P-N-C (Victorian Planned-Neighborhood-Conservation).

Findings

1. The subject parcel, which measures 33 feet wide and 116 feet deep, is currently occupied with a two story residential structure. The petitioner intends to convert the structure into a youth group home.

2. Shelters for the abused and mistreated (youth group home) are an allowed use within the Victorian District subject to approval by the Board of Appeals provided that such use shall not be permitted within 1,000 feet, as measured in any direction from property line to property line of another such care home or other type of care home. Furthermore, the following provisions shall also apply:
 - a. **Provided that such use is located on a collector street or greater.**

The proposed use fronts Henry Street, a designated secondary arterial on the Street Classification Map of Chatham County.
 - b. **Provided that such use shall be limited to no more than 20 beds.**

The proposed facility will have no more than 12 beds.
 - c. **One off-street parking space per employee shall be provided.**

Adequate space appears to be available at the rear of the property with access from the lane.
 - d. **There shall be at least 150 square feet of space in the building for each occupant.**

The existing structure contains in excess of 1,900 square feet. A 12 bed facility would require 1,800 square feet of space.
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 based upon a finding by the Board that:
 - a. **The proposed use does not affect adversely the general plans for the physical development of the city, as embodied in these regulations and in any Master Plan or portion thereof adopted by the mayor and aldermen.**

The proposed use does not affect adversely the general plan for the physical development of the city. The subject property has been designated for residential use, however, a group home can be allowed.
 - b. **The proposed use will not be contrary to the purpose stated for these regulations.**

The proposed use is not contrary to the regulations.
 - c. **The proposed use will not affect adversely the health and safety of residents or workers in the city.**

No adverse affects are expected or anticipated.
 - d. **The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.**

The proposed use will not likely be detrimental to the use or development of adjacent properties. A youth group home in a controlled environment can be compatible with the surrounding residential uses.

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

The proposed use will not be affected adversely by the existing use. The site is currently occupied by a single family residence which will be renovated for the use requested.

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

No site plan information has been submitted with the request for the use permit. If permission to establish the group home is granted, the petitioner will be required to submit a site plan for consideration by the appropriate review bodies in order to receive the necessary certificate of occupancy. Adherence to the appropriate development standards will be required at that time.

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

It is not anticipated that the proposed use will create either a hazard or a nuisance.

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

At this point in time, no variances from the development standards of the district have been requested. No site plan has been submitted. If the proposed development is found to be in non-compliance with district regulations upon submittal, the petitioner may request relief from the Board of Appeals at a subsequent hearing.

Summary Of Findings

All of the conditions necessary for granting use approval for a group home in conformance to the regulations of Section 8-3028 of the Savannah Zoning Ordinance appear to be met.

Mr. Tom Todaro, City Development Services, stated the petitioner acquired this property on Henry Street and came to Inspections about moving the location. He said for whatever reason the Victorian District does not address group homes as a use at all. He said what the petitioner had to do was come up with a text amendment that went through the Metropolitan Planning Commission and later was adopted by the Mayor and Alderman to create the use, but it was subject to use approval by the Board of Appeals.

Mr. Tom Mahoney, Attorney, stated they have been operating in the Victorian District as a nonconforming use since the early 1980's at the same location (West Park Avenue). When they brought the petition to establish the use they were under the impression and had been lead to believe they were going to get a grant that would allow them to expand the property at 12 West

Park Avenue. Unfortunately, the grant did not come through. One of the conditions that Mr. Hansen has mentioned in the establishment of the use was that it could not be another group home of this type for run away youth established in the Victorian District within 1,000 feet. This particular address was more than 1,000 feet away. He said what the petitioner was requesting the Board to do was to allow the use to be established at this location. He said they would remain at the 12 West Park Avenue until this building was put into shape to house the youth and they would then close the location at 12 West Park Avenue. He said you would then still only have one Savannah Runaway Home operating in the Victorian District where it has been since 1983. He said the parking was adequate and the met all the requirements.

Mr. Egan stated they were trying to get a state grant. He said they were also going to raise money in addition to the grant and then they would finally sell the home that they were in and build in a lot that was adjacent to their existing home. Because they were not able to get the grant they decided it was best that they move to another location and sell the existing location. He said the home that they were in now was a fire hazard and had a lot of safety issues that they were concerned about. He said they felt that it was necessary that they move to a new home that had the proper safety and electrical conditions within that home. He said even though they were here the last time they were required to get the text amendment in order for them to apply for the state grant. If they had not gotten the text amendment they would not have been in position to be a candidate.

Mr. W. John Mitchell (President of Dixon Park Neighborhood Improvement Association) stated they had a meeting with the officials from the Board of Savannah Runaway Home last week and they were told at the time that they did not own this particular structure. He said they were interested in buying it, but they did not own it. He said their contention was because of time constraints they did not have enough time to deal with the Police Department in terms of getting case reports of the kinds of police calls that had to be made to the location where they currently were located as they dealt with a lot of the runaway youth. He said the residents who were here today, the majority of them lived in the same block were present in opposition of the petition. Also, they have a signed petition from neighbors in opposition who were not able to attend today. With regards to the police report it covered January 2006 – June 2006 and the Board could review it if they wanted. He said safety was the main concern of the residents. Traditionally, this block has been residential for many years. He said there has never been a commercial entity of this sort within that block. He said the residents did not want this type of facility in the middle of their block.

Ms. Patricia Rutledge (506 East Henry Street) stated they were not in agreement with all the findings in the staff report. She said 3 – C, they felt there was a potential that the proposed use could effect the health and safety of the residents. She said no one knew beforehand the medical or physical conditions of the runaway children. She said the children were dysfunctional runaways and would heightened the fear of the elderly and other residents. She said 3 – D, a youth group home in a controlled environment could be non compatible with surrounding residential use. She said 3 – G, not knowing the background of the runaway children could create a nuisance or hazard in their community, which was evident from the police reports.

She further stated that she was representing Ms. Vernell Jenkins who could not be in attendance today. She said Ms. Jenkins wrote a letter which says – “although the management advise us that there would be no visible sign indicating the building houses a runaway home, the community would know it’s there. It is simple evidence just as I ask what happen to the Savannah Runaway Home and was advised. They just changed their name. They were still in

the same place. I purchased my home at 511 East Henry Street almost 12 years ago. Two of my three children were still living at home with me at the time of the purchase and if the runaway home occupied the proposed facility I would not have purchased my home.”

Mr. Daniel Frazier (520 East Henry Street) stated as a resident of the area it has been residential for many years as previously stated. He said their main concern was safety. He said he did not have a problem with the organization and what they were trying to do in the community, but they felt that this residential area or neighborhood because of the elderly in the area as well as the history that this would not be a proper place for the organization. He said they were also concerned with parking. He said they would like to keep it as a residential neighborhood.

Ms. Susan Faulkner stated she was a co-owner of the lot adjacent to this property. The property she owned was currently a vacant lot, however she had intentions of building a residence. She said her interest in this neighborhood was because of the active restoration and the pride of ownership that was happening in the area. She said she felt the shelter would be detrimental to the neighborhood ie. safety, value, parking, etc.

Mr. Mahoney, Attorney, stated the idea of establishment of this particular operation in any district required it almost to be in a residential district. He said it was in a residential district now. He said he would submit that over 6,000 runaway youth have been served at this facility over the years on a temporary housing basis. He said although the facility was operational 24 hours a day staff and volunteers were always on the site. He said they were also required by the State that if there was a disturbance that they call the police to quell the disturbance. He said they felt that the Savannah Runaway Home was vital to the community and to the youth of the community. He said they would suggest to the Board that since they met all the conditions to allow the use to be transferred from one location in the Victorian District to another location.

Mr. Byrne asked if they could explain what a regular day involved at the group home?

Mr. Egan stated during a school day the children were picked up by a school bus, delivered to the school and returned to the home in the afternoon. He said in the afternoon they have outside activities which were supervised. He said after the afternoon recreation they were brought in to do their schoolwork, they serve dinner, and in the evening other activities within the home which were supervised.

Ms. Queene Bing stated she has worked at the runaway shelter for 18 years. The children were supervised around the clock. She said when they have outside activity they did not go in the yard at Park Place, but were taken across the street by a staff member to play basketball. She said the 18 years that she has worked there you would not find in any police report where the children disturbed the neighbors. She said the children were well supervised.

Mr. Stephens stated he felt that the petitioner may need a continuance so it would allow them an opportunity to talk to the neighbors.

Mr. Mackey stated the issue the Board has heard about police and police reports was not under their purview. He said the Board's job was to make sure that they carry out the letter of the law as it related to zoning. He said he understood the argument of both sides. He said Staff has provided their study and in the report it says all the requirements have been met. He said he also felt that there was a grey area in that this was an extraordinary situation. He said this also came before the MPC and it was a testy item that required a lot of thought. He said one of the

issues was you know who the group home was serving and you also understood that when you lay that out against other matters it was probably a blip on the screen when you look at the issue of is there a problem or is there not a problem. He said he felt that when you stack it all together if you did not pay attention to the place you would not know it was there. However, this was an extraordinary situation so he also felt like the Chairman that a continuance may be in order. He said he felt that although the requirements have been met the petitioner needed to make sure to the best of their ability that either as many folks knew about what they were planning and that the area of comfortability was there. He said he would ask that they at least give the chance to have a petitioner to neighbor meeting and see if they could lay out the issues.

Mr. Dickie Mopper stated he agreed with Mr. Mackey. He said he felt there were certain things everyone needed to understand. This particular property where it was located today was surrounded by residents to the rear. He said it had a childcare facility next to it. The adjoining property was for sale and sold for over \$600,000 to be restored as a home. He said property value was not damaged by this facility. He said he listened to people talk today and they were saying that there was not residences around it. He said there were residences behind it because he has sold them. He said he knew the one sold next to it. He said he has been in that area on a daily basis and as mentioned he never knew the facility was there. He said while the Board was thinking about it also understand that property values in the neighborhood did not go down and that there were residences there.

Mr. Jones stated in his community where he lived not too far from him was a home for children. He said very few people knew that the place existed. In another area in that community was a home that housed AIDS patients, but you never saw them running around. He said very few people knew that those two places existed in his community. He said he felt that sometimes we start looking at things and looking down our nose. He said he felt we should be willing to open our hearts and minds to people and individuals.

SZBA Action: Mr. Mackey made a motion that the Savannah Zoning Board of Appeals continue the petition until the next regularly scheduled meeting. Mr. Byrne seconded the motion and it was passed 4 - 1. Opposed to the motion was Mr. Jones.

**RE: Petition of The McKibbon Group
Keith Howington
B-060628-54683-2
5 Harris Street**

Present for the petition was Timothy Walmsley, Attorney.

Mrs. Burke gave the following Staff report.

The petitioner is requesting approval of an 11 foot height variance from the 35 foot height limit allowed, and an eight foot front yard setback variance from the 30 foot front yard setback required by Section 8-3025 of the Savannah Zoning Ordinance in order to construct a hotel. The subject property, located at 5 Harris Street, is zoned B-C (Community Business).

Findings

1. Section 8-3025 of the Savannah Zoning Ordinance establishes a maximum height limit of 35 feet and a minimum front yard setback of 30 feet from the center line of the street

right-of-way.

2. The subject properties are currently utilized as surface parking lots. The applicant is proposing to construct a 46 feet high hotel 22 feet from the front property line. One of the surface parking lots is to remain in order to accommodate the parking needs of the proposed hotel.
3. The B-C district does not have any standards in regards to lot area or width for nonresidential uses.
4. The Visual Compatibility Officer (VCO) has reviewed the application and recommends approval of the request. In addition, the VCO states that the partial fourth story is setback on the building and, historically, monitors (partial stories) were typical of railroad industrial buildings in this area.
5. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize 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.**

There are no extraordinary or exceptional conditions pertaining to these particular properties.

- 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 cause substantial detriment to the public good. The VCO has recommended approval of the request due to the fact that it is consistent and compatible with the historical designs of such buildings.

Summary Of Findings

All conditions required for granting an 11 foot height variance and an eight (8) foot front yard setback variance appear not to be met.

Mr. Walmsley stated they were requesting approval for a height variance and front yard setback variance. He said the property was in the central of Georgia Landmark District. He said they were trying to incorporate some of the design elements associated with that in the building. He said what they were asking for was not a traditional hotel. He said only the area in red on the plans raised above the 35 foot height requirement. He said with regards to the setback variance they were seeking a variance by the two story cottages.

Mr. Tom Todaro, City Development Services, stated whenever there is a conflict with the general section of the Zoning Ordinance and the Historic District section of the ordinance, the Historic District applies. In the BC there was no setback on the front if it was in the Historic District. He said the 30 foot setback was not necessary. The only thing the petitioner was looking for was the height variance which was a one story height variance rather than feet. Again, the Historic District related to story, not in feet. He said they have been working with the McKibben Group for many months and the City supports the project and variance.

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. Mackey seconded the motion and it was unanimously passed.**

**RE: Petition of John Kern
 B-060628-55060-2
 24 Westgate Blvd.**

Present for the petition was John Kern.

Mrs. Burke gave the following Staff report.

The petitioner is requesting approval of a five (5) foot front yard setback variance from the 15 foot front yard setback required, and a 13 space parking variance from the 36 space parking requirement of Sections 8-3025 and 8-3089 of the Savannah Zoning Ordinance in order to construct an addition onto an existing industrial building. The subject property, located at 24 Westgate Blvd., is zoned I-L (Light-Industrial).

Findings

1. Section 8-3025 of the Savannah Zoning Ordinance states that no structure shall be located closer than 15 feet of the right-of-way of a road. In addition, the Ordinance requires a minimum of 1 parking space per 200 square feet of leasable area for general office uses and 1 parking space per 1,000 gross square feet of space for warehousing for the first 20,000 square feet, with 1 parking space per 2,000 gross square feet of warehousing for the following 20,000 square feet.
2. The applicant is proposing to construct a 9,875 square foot addition onto an existing 27,000 square foot warehouse facility, which includes 1,550 square feet of office space. The addition is proposed to be ten (10) feet from the property line adjacent to Patton

Road. In addition, the site plan submitted provides for 23 of the 36 required parking spaces.

3. The Zoning Ordinance does not establish minimum lot area or width standards for the I-L district.
4. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize 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.**

Although irregularly shaped, there are no extraordinary or exceptional conditions pertaining to this particular piece of property. The subject property is approximately 1.5 acres in size.

- 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 cause substantial detriment to the public good. The proposed use is an extension of an existing use in an area appropriate for such uses.

Summary Of Findings

All conditions required for granting a five (5) foot front yard setback variance and a 13 space parking variance appear not to be met.

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. Mackey seconded the motion and it was unanimously passed.

**RE: Petition of Kessler River Street, LLC
Brian Py
B-060628-55158-2
West River Street**

Present for the petition was Harold Yellin, Attorney.

Mrs. Burke gave the following Staff report.

The petitioner is requesting approval of a variance to allow building to six (6) stories in a location where only three (3) stories are allowed in accordance with the provisions of the Landmark Historic District. The subject property, located at the southwest corner of Whitaker Street (extended) and River Street, is zoned B-B (Bayfront-Business).

Findings

1. The applicant is requesting approval of a three (3) story height variance in order to build a new hotel at six (6) stories.
2. The Historic District Height Map limits building heights to three stories in this area.
3. The City's Visual Compatibility Officer (VCO) has reviewed the application and supports the request. The VCO states that "the proposed height transitions between the historic adjacent building to the west and the non-historic Hyatt to the east. The lot is an irregular shape and the proposed design maintains the walls of continuity along River Street, Factor's Walk, and Bay Street. They are proposing to reinstate bridges over Factor's Walk. The high quality of design and materials is reminiscent of historic industrial buildings along the waterfront and Bay Street."
4. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize 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.**

There are no extraordinary or exceptional conditions pertaining to this particular piece of property.
 - 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. However, the applicant would be limited to a three (3) story structure.

- 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. The City's VCO indicates that the proposal is appropriate in design and scale.

Summary Of Findings

All conditions required for granting a three (3) story height variance appear not to be met.

Mr. Tom Todaro, City Development Services, stated the City has worked heavily with the Kessler Group on this project with the design as well as the City Preservation Officer. He said the City felt that limiting it to the three story over Bay would be a transition that would be out of place. The City preferred this style that they have designed with a more gradual transitional step-down. He said the City also supported the three additional story variance as requested.

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. Robinson seconded the motion and it was unanimously passed.

RE: **Petition of Dave Hilgendorf
B-060628-56312-2
1005 Waldburg Street**

No one present for the petition.

Mr. Byrne asked if the petitioner contacted Staff?

Mrs. Burke stated no.

SZBA Action: Mr. Byrne made a motion that the Savannah Zoning Board of Appeals deny the petition as submitted. Mr. Jones seconded the motion.

Mr. Tom Todaro, City Development Services, stated he felt rather the Board denying the petition may be they could continue it.

SZBA Action: Mr. Byrne withdrew his motion for denial.

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

RE: Petition of Dave Hilgendorf
B-060628-56439-2
1107 East Anderson Street

No one present for the petition.

SZBA Action: Mr. Robinson made a motion that the Savannah Zoning Board of Appeals **continue** the petition until the next regularly scheduled meeting. Mr. Byrne 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 at 4:40 p.m.

Respectfully submitted,

Deborah Burke,
Assistant Secretary

DB:ca