

**SAVANNAH ZONING BOARD OF APPEALS**

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

**SEPTEMBER 25, 2007**

**2:30 P.M.**

**REGULAR MEETING**

**MINUTES**

**MEMBERS PRESENT:**

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

**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 September 25, 2007 meeting of the Savannah Zoning Board of Appeals to order at 2:30 p.m.

**RE: Minutes**

1. Approval of SZBA Minutes – August 28, 2007

**SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals approve the regular meeting minutes of August 28, 2007. Mr. Mackey seconded the motion and it was unanimously passed.**

**RE: Consent Agenda**

**RE: Petition of Noble L. Boykin, Jr.  
B-070829-40042-2  
2028 Habersham Street**

The petitioner is requesting approval of an application to establish a use (ambulance service) which must be approved by the Board of Appeals pursuant to the requirements of Part 8, Section 3 and Article K (5.8.2) of the Savannah Zoning Ordinance. The subject property is located at 2028 Habersham Street. The property is zoned TC-1 (Traditional Commercial).

**Summary of Findings: All of the conditions necessary for approving the request to establish an ambulance service appear to be met.**

**SZBA Action: Mr. Mackey 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 as proposed have been met. Mr. Jones seconded the motion and it was unanimously passed.

RE: Petition of Gandhi Hospitality, Inc. dba  
Wyndham Garden Hotel  
B-070829-39800-2  
25 Yvette Johnson Hagins Drive

Mr. Byrne stated before the Board starts the Regular Agenda, he would like for the Board to look at the Petition of Gandhi Hospitality, Inc. dba Wyndham Garden Hotel, B-070829-39800-2 which was item 2 on the Regular Agenda. He said Mr. Hansen gave him a note that due to the ongoing issues at the Airport, the petitioner has requested to continue their petition until the next regularly scheduled meeting (October 23, 2007).

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

Mr. Robinson stated before the Board starts the Regular Agenda when they went out to visit the sites yesterday, there was no sign posted for the Petition of Matthew Deacon, B-070829-42783-2.

**SZBA Action: Mr. Robinson made a motion that the Savannah Zoning Board of Appeals discuss the Petition of Matthew Deacon, B-070829-42783-2 out-of-order. Ms. Bock seconded the motion and it was unanimously passed.**

Mr. Hansen asked the Board if they wanted to discuss the matter of whether or not the property was posted or did they want a staff presentation?

Mr. Byrne stated the Board wanted to know whether or not the property was properly posted.

Mr. Hansen stated he did not visit the sites yesterday. However, he was told by Mrs. Burke that the Board members (Ms. Bock, Mr. Jones, and Mr. Robinson), in addition to Mrs. Burke who visited the sites yesterday, could not find a sign posted for the property. He said he could not attest as to whether or not Mr. Deacon had in fact posted the property as required. He said he felt that was something the Board needed to ask the petitioner. He said if the property was not posted, the Board will not be able to hear the case today and would recommend that the petition be continued to the next regularly scheduled meeting.

Mr. Deacon stated he posted the sign and it was up for at least 2 weeks. He said he noticed this week that the sign was not up.

Mr. Byrne stated he needed to understand that it is the petitioner's responsibility to make sure the property is posted for a statutory period of time. He said to the petitioner that the petition will have to be continued to the next meeting to make sure that the property is properly posted.

**SZBA Action: Ms. Bock made a motion that the Savannah Zoning Board of Appeals continue the above-mentioned petition until the next regularly scheduled meeting. Mr. Jones seconded the motion and it was unanimously passed.**

RE: REGULAR AGENDA

RE: Petition of K. LaLiah H. Powell  
B-070829-39611-2  
514 East Anderson Street

Present for the petition was K. LaLiah Powell.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of an application to establish a use (professional office) that must be approved by the Board of Appeals in conformance to the requirements of Section 8-3028 of the Savannah Zoning Ordinance. The petitioner is also seeking a one space parking variance from the requirements of Section 8-3089. The subject property, located at 514 East Anderson Street, is zoned 1-R (Victorian District- 1-R).

### Summary Of Findings

1. The subject property is located within the Victorian District as established by Section 8-3028 of the Zoning Ordinance. Zoned 1-R, the property is acceptable for use as a professional office subject to use approval by the Board of Appeals. The Board hears and decides upon requests to establish uses based upon the requirements set forth in Section 8-3163 of the Ordinance.
2. The subject parcel is a standard lot in the Victorian District measuring 30 feet wide and 105 feet deep. The parcel is currently occupied with a single family residence.
3. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals shall hear and decide upon requests for permission to establish uses upon which the Board of Appeals is required to pass under the terms of this chapter. The application to establish such use shall be approved on a finding by the Board of Appeals that:
  - a. **The proposed use does not affect adversely the general plans for the physical development of the City, as embodied in this chapter, and in any master plan or portion thereof adopted by the Mayor and Aldermen.**

The proposed use will not affect adversely general plans for the physical development of the City.
  - b. **The proposed use will not be contrary to the purposes stated for this chapter.**

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

The proposed 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 proposed use is a conversion of an existing use and will not likely be detrimental to the use or development of the general neighborhood. However, adjacent parcels may be impacted by the additional traffic generated by uses associated with the site.

- 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.**

The subject parcels is not of sufficient size to satisfy the requirements of the Ordinance with regard to off-street parking. The petitioner has requested a one space parking variance from the six spaces required.

- 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 immediately 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. It is noted, however, that the petitioner has requested a parking variance.

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 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.**

Relief, if granted, would not likely cause substantial detriment to the public good. The petitioner can accommodate five parking spaces (including one handicapped space) on site, and it appears that other parking is available street side.

### **Summary of Findings**

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

**Ms. Powell** stated she wanted to use the building as a law office.

**Mr. Byrne** asked what kind of law did she practice?

**Ms. Powell** stated real estate law.

**Mr. Byrne** asked how would she accommodate the parking?

**Ms. Powell** stated off-street parking would be in the back yard. She said there it was about 54 or 60 feet in the back yard, and 30 feet in width.

**Mr. Byrne** asked her how many employees would work at the law firm?

**Ms. Powell** stated two employees.

**Mr. Byrne** asked how many attorneys would work at the law firm?

**Ms. Powell** stated she would be the only attorney.

**Mr. Byrne** asked if she would do closings at the proposed business?

**Ms. Powell** stated yes but everything would be by appointment. She said with regards to the parking, it would be parallel parking on both sides. She said also there was a deck in the back of the house and the ramp to the handicapped parking would go up the deck. She said she would have to have a parking variance because of the reception area. The reception area on the first floor is 202.5 square feet, and that means she has to have one extra parking space. She said there was parking across the street, and during the day when the office would be open, it generally was not a problem finding a parking space. She said to meet the requirements of the code they have to put privacy fences down both sides of the yard because of the residential properties.

**Mr. Jones** asked if she could get two cars in the back?

**Ms. Powell** stated if you pull straight in you could get three cars in.

**Mr. Robinson** stated on the site plan it showed the deck only about 1/3 of the way across.

**Ms. Powell** said that there was an addition to the house. She said the house was built in 1900, and the addition was made to the house with a bathroom and a kitchen with a stoop right in the middle. The stoop has been enclosed, and that was where the deck was.

**Mr. Robinson** stated the handicap access was going to take up a lot of space. He said he felt that unless she stacked the cars and pulled them out then the parking may work. He asked Staff what was the requirement for the parking here?

**Mr. Hansen** stated 1 space per 200 square feet for parking.

**Mr. Robinson** stated when they visited the site yesterday, he had also noticed there was not much parking on the street.

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

**RE: Petition of Gandhi Hospitality, Inc. dba  
Wyndham Garden Hotel  
B-070829-39800-2  
25 Yvette Johnson Hagins Drive**

The above-mentioned petition was continued per the Petitioner's request.

**RE: Petition of Robert Russell, Jr.  
B-070829-42245-2  
25 Burke Avenue**

Present for the petition was Robert Russell, Jr.

The petitioner is requesting approval of a 3½ foot rear yard setback variance from the 25 foot rear yard setback requirement of Section 8-3025 of the Savannah Zoning Ordinance in order to construct an addition onto an existing residential structure. The subject property, located at 25 Burke Avenue, is zoned R-6 (One-Family Residential).

**Findings**

1. The current Zoning Ordinance establishes a rear yard setback at 25 feet from the property line. The applicant is proposing to construct an addition onto an existing single family residence 21 feet 11 inches from the rear property line.
2. The Ordinance requires a minimum lot width of 60 feet and a minimum lot area of 6,000

square feet in the R-6 district.

3. The subject parcel in a nonconforming lot of record at approximately 100 feet deep and 45 feet wide, which results in a lot area of 4,500 square feet.
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 nonconforming lot of record as it is deficient in lot width and lot area.

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

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

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

The conditions described above are not peculiar to the particular piece of property involved.

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

Relief, if granted, would not likely cause substantial detriment to the public good.

### **Summary Of Findings**

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

**Mr. Jones** stated that most of the lots in that area have less than a 60 foot front, so that would be a standard lot according to that particular subdivision.

**Mr. Hansen** stated yes. However, the property was zoned R-6 and was therefore a legally non-conforming lot within the R-6 standards. As mentioned, the R-6 requires a 60 foot front and this had 45, although it was consistent with other development in the area. He also said Staff received a letter and a phone call from one of the neighbors and it was fair to say that there was confusion on her part as to what the petitioner was requesting. He said she was concerned if it would affect her property. He said he felt that he assured the neighbor that her property was not going to be impacted.

**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. Ms. Bock seconded the motion and it was unanimously passed.

**RE: Petition of William B. Saxman, Agent for  
Duncan Ogletree  
B-070829-42447-2  
639 Park Avenue**

Present for the petition was William Saxman.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a variance from the requirement of Section 8-3025 that a self storage mini-warehouse be located on a collector or greater classified street. The subject property, located at 639 Park Avenue, is zoned P-BG-2 (Planned General Business-Transition).

### **Findings**

1. The petitioner is proposing to develop a climate controlled mini-storage facility in an existing vacant warehouse located at 639 Park Avenue. The subject property is zoned P-BG-2 which allows said use by right. However, one of the conditions listed in the Zoning Ordinance as necessary to develop a mini-storage warehouse is that such use be located on a collector or greater classified street. Park Avenue, at this location, is classified as a local street.
2. The Board of Appeals has the ability to grant a waiver of the requirement that a mini-storage warehouse facility is located on a collector or greater classified street provided that said use would be compatible with development in the surrounding area and that said use would have minimal impact on area traffic patterns.

Trip generation tables indicate that mini-storage warehouses generate a relatively small amount of daily traffic (one trip for every ten units is typical). Therefore, one can expect approximately 25 daily trips to be generated by a 250 unit mini-storage facility. By comparison, the average single family residence produces approximately 8-12 trips per day.

Vehicles frequenting a mini-storage facility are typically of the passenger car or small truck variety. Numerous other uses allowed to be established by right on the subject site would be serviced by larger commercial trucks including semi-trailer vehicles.

Additionally, the petitioner has agreed to place a limitation on the hours of operation (7 a.m. to 8 p.m. daily) thus assuring no traffic generation during the evening and early morning hours.

3. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety

and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:

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

The subject property is a conforming lot of record that is rectangular in shape. There are no extraordinary or exceptional conditions pertaining to the lot.

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

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

- 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 use proposed will generate far less traffic than other permitted uses and provides a good reuse for an otherwise vacant building.

### **Summary Of Findings**

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

**Mr. Jones** stated that the building in question was originally constructed as a bowling alley. He said after the bowling alley closed, it was used as a postal distribution center. He said he felt the postal distribution center created more traffic than a mini-warehouse would.

**Mr. Hansen** stated the hours of usage for the mini-warehouse would primarily be daylight hours. Therefore, there would be little, if any, impact from this particular use to the surrounding area.

**Mr. Mackey** asked Mr. Hansen is if the granting of this request represented a policy change in terms of the City's position on collector streets?

**Mr. Hansen** stated he did not believe that it represented a policy change. He said as the Board knows that each and every case stands on its own merit.

**Mr. Saxman** stated they tried to break the report down to show that the existing zoning would allow a number of uses that would be more detrimental than the proposed use. He said Mr. Ogletree operated existing mini-warehouses in the City. He said he had monitors on both complexes and they determined the number of people coming in and which unit they go to and the hours of operation. He said Mr. Ogletree's hours are limited to daylight hours. In this particular case they will employ and install a unit here for caretakers, which there would be a 24-

hour caretaker on site, which will give more security for the neighborhood. It would also protect the neighborhood from anyone coming in and misusing the property because someone would be there 24 hours a day to control it. He said the units would be climate-controlled warehouses, and they are used less than just a general warehouse, which they showed on page 3 of the report they submitted to the Board.

He also stated when this current use was put into the Zoning Ordinance, it was restricted to collectors and arterials because there were no existing mini-warehouses in the original ordinance. So they put additional limitation for access because they did not want them encroaching into single-family areas. He said the documentation they provided also showed that the climate controlled warehouses would not generate as much traffic as a single family house would. He said Mr. Ogletree was also aware that there are two pages of standards for mini-warehouses, which have also been developed within the last 10 years. He said he was also aware that he was going to have to make some nice improvements to the area to make sure it did not have an adverse effect on the neighborhood. In addition, the plan would also go through site plan review where they would review the buffers, design, color of the building, orientation of the building, curb cuts and any other issues during that process. He said they felt that the existing design standards with the MPC site plan review and with the limitation of traffic to a climate controlled warehouse, that this use would be less damaging than uses that are currently allowed in the ordinance, such as a contractor's office, an equipment supply, a motel or something of this nature.

**Ms. Bock** asked if the (mini-storage warehouse) was going into the existing building?

**Mr. Saxman** stated that they would modify the existing building and it would basically follow that footprint.

**Ms. Bock** asked the petitioner if they considered the lighting and how it would affect the neighbors?

**Mr. Saxman** stated yes, and that the lighting would be one of the issues that would have to be reviewed by MPC as well as City Engineering.

**Ms. Larcenia Steffens** (Resident at 652 East Henry Street) stated she remembered when it was a bowling alley. She said it was something that the entire neighborhood in that area could have gained from. She said in the back of her there was a church, and in the front of the church, there was this building which she felt was an eyesore. She said she felt there was enough traffic on Atlantic, Henry Street and Park Avenue. She said she felt it looked like it was beginning to become a business district. The traffic in the morning with the school bus, the people trying to get to work, the people on bicycles; she felt it was one business too many. She said she was opposed to the petition and felt it would not benefit the neighborhood.

**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 Wright  
B-070829-42657-2  
110 & 120 West Bryan Street**

The petitioner is requesting approval of a 390 square foot lot area variance for each of 28 individual units from the 600 square foot minimum lot area requirement of Section 8-3025 of the Savannah Zoning Ordinance in order to construct a housing project in conjunction with the redevelopment of Ellis Square. The subject property, located at 110 & 120 West Bryan Street, is zoned B-C-1 (Central Business).

**Summary Of Findings**

1. In 2005, the City of Savannah began a project to restore one of the original downtown squares (Ellis). As a part of that redevelopment, solicitations were made for the construction of housing to serve the downtown neighborhood. One of those projects is contemplated to be the creation of 28 condominium units to be located on the northwest corner of Bryan and Whitaker Streets.
2. Located within the downtown core, the subject parcel is zoned B-C-1 (Central Business). The B-C-1 district allows residential with no cap on density. However, development standards for the district require a minimum lot area of 600 square feet per unit resulting in a de facto density cap of approximately 70 units per acre.
3. The subject parcel is considered a standard lot within the district, measuring approximately 67 feet wide and 90 feet deep. The site is currently vacant.
4. The request is consistent with ongoing discussions concerning the Downtown Master Plan. It is noted, however, that that plan has not yet been adopted and no final decision has been made as to whether to abandon or modify the current 600 square foot 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 standard lot within the B-C-1 district and contains no irregularities 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. However, the applicant would have to redesign the

proposed residential structure, resulting in a ten unit development. Greater density at this location in the heart of downtown is warranted.

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

The conditions described above are not peculiar to the particular piece of property involved.

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

Relief, if granted, would not cause substantial detriment to the public good. The petitioner proposes to construct a residential development which will provide additional housing choices in and for the downtown community.

### **Summary of Findings**

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

**Mr. Mackey** asked Staff if he could explain with regards to housing project as mentioned in the staff report?

**Mr. Hansen** stated that perhaps his choice of wording was misinterpreted in the staff report. The request was to seek a variance from that 600 square foot per unit requirement in order that the petitioner can develop a 28-unit housing complex.

**Mr. Robinson** asked if he could explain the impact because he did not understand the numbers. He asked how large were the proposed units?

**Mr. Hansen** stated that may be a question better answered by the petitioner. He said the BC-1 district did not carry a density cap within that district. But for all practical purposes the 600 square foot minimum lot area requirement, the cap was approximately 70 units per acre. He said what this particular request would do is develop this particular site at a higher density.

**Mr. Jones** asked if he felt this was overbuilding downtown because all they were building was hotels, motels, and condos. He said he felt people came to Savannah to view the City, the historic homes and those sorts of things which he felt may hurt the tourist trade.

**Mr. Hansen** stated in his opinion he felt they were not. He said he felt if there was a place where the density should be highest, it was the downtown area.

**Ms. Bock** asked how many units would be allowed without the variance?

**Mr. Hansen** stated approximately 10.

**Mr. Wright** stated they currently have been approved by the HRB for the 6-story structure. He pointed out that the site was the parking deck hole that existed in the area on Ellis Square, and they gave the subterranean rights to this piece of property to the City for them to put the parking underneath. He said they gave up approximately 2,800 square feet of usable space to the City to have the ramp going down. So they were left with about 2,200 to 2,300 square feet on the first floor, which would be retail. He said the upper 5 stories are requested to have 28 units. He

said due to the site constraints they have shared equipment with the adjacent hotel such as a generator, fire equipment and other items which they have coordinated through the City in the parking deck design. He said there would be an average of 6 units per floor which also met the requirements.

**Mr. Robinson** asked if he could explain the parking?

**Mr. Wright** stated part of the arrangement they have with the City was that they have parking available for the units in the deck that they are paying for to the City. He said they were paying the purchase price on a 50-year amortization for spaces.

**Mr. Robinson** asked if the reserved spaces were for each of the residences?

**Mr. Wright** stated yes.

**Ms. Lisa Sundrla (Savannah Development Renewal Authority)** stated as a part of the Downtown Master Plan process they have been looking at the downtown from a density perspective, and also mass and scale of development within the downtown area. She said they have more than 70 vacant lots within the National Landmark Historic District, and about 30 to 40 soft properties which could be demolished. When you look at properties such as that you realize what the market is calling for. The most viable things to build on a lot like that were hotels which were things that were making dollars. However, they also realized that there was a great interest in condo and residential development within the downtown area. She said she felt that to have a vibrant commercial district and a vibrant downtown mixed use community, you have to have rooftops as well as residents who live there on a regular basis and not just tourists visiting. She said from that aspect, they felt this was in keeping with the master plan. She said with regards to the 600 square foot rule, the master plan has actually been made to encourage affordable housing as a part of market rate housing developments. She said this particular project was not doing affordable housing with it. However, the density, she felt would not negatively impact that particular area of the downtown.

**Mr. Mackey** asked are we of the opinion now that the market rate scheme is not successful, or has not been successful?

**Ms. Sundrla** stated what they recognized needed to happen in our downtown was a balance of uses. She said that balance of uses needed to offer affordable housing opportunities as well mixed-use retail, commercial and other residential lodging.

**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. The motion was tied 2 – 2. Opposed to the motion were Ms. Bock and Mr. Jones. The motion was passed 3 – 2 with the Chair voting in favor of the motion.

**RE: Petition of Keith Howington  
Greenline Architecture  
B-070829-42959-2  
148 Montgomery Street**

Present for the petition was Keith Howington.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a variance to the height limitations of Section 8-3030 in order to construct a hotel on the subject site. Additionally, the petitioner is seeking a six space parking variance from the 132 space parking requirement of Section 8-3089 of the Savannah Zoning Ordinance. The subject property, located at 148 Montgomery Street, is zoned B-C-1 (Central Business).

### Findings

1. The petitioner is proposing to construct a hotel on a site located at the northeast corner of Montgomery Street and Oglethorpe Avenue. In accordance with the Historic District Height Map (adopted February 1997 and amended October 2003), the maximum height allowed on the subject parcel is five stories. The petitioner is seeking a variance to add an additional story and is also seeking a parking variance in conjunction therewith.
2. Working with preservation staff, SDRA, and the City, the petitioner has agreed to develop ground floor commercial uses to present better street interaction, has agreed to the use of higher quality construction materials, has agreed to a greater setback from historic structures on the lane, and screening of the proposed pool from neighboring structures.
3. The proposed development has been submitted to the Historic District Board of Review and that Board has made a finding that the additional story which is setback from Oglethorpe and Jefferson and from the lane for a majority of the block is visually compatible. The Board noted that there are few historic structures adjacent to the parcel in question and that the lot faces a boulevard which can handle the additional height.
4. Based upon the proposed development of 163 hotel rooms and 2,600 square feet of ground floor lease space, a total of 132 parking spaces are required. Current development plans provide 126 spaces. The petitioner is requesting a six space parking variance. The petitioner is working with the SDRA to secure additional parking spaces, though it is noted that additional parking appears to be available at several surface lots and at on-street spaces.
5. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:
  - a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.**

The subject property is considered a conforming lot of record and contains no unusual characteristics with regard 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. Ample parking appears to be available within the immediate vicinity of the subject site, and the Historic District Board of Review has already approved the petitioner's application for Part 1 Height and Mass.

### **Summary Of Findings**

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

**Mr. Mackey** stated this was a request for variance to exceed the present height limitation.

**Mr. Hansen** stated yes. He said the request was for a height variance and parking variance. The Historic District height map was adopted in 1997 and amended in 2003 and showed that this location was appropriate for 5 stories. He said they were requesting 6 stories in this particular area. He said the Historic Review Board has reviewed this application and has found it to be visually compatible.

**Mr. Mackey** stated what he anticipated was criticism from those persons who will cry foul of the potential for granting a variance for height.

**Mr. Hansen** stated that staff to this date has not received any opposition to this particular development.

**Mr. Mackey** asked what was the height of the parking garage that the City owned on Liberty and Montgomery Streets?

**Mr. Hansen** asked if he was talking about the Liberty Street Garage?

**Mr. Mackey** stated yes.

**Mr. Hansen** stated he did not know the exact height but it was more than 6 stories. He also noted that typically a story in a parking garage was not the same as a story in a building. However, it was equal to in all likelihood or higher than what this particular building would be.

**Mr. Robinson** asked what about the relationship with this proposed development to the commercial building east of it, across Jefferson?

**Mr. Hansen** stated if he was asking how tall that building was, he does not know.

**Mr. Jones** asked if they would they meet the parking requirements without the additional story?

**Mr. Hansen** stated presumably they would. He said the parking was calculated on the amount of retail space that was on the ground floor or proposed to be on the ground floor, as well as the number of hotel rooms. The retail space in this particular case was about 2,600 square feet. He said if you translated that back into hotel rooms, the 6 space variance would probably not be needed.

**Mr. Mackey** asked where would the additional 6 spaces come from?

**Mr. Hansen** stated there was considerable on-street parking available within this area. He said there was also parking available in the Liberty Street Garage. He said there may also be parking available at the parking facility at the Court House. However, according to code, they are required to have 132 and were only providing 126.

**Mr. Robinson** asked if the 6 story set back from the remainder of the façade of the building, or on the same footprint as the 5 stories below?

**Mr. Hansen** stated the petitioner may need to address that.

**Mr. Howington** stated the lot has been recombined into one address with one PIN number. He said with regards to the height it does vary. He said they have worked very closely with the Review Board and SDRA in order to help keep the street more viable. He said it would have two large retail areas on the ground floor. He said to help with the height, by giving up the ground floor for retail, SDRA and the Review Board agreed that it may be a good solution to put those rooms back up on the top floor. He said by doing that, they have varied the height by creating a full 6 story on the corner of Montgomery and Oglethorpe Streets of all-brick construction, and they have what appeared to be a 5-story with a penthouse on the Jefferson Street side made of different materials. It appeared to break up the mass as two separate buildings instead of one very large building. He said with regards to the parking it actually was not required in the BC-1. But they have a 2-story, 2-level parking deck underneath which, if they do valet parking, they could stack the cars and not have a parking concern. He said the 6 spaces, if needed, they were working with SDRA. He also stated in hotel construction, with the exception of the first floor, which was higher just for the streetscape, every other floor was 10 feet per story. So the overall mass was not as large as it actually could be.

**Mr. Jones** asked if he was saying with the building on the corner of Montgomery that they were going to eliminate that building in order to use the parking lot in that building on the corner to construct the hotel?

**Mr. Howington** stated yes.

**Mr. Louis Leonard (311 West York Street)** stated he was concerned that there was an 1850's house and an 1820's house that he felt was fragile in nature. He said with the garage across from York Street from the row of houses, and the hotel was 22 feet away from it across the lane from the back of these houses, he felt it would create a canyon effect there for the 300 block of West York Street. He said he felt that was detrimental to the Historic District. He said 5 stories was bad and he felt 6 stories was worse. He said he was also concerned about the parking.

**Mr. Mackey** stated that while he agreed in theory, he also felt there was pressure on those lots to be developed and we needed to prepare for it.

**Mr. Leonard** stated he felt that were on the verge of overbuilding, and he felt that this hotel could become a SCAD dorm in 3 to 5 years.

**Ms. Lisa Sundrla (Savannah Development Renewal Authority)** stated the City Manager has assigned her to work with large-scale developers, specifically hotels, coming into the downtown area to ensure that these buildings are compatible as we move forward with construction in downtown. She said this was a part of the Downtown master planning process. She said the market itself tells us that we are doing well because all of the hotels in our downtown area have been operating at 70 to 75 percent occupancy rate and some much higher, depending on certain months. She said they felt adding activity on the first floor level with retail and restaurants are important. She said they worked very closely with Mr. Howington and the developers on this project as well as MPC Staff and the Historic Review Board and they were pleased with the outcome of this design. She said they felt it offered all of the elements to help make it a strong vibrant building that becomes a part of the community. The height again becomes very minimal because you were right next to the County Courthouse and the Civic Center property, as well as adjacent to the E-Commerce building and the Jepson property. She said they felt mass was already occurring in that area. But they were able to minimize that and also offer a better architectural design and solution for the area.

**SZBA Action:** Ms. Bock made a motion to deny the petition. Mr. Jones seconded the motion. Opposed to the motion were Mr. Mackey, Mr. Robinson, and Mr. Byrne. The motion failed 2 – 3.

**Mr. Byrne** asked if there was another motion?

**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 tied 2 – 2. Opposed to the motion were Ms. Bock and Mr. Jones. The motion passed 3 – 2 with the Chair voting in favor of the motion.**

**RE: Petition of Joshua Ward  
Dawson Wissmach Architects  
B-070829-43067-2  
West Bay Street**

Present for the petition was Joshua Ward.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a variance to the height limitations of Section 8-3030 in order to add an additional story onto an existing building within the Landmark Historic District. The subject property, located at West Bay Street, is zoned B-B (Bayfront Business).

### **Findings**

1. The petitioner is seeking approval of a variance to the Historic District Height Map to allow a rooftop addition to the Ryan Building located at the northeast corner of Bay

Street and Barnard Street extended. In accordance with the Historic District Height Map (adopted February 1997 and amended October 2003), the maximum height allowed on the subject parcel is two stories. The proposed addition does not encompass the entire roof, rather only 52 percent of the surface. The addition will be setback from the south wall of the existing building a total of 16 feet.

2. The proposed development has been submitted to the Historic District Board of Review and that Board has made a finding that the additional story is visually compatible. The Board noted the minimal size of the addition and its resemblance to the cotton grading monitors historically used on this and similar buildings.
3. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:

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

The subject property is considered a conforming lot of record and contains no unusual characteristics with regard 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 Historic District Board of Review has already approved the petitioner's application for visual compatibility.

### **Summary Of Findings**

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

**Mr. Jones** stated the sign was posted but it was down on the lower part of the building behind a dumpster. He said you had to look around the dumpster to find the sign. He said it should have been up on the 2<sup>nd</sup> floor so it could be seen, because in the beginning, they thought there was

no sign posted. He said he felt when people secure these signs, they should be instructed to post the sign where it can be seen instead of people having to look for it.

**Mr. Hansen** stated he would relay that request to the City because we do not issue the signs from our office.

**Mr. Byrne** stated that concerned him because you were talking about an historic piece of property. He said the point of posting a sign was to put the public on notice that there's a proposed change to that piece of property that may affect the surrounding district.

**Mr. Hansen** stated we do not issue the signage, therefore we do not tell an applicant where to post. He said the Board may want to address that to Mr. Ward and ask him what he was told, or someone from his office was perhaps told with regards to posting of sign. But his understanding was that the City provided direction as to where the sign should be posted on the property. He said there was nothing in the ordinance that lists specifically where that posting should be other than the fact that the property shall be posted.

**Mr. Mackey** asked how high from the River Street side was the height and would it be visible from River Street?

**Mr. Hansen** stated it was certainly going to be higher. But because of the distance from River Street looking up, he doubted that you would see a lot. He said he felt that was something the petitioner could address. He further stated it was set back from River Street but it was set back 16 feet from Bay Street. The perspective was that you would see very little.

**Mr. Byrne** asked the petitioner if he could tell the Board about the sign and the posting of the sign?

**Mr. Ward** stated it is supposed to be visible from the public right-of-way. He said he took the sign to the job site and gave it to the contractor. He said they were doing external renovations to the building, so he left it up to him to find the most appropriate place. He said he was under the impression that it was on Bay Street. He said they may have had to move it because they were doing the store front along that elevation. He said he was not sure that you could find a suitable place at the time. He said he gave him instructions that it needed to be visible and he also had to do the same thing with HRB signs.

**Mr. Mackey** asked in other words, it was not where it could readily be seen?

**Mr. Ward** stated from his understanding, he thought it was in a place where it could be seen by the public.

**Mr. Byrne** stated the Board needed to be consistent. He said they voted to continue item 6 on the Regular Agenda which was the petition of Matthew Deacon for sign posting problems. He said he felt the petition needed to be continued so the property could be reposted. He said the notice was the most fundamental due process in this country. He said we needed to be able to put people on notice.

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

**Mr. Dawson** stated he felt it would only be a matter of courtesy to the applicants that, rather than have us sit here for 1½ hours that you would announce that at the beginning of the meeting.

**Mr. Byrne** stated they did that actually with Mr. Deacon and he apologized to them, but the Board had no idea until the issue was raised. He said he apologize for them sitting here for this long. He said the Board will try to avoid that in the future.

**RE: Petition of Jason Rose, For  
Matt & Shirley Fisher  
B-070829-50336-2  
111 Queens Street**

Present for the petition was Jason Rose.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a 12 foot rear yard setback variance from the 20 foot rear yard setback requirement of Section 8-3045 in order to construct an addition onto an existing residential structure. The subject property, located at 111 Queens Retreat, is zoned P-R-6-S (One-Family Residential-Small Lot Subdivision).

### **Findings**

1. The Zoning Ordinance establishes a rear yard setback at 20 feet from the property line in the P-R-6-S district. The applicant is proposing to construct a sunroom onto an existing single family residence eight feet from the rear property line.
2. The Ordinance requires a minimum lot width of 50 feet and a minimum lot area of 4,000 square feet in the P-R-6-S district.
3. The subject parcel in a conforming lot of record at approximately 80 feet deep and 60 feet wide, which results in a lot area of 4,800 square feet.
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 a conforming lot of record that is rectangular in shape. There are no extraordinary or exceptional conditions pertaining to the lot.

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

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

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

**Mr. Rose** stated it was a standard lot but it was kind of small. He said the house was on the setback line. He said no one really did room additions to the front, and in this case it was not going to fit within the setbacks any way. He said there was no room on the sides. He said they have a small lot and the house took up a lot of it.

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

SZBA Action: The motion failed for lack of a second.

**Mr. Jones** asked how much space was in the back?

**Mr. Rose** stated the addition was going to go over the paved patio. He said they have a 20 foot back from the privacy fence and a 6 foot privacy fence that goes around the rear of the property. He said he did not know the setbacks from each side of the fence but within the fence, it was 56 feet.

**Mr. Jones** asked if the 20 feet from the bay window to the fence, or was it from the back of the house to the fence?

**Mr. Rose** stated he was not sure. He said the bay window was going to come off from this structure. He said the structure was going to replace the bay window.

**Mr. Mackey** asked if the request for this petition based strictly on aesthetics and resale value?

**Mr. Rose** stated just the setback.

**Mr. Mackey** stated the Board had a letter that said according to several financial institutions that they have contacted the investment involved as to the resale value of the home upon completion of the project.

**Mr. Rose** stated he could not speak on what the homeowners' main objective was for the addition. He said he believed they just wanted it for extra living space.

Mr. Mackey asked Mr. Rose if the homeowners were here.

Mr. Rose stated no.

**SZBA Action:** Mr. Mackey made a motion that the Savannah Zoning Board of Appeals **deny** the petition as submitted based upon a finding that the petition does not meet the necessary requirements to grant the request. Mr. Jones seconded the motion and it was unanimously passed.

**RE: Petition of Joshua Ward  
Dawson Wissmach Architects  
B-070829-54882-2  
10 East Broad Street**

Present for the petition was Neal Dawson.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a request to use metal clad simulated divided light windows in a building located within the Landmark Historic District. The request is made in conformance with the regulations of Ordinance Section 8-3030(l)(9) and (n)(4). The subject property, located at 10 East Broad Street, is zoned R-I-P-B (Residential-Medium Density).

### **Summary Of Findings**

1. Zoning Ordinance Section 8-3030 lists, among other things, the development standards that are to be applied within the City's Landmark Historic District. Included in this section is an exhaustive list of approved window treatments that may be utilized, including a statement that replacement windows on historic buildings shall replicate the original historic windows in composition, design and materials. The petitioner is proposing to use a non-traditional window as a part of the restoration of a historic building.
2. Section 8-3030(n)(4) provides that variances from the design standards granted by the Board of Appeals pursuant to the provisions of Section 8-3163 shall only become effective upon a finding by the Historic Review Board that such variance will result in a development which is consistent with the visual compatibility factors as set forth in subsection (k)(6). On August 22, 2007, the Historic Review Board found that the proposed windows were compatible with the proposed use of the building.
3. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will, in an individual case, result in unnecessary hardship, so that the spirit of the regulations will be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case upon a finding by the Board of Appeals that:
  - a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.**

The subject property is a conforming lot of record. Though oddly shaped, there are no extraordinary or exceptional conditions pertaining to the lot.

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

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

- 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 Historic Review Board has made the necessary finding that the proposed window treatment is compatible with the use of the building.

### **Summary of Findings**

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

**Mr. Byrne** asked Mr. Hansen why was this before the Board? He said it appeared it was something that should be approved by the Historic Review Board and the Visual Compatibility Officer. He asked if there was any reason why this was before this Board, other than what seemed to be an aesthetic issue.

**Mr. Hansen** stated to his knowledge, no there was not. He said that was why he started his presentation off saying that this was a bit of an oddity. The ordinance does require that the variance come before you and that you pass judgment on this. He said he believed, as does the Board, that if the particular request was approved by the City's Historic Preservation Officer, and then further that if a Finding of Fact was made by the Historic Board of Review, that should be the end of the issue. Nonetheless, it has to come to this Board. He said the Historic Review Board has in fact made the necessary finding that the proposed use in this particular location is compatible.

**Mr. Jones** stated across the street from this building was the Diocese office for the Episcopal Church. He said that building had some metal frame windows in it.

**Mr. Hansen** stated he was not certain what type of windows was in the adjoining building.

**Mr. Byrne** stated he felt it was ridiculous to make a petitioner come before this Board for something like this. He said they had the expertise on the Historic Review Board to do that. He said other than the staff report when it comes to the Board of Appeals what did they have to go by. He said this Board had no experts on visual compatibility. He said he felt that was something that maybe needed to be addressed in the rewrite of the ordinance.

**Mr. Hansen** stated this was something that was being looked at. He said it was going to be recommended for change, as well as other things in the ordinance that would make it much more consistent and understandable.

**Mr. Dawson**, Dawson Wissmach Architects, stated the reason this project was different was because this was formerly called the Hilliard Building. He said it was a very historic structure that will be re-developed as a musical performance center. He said the reason they allowed them to use simulated divided light was the acoustic performance criteria, and the window that they were using was a Lowen window. He said it was an exceptionally high performing window for both acoustic and thermal performance. He said he would say that the Preservation Officer and the Historic Review Board are opposed to simulated divided lights in historic buildings, unless they are of exceptional quality.

**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 proposal will not cause substantial detriment to the public good noting that the Historic District Board of Review has also approved the window treatment. Mr. Jones seconded the motion and it was unanimously passed.**

**RE: Petition of John Settles  
Urban Communities, LLC  
B-070829-55251-2  
1019 Elliot Street**

Present for the petition was John Settles.

Mr. Hansen gave the following Staff report.

The petitioner is requesting approval of a 1,200 square foot lot area variance from the required 7,200 square foot requirement and a six foot front yard setback variance from the 25 foot front yard setback requirement of Section 8-3025 of the Savannah Zoning Ordinance in order to construct a two-family residence. The subject property, located at 1019 Elliot Street, is zoned R-4 (Four-Family Residential).

### **Findings**

1. The Zoning Ordinance establishes a front yard setback of 25 feet from the property line and a minimum lot area of 7,200 square feet for a two-family residence in the R-4 district.
2. The applicant is proposing to construct a two-family dwelling on a 6,000 square foot lot. The proposed structure would be located within 19 feet of the front property line.
3. The subject parcel is a conforming lot of record at 100 feet in depth and 60 feet in width, which results in a lot area of 6,000 square feet.
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 a conforming lot of record that is rectangular in shape. There are no extraordinary or exceptional conditions pertaining to the lot.

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

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

- 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 findings necessary for granting the variances requested appear not to be met.

**Mr. Jones** asked if the architect who drew the plans was registered in the State of Georgia?

**Mr. Hansen** stated he did not know.

**Mr. Jones** stated the plans have a South Carolina seal on them.

**Mr. Settles** stated he believed there were two stamps on the plans. He said one for the State of South Carolina and one for the State of Georgia.

**Ms. Bock** stated no, that the plans only showed South Carolina.

**Mr. Settles** stated the architect was also present.

**Mr. Thomas Michaels, Architect**, stated his business is located in Port Royal, South Carolina. He said he was also registered in the State of Georgia. He said it may have been an oversight not to put the Georgia personal stamp on the drawings. A business firm stamp was not required in the State of Georgia and usually for Georgia projects he put his South Carolina firm stamp and his personal Georgia stamp on plans.

**Mr. Jones** asked which front view design were they using because there were two?

**Mr. Michaels** stated one was a front view and one was a rear view.

**Ms. Bock** asked if the west elevation the front?

**Mr. Michaels** stated yes and the east was the rear elevation.

**Ms. Bock** asked if the square footage the same as the blueprint?

**Mr. Michaels** stated no. He said the existing duplex was really too small to be livable now. He said they were updating it with three bedrooms in the study and two bathrooms, which would be more livable accommodations for people in that area.

**Mr. Settles** stated they were pushing it back to allow for parking in the front. He said in a picture of the old duplex it was probably less than 10 feet from the previous duplex that was there and that was in line with the neighboring properties and the properties on the street. He said they were setting the duplex back so they could accommodate parking in the front.

**Mr. Mackey** asked when he says parking in the front, if he meant on the street or in the front of the property?

**Mr. Settles** stated no. He said they were going to try to get two off-street parking pads so that they could pull off of the street to the front of the property.

**Mr. Mackey** asked if it was a driveway?

**Mr. Settles** stated yes.

**Ms. Bock** asked if it was a front yard setback and a rear yard setback variance requests?

**Mr. Settles** stated just the front yard setback.

**Ms. Bock** stated the porch was considered part of the building. She asked if it was required to have a variance?

**Mr. Hansen** stated the petitioner has not requested a rear yard setback, therefore they were assuming that he did not need it.

**Ms. Bock** stated his building was in that line.

**Mr. Hansen** stated at this point, he has not requested that, so he would have to meet the rear yard setback requirement.

**Ms. Bock** stated it looked like the back porch was in the setback. She said they may need a continuance until they could straighten it out.

**Mr. Michaels** stated the porch was going to be handled within the setback where you could do some slight modifications. He said the major thing right now was getting the variance for the 12,000 square feet so they could replace the duplex.

**Ms. Bock** asked if he was taking the back porch off?

**Mr. Michaels** stated yes, that would not a problem.

**Mr. Mackey** asked Mr. Settles if they wanted more time to address the issues raised, or were they saying that they would just take off the back porch?

**Mr. Settles** stated they would like more time to address it because they felt having the rear porch was an amenity that they would like to provide.

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

**RE: Other Business**

1. Election of Officers – Chairman and Vice-Chairman for 2007 - 2008

**SZBA Action:** Mr. Jones nominated James Byrne, Chairman for 2007 – 2008 and Timothy Mackey, Vice-Chairman for 2007 – 2008. 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 4:45 p.m.

Respectfully submitted,

James Hansen,  
Secretary

DB/ca