

SAVANNAH ZONING BOARD OF APPEALS

ARTHUR A. MENDONSA HEARING ROOM

112 EAST STATE STREET

September 23, 2008

2:30 P.M.

REGULAR MEETING

MINUTES

MEMBERS PRESENT:

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

MEMBERS ABSENT:

**Timothy Mackey, Vice-Chairman
Stephanie Bock**

MPC STAFF PRESENT:

**Jack Butler, Assistant Secretary
Jessica Mayfield, Administrative Assistant
Randolph Scott, City Zoning Administrator**

RE: Called to Order

Mr. Byrne called the September 23, 2008 meeting of the Savannah Zoning Board of Appeals to order at 2:35 p.m.

RE: MINUTES

1. Approval of SZBA Minutes August 26, 2008.

SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals approve the minutes of August 26, 2008 as submitted. Mr. Robinson seconded the motion and it was unanimously passed.

RE: Consent Agenda

RE: Regular Agenda

**RE: Petition of Richard F. Dodd
B-080428-38607-2
103 East Back Street**

SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals continue the petition until the next regularly scheduled meeting October 28, 2008. Mr. Robinson seconded the motion and it was unanimously passed.

**RE: Petition of Michael Fields
B-080527-42119-2
2103 August Avenue**

Present for the petition was Michael Fields.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a five-foot side yard setback and a five-foot rear-yard setback for one structure, a 1.7-foot side yard setback for an accessory structure, and a 3.8 side-yard setback variance for a second dwelling unit on the subject property.

Decision of the Board

On August 28, 2008

Motion: Paul Robinson motions to continue the case for 30 days.

Second: J.P. Jones

Discussion: The applicant presented a copy of a survey of his property, but had failed to properly post the required signs.

Approved unanimously – case continued to September 23, 2008.

On July 22, 2008

Motion: Stephanie Bock motions to continue the case for 30 days and directed the applicant to obtain a survey of his property indicating the location of the structures for which the variances are requested.

Second: J.P. Jones

Discussion: Chairman James Byrne also directed the applicant to obtain a surveyed plat of his property prior to the August 26 meeting.

Approved unanimously – case continued to August 26, 2008.

On June 24, 2008

Motion: Stephanie Bock motioned to continue the case for 30 days because of a missing

Second: Tim Mackey

Discussion: Chairman James Byrne advised the applicant that the law required proper signage be posted on the property in question prior to consideration of an appeal. The chairman also directed the applicant to obtain a surveyed plat of his property prior to the July 22 meeting.

Approved unanimously – case continued to July 22, 2008.

Findings

1. The subject property is an existing lot of record located at 2103 Augusta Avenue in an R-4 (four-family residential) zoning district.
2. A survey of the property was submitted by the applicant on August 26, 2008.
3. The applicant has constructed three structures on the property (designated #2, #3 and #4 on the sketch plan) without obtaining building permits from the City of Savannah.
4. The applicant is involved in a court case that has not been resolved with the city regarding the subject property.
5. The applicant is request 5-foot side setback and 25-foot rear setback variances in order to obtain after-the-fact building permits for the three structures (designated Single-Story Masonry, Metal Building and Util. Bldg. on the submitted plat).
6. The Zoning Board of Appeals may authorize a variance in an individual case upon a finding 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.

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

The application of this chapter to this particular piece of property would require the removal of existing structures.

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

The conditions are not particular to this particular piece of property.

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

Relief, if granted, could cause substantial detriment to the public good or impair the purposes or intent of the Savannah Zoning Ordinance.

Staff Recommendation

All of the conditions necessary to the approval of the requested variance appear not to be met. The applicant is seeking variances in order to validate structures built in violation of the ordinance after the fact. Staff recommendation is for denial of the request.

Mr. Fields stated that he put up a carport and had a storage unit put in the backyard. He said all the units are used for storage.

Mr. Robinson asked the petitioner if he did the construction on the storage units?

Mr. Fields stated that he hired someone to do the car port and the storage unit.

Mr. Jones stated part of one of the storage units was in the City's lane. He said a vehicle could not go down the lane if they needed to.

Mr. Fields stated that because of a utility pole, a vehicle has never been able to go down the lane.

Mr. Scott, City Zoning Administrator, stated that the petitioner told them that when he purchased the property the unit was as is. He said the petitioner added onto the unit.

Mr. Fields stated yes, he did add onto the unit.

Mr. Scott, stated that any addition required a permit.

Mr. Mitchell stated that he was trying to purchase the property that one of the storage units encroached on. He said when he purchase the property he wanted to expand his house. He said he would not be able to do that because he would not have the required setbacks.

Ms. Oglesby asked if the petitioner is granted the variances, would that only apply to his property?

Mr. Byrne stated yes.

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

**RE: Petition of Paul Robinson
B-080723-89787-2
122 West Jones Street**

Petition was continued due to a lack of a quorum.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a parking variance (thirteen spaces) to allow three residential apartments in an existing nine-unit apartment complex to be used as artist studio/galleries.

Decision of the Board

On August 26th

Motion: Stephanie Bock motions to continue the case at the applicant's request.

Second: J.P. Jones

Discussion: The applicant requested a 30-day continuance.

Approved unanimously.

Findings

1. The subject property is located at 122 West Jones Street. The property is zoned RIP-A (Residential-Institutional-Professional) and contains a nine-unit apartment building.
2. The applicant seeks to convert three of the nine residential units for use as artists' studios/galleries.
3. The current apartment structure is non-conforming as to required parking. To meet the requirements of the ordinance, the structure would be required to provide fourteen associated parking spaces. The current apartment structure provides two (two parking spaces).
4. The applicant's proposed conversion of three apartments into studios would require a net increase of one additional parking space (for a total of fifteen), while still providing only two actual parking spaces.
5. The applicant proposes to continue the use of on-street parking to meet the requirements of the structure.
6. The total number of spaces being varied (if approved) will be thirteen.
7. The proposed galleries will operate during daytime hours, during which time most of the residential parking uses are not needed.
8. 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. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.**

The subject parcel is considered a standard lot of record.

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

Strict application of the regulations of the district would not cause an unnecessary

hardship.

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

The conditions described above are not peculiar to the subject property.

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

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

Staff Recommendation

All of the conditions necessary for the approval of the variance appear not to be met. The proposed variance in parking would result in a net increase in dependence on on-street parking of one parking space. However, since the proposed variance would permit the (allowed) use of “artist studio” in apartment units currently used for residential purposes, the proposed variance would shift a portion of the use to daytime uses as opposed to evening/weekend uses, resulting in, at worst, no change in on-street parking demand.

Staff recommendation is for approval of the requested variance.

Mr. Reed stated that he was opposed to the petition because he felt there was not enough on street parking.

Ms. Day stated that she was opposed to the petition because she felt there was not adequate on-street parking.

Mr. Day stated he also was opposed to the petition because of concerns with parking.

**RE: Petition of Dan Marino
B-080723-89948-2
1919 Bull Street**

Present for the petition was Dan Marino.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a use (alcohol sales, beer and wine) in an existing restaurant.

History of the Case

August 26, 2008

Motion: J.P. Jones motions to continue the case for 30 days.

Second: Stephanie Bock

Discussion: Staff was directed to request that the City Attorney determine if “distance” requirements in the alcoholic beverage ordinance apply to college structures and libraries..

Approved unanimously – case continued to September 23, 2008.

Findings

1. The subject property is located at 1919 Bull Street. The property is zoned TC-1 (Traditional Commercial).
2. Alcohol sales in restaurants are allowed within the TC-1 zoning district subject to approval by the Zoning Board of Appeals. The request for permission to establish a use must follow the procedures outlined in Section 8-3163 of the Ordinance.
3. A restaurant (Pizza Rustica) is currently located on the parcel. According to the petitioner’s submittal, the petitioner is seeking to sell beer and wine for on-premises consumption with meals.
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.**

Approval from the Board of Appeals is required, however the proposed use is consistent with the traditional commercial land use designation of the City’s Tricentennial Comprehensive Plan.

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

The proposed use is not contrary to the purposes stated in Article H of the Savannah Zoning Ordinance.

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

Though not expected to adversely affect the health and safety of area residents, the petitioner must remain vigilant in the control of patrons both inside and outside the establishment.

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

With proper monitoring, the proposed use should not pose a detriment to the use or development of adjacent properties or the general neighborhood. However, if not properly monitored, the proposed use could constitute a nuisance.

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

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

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

The petitioner intends to add a use (beer and wine sales) to an existing restaurant.

- 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.**

As noted in 3 (above), the petitioner or operator of the store will have to be vigilant in enforcing rules and regulations regarding assembly, loitering, cruising, etc. In and of itself, the proposed use is not a hazard, but care will be required to assure conformance to the ordinances as well as other potential neighborhood nuisances.

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

The parcel is of sufficient size to accommodate the proposed use.

Staff Recommendation

All of the requirements necessary to the approval of the request appear to be met. Barring legal requirements forbidding the use, staff finds that the proposed use would be appropriate to the location and venue.

It must be stressed that approval of the use if granted by the Zoning Board of Appeals does not constitute vesting of any rights to or expectations of approval of business licenses or alcoholic beverage licenses to the petitioner.

Mr. Marino stated that he has a family style restaurant and felt it would not be a detriment to the public.

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

passed.

**RE: Petition of CAT Holdings, LLC.
B-080728-37302-2
0,130,198 East Victory Drive**

Petition was continued per the members of the Board.

SZBA Action: Mr. Robinson made a motion that the Savannah Zoning Board of Appeals continue the petition until the next regularly scheduled meeting on October 28, 2008. Mr. Jones seconded the motion and it was unanimously passed.

**RE: Petition of Howard Reid
B-080825-39668-2
1003 West 36th Street**

Present for the petition was Howard Reid.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a five-foot side-yard setback variance and a three-parking space variance in order to permit the construction and operation of an eight-room rooming house.

Findings

1. The property in question is a 5,999 square foot property located mid-block on the north side of West 36th Street.
2. The property in question is a 60-foot wide conforming lot of record.
3. The property is zoned RM-25/PNC (multifamily residential, 25 units per acre/Cuyler-Brownsville Planned Neighborhood Conservation district).
4. The standards of the Cuyler-Brownsville PNC require a ten-foot side setback between commercial and residential uses. The Zoning Administrator has determined that a rooming house is a commercial use. The petitioner is proposing a five-foot side setback on the property.
5. The proposed eight-room rooming house would require nine parking spaces (one for each room and one for staff). The petitioner is proposing to have six on-site parking spaces for the use.
6. The Zoning Board of Appeals may authorize a variance in an individual case upon a finding that:

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

The property in question is a conforming lot of record.

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

The application of this chapter to this particular piece of property would not create an unnecessary hardship.

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

Such conditions are not peculiar to the particular piece of property involved.

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

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

- 5. All of the conditions necessary for approval of the petition appear not to be met.

Staff Recommendation

Although classified as a commercial use, the petitioner’s proposed use is residential in character. The probable clientele for the rooming house would have a low incidence of vehicle ownership, justifying a reduced parking requirement. The property in question is in the Cuyler-Brownsville Neighborhood Conservation District. Therefore, staff recommends approval of the requested five-foot side setback and three-space parking variances, with the condition that the applicant be required to receive approval from the Visual Compatibility Officer and obtain site plan approval from the City of Savannah prior to applying for any building permits.

Mr. Reid stated that he would like to build an eight-room boarding house to try to accommodate college students.

Mr. Jones asked how many rooms and bathrooms would there be?

Mr. Reid stated 8 rooms and everyone would have their own bathroom. He said there would be one common kitchen and sitting area.

Ms. Jones stated that she was opposed to the boarding house. She said she felt it was not safe for the children in the neighborhood. She said she also has a petition with signatures in opposition to the boarding house.

Ms. Evans stated that she opposed to the boarding house because the safety for the children and insufficient parking.

Mr. Evans stated that he opposed the petition because he felt it would increase the traffic in the area. He said he also felt that the boarding house would attract drugs and violence into the area which they did not want.

Mr. Byrne asked because of the safety concerns raised, would there be anyone at the house to supervise?

Mr. Reid stated yes. He said he would be stopping by the property to check on things.

Mr. Byrne asked if there would be management onsite?

Mr. Reid stated no.

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 unanimously passed.

**RE: Petition of Tim Walmsley, For
Offspring on Skidaway
B-080825-39763-2
5106 Skidaway Road**

Present for the petition was a Tim Walmsley, Attorney.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a private tennis school and an appeal of a ruling by the Zoning Administrator.

Findings

1. The subject property is a single-family residential structure located on 1.15 acres of land at 5106 Skidaway Road. The property is zoned R-6 (Single-family residential).
2. On August 6 of this year, the Savannah Zoning Administrator informed the petitioner that a proposal to use a tennis court built on the lot as a tennis school was a violation of the zoning ordinance and therefore not permitted.
3. The petitioner is seeking to operate a tennis school during “daylight hours” on the residential lot.
4. The use of “outdoor physical education” is not specified in the ordinance; however private schools (which would include outdoor physical education as a matter of course)

are permitted in the R-6 zoning district with board approval.

5. The applicant is seeking a reversal of the decision of the Zoning Administrator and approval of the use of the tennis court on the lot as a tennis school.
6. Staff has received contact from adjoining property owners who expressed concern for the hours of operation of the proposed school, and for possible nuisance (lights and noise), but no objection to the use, per se.
7. 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 Future Land Use Map of the Tricentennial Comprehensive Plan for the City of Savannah identified the subject property as “Residential Suburban Single-family” which use does include “limited civic uses, including schools...”

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

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

The subject property is located on a secondary arterial street (Skidaway Road). The resulting traffic and potential congestion associated would probably not be detrimental to the use or development of adjacent properties.

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

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

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

It appears that sufficient space is available in the structure to accommodate the proposed use, however, the proposed drop-off arrangement and parking will have to be approved by the City Traffic Engineering Department.

- 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.**

The proposed use could constitute a nuisance as it is noted that the noise and other impacts associated with an outdoor recreation could pose a nuisance to the adjoining properties.

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

All of the standards as discussed above appear not to be met.

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

Staff Recommendation

Staff concurs with the Zoning Administrator's determination that a "tennis school" is not a permitted use in the R-6 zoning district; however private schools (and the associated noise and other impacts of schools) are permitted in the district with board approval. Staff recommends approval of the proposed school with the conditions that no lights be installed, that proper vegetative buffering be installed and maintained to reduce the noise impacts on adjoining properties, that the hours of operation be limited to daylight hours between 10 a.m. and nightfall, and that traffic management and parking requirements for the proposed use be approved by the City Engineer prior to operation of the proposed school.

Mr. Walmsley stated that the petitioner would like to have two tennis courts with no lights to instruct tennis lessons. He said this petition was appealed because the petitioner felt that the tennis school falls under the R-6 zoning as a private school.

Mr. Robinson asked what would be the buffer?

Mr. Walmsley stated there will be a bush type buffer.

Mr. Byrne asked what time would the petitioner start lessons?

Mr. Walmsley stated between 7:00 a.m. and 8: a.m.

Mr. Jones stated on the application the times stated as 10:00 a.m. and night fall. He asked if he could explain night fall?

Mr. Walmsley stated during the summer, the petitioner would like to after 6:00 p.m. and 7:00 p.m.

Mr. Robinson asked if there would be a fence?

Mr. Walmsley stated yes. He said the fence would be at least 6 or 10 foot.

Mr. Robinson stated that he would like to continue this petition so the Board could see a site plan.

SZBA Action: Mr. Robinson made a motion that the Savannah Zoning Board of Appeals continue the petition until the next regular scheduled meeting on October 28, 2008. Mr. Jones seconded the motion and it was unanimously passed.

**RE: Petition of Tim Walmsley, For
World Wholesale, Inc.
B-080825-39884-2
7300 Abercorn Street**

SZBA Action: Mr. Robinson made a motion that the Savannah Zoning Board of Appeals move the above petition to the top of the agenda. Mr. Jones seconded the motion and it was unanimously passed.

Present for the petition was Tim Walmsley, Attorney.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a “helistop” helicopter landing pad atop a commercial building located at 7300 Abercorn Street.

Findings

1. The subject property is located at 7300 Abercorn Street and is zoned B-C (Community Business).
2. The subject property is a two-story office building built with an engineered “helipad” on the roof.
3. The petitioner is seeking to make active use of the helipad.
4. Heliports and helistops are permitted with the B-C zoning district with approval from the Zoning Board of Appeals.
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.**

Approval from the Board of Appeals is required, however the proposed use is consistent with the regional commercial land use designation of the City's Tricentennial Comprehensive Plan.

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

The proposed use is not contrary to the purposes stated the Savannah Zoning Ordinance.

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

Though not expected to adversely affect the health and safety of area residents, the proposed use (landing and taking off of rotary-winged aircraft) does pose an inherent danger.

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

The proposed use will involve substantial, though very occasional, noise and distraction to surface traffic on some of the city's busiest streets, as well as to adjoining properties.

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

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

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

The petitioner intends to initiate a use (a heliport) in an area of fairly densely developed commercial uses.

- 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.**

The proposed use will involve substantial noise and visual distraction, although the incidence of the distraction will be momentary and very occasional.

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

The parcel is of sufficient size to accommodate the proposed use, however there are no buffers between the proposed use and areas of public travel/use.

6. Both the FAA and Hunter Army Air Field Safety Office have been apprised of the proposed use. Official review is under way with both agencies, however no comment has been received as of yet.
7. Relief, if granted, could cause substantial detriment to the public good, or impair the purposes and intent of the Savannah Zoning Ordinance.

Staff Recommendation:

The proposed use is permitted on this property in the B-C zoning district with Board approval, however the nature of the associated noise and visual distraction stemming from low-flying helicopters touching down on rooftops adjoining major thoroughfares and adjacent to some of the city's busiest shopping centers could pose a threat public safety beyond any potential benefit to be gained from the proposed use. Staff recommends denial of the request.

It must be stressed that approval of the use if granted by the Zoning Board of Appeals does not constitute vesting of any rights to or expectations of approval of use from the FAA or HAAF to the petitioner.

Mr. Walmsley stated that the petitioners received a staff report from the MPC. He said the staff report did not include any comments from the FAA and HAAF. Now today coming into the meeting he was learning about some concerns the HAAF has about flight safety issues. He said the petitioner would like to request a continuance until they get answers from the FAA. He said the issue today is zoning and not safety. He said they felt Noise would not be a concern because the Raven 44 generated less sound than a semi truck. He said all the aircrafts that come into HAAF louder than the Raven 44. He also added that the Raven 44 was one of the safest helicopters.

Mr. Mixon, Air Traffic and Air Space Officer for HAAF, stated he had a slide presentation what HAAF concerns are with the helistop. The primary runway over runs on each end about 2 ½ miles long. He said they land every type of aircraft in the U.S. Government inventory. HAAF does many military training missions. HAAF is also designated as a power projection platform. He said HAAF did a safety risk assessment and determined that the helipad was located directly in the final approach course. The safety assessment determined a minimal vertical separation between the helipad and the aircraft that over fly. He said they felt there is a high potential for a near miss in this location or possible in mid air.

SZBA Action: Mr. Robinson made a motion that the Savannah Zoning Board of Appeals continue the petition until the next regularly scheduled meeting on October 28, 2008. Mr. Jones seconded the motion and it was unanimously passed.

**RE: Petition of Paula D. Letcher
B-080825-39970-2
4523 Habersham Street**

Present for the petition was Paula D. Letcher.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a use (alcohol sales with food) that requires approval of the Zoning Board of Appeals.

Findings

1. The subject property is located at 4523 Habersham Street and is zoned B-N (Neighborhood Business).
2. The subject property is a storefront commercial space of approximately 1600 square feet in the Habersham Village shopping center.
3. The petitioner seeks to open a “neighborhood pub” serving alcohol and snack-foods (not a “full-service” restaurant).
4. The petitioner is seeking to operate an establishment without entertainment (“no bands”) and only for patrons over the age of 21.
5. The petitioner intends to operate the establishment from 2 p.m. to 2 a.m. daily (closed Sundays).
6. The petitioner is seeking to use the parking across Habersham Street from the subject property to meet the requirements of the ordinance. This parking is with 150 feet of the subject property, but constitutes “remote parking” for the proposed use and must be approved by the Zoning Board of Appeals.
7. Such uses (48b in Section 8-3025b) are permitted in a B-N zoning district with Zoning Board of Appeals approval.
8. 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.**

Approval from the Board of Appeals is required, however the proposed use is consistent with the traditional commercial land use designation of the City's Tricentennial Comprehensive Plan.

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

The proposed use is not contrary to the purposes stated the Savannah Zoning Ordinance.

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

Though not expected to adversely affect the health and safety of area residents, the petitioner must remain vigilant in the control of patrons both inside and outside the establishment.

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

With proper monitoring, the proposed use should not pose a detriment to the use or development of adjacent properties or the general neighborhood. However, if not properly monitored, the proposed use could constitute a nuisance.

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

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

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

The petitioner intends to initiate a use (a neighborhood "pub" bar) in a shopping center that has three restaurants which serve alcoholic beverages, and a liquor store.

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.

As noted in 3 (above), the petitioner or operator of the proposed business will have to be vigilant in enforcing rules and regulations regarding assembly, loitering, cruising, etc. In and of itself, the proposed use is not a hazard, but care will be required to assure conformance to the ordinances as well as other potential neighborhood nuisances.

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

The parcel is of sufficient size to accommodate the proposed use.

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

Staff Recommendation

The proposed use is not fundamentally dissimilar from existing uses in the shopping center and should not pose more of a potential for nuisance than the existing businesses. The proposed hours of operation, however, could result in conflicts with nearby schools, residential districts and a major commuter route. Staff recommends approval of the proposed use, but limiting the hours of operation to 6 p.m. to 1 a.m. weekdays, 10 a.m. to 1 a.m. Saturdays and noon to 1 a.m. Sundays.

It must be stressed that approval of the use if granted by the Zoning Board of Appeals does not constitute vesting of any rights to or expectations of approval of business licenses or alcoholic beverage licenses to the petitioner.

Ms. Letcher stated they would like to serve beer and wine with food. She said No one under 21 would be allowed and no live bands.

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

**RE: Petition of Walter Crawford
B-080903-30707-2
1507 & 1511 Barnard Street**

Present for the petition was Walter Crawford.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a five-foot side setback variance in order to permit the subdivision of a lot.

Findings

1. The subject property is located at 1507 and 1511 Barnard Street.
2. The property is zoned TN-2 (Traditional Neighborhood, Thomas Square/Mid-City Zoning).
3. The subject property is a 60-foot wide, conforming lot of record with an existing two-story frame structure located on the southern (31st Street Lane) boundary.

4. The TN-2 zoning district requires minimum lot width of a 30 feet and a side setback of five feet for detached residential structures.
5. The applicant seeks to subdivide the property into two lots. In order to meet the lot width requirement for both lots, the existing frame structure will be located directly on the proposed property line.
6. The Zoning Board of Appeals may authorize a variance in an individual case upon a finding that:
 - a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.**

There are no extraordinary or exceptional conditions pertaining to the particular piece of property.
 - b. **The application of this chapter to this particular piece of property would create an unnecessary hardship.**

The application of this chapter would not create an unnecessary hardship.
 - c. **Such conditions are peculiar to the particular piece of property involved.**

The off-center location of the existing structure is peculiar to this particular piece of property.
 - d. **Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Savannah Zoning Ordinance.**

Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Savannah Zoning Ordinance.
7. All of the conditions required for the granting of a variance are not present.

Staff Recommendation

In order to create two conforming lots from the existing parcel, a set-back variance is required for the existing structure. Most of the buildings on the block face appear to make use of zero-lot lines. Staff recommends approval of the requested five-foot side setback variance for the existing structure with the proviso that any structure built on the currently vacant portion of the property must be set back at least six (6) feet to meet building fire codes.

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

RE: Other Business

RE: Adjournment

There being no further business to come before the Savannah Zoning Board of Appeals the meeting was adjourned approximately 5:45 p.m.

Respectfully submitted,
Jack Butler,

Secretary

JB/jm