

**SAVANNAH ZONING BOARD OF APPEALS**

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

**SEPTEMBER 26, 2006**

**2:30 P.M.**

**REGULAR MEETING**

**MINUTES**

**MEMBERS PRESENT:**

**Mickey Stephens, Chairman  
John P. Jones  
Timothy Mackey  
Paul Robinson**

**MEMBERS ABSENT:**

**James Byrne, Excused**

**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 September 26, 2006 meeting of the Savannah Zoning Board of Appeals to order at 2:30 p.m.

**RE: Minutes**

1. Approval of SZBA Minutes – August 22, 2006

**SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals approve the regular meeting minutes of August 22, 2006. Mr. Mackey seconded the motion and it was unanimously passed.**

**Mr. Hansen** stated if there was any one present for the request of St. Paul's Lutheran Church for a sign variance, the case was withdrawn as they were allowed to do what they requested by right. He said there was a missed citing in the ordinance when the case was filed, so that case does not appear on the agenda today and will not be heard.

**RE: Consent Agenda**

**RE: Petition of Jack Johnson  
B-060828-54100-2  
605 East 37<sup>th</sup> Street**

The petitioner is requesting approval of a 22 foot rear yard setback variance from the 25 foot rear yard setback requirement of Section 8-3025 of the City of Savannah Zoning Ordinance in

order to construct an addition onto an existing single family structure. The subject property, located at 605 East 37<sup>th</sup> 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.

**SZBA Action:** Mr. Robinson made a motion that the Savannah Zoning Board of Appeals **approve** the petition as submitted, based upon a finding that all the conditions necessary for granting the relief requested have been met. Mr. Mackey seconded the motion and it was passed 2 – 1. Opposed to the motion was Mr. Jones.

**RE: Petition of Andrew Udinsky  
B-060828-55569-2  
802 East 38<sup>th</sup> Street**

The petitioner is requesting approval of an eight foot rear yard setback variance from the 25 foot rear yard setback requirement and a five foot side yard setback variance from the 15 foot side yard setback requirement of Section 8-3025 of the City of Savannah Zoning Ordinance in order to construct a single family residence. The subject property, located at 802 East 38<sup>th</sup> Street, is zoned R-4 (Four-Family Residential).

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

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

**RE: Petition of Koncul Enterprises, Inc. dba  
Chatham Home Builders  
B-060828-59080-2  
0 Center Street**

The petitioner is requesting approval of a 25 foot front yard setback variance from the 50 foot front yard setback required from the street centerline, and a 10 foot rear yard setback variance from the 25 foot rear yard setback requirement of Section 8-3025 of the City of Savannah Zoning Ordinance for each of two lots located along Center Street between Block and Ogeechee Roads in order to construct two single family residences. The subject properties, located at 0 Center Street, are zoned R-M-25 (Multi-Family Residential).

**Summary of Findings:** All of the conditions necessary for granting the 25 foot front yard setback variances and the 10 foot rear yard setback variances requested appear to be met.

**SZBA Action:** Mr. Robinson 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: Regular Agenda

RE: Continued Petition of Wesley Community  
Centers of Savannah, Inc.  
B-060727-54007-2  
15 East 32<sup>nd</sup> Street

Present for the petition was Tammy Mixon.

Mrs. Burke gave the following Staff report.

The petition was continued from the August 22, 2006 meeting at the petitioner's request.

The petitioner is requesting approval of an application to establish an adult day care home pursuant to the requirements of Part 8, Section 3, Article K, and Section 5.6.2 of the Savannah Zoning Ordinance in order to expand the existing services offered by the Wesley Center. The subject property, located at 15 East 32<sup>nd</sup> Street, is zoned TN-2 (Traditional Neighborhood).

### Findings

1. The subject parcel, which measures approximately 43 feet wide and 63 feet deep, is currently occupied with a two story two-family residential structure. Per the Tax Assessor's Office, the structure is 3,224 square feet in size.
2. The petitioner is seeking use approval to establish an adult day care as an extension of the Wesley Community Center. The existing center provides childcare services, cultural programming, and women's shelter services from its current site located on the southwest corner of Drayton and 32<sup>nd</sup> Street.
3. Day care home, adult group (7 to 18 people), is an allowed use within the TN-2 district subject to approval by the Board of Appeals.
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 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 is allowed with Board approval.

- 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. The organization is currently operating the proposed use in an adjacent structure and is simply requesting relocation of some of the existing activities to this site.

- 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 two-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 an adult day care home in conformance to the regulations of Part 8, Section 3, Article K, and Section 5.6.2 of the Savannah Zoning Ordinance appear to be met.

**Ms. Tammy Mixon** stated they had the neighborhood meeting with their neighbors. She said at least five neighbors were in attendance. She said their petition request was still the same. They would like to move some of their existing services out of their current women's center over

in to the new property. She said they had a day shelter that had four women from 9 a.m. to 1:00 p.m., Monday thru Friday. She said there were at least five women that came on a regular basis that use their facility. Also, adult education classes were held in the women's center. She said they felt the services that they wanted to move to the property next door offered more of a homelike setting for them. She said the additional space would allow them to continue to provide quality services and provide them to homeless women in this area.

**Ms. Virginia Mobley** stated although she was not able to attend the neighborhood meeting she has talked with Ms. Mixon. She said it was her understanding that the structure was a two story three apartment unit. She said Ms. Mixon has addressed the uses in their conversation as the first floor housing the day services for the homeless, understanding that there was no contract or no agreement of continuing services being rendered at this site. She said this was a shelter or a day center for people who were homeless. She said not for people who were contracted such as with the senior citizens center. She said they have walk-ins so the numbers would fluctuate as well as the population. She said the second floor of the building would be used as offices. Under the Mid City plan, a mid-city structure in a TN-2 neighborhood could not be used for offices or any kind of business operation. She said it must remain residential. The purpose of this was to allow for home occupations. She said an adult day care center had to have 35 square feet of space excluding storage, kitchen, and bathrooms for its attendees. She said it was also required to have facilities for dropping off and picking up which is written in the ordinance. She said this property had no driveway and it abutted the sidewalk. She said drop off and pick up would be done in the middle of the street. She said they felt the street was narrow and congested and felt this use would add to it. She said with the total use of the building as a nonresidential structure was in complete opposition to the Mid City Plan.

**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: Continued Petition of Joshua Akins  
B-060727-54506-2  
1917 East 59<sup>th</sup> Street**

Present for the petition was Travis Randall.

Mr. Hansen gave the following Staff

The petition was requested from the August 22, 2006 meeting at the request of the Board.

### **Nature of Request**

The petitioner is requesting approval of a four foot lot width variance from the minimum 60 foot lot width requirement, and a 225 square foot lot area variance from the minimum 6,000 square foot lot area requirement of Section 8-3025 of the Savannah Zoning Ordinance in order to create two separate parcels. The subject property, located at 1917 East 59<sup>th</sup> Street, is zoned R-6 (One-Family Residential).

### **Findings**

1. Development standards in the R-6 zoning district require a minimum lot frontage of 60

feet and a minimum lot area of 6,000 square feet. The subject parcel has frontage of 126+ feet and is 110 feet deep.

2. A single family residence is currently located on the parcel. The petitioner's intent is to divide the parcel into two separate lots and to build a second residence. The existing house is located such that a side yard setback variance would be required if the proposed lot split were made in such a way as to assure that each proposed lot had a minimum frontage of 60 feet. As proposed, one lot (site of existing house) would meet all of the development standards of the district, and the second lot would require the aforementioned variances.
3. The petitioner has submitted a site plan/survey with the application that documents the proposed lot split. The plan also illustrates the resulting building envelope for the requested new lot. No setback variances are being requested.
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.**

The subject property is a conforming lot of record. There are no extraordinary site conditions associated with the parcel.

- 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 likely cause substantial detriment to the public good. The petitioner proposes to divide an unusually large lot into two individual lots of record.

### **Summary Of Findings**

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

**Mr. Randall** stated moving the property line 1 foot off the building and having a 9 foot setback would cause for them to have to apply for a variance when they ask for a building permit. Instead of doing that, it was suggested at last months meeting that they come back and ask for a variance in lot size and width which was what they were requesting. The property across the street also had a similar situation. He said they felt their house would not impact it anymore than the house that was already built there.

**Mr. Bill Bennett** stated from the last meeting there were at least five letters of opposition for this proposal to build a new unit on this proposed parcel. He said it would be detrimental to the neighborhood. He said they felt that it did not fit with the existing lots in the neighborhood. In addition to the five letters that were sent to the Board, Dave Jernigan (1918 East 59<sup>th</sup> Street) which was directly across the street from this property voiced his opposition at the last meeting. He said with regards to the lot where a new home was lot 7 and directly across the street were existing homes that had been there for 30 years. He said lot 25 had a house that had been there for over 30 years and when they came in and built the one house it had a 50 foot frontage but they did not split the parcel. The parcel was already existing as lot 7. He said also the last staff report it cited in section 2 that the existing house was located such that a variance from the side yard setback requirement was necessary to legally split the parcel. He said the petitioner did away with that request, therefore he felt this would not be legal to do. Also, on the map to the east of the house of the frontage the petitioner was proposing splitting the parcel in that the frontage would be 56.6 feet. To the west of the property the three properties adjacent to this property was 72 feet of frontage, therefore the 56.6 feet was not compatible with the existing. Also, lot 9 on 60<sup>th</sup> Street was a larger sized property. He said if the Board allowed them to split the property they felt it was not compatible with the property directly behind it. He said they felt as mentioned in the staff report that the petition require a minimum of 60 feet frontage which they did not meet. He said the petitioner also did not meet the requirement of total square footage.

**Mr. Tom Todaro, City Development Services**, stated there was a right-of-way that cut through there or supposed to be just like there was one over from it. He said from the plans the Board could see where the other person did the exact same thing with the splitting of the lot. He said may be not every one was done but it has been done. He also pointed out that if the house was over a little further the petitioner could do what he was proposing and meet the lot width requirement.

**SZBA Action:** Mr. Robinson 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 passed 2 -1. Opposed to the motion was Mr. Jones.

**RE: Continued Petition of Leroy Maxwell  
B-060727-54906-2  
1913 Whitaker Street**

Present for the petition was Leroy Maxwell.

Mr. Hansen gave the following Staff report.

The petition was continued from the August 22, 2006 meeting in order to allow the petitioner to submit a revised site plan.

### Nature of Request

The petitioner is requesting approval of a 1,436 square foot lot area variance from the 17,600 square foot lot area requirement of Part 8, Section 3, Article K, and Section 5.6.5 of the Savannah Code of Ordinances in order to construct eight (8) single-family dwellings. The subject property, located at 1913 Whitaker Street, is zoned TN-2 (Traditional Neighborhood).

### Findings

1. The applicant is proposing to construct eight (8) single-family dwellings. The intent is to develop a condominium project consisting of three separate buildings along with common open space. Required parking will be provided internal to the site.
2. Section 5.6.5 Savannah Zoning Ordinance requires a minimum lot area of 2,200 square feet for each attached residential unit in a TN-2 district. The subject parcel, located on the southwest corner of Whitaker and 35<sup>th</sup> Streets, is currently vacant. The parcel is rectangular in shape, measuring approximately 120 feet wide and 135 feet deep. The parcel contains approximately 16,164 square feet.
3. The Visual Compatibility Officer (VCO) has reviewed the application and indicates that the applicant will need to submit an application for design review, which will need approval by the Design Administrator.
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 the subject property.
  - 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 or impair the purposes of the Zoning Ordinance.

### **Summary Of Findings**

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

**Mr. Mackey** asked if they were talking two or three separate buildings?

**Mr. Hansen** stated originally they were talking four buildings, two units each. He said they were duplexes. In this particular case what the petitioner now proposed was three buildings. Two of the buildings would have three units each. One building would have two units each. He said this was preferable to staff including the Historic Preservation Officer who requested that the orientation be to the street as was typical of the area. In addition, the petitioner would still have to go before the Historic Review Board.

**Mr. Maxwell** stated after the last meeting it was recommended that he meet with Staff. He said the drawings that were presented at the first meeting they went back to come up with something that would be compatible with the area. He said they came up with different schemes which would include the parking and felt this would be the best fit for the area. He said it would not show four boxes but more of a common area with a condo type atmosphere.

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

**RE: Continued Petition of Douglas Kaufman  
B-060731-51042-2  
220 East 33<sup>rd</sup> Street**

Present for the petition was Douglas Kaufman.

Mrs. Burke gave the following Staff report.

The petition was continued from the August 22, 2006 meeting at the petitioner's request.

### **Nature of Request**

The petitioner is requesting approval of a two (2) foot side yard setback variance from the five (5) foot side yard setback requirement; a 2,338.5 square foot lot area variance from the 4,400 square foot lot area requirement; a 16 percent lot coverage variance from the 60 percent lot coverage allowed; and a one (1) space parking variance from the two (2) space parking requirement of Part 8, Section 3, Article K, and Section 5.6.5 and 8.2.5 of the Savannah Zoning Ordinance in order to construct a two-family dwelling. The subject property, located at 220 East 33<sup>rd</sup> Street, is zoned TN-2 (Traditional Neighborhood).

### **Findings**

1. In June of 2004 the Board acted to approve a similar request to construct a two-family

dwelling on the subject property. At the time of approval, the Thomas Square Ordinance had not been adopted and the subject property was zoned RM-25 (Multifamily Residential, 25 units per acre.) The original approval included a four (4) parking space variance, a two (2) foot side yard setback variance (Lincoln Street side), a three (3) foot side yard setback variance (adjacent property side), a four (4) foot eight (8) inch rear yard setback variance, a one (1) foot four (4) inch front yard setback, and a 5,138 square foot lot area variance.

2. Section 5.6.5 Savannah Zoning Ordinance requires a minimum side yard setback of five (5) feet, a minimum lot area of 2,200 square feet per attached residence, and a maximum lot coverage of 60 percent in the TN-2 district. In addition, Section 8.2.5 requires a minimum of one parking space per 1,000 square feet of floor area for residential uses.
3. The applicant is proposing to construct a two-family residence three (3) feet from the interior side property line with one (1) on-site parking space. The proposed structure, if approved, would result in a lot coverage of 76 percent.
4. The TN-2 district requires a minimum lot area of 2,200 square feet for each unit for attached residential uses with a minimum width of 30 feet. The subject property is a nonconforming lot of record in regards to minimum lot area, as the parcel is 2,061.5 square feet in size.
5. The Visual Compatibility Officer has indicated that the application is currently under review by the Site Plan Administrator, which is required for development in the TN-2 district.
6. 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, although ordinary in shape, does not meet the minimum lot area requirement for the TN-2 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. However, the petitioner would not be permitted to construct a two-family dwelling of this size on this lot.

- 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 or impair the purposes of the Zoning Ordinance.

### **Summary Of Findings**

All conditions required for granting a two (2) foot side yard setback variance, 2,338.5 square foot lot area variance, 16 percent lot coverage variance, and a one (1) space parking variance appear not to be met.

**Mr. Kaufman** stated he redesigned the duplex eliminating the back porch which allowed for parking at the back of the structure. Therefore, he was requesting a variance for a one space parking variance as opposed to four and two from his previous submittals. He said he also no longer needed a rear setback variance.

**Mr. Stephens** asked what was the distance to the house to the property line?

**Mr. Kaufman** stated 10½ feet.

**Mr. Mackey** stated in 2004 when this came before Board of Appeals the Thomas Square plan and Mid-City plan was not adopted. He asked Staff if there would be any compromising of that?

**Mrs. Burke** stated no. She said what was approved at that point still was large squared foot area variance. She said it was also the same for the side yard. She said it equated to the same with the Thomas Square ordinance. The only one there really was a difference was the previous parking. She said the petitioner would have had to provide four parking spaces. Now, with Thomas Square, the petitioner only have to provide two. She said with the new change that he was proposing, he would only need a one space variance.

**Mr. Jones** asked how many parking spaces would be provided?

**Mrs. Burke** stated in TN-2 the petitioner would only be required to have two parking spaces and he was providing one parking space. She said under the old ordinance that they were held to they would have been required four parking spaces. Under the Thomas Square they were only required two parking spaces and the petitioner was only asking for a one space parking variance.

**Mr. Tom Todaro, City Development Services**, stated the ordinance allowed for credit towards off-street parking requirement on the street provided that it was approved by the traffic engineer. He said the petitioner had 31 feet and it was close to an intersection, so he may be able to get one car on the street and count. He said with regards to handicap the petitioner could get the City to put a handicap sign in front of the residence.

**Ms. Virginia Mobley** stated the petitioner had 11 feet of street parking. She said you could not park within 20 feet of an intersection. Lincoln Street on one side has a bike lane which does not

allow for parking. She said within 300 feet of either direction on this street you had over 48 units approved already. She said she felt it was becoming a overcrowded and over populated area.

**SZBA Action: Mr. Mackey made a motion that the Savannah Zoning Board of Appeals approve the petition. Mr. Robinson seconded the motion. The motion tied 2 - 2. The motion failed. The petition was denied.**

**RE: Continued Petition of Constance Boyd  
B-060731-51281-2  
1003 West 51<sup>st</sup> Street**

Present for the petition was Constance Boyd.

Mr. Hansen gave the following Staff report.

The petition was continued from the August 22, 2006 meeting to allow the petitioner an opportunity to submit the proposed access plan to the City Traffic Engineering Department.

### **Nature of Request**

The petitioner is requesting approval of an application to establish a child care center pursuant to the requirements of Section 8-3025 of the Savannah Zoning Ordinance. The subject property, located at 1003 West 51<sup>st</sup> Street, is zoned R-6 (One-Family Residential).

### **Findings**

1. The subject property, located at 1003 West 51<sup>st</sup> Street, is presently occupied by a single-family residential structure containing approximately 1,374 square feet. The property is rectangular in shape, measuring approximately 51 feet wide and 105 feet deep. The parcel contains approximately 5,355 square feet. The lot is considered a substandard parcel within the R-6 zoning classification.
2. The petitioner is requesting approval of a child care center that would accommodate up to 12 children, and a waiver of the requirement that said use be located on a collector or arterial street. 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, c, 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 12 children, thus requiring 1,200

square feet of outdoor play space. 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 (b) requires that a child care center be located on a collector or arterial street. This requirement is in place to accommodate the expected increase in traffic generated by said use. The petitioner seeks a waiver of this requirement as permitted by Section 8-3025 of the Ordinance. 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 10 foot wide drive that would extend from 51<sup>st</sup> Street to the lane at the rear of the property. Traffic would utilize the lane to access Stevens Street to the east. The petitioner has submitted the proposed plan to the City Traffic Engineering Department for review. Adequate off-street parking must also be provided to accommodate workers vehicles. The submitted site plan does not delineate where said vehicles would be located. Article (f) requires that a visual buffer be provided to shield play areas, parking areas, and outdoor activity areas from abutting properties. The rear yard is enclosed with an approximate five foot wire fence that is not opaque in design. Moreover, it is unknown how the petitioner intends to screen the proposed parking area from view.

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 local street in a residential neighborhood. The resulting traffic and potential congestion associated therewith could 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. It is not evident where required parking will be accommodated.

- 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.**

The application, as presented, does not meet all of the development standards prescribed by the Zoning Ordinance.

### **Summary Of Findings**

All of the requirements necessary for granting the use permit requested appear not to be met.

**Ms. Boyd** stated she revised her plans for the parking. She said on the side it was designated as employee parking, and she would still have adequate drop off and pick up for the children.

**Mr. Mackey** asked how many children was she proposing for the daycare?

**Ms. Boyd** stated 10.

**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: Continued Petition of Sylathia B. Williams  
B-060731-51852-2  
2313 Pinetree Road**

No one was present for the petition.

Mr. Hansen gave the following Staff report.

The petition was continued from the August 22, 2006 meeting in order to allow the petitioner an opportunity to meet with potentially affected neighbors and to submit the proposed access plan to the City Traffic Engineering Department. It is unknown if a meeting was held or if the plan was submitted as requested.

### Nature of Request

The petitioner is requesting approval of an application to establish a child care facility pursuant to the requirements of Section 8-3025 of the Savannah Zoning Ordinance. The subject property, located at 2313 Pinetree Road, is zoned R-6 (One-Family Residential).

### Findings

1. The subject property, located at 2313 Pinetree Road, is presently occupied by a single-family residential structure containing approximately 1,025 square feet. The property is rectangular in shape, measuring approximately 75 feet wide and 110 feet deep. The parcel contains approximately 8,250 square feet. The lot is considered a standard parcel within the R-6 zoning classification.
2. The petitioner is requesting approval of a child care center that would accommodate up to 12 children, and a waiver of the requirement that said use be located on a collector or arterial street. 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, 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 12 children, thus requiring 1,200 square feet of outdoor play space. 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 (b) requires that a child care center be located on a collector or arterial street. This requirement is in place to accommodate the expected increase in traffic generated by said use. The petitioner seeks a waiver of this requirement as permitted by Section 8-3025 of the Ordinance. 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. Approval for said use must be received from the City of Savannah Traffic Engineering Department. No evidence of the required approval has been submitted. Adequate off-street parking must also be provided to accommodate workers vehicles. The submitted site plan delineates an existing driveway for such use. 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 is heavily vegetated, it is noted that the rear yard is enclosed with an approximate four foot wire fence that is not opaque in design. Moreover, it is unknown how the petitioner intends to screen the proposed parking area from view.

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 local street in a residential neighborhood. The resulting traffic and potential congestion associated therewith could 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. A circular drive is proposed for drop-off and pick-up; parking will be accommodated on an existing drive.

- 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.**

The application, as presented, does not meet all of the development standards prescribed by the Zoning Ordinance.

### **Summary Of Findings**

All of the requirements necessary for granting the use permit requested appear not to be met.

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

**RE: Petition of Dan Fischer  
EMC Engineering, For  
Larry Nicola  
B-060828-53448-2  
1600 Wheaton Street**

Present for the petition was Dan Fischer.

Mr. Hansen gave the following Staff report.

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

### **Findings**

1. Cemeteries are an allowed use within the C-A zoning district subject to approval by the Zoning Board of Appeals. Several conditions for approval are listed including a requirement that all mausoleums, columbarium, or cemetery chapels be set back a minimum of 200 feet from any property line.
2. A cemetery (Hillcrest Abbey) currently exists on the subject property. The petitioner is seeking a variance of the setback requirement in order to expand the capacity of the existing cemetery by building an additional set of mausoleums. As proposed, the mausoleums would, at their closest point, be constructed within eight feet of the property line.
3. The setback requirements were established to assure appropriate spacing between cemeteries and dissimilar uses on adjoining properties. However, the subject property lies adjacent to an existing cemetery (Catholic Cemetery), and to the Savannah Country Club. The separation requirement as applied to this particular property is, therefore, from cemetery to cemetery, and from cemetery to golf course. No comment has been received from the adjoining property owners.
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.**

There are no extraordinary or exceptional conditions pertaining to the subject parcel because of size or topography. Although the parcel is irregular in shape, the property is nearly 40 acres in size.

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

Application of the regulations of the Zoning Ordinance would not create an unnecessary hardship. However, as noted above, the property line along which the variance is requested lies adjacent to an existing cemetery and a golf course.

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

The conditions described in above are peculiar to the subject property.

- d. **Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Savannah Zoning Ordinance.**

Relief, if granted, would not cause substantial detriment to the public good. The location of the proposed mausoleum expansion lies adjacent to an existing cemetery.

### **Summary Of Findings**

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

**Mr. Fischer** stated the owner of the cemetery wanted to expand the existing mausoleum. The new addition would not only supply a demand for this type of facility but also improve the attractiveness of the site. He said they felt since the cemetery was a compatible use they did not feel that it would be a detriment to the area. He said the building was also setback hundreds of feet from Wheaton Street.

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

RE: **Petition of Charles Oxford  
B-060828-53613-2  
S.W. Corner of Tattall Street &  
Huntingdon Street**

No one present for the petition.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a variance to permit lot coverage of 80.5 percent as opposed to the maximum lot coverage of 75 percent allowed in the RIPA district subject to Section 8-3025 of the City of Savannah Zoning Ordinance in order to construct an attached residential structure. The subject property, located at S.W. Corner of Tattall Street & Huntingdon Street, is zoned R-I-P-A (Residential-Medium Density).

**Findings**

1. Section 8-3025 of the Savannah Zoning Ordinance allows lot coverage of 75 percent within the R-I-P-A zoning district. The petitioner intends to construct an attached residential structure on the currently vacant parcel and is requesting a variance to allow lot coverage of 80.5 percent.
2. The subject parcel is approximately 95 feet wide and 70 feet deep. However, the petitioner is in the process of subdividing the property and the resultant development lot will measure 25 feet wide and 70 feet deep, a legally conforming and standard lot in the R-I-P-A district.
3. The petitioner has yet to receive approval from the City's Historic Review Board for the design of the proposed structure. Such approval will be necessary prior to the issuance of building permits. It is noted, however, that the City Historic Preservation Officer (HPO) has reviewed the proposed variance and is not opposed to the request. The HPO noted that the proposed footprint is actually less than was there historically and the plans follow typical development patterns in the area.
4. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:
  - a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.**

The subject parcel is considered a standard lot within the R-I-P-A 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 and the lot coverage requested, relief, if granted, would not likely cause substantial detriment to the public good. The HPO is also supportive of the request.

### **Summary Of Findings**

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

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

**RE: Petition of Harold B. Yellin, For  
Kessler River Street, LLC  
B-060828-57267-2  
102 West Bay Street**

Present for the petition was Harold Yellin.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a waiver to allow vehicular/pedestrian access over a street/lane in accordance with the provisions of Section 8-3030(l) of the City of Savannah Zoning Ordinance. The subject property, located at 102 West Bay Street, is zoned B-B (Bayfront-Business).

### **Findings**

1. Section 8-3030(l)(14)g states that it is inappropriate to bridge streets and lanes within the Landmark Historic District. Such crossings are prohibited except on Factor's Walk, and then such crossings are limited to pedestrian use only. The petitioner is requesting a waiver of the requirement in order to construct a vehicular/pedestrian entrance into a recently approved hotel site.
2. On August 9, 2006, the Historic District Board of Review made a finding of fact that the concept of vehicular/pedestrian bridges is visually compatible at this location and approved the requested crossing.

3. The petitioner notes that directing vehicular traffic for the proposed hotel from the street to the area in front of the proposed hotel is preferable to leaving such traffic on the street, and that having vehicular traffic access the proposed hotel from an existing traffic light at Bat and Whitaker Streets is safer than using any other access point.

### **Summary of Findings**

Board of Appeals approval of the requested waiver is allowed by Ordinance. The Historic District Board of Review has approved the concept. Although approval of the waiver is left to the discretion of the Board of Appeals, all conditions necessary for granting the waiver appear to be met.

**SZBA Action: Mr. Jones 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 Al F. Cox  
B-060828-58343-2  
5108 Skidaway Road**

Present for the petition was Al Cox.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of an application to establish a use (child care) pursuant to the requirements of Section 8-3025 of the City of Savannah Zoning Ordinance. The subject property, located at 5108 Skidaway Road, is zoned R-6 (One-Family Residential).

### **Findings**

1. The subject property, located at 5108 Skidaway Road, is presently occupied by a one-story single-family residential structure containing approximately 1,500 square feet. The property is rectangular in shape, measuring 166 feet wide and 300 feet deep. The parcel contains nearly 50,000 square feet, and is considered a standard lot in the R-6 zoning district.
2. The petitioner is requesting approval of a child care center that would accommodate up to 55 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 55 children, thus requiring 5,500 square feet of outdoor play space. As noted above, the entire lot encompasses approximately 50,000 square feet. The petitioner has designated a proposed play area of approximately 7,200 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 a drop-off area that will have two curb cuts on Skidaway Road. The proposed layout will have to be approved by the City's Traffic Engineering Department. 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 not yet enclosed with an opaque fence, nor is the proposed parking area yet shielded from view.

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 use approval for a child care center appear not to be met.

**Mr. Cox** stated at the time when the application was filed he was the owner of the property and it had to be filed in his name at that time. Presently, there was a sales contract pending between the seller and buyer pending upon approval from the Board.

**Ms. Katrina Robinson** stated she was proposing to put a child care center at this location. She said there was enough space to accommodate the parking as well as the play area. She said she will have the fencing installed upon approval from the Board.

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

RE: **Petition of John A. Clegg, For  
David & Lynn Flanary  
B-060828-58544-2  
126 East 49<sup>th</sup> Street**

Present for the petition was John Clegg.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a 23.5 foot rear yard setback variance, and a variance to allow lot coverage of 42 percent as opposed to the 30 percent lot coverage allowed pursuant

to Section 8-3025 of the City of Savannah Zoning Ordinance in order to construct a garage addition onto an existing single family residence. The subject property, located at 126 East 49<sup>th</sup> Street, is zoned R-6 (One-Family Residential).

### Findings

1. Section 8-3025 of the Savannah Zoning Ordinance requires a 25 foot rear yard setback for primary structures in the R-6 zoning district. The Ordinance also allows a maximum of 30 percent lot coverage, defined as anything that is covered by a roof.
2. The subject parcel, measuring 61 feet wide and 105 feet deep, is considered a standard lot, containing approximately 6,400 square feet.
3. Two buildings are currently located on the lot; a residential structure containing 1,921 square feet, and a garage containing 345 square feet. The existing lot coverage approximates 35 percent. The petitioner intends to remove the existing garage and construct a new, larger replacement. As proposed the lot coverage will now total 42 percent.
4. The petitioner's proposal also calls for the new garage to be attached to the primary residence. As such, the two buildings, for purposes of calculating setback requirements, become one structure. The primary rear yard setback requirement of 25 feet applies. The petitioner is requesting a 23.5 foot variance from said requirement.
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 conforming lot of record. There are no extraordinary or exceptional conditions caused by the property's size, shape or topography.

- 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 likely cause substantial detriment to the public good. The petitioner proposes to replace an existing structure with a new structure that is 262 square feet larger. The north and west walls of the new structure will be placed on the same footprint as the original.

### **Summary Of Findings**

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

**Mr. Clegg** stated the dashed line in the plans represented the existing shed. He said he was proposing to create a two car garage as shown on the plans. He said the existing house was within 30 feet of the rear property line. Although, there was not a lot of space he intended to connect them for the purposes of safety. He said at the rear there was a set of stairs and the floor of the house was 5 feet above grade. He said they would like to enclose that area with a roof and wall.

**SZBA Action: Mr. Robinson 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 Joseph Smith  
      B-060828-58936-2  
      14013 Coffee Bluff Road**

Present for the petition was Joseph Smith.

Mrs. Burke gave the following Staff report.

The petitioner is requesting approval of a 411 square foot lot area variance from the minimum 6,000 square foot lot area required by Section 8-3025 of the Savannah Zoning Ordinance in order to create two lots from an existing parcel. The subject property, located at 14013 Coffee Bluff Road, is zoned R-6 (One-Family Residential).

### **Findings**

1. The R-6 zoning district requires a minimum lot frontage of 60 feet and a minimum lot area of 6,000 square feet.
2. The subject property is a conforming lot at 131 feet deep at its shallowest point and 83 feet wide at its narrowest point. The subject property is approximately 11,589 square feet in area. There is currently a residential structure located on the subject parcel.
3. The petitioner has submitted a site plan demonstrating the dimensions for the proposed lots. Lot 1 is proposed to be a conforming lot at 83.91 feet deep at its shallowest point, 65.54 feet wide at its narrowest point, and approximately 6,000 square feet in size. Lot 2, the parcel containing the existing residence, is proposed to be 83.91 feet deep and 65.53 feet wide at its shallowest point. The resulting lot width is approximately 5,589 square feet.

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 exceptional conditions pertaining to the subject property. The existing lot, which is rectangular in shape, is 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 these regulations would not create an unnecessary hardship. However, the subject property would not be able to be subdivided without a lot area variance.

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 411 square foot lot area variance requested appear not to be met.

**Mr. Smith** stated there was an existing dwelling unit on the property that was overgrown. He said that dwelling will be removed because it was in poor condition. He said the property has been vacant for a number of years. He said he also talked with the neighbors and they were pleased with the fact that somebody was looking at improving the property.

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

**Mrs. Burke** asked the Board if they would like to consider the last three cases together since they were all of the same petitioner and similar in their requests?

The Board agreed to hear the cases together.

**RE: Petition of Rob Brannen, Attorney for  
The Coastal Empire Habitat for Humanity, Inc.  
B-060829-35872-2  
2108 Paige Avenue**

Present for the petitions were Virginia Brown.

The petitioner is requesting approval of a 6.5 foot front yard setback variance from the 50 foot front yard setback required from the street centerline, a 14.1 foot rear yard setback variance from the 25 foot rear yard setback required, and a variance to allow lot coverage of 36.91 percent as opposed to the maximum 30 percent lot coverage allowed by Section 8-3025 of the Savannah Zoning Ordinance in order to construct a single family residence. The subject property, located at 2108 Paige Avenue, is zoned R-6 (One-Family Residential).

**Findings**

1. The R-6 zoning district requires a minimum lot frontage of 60 feet and a minimum lot area of 6,000 square feet. Additionally, the minimum front yard setback is established at 50 feet from the street centerline, the minimum rear yard setback is 25 feet, and the maximum lot coverage is 30 percent.
2. The subject parcel is 30 feet in width and 99.93 feet in depth, resulting in a lot area of 2,997 square feet. The subject parcel is a nonconforming lot of record.
3. The petitioner has submitted a site plan showing a one story residence 10.9 feet from the rear property line and 43.5 feet from the centerline of Essex Avenue (18.5 feet from the front property line.) The proposed structure, if approved, would result in a 36.91 percent lot coverage.
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.**

The subject property is a nonconforming lot of record, at approximately half the size of a conforming lot.

- 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. However, any structure constructed on this site would be limited in size to 49 feet in length and 20 feet in width.

**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 6.5 foot front yard setback variance, the 14.1 foot rear yard setback variance, and the 6.91 percent lot coverage variance requested appear not to be met.

**RE: Petition of Rob Brannen, Attorney for  
The Coastal Empire Habitat for Humanity, Inc.  
B-060829-35977-2  
2108 Essex Avenue**

The petitioner is requesting approval of a 6.5 foot front yard setback variance from the 50 foot front yard setback required from the street centerline, a 14 foot rear yard setback variance from the 25 foot rear yard setback required, and a variance to allow lot coverage of 36.67 percent as opposed to the maximum 30 percent lot coverage allowed by Section 8-3025 of the Savannah Zoning Ordinance in order to construct a single family residence. The subject property, located at 2108 Essex Avenue, is zoned R-6 (One-Family Residential).

### **Findings**

1. The R-6 zoning district requires a minimum lot frontage of 60 feet and a minimum lot area of 6,000 square feet. Additionally, the minimum front yard setback is established at 50 feet from the street centerline, the minimum rear yard setback is 25 feet, and the maximum lot coverage is 30 percent.
2. The subject parcel is 30 feet in width and 100 feet in depth, resulting in a lot area of 3,000 square feet. The subject parcel is a nonconforming lot of record.
3. The petitioner has submitted a site plan showing a one story residence 11 feet from the rear property line and 43.5 feet from the centerline of Essex Avenue (18.5 feet from the front property line.) The proposed structure, if approved, would result in a 36.67 percent lot coverage.
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.**

The subject property is a nonconforming lot of record, at approximately half the size of a conforming lot.

- 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. However, any structure constructed on this site would be limited in size to 50 feet in length and 20 feet in width.

- 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 6.5 foot front yard setback variance, the 14 foot rear yard setback variance, and the 6.67 percent lot coverage variance requested appear not to be met.

**RE: Petition of Rob Brannen, Attorney for  
The Coastal Empire Habitat for Humanity, Inc.  
B-060829-36077-2  
2110 Essex Avenue**

The petitioner is requesting approval of a 6.5 foot front yard setback variance from the 50 foot front yard setback required from the street centerline, a 14 foot rear yard setback variance from the 25 foot rear yard setback required, and a variance to allow lot coverage of 36.67 percent as opposed to the maximum 30 percent lot coverage allowed by Section 8-3025 of the Savannah Zoning Ordinance in order to construct a single family residence. The subject property, located at 2110 Essex Avenue, is zoned R-6 (One-Family Residential).

### **Findings**

1. The R-6 zoning district requires a minimum lot frontage of 60 feet and a minimum lot area of 6,000 square feet. Additionally, the minimum front yard setback is established at 50 feet from the street centerline, the minimum rear yard setback is 25 feet, and the maximum lot coverage is 30 percent.
2. The subject parcel is 30 feet in width and 100 feet in depth, resulting in a lot area of

3,000 square feet. The subject parcel is a nonconforming lot of record.

3. The petitioner has submitted a site plan showing a one story residence 11 feet from the rear property line and 43.5 feet from the centerline of Essex Avenue (18.5 feet from the front property line.) The proposed structure, if approved, would result in a 36.67 percent lot coverage.
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.**

The subject property is a nonconforming lot of record, at approximately half the size of a conforming lot.

- 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. However, any structure constructed on this site would be limited in size to 50 feet in length and 20 feet in width.

- 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 6.5 foot front yard setback variance, the 14 foot rear yard setback variance, and the 6.67 percent lot coverage variance requested appear not to be met.

**Mr. Benjamin Harley, Resident**, stated he was the owner of 2108 Essex Avenue. He said the property was fenced and he has a house there. He said the lots were 30 feet and he owned three of the lots. He said his house sat on a portion of two of them. He said all of the properties were fenced in. He said he saw the sign and where it was cut off the petitioner cut off piece of his property. He said he called City Inspections and they told him that he needed to be here today.

**Mr. Stephens** asked if he brought documentation to show that he was the owner of the property?

**Mr. Harley** stated no, because it was on the deeds downtown.

**Mr. Stephens** stated his point was the Board needed something they could see verifying that he was the owner.

**Mr. Harley** stated he was not told that. He said he was only told that he needed to be at today's meeting.

**Mr. Tom Todaro, City Development Services**, stated he talked with Mr. Brannen about this property and he said they did a title search and have clear title to the property. He said Mr. Brannen also said they tried to contact Mr. Harley by mail and did not get a response. He said Mr. Brannen said they also went to his house and they did not get an answer to the door. He said according to Mr. Brannen's title search the property was owned by Coastal Empire Habitat for Humanity.

**Mr. Jones** asked Mr. Harley if he had a deed and survey of the property that showed he was the owner.

**Mr. Harley** stated no but he could get a copy. He said he did not bring any documents with him because he was not told that he needed to do so. He said the property was passed to him by his aunt who died two years ago. He said not to long ago he submitted a building permit that was approved by the City to remodel the house.

**Mr. Mackey** asked if he had a copy of the building permit?

**Mr. Harley** stated no, he did not bring a copy with him. He said he was only told by Inspections that he needed to be here. He said he received two letters. He said he also received notice for 2110 Essex Avenue but he owned 2108 Essex Avenue.

**Mr. Jones** stated according to Habitat they were the owners.

**Ms. Virginia Brown, Executive Director of Coastal Empire Habitat for Humanity**, stated they purchased the property at 2110 Essex Avenue from Charles Hamilton. She said with regards to 2108 Essex Avenue they approached Chatham County Commission about that property. She said it was a small piece of property that was 30 X 100 and it was listed on their surplus property lists. She said they were told by Mr. Monahan that the property was not owned by the people next door. She said when they went out to survey they saw that there was a fence and what they did at their office was they went to this property on three separate occasions. She said she left a note on two separate occasions. She said she left a note on the door and one in the mailbox. She said she also talked with the resident across the street who said that he was a renter and he told them that the property was abandoned. She said Habitat also tried to contact them by telephone at least three times. She said there was a telephone number from the property card but there was no answer. She said they also mailed a certified letter which was not received and came back to them. She said they tried to reach the people here but according to the property card it was not in the name of Mr. Harley so they really did not know if there was anyone else. She said this particular piece of property on the side

Chatham County told Habitat they owned it and they transferred it to them from the Commission.

**Mr. Stephens** asked if that was the property that Mr. Harley said he owned?

**Ms. Brown** stated yes. She said it was the property behind the fence next to this building.

**Mr. Robinson** asked when they were transferred the property if they researched the title?

**Ms. Brown** stated yes. She said Mr. Brannen got clear title to it by quit claim deed. She said they not only went before the Chatham County Commission but they also went through the Savannah Land Bank as well and was transferred to Habitat in a public meeting on a public agenda.

**Mr. Jones** stated the requirement before anything was done was the property be signed which was there when he visited the site. He said the sign has been posted all this time which also has a telephone number on it. He asked why was there not some question as to what the sign meant and what was going on. He said he could not see coming today saying this was my property and there was no proof of that.

**Ms. Brown** stated she did not know. She said they have a public telephone number for their office and they would be very open to that.

**Mr. Jones** stated he could not see coming to today's meeting saying this is my property and there is no proof of that. He said he felt if Habitat has checked all of this and they have a quit claim deed then the Board needed to move forward with a decision on the petitions.

**Mr. Stephens** asked Mr. Harley if he had any tax receipts where he paid taxes on the property?

**Mr. Harley** stated yes, at home. He said he could not understand why Habitat was not able to reach him when he received the other letters from the Zoning Board of Appeals for both of the properties.

**Mr. Robinson** stated he felt it was not the Board's responsibility to sit in judgment and resolve this issue. He said he felt the Board needed to go forward and act on the petitions. He said he felt if Mr. Harley had a problem then he needed to get it resolved outside of this meeting.

**Mr. Todaro** stated Mr. Harley did call their office and was basically told the same thing as he was told today. He said Inspections looked it up and it showed it in the name of Chatham County. He said his house does border the property which was where the Chatham County lot starts. He said he felt the Board could act on the petition and if it comes out that there was an error some where then the house would not be built.

**Mr. Mackey** stated the question in his mind was it has been stated that this particular issue was brought before the Commission, Savannah Land Bank, and on City records and nothing was verifying what Mr. Harley was saying. He said that was not to say that he was incorrect but there was no evidence to prove that he was. He said since that was the case, all the Board had to act on was what they have presented to them. He said the Zoning Administrator has said they also looked it up in their records and their records indicated something contrary to what Mr. Harley was saying. He said he felt at this point it was incumbent upon Mr. Harley to provide legal representation or his facts and he felt that has not been met.

**Mr. Stephens** asked Staff what was the recourse in the event that the petition was granted?

**Mr. Todaro** stated he felt there was a legal instrument that would prevent the permit from being issued or being revoked. He said he would think that a judge would not sign something like that unless he had proof that he owned the property. He said Mr. Brannen has done a title search and so forth. He said he felt Mr. Harley should get his legal advice from an attorney.

**Mr. Mackey** stated he felt the petitions needed to be voted on one at a time.

**SZBA Action:** Mr. Mackey made a motion that the Savannah Zoning Board of Appeals **approve** the petition (B-060829-35872-2, 2108 Paige Avenue) 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.

**SZBA Action:** Mr. Mackey made a motion that the Savannah Zoning Board of Appeals **approve** the petition (B-060829-35977-2, 2108 Essex Avenue) 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.

**SZBA Action:** Mr. Mackey made a motion that the Savannah Zoning Board of Appeals **approve** the petition (B-060829-36077-2, 2110 Essex Avenue) 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: Other Business**

1. Election of Officers – Chairman and Vice-Chairman for 2006 - 2007

**SZBA Action:** Mr. Robinson nominated James Byrne, Chairman for 2006 - 2007. Mr. Jones seconded the nomination and it was unanimously passed.

**SZBA Action:** Mr. Jones nominated Timothy Mackey, Vice-Chairman for 2006 – 2007. Mr. Robinson seconded the nomination and it was unanimously passed.

**RE: Adjournment**

There being no further business to come before the Savannah Zoning Board of Appeals the meeting was adjourned approximately 5:15 p.m.

Respectfully submitted,

Deborah Burke  
Secretary

DB/ca