

**SAVANNAH ZONING BOARD OF APPEALS**

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

**JULY 24, 2007**

**2:30 P.M.**

**REGULAR MEETING**

**MINUTES**

**MEMBERS PRESENT:**

**James Byrne, Chairman  
Stephanie Bock  
John P. Jones  
Paul Robinson**

**MEMBERS ABSENT:**

**Timothy Mackey**

**TECHNICAL STAFF ABSENT:**

**Tom Todaro, City Development Services**

**MPC STAFF PRESENT:**

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

**RE: Call to Order**

Mr. Byrne called the July 24, 2007 meeting of the Savannah Zoning Board of Appeals to order at 2:30 p.m.

**RE: Minutes**

1. Approval of SZBA Minutes – June 26, 2007

**SZBA Action: Mr. Robinson made a motion that the Savannah Zoning Board of Appeals approve the regular meeting minutes of June 26, 2007. Mr. Bock seconded the motion and it was unanimously passed.**

**RE: Consent Agenda**

**RE: Petition of Robert Poppell, Jr.  
B-061127-36094-2  
605 Rose Dhu Road**

The petitioner is requesting approval of an 8 foot side yard setback variance from the 15 foot side yard setback required by Section 8-3025 of the Savannah Zoning Ordinance in order to create two separate parcels. The subject property, located at 605 Rose Dhu Road, is zoned R-20 (One-Family Residential).

**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 requested variance have been met. Ms. Bock seconded the motion and it was unanimously passed.**

**RE: Regular Agenda**

**RE: Continued Petition of Charles Wallace  
B-070529-39647-2  
5206 Simpson Street**

Present for the petition was Charles Wallace.

Mr. Hansen gave the following Staff report.

An initial hearing on the proposed use was heard by the Board on June 26, 2007. At that hearing the Board continued the petition with a request that the applicant provide additional information about the proposal to be used by the Board for consideration and deliberation. As of this date, no new information has been provided by the petitioner.

The petitioner is requesting approval of an application to establish a use (child care center) and is seeking a waiver of the requirement that said use must be located on a collector or arterial street pursuant to the regulations of Section 8-3025 of the Savannah Zoning Ordinance. Additionally, the petitioner seeks a 15 foot rear yard setback variance from the 25 foot rear yard setback requirement. The subject property, located at 5206 Simpson Street, is zoned R-6 (One-family Residential).

### **Findings**

1. The subject property consists of three separate, adjoining lots. In total, the parcels contain approximately 23,000 square feet and measure 230 feet wide and 100 feet deep. The petitioner is proposing construction of a day care center to accommodate 50 children that will be affiliated with an existing church located on adjoining property to the west, fronting on Wendell Street. A child care center with more than six children in a residential district requires Board of Appeals approval.
2. Though not within the purview of the Board of Appeals, it is noted that the project cannot be constructed as proposed. Because the property consists of three lots and because the proposed development will cross property lines, a subdivision recombination will be required prior to site plan approval and issuance of building permits.
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 50 children, thus requiring 5,000 square feet of outdoor play space. Based upon the site plan submitted by the petitioner, there is adequate space available to accommodate the desired number

of children.

Article (b) requires that the 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 (f) requires that a visual buffer be provided to shield play areas, parking areas, and outdoor activity areas from abutting properties. It is unknown how the petitioner intends to screen the proposed use.

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 at the intersection of two local streets 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 will not be affected adversely by the surrounding uses, which are single family residences and a church.

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

The subject parcel(s) are of sufficient size to satisfy the space requirements of the proposed use. However, as noted above, the parcels will need to be reconfigured before site plan approval can be granted and permits issued.

- 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. Access to the site is proposed via a circular driveway with two curb cuts from Simpson Street. It is unknown whether the City Traffic Engineering Department has reviewed or approved the proposed drive.

- 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 subject parcel is not located on a collector or arterial street, it is unknown if approvals have been granted by Traffic Engineering, and the 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. Wallace** stated the things that they were asked to address from the last meeting have been done. However, he was not aware that he needed to contact Staff and let them know that they have been addressed. He said they have combined all three lots. He said those lots were also combined with the Church property. He said everything is under one PIN number. Also, with regards to the play area they added an additional 3,000 square feet to the original 5,000 square feet.

**Mr. Robinson** asked if he could address the fence?

**Mr. Wallace** stated if the Board grants their request then they will install a 6 foot privacy fence around the area.

**Mr. Hansen** stated the site plan that was submitted last month with this petition showed the original lot lines. He said Staff will take Mr. Wallace's word that the lots have in fact been combined until such time Staff could check. He said also the petitioner showed two curb cuts on Simpson Street with a circular drive and parking. He said that would have to be approved by the City Traffic Engineering department prior to any issuance of a Certificate of Occupancy. Also, if the lots have been combined into one parcel to include not only the three lots on Simpson Street but the church property as well construction of a daycare center at this location in conjunction with the Church would constitute two primary uses on this lot. He said it would have to go to the MPC for a group development approval. But, that was only if the Board approved the daycare center. He said it was not necessarily the Board's concern or purview but he merely wanted to get it onto the record. He said the Board's concern was the use and whether or not it was appropriate for this location. Also, the Board was not bound to approve the number of children the applicant has requested. He said the Board could approve less than

but not more than. Although the applicant has requested 80 children, 75 children is the maximum permitted by the ordinance.

**Ms. Bock** asked if the request was for 50 children or 75 children?

**Mr. Hansen** stated the original application submitted by the applicant requested 50 children. He said subsequent to the preparation of the staff report and the sending of the same to you they received an amendment to that which requested 80 children. He said they reported on the 80 children requested verbally at the last meeting. He said staff did not change the staff report for the Board for this particular meeting as they had received no new additional information. The request still was for 80 children but the maximum allowed by the ordinance is 75 children.

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

**The motion failed for lack of a second.**

SZBA Action: **Ms. Bock** made a motion that the Savannah Zoning Board of Appeals **approve** the petition with the understanding that the daycare center be for 50 children. **Mr. Robinson** seconded the motion and it was passed 2 - 1. Opposed to the petition was **Mr. Jones**.

**RE: Petition of Kim Icovozzi, For  
Icovozzi Fine Art  
B-070622-58050-2  
111 West Charlton Street**

Petition withdrawn per petitioner's request.

**RE: Petition of Brian Haggerty,  
Montis Properties, LLC  
B-070622-58155-2  
9 – 17 East Macon Street**

Present for the petition was Brian Haggerty.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a variance to allow 100 percent lot coverage as opposed to the 75 percent lot coverage allowed in Section 8-3025 of the Savannah Zoning Ordinance in order to construct a residential development. The subject property, located at 9 – 17 East Macon Street, is zoned R-I-P-A (Residential-Medium Density).

### **Findings**

1. The current Zoning Ordinance limits lot coverage in the R-I-P-A district to a maximum of 75 percent. The petitioner is seeking a lot coverage variance in order to construct row housing on an infill parcel consistent with existing development in the area.
2. The parcels in question, considered standard lots within the R-I-P-A district, each measure approximately 22½ feet wide and 60 deep. The lots are double fronted on

Charlton and Macon Streets.

3. The Historic Review Board considered the proposed development and on May 9, 2007, made a finding of fact that the proposed 100 percent lot coverage was visually compatible; noting that the proposed development completes a row of buildings that at present are all 100 percent lot coverage.
4. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:

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

The subject property is considered a standard parcel within the zoning district. There are no extraordinary or exceptional conditions 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 likely cause substantial detriment to the public good. The proposed development is consistent with development patterns in the neighborhood and continues the existing row house pattern of the block. No objections have been raised by immediate neighbors or concerned citizens. Furthermore, the proposed development has the support of the Historic Review Board.

### **Summary Of Findings**

All of the findings necessary for granting the variance requested appears not to be met.

**Mr. Haggerty** stated he is requesting a variance from the 75 percent to 100 percent lot coverage. He said he felt it would be consistent with the surrounding area. He said their intent

was to infill the remaining 50 percent of that block. He said the existing 50 percent was at or close to 100 percent lot coverage.

**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 variance granted will not be detrimental to the public good. Mr. Jones seconded the motion and it was unanimously passed.

**RE: Petition of Shelley S. Smith  
B-070622-58262-2  
1801 Habersham Street**

Present for the petition was Shelley Smith.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of an application to establish a use (restaurant with alcohol sales) pursuant to the requirements of Part 8, Chapter 3, Article K, and Section 5.8.2 of the Savannah Zoning Ordinance in order to develop a restaurant. The subject property, located at 1801 Habersham Street, is zoned TC-1 (Traditional Commercial).

### **Findings**

1. The subject property is located within the Thomas Square neighborhood in central Savannah. The area was included as a part of the Mid-City rezoning in 2005. Zoned TC-1, the subject property allows restaurant uses subject to approval by the Board of Appeals.
2. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals shall hear and decide upon requests for permission to establish uses upon which the Board of Appeals is required to pass under the terms of this chapter. The application to establish 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 appropriately zoned for commercial usage. Most of the surrounding neighborhood is residential in nature.

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

The proposed use will not be affected adversely by the surrounding uses, which are residential units.

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

The subject parcel appears to be of sufficient size to satisfy the space requirements of the proposed use.

- 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, although it is noted that the area is zoned for commercial use.

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

Standards as discussed above appear to be met.

### **Summary Of Findings**

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

**Mr. Byrne** stated he wanted the Board to know that he knows Ms. Smith and that he has been to her former establishment.

**Ms. Smith** stated she previously owned a wine bar which was an upscale establishment for seven years. However, her petition before the Board today was not for a bar. She said it was for a restaurant. She said one of her partners, Brian Torres who is the wine buyer and assistant managers of Sapphire Grill was brought in because he knew the restaurant side of this. She reiterated that this would be a restaurant and they would like to have the option available to serve alcohol. She said her business will have normal restaurant hours.

**Ms. Virginia Mobley** stated she was not opposed to the petition. However, the site was a small site and surrounded by residential uses. She said some of the residential uses were Williams Court which was housing for the elderly. Across the street was the Habersham House which was a facility of Union Mission. She said she talked with Staff and read their report and felt these items were not taken into consideration when the recommendation was made. She said the zoning that was in place in the Mid City plan was more of a site specific, condition specific zoning, therefore it had more liberal uses. She said the idea behind it being one of the authors of that plan was all of the surrounding contributing factors would be considered before granting



a Board of approval use. She said they had a restaurant with alcohol use in close proximity to Williams Court that was opened until 10:00 p.m. and it was not a success. She said the use would be in perpetuity and felt the entire surroundings needed to be considered as they affect the site.

**Mr. Hansen** stated when he talked with Ms. Mobley he indicated that because this was located on Habersham which was identified as a secondary arterial the petitioner would still have to go through site plan approval. He said at that time other issues such as parking, dumpster location, etc would have to be addressed satisfactorily. With regards to the residential uses surrounding the property such as the Habersham House and some of the others, in his opinion he thought would be more appropriately addressed at City Council. He said the Board's action today in and of itself would not grant the petitioner a liquor license. He said City Council would have to grant that particular license. He said if there was a problem associated therewith that would be the appropriate venue in which to air those particular concerns. The Board today would merely be granting the use if they decide to approve the petition.

**Mr. Jones** asked if the use would still be commercial?

**Mr. Hansen** stated yes. He said he felt the question was when the Mid City zoning plan was adopted in 2005 the restaurant use was an allowed use subject to Board approval. He said it was apparently felt at that time that there needed to be a public hearing, another venue for people to express their concerns, doubts, or support for that particular use. He said the zoning was commercial, has been commercial and this particular use was a continuation of that commercial usage.

**Mr. Brian Torres** stated as mentioned he was wine director for Sapphire Grill. He said that was the level of restaurant that he liked to deal with. He said he appreciated the concerns of the neighborhood. He said there was a driveway in the back of the space where deliveries would be made. He said they have available parking and they would not tell or want people to park on the empty lot which was not a part of their space. He said it was their intent to enhance the site.

**Mr. Robinson** asked Staff if the Board could limit the hours of operation?

**Mr. Hansen** stated he felt the Board could make that a condition.

**Mr. Byrne** stated he felt that would be a City Council decision. He said he felt if they were going to limit the conditions on the liquor license then it may include the hours of operation. He said he felt the Board's purview today was for use.

**Mr. Hansen** stated although the Board does not set precedent it has been done in the past. He said at the very least the Board could if they were considering approving the use they could place on the record their recommendation to City Council as part of the liquor license there be a limit on the hours of operation.

**Mr. Torres** stated they would not want their business hours to be in keeping with the other restaurants in the area such as Queeny's.

**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 use approval have been met. The Board of Appeals further recommends to the City Council that upon issuance of an alcohol permit that said permit

limit the hours of operation such that the facility will close at or before 10:00 p.m. Mr. Jones seconded the motion and it was unanimously passed.

RE: Petition of Angela Williams  
B-070622-58360-2  
4412 Liberty Parkway

Present for the petition was Angela Williams.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of an application to establish a use (child care) which must be approved by the Zoning Board of Appeals pursuant to the requirements of Section 8-3025 of the Savannah Zoning Ordinance. The petitioner is seeking approval of a center to accommodate 18 children. The subject property, located at 4412 Liberty Parkway, is zoned R—6 (One-Family Residential).

### Findings

1. The subject property contains approximately 6,000 square feet and measures 50 feet wide and 120 feet deep. Although the parcel meets the minimum lot area required for an R-6 zoned parcel, it fails to meet the minimum 60 foot lot width required of the district. The lot is thus considered a substandard parcel.
2. The petitioner is proposing construction of a day care center to accommodate 18 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, 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 18 children, thus requiring 1,800 square feet of outdoor play space. Based upon the site plan submitted by the petitioner, there is adequate space available to accommodate the desired number of children.

Article (b) requires that the 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. Liberty Parkway is designated as a collector roadway.

Article (d) requires that off-street parking be provided in conformance with the regulations of Section 8-3089. While it appears that adequate space may be available to

accommodate the necessary parking, it is unclear what if any screening is to be provided as required. Similarly, it is not known if the petitioner has submitted plans to or has received approval from the City Traffic Engineering Department for the proposed circular drive/drop-off shown on the submitted site plan.

Article (f) requires that a visual buffer be provided to shield play areas, parking areas, and outdoor activity areas from abutting properties. It is unknown how the petitioner intends to screen the proposed use.

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 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 will not be affected adversely by the surrounding uses, which are single family residences.

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

The subject parcel is of sufficient size to satisfy the space requirements of the proposed use. However, as noted above, the parcel is considered a substandard lot within the district.

- 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. Access to the site is proposed via a circular driveway with two curb cuts from Liberty Parkway. It is unknown whether the City Traffic Engineering Department has reviewed or approved the proposed drive.

- 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. It is unknown if approvals have been granted by Traffic Engineering, and the screening appears insufficient to adequately buffer the use from adjacent properties.

### **Summary Of Findings**

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

**Ms. Williams** stated she was requesting approval for a daycare for 18 children. She said she was willing to install the fence and she has also submitted her plans to City Engineering for her circular drive. She said with regards to the buffer she was going to landscape the sides to separate the property lines.

**Mr. Jones** asked where does she live?

**Ms. Williams** stated Liberty Parkway.

**Mr. Jones** stated he felt Liberty Parkway was a busy street especially during peak hours. He said he is concerned with a childcare center being there because he felt it would cause problems in the morning and evening with the traffic.

**Ms. Williams** stated she felt the circular drive would help those problems.

**Mr. Jones** asked where she was proposing the daycare center if she was going to live upstairs and then operate the childcare center downstairs?

**Ms. Williams** stated no. She said once she goes group which would be a group center for 18 children she would no longer live there. She said it would only be used for the daycare.

**Mr. Byrne** asked how many employees will she have?

**Ms. Williams** stated 2. She said presently she had two Savannah State students that are helping her.

**Mr. Byrne** asked if the parking would be off to the side as shown on her plans?

**Ms. Williams** stated yes. She said she planned to do landscaping on the side and inside the circular driveway.

**Mr. Hansen** stated for clarification childcare regulations require that there be 1 employee for each six children. However, the parking requirements require that there be only 1 space for every two employees. In this case, the applicant would be required to have two parking spaces.

**Mr. Byrne** asked if the parking had to be screened?

**Mr. Hansen** stated yes.

**Mr. Byrne** asked the petitioner how was it going to be screened?

**Ms. Williams** stated the house on this side already has a fence. She said in addition to that she was going to do landscaping.

**Mr. Hansen** stated the ordinance says that it needed to be buffered from abutting property, so it would have to be on the sides which he felt was what the petitioner was indicating.

**Mr. Jones** asked the petitioner if she had any other daycare centers?

**Ms. Williams** stated no.

**Ms. Ernestine Jones (President, Liberty City Richfield Southover Community Association)** stated she was representing the association as well as the immediate residents to the site. She said they were in opposition to having a childcare center there. She said they felt the lot was substandard and would not suffice for what Ms. Williams was trying to do. She said they have worked hard with MPC with their land use plan. She said they have designated areas where they thought this type business needed to be. She said this did not meet their land use plan that has been worked on with the City of Savannah. The off-street parking would be on Quincy Street but there were residents who were having problems with parking on Quincy Street right now. She said when she looked at the plans where the circular driveway is laid out and the two spaces for employee parking, if the employees parked there they felt that very little space would be left. She said they felt if a childcare center is on this site it would be a hazard. She said if the petitioner has a circular driveway they could only see a possibility of may be two cars parking. She said if other cars come where would they park. She said if they parked on the sidewalk on Liberty Parkway that would create more problems. She said they felt the proposed site was not conducive for a childcare center. She said they ask that the Board not grant the petition for a childcare center.

**Ms. Jacqueline Akins (4404 Liberty Parkway)** stated she is a resident of the area and Ms. Williams does not live at the proposed residence. She said if Ms. Williams does a buffer from the fence on either side she would not be able to have a driveway for a vehicle to turn around. She said she was approximately 73 feet from the centerline of the street and she could not turn around comfortably. She said she also felt that when you have a circular driveway that people tend to turn around in your driveway. With regards to the backyard there was not enough space for the children. She said she was also concerned about the increase of traffic on Liberty Parkway.

**Ms. Margaret Williams (4410 Liberty Parkway)** stated she owned the chainlink fence which was adjoined to the petitioner's property. She said she also was opposed to the petition. She said she felt with the traffic on Liberty Parkway that it would be dangerous for the children. She said she also felt the backyard was not large enough for a play area for the children.

**Ms. Florence Brown** stated she lived across the street from the proposed daycare. She said she has seen a lot of accidents on the corner. She said she felt there was no way to have children there because they would not be able to cross the street because of the traffic.

**Dr. Becky Gaston-Dawson** stated she lives on Quincy Street. She said she felt the house was too close to the street. She said she also did not see how the petitioner would be able to provide a circular driveway on the property. She said since she has lived in the area a child has been hit by a bus and a child was killed off the corner of Liberty Parkway and Staley. She said she was concerned with the traffic on Liberty Parkway because it is a very busy street.

**Ms. Williams** stated before she moved there she considered safety. She said her driveway has been measured for a circular driveway and it will be able to accommodate the cars. With regards to the playground area it was approximately 2400 square feet and the requirements are 100 square feet per child. She said a chainlink fence was already on the sides of the property. With regards to the children being able to get in and out of the gate safely there was an opening on one side of the fence. Also, when the parents drop off their children they will be on the side of the house and not on the side of the street.

**Mr. Byrne** stated he felt the point that some folks were trying to make was that typically with daycares people drop off their children about the same time everyday, therefore she would get a big rush. He said if she could only fit two or three cars in her driveway it still takes time to get children out of car seats, seatbelts, bags, etc. out of the car which could cause a backup on Liberty Parkway.

**Ms. Williams** stated she felt that it would not back up like that.

**Mr. Byrne** asked if she heard back from anyone from the City Engineering department with regards to her circular driveway?

**Ms. Williams** stated she was told that she needed to talk with Noel Goode but he was not in the office today.

**Mr. Byrne** asked how many people were on her staff?

**Ms. Williams** stated in addition to herself she will have two more staff people. She said if she is approved for 18 children then there will be a teacher in each room. She said she will have at least four which would also include herself.

**Mr. Jones** asked what would be the hours of operation?

**Ms. Williams** stated 8:00 a.m. – 6:30 p.m.

**Mr. Byrne** stated he felt the neighbors were saying that they were worried about the safety of the children. He said there were certain facts that could not be changed such as Liberty Parkway being a busy street.

**Ms. Williams** stated there were other daycare centers in the area. She said there was one up the street on Ogeechee Road which was busier than Liberty Parkway. She said she considered the safety which was why she did her homework on other daycare centers in the area.

**Mr. Derrick Brantley** stated he understood the neighbors concerns. He said his child attended Ms. Williams' daycare. He said he felt some of the concerns of the neighbors may need to be addressed by the police such as speeding on Liberty Parkway. He said the neighbors also mentioned that they felt there was not enough space for the driveway. He said Ms. Williams has had the driveway measured by City Engineering for a circular drive and they felt it would accommodate the vehicles. He said she was doing everything by code.

**Ms. Jones** stated as a community organization they encourage people to have businesses. She said they also were concerned about children and have worked with children for over 30 years. She said as a neighborhood association they often ask persons desiring to have a business in their neighborhood to attend their meetings and present their plans to them so that maybe they could work together to see what could be resolved before they get this far with it. She said this has not happened.

**SZBA Action:** Ms. Bock made a motion that the Savannah Zoning Board of Appeals **approve** the petition as submitted based upon a finding that the petitioner can meet all of the necessary requirements to be granted use approval. Mr. Robinson seconded the motion and it was passed 2 – 1. Opposed to the motion was Mr. Jones.

**RE: Petition of Sabrina Williams-Hardy  
B-070625-49452-2  
505 Screven Avenue**

Present for the petition was Sabrina Williams-Hardy.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of an application to establish a use (child care for 36 children) which must be approved by the Board of Appeals pursuant to the requirements of Section 8-3025 of the Savannah Zoning Ordinance. The petitioner is also seeking approval of a waiver that said use be located on a collector or higher classed street. The subject property, located at 505 Screven Avenue, is zoned R-6 (One-Family Residential).

### **Findings**

1. The subject property contains approximately 12,000 square feet and measures 120 feet wide and 100 feet deep. The parcel meets the minimum lot area and minimum lot width required for an R-6 zoned parcel and is thus considered a standard parcel.
2. The petitioner is proposing construction of a day care center to accommodate 36 children. A child care center with more than six children in a residential district requires Board of Appeals approval.
3. A letter of opposition has been submitted by a neighboring resident.
4. 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 36 children, thus requiring 3,600 square feet of outdoor play space. Based upon the site plan submitted by the petitioner, it appears that there is adequate space available to accommodate the desired number of children.

Article (b) requires that the 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. Screven Avenue is designated as a local roadway. The petitioner is seeking a waiver of this requirement.

Article (d) requires that off-street parking be provided in conformance with the regulations of Section 8-3089. It appears that adequate space may be available to accommodate the necessary parking, and the City Traffic Engineering Department has given preliminary approval for the proposed circular drive/drop-off shown on the submitted site plan.

Article (f) requires that a visual buffer be provided to shield play areas, parking areas, and outdoor activity areas from abutting properties. It is unknown how the petitioner intends to screen the proposed use.

5. 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 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 will not be affected adversely by the surrounding uses, which are single family residences.

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

The subject parcel is of sufficient size to satisfy the space requirements of the proposed use.

**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. Access to the site is proposed via a circular driveway with two curb cuts from Screven Avenue. The City Traffic Engineering Department has given preliminary approval to the proposed concept.

**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. Increased traffic generated by a center housing 36 children remains a concern, and the screening appears insufficient to adequately buffer the use from adjacent properties.

### **Summary Of Findings**

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

**Ms. Williams-Hardy** stated as mentioned she was requesting approval for a childcare center. She said her original request was for 36 children. She said she would like to amend her request for 18 children. She said she used to live in the home and at one time had a home daycare in the home. She said she never received a complaint from any of her neighbors. She said after her family got larger they moved in to another location that accommodated her family. She said they started renting the property on Screven Street but unfortunately that did not work out because of various reasons. She said they will now like to use the property on Screven for a daycare.

**Mr. Jones** asked if she had another daycare center?

**Ms. Williams-Hardy** stated yes, on Jasmine Avenue.

**Ms. Jenny Henry-Brannen (1810 Rhonda Street)** stated she has lived in the area for 51 years. She said the petitioner was a good person and they have not had a problem with them

when they lived in the neighborhood. She said her neighborhood was very close knit. She said they were concerned about the number of children and how it would impact the traffic. She said the petitioner told them that may be 16 extra cars would come through the neighborhood because of the daycare. She said Screven Avenue was a racetrack and they felt with 16 additional cars that it would only add to the current problem.

**Mr. Byrne** stated the petitioner has said that she was willing to decrease the number from 36 to 18 children. He asked if her decreasing the number of children caused her to reassess her opinion?

**Ms. Henry-Brannen** stated yes. She said when she previously had a daycare center there was trash in the alley. She said she was currently working with the City to get the neighborhood cleaned up of old cars, trash, pests (rats), etc. She said she was concerned about the amount of trash that would increase because the neighborhood currently has trash collection once a week. She said she was opposed to the daycare.

**Ms. Trina Marie Brown (501 Screven Avenue)** stated the petitioner did come around the neighborhood and talk with the residents. However, she did not think that this location was the proper use for a daycare. She said she was concerned about the noise from vehicular traffic, noise pollution from the children playing and conversation. She said she was also concerned about the increase of traffic coming into the area as well as parking. She said she would like to maintain the quietness of the neighborhood. She said she understood the petitioner has decreased the number of children to 18, however she felt the concerns she mentioned would still be there.

**Mr. Earl Gallovich** stated he owned property in the area. He said the previous tenants who lived in the petitioner's property were not good tenants. He said he applauds anyone who took care of children at daycares. However, he felt it needed to be done in areas that are conducive to that environment. He said he felt that this property was not capable of handling 18 children. He said if the Board grants the petition, the petitioner would have to petition the state for a license to operate. He said if she did not meet the requirements with the property then why put the petitioner through this.

**Mr. Byrne** stated the Board has to consider the City requirements of the ordinance which are separate from the State. He said the petitioner has the right to petition the Board to be heard.

**Mr. Gallovich** stated he was opposed the daycare being in that area.

**Ms. Carol Denmark (512 Forrest Avenue)** stated she has lived in the area for 30 years. She said as mentioned by the petitioner she previously had a home daycare in this area. She said there was always dirty diapers in the lane with six children. She said her concern was how would the petitioner keep that from happening with 18 – 36 children. Also, as mentioned earlier they do have a problem with pests (rats). She said she also agree with the concerns raised by her neighbors. She said the petitioner also mentioned that at one time she rented the property out and that did not go well. She said she also understood that because she and her husband were landlords and some times things happen. She said she did not have a problem with the petitioner taking care of five or six children if the property is maintained which would be an in home daycare. She said it was her understanding that this would strictly be a daycare center. She said their area has always been residential. She said she was opposed to the daycare.

**Ms. Maureen Rose** agreed with the comments made by her neighbors. She said she would love to have the petitioner back as a neighbor but not as a business. She said they were trying to improve their neighborhood so the values of their homes will continue to increase. She said she was concerned about a business being in a residential area.

**Mr. Byrne** stated the Board does not set precedent. He said if the Board approved the petition that would not mean that a rash of people would be able to open up a daycare in their area. He said the Board reviews cases on a case-by-case basis.

**Ms. Rose** stated she felt one daycare or business was too many in a residential neighborhood.

**Ms. Melissa Swanson** stated she just purchased the property next door to the proposed daycare. She said if she had known this ahead of time then she would not have purchased the property. She said she did not have a problem with child daycares she just preferred not to live next door to one. She said her back bedroom window would be next to the playground which would generate a lot of noise and she works at night. She said she was really concerned about the petition.

**Mr. Kenneth Denmark** stated he has lived in the neighborhood for 30 years and has seen a lot of different things happen. He said the neighborhood looked like it was turning around for a positive. He said he was concerned about the daycare as well as the noise that it would bring to the area. He said where he worked was very noisy so when he comes home he likes to enjoy the quietness of home.

**Ms. Hardy** stated some of her neighbors have been there over 30 years. She said she never received a complaint when she operated her home daycare. She said she hoped that would be testimony for what type of daycare she would operate there now. She said with regards to the dirty diapers she purchased two trashcans to help alleviate any problems with trash. She said she understood the concerns of the neighbors with the proposed daycare and would appreciate if they gave her a chance and would respond quickly if there is a problem with the proposed daycare.

**Ms. Bock** asked the petitioner if she was going to live at the residence?

**Ms. Hardy** stated no. She said she was using the house for her daycare.

**Mr. Gallovich** stated he felt the property was not in physical shape to handle 18 children.

**Mr. Byrne** stated you have a neighbor who purchased property and did not bargain for a daycare being next to her. He said Ms. Hardy could keep up to 6 children as a matter of right. He said he felt 18 children was a lot for the neighborhood.

**Mr. Robinson** stated he felt the Board has to consider whether or not there was a detriment to the public good or neighborhood.

**SZBA Action:** **Mr. Robinson** made a motion that the Savannah Zoning Board of Appeals deny the petition as submitted. **Mr. Jones** seconded the motion and it was passed 2 – 1. **Opposed to the motion was Ms. Bock.**

RE: **Petition of Gary Watkins  
Watkins Associates Architects  
B-070625-49802-2  
2004 Beech Street**

Present for the petition was Gary Watkins.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a variance to allow parking in the required side yard setback in order to reconfigure an existing retail development. The subject property, located at 2004 Beech Street, is zoned P-B-N (Planned Neighborhood Business).

### **Findings**

1. The subject parcel is currently developed and is occupied with commercial uses that include a gas station/convenience store, and a car wash. The petitioner is proposing to add a self-serve Laundromat to the mix. In so doing, the petitioner also proposes to realign the existing parking to better serve the total development. In accordance therewith, a variance is sought to allow parking in the required side yard setback.
2. A 15 foot side yard setback is required within the B-N district where said yard abuts an "R" district. By definition, parking is not allowed to encroach into a setback in a commercial district. The requested variance is to allow off-street parking to encroach into the setback a maximum of 9'-6". The proposed design does not create parking where it does not currently exist, rather the proposal is to reconfigure the parking from parallel to perpendicular. In order to maintain safe vehicle circulation clearances, the spaces cannot be moved further into the site, thus necessitating the encroachment. A type "G" buffer (three foot high vegetative) is proposed to shield vehicles from direct view to the street.
3. The project design also proposes the removal of an existing curb cut onto Beach Street. Elimination of the curb cut which primarily serves the convenience store will reduce traffic on Beach, a residential street.
4. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:
  - a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.**

The subject property is considered a standard parcel within the zoning district. There are no extraordinary or exceptional conditions 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 likely cause substantial detriment to the public good. The proposed development is an expansion of an existing commercial venture and a reconfiguration of an existing parking lot. A vegetative buffer will be provided and the site is enhanced by the removal of an existing curb cut. No objections have been raised by immediate neighbors or concerned citizens.

### **Summary Of Findings**

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

**Ms. Bock** asked if they could close the southernmost entry and move the parking back?

**Mr. Watkins** stated the problem with moving it back was that it put parked automobiles in the flow of traffic to the gas pumps and convenient store. He said they felt it could cause problems on site if they moved it closer. Also, the reason the parking was where it was, was because they were coming off an existing curb cut on Pennsylvania.

**Ms. Bock** asked how tall was the buffer?

**Mr. Watkins** stated it was only required to be 3 feet. But Mr. Parker's facilities are very well landscaped.

**SZBA Action:** **Mr. Robinson made a motion that the Savannah Zoning Board of Appeals approve the petition as submitted based upon a finding that granting the variance requested will not be detrimental to the public good. Ms. Bock seconded the motion and it was unanimously passed.**

### **RE: Other Business**

**Mr. Hansen** stated on Thursday of last week at the City Council meeting July 19, 2007 the Council held the first and second reading for the proposed childcare amendments. He said they are now law. He said the Board will no longer have the very same types that the Board heard today. He said anything that was in the pipeline, however still falls under the old rules. Henceforth, in the R - districts they were limiting the maximum allowable to more than 18. He said probably the biggest change was the childcare / daycare centers have to be an accessory use. The primary purpose of the residence was that it be a residence and that it be occupied. He said the other proviso was that they could allow up to 50 children if it is associated with a

religious facility or school. He said the Board has that discretion. He further stated the other thing this particular amendment did was to make consistent the rules and regulations throughout the entire ordinance. He said there were different requirements in R-6 as opposed to the Victorian District as opposed to Cuyler Brownsville, etc. He said they were now consistent throughout the City in that regard.

**RE: Adjournment**

There being no further business to come before the Savannah Zoning Board of Appeals the meeting was adjourned approximately 4:45 p.m.

Respectfully submitted,

Debbie Burke,  
Assistant Secretary

**DB/ca**