

SAVANNAH ZONING BOARD OF APPEALS

ARTHUR A. MENDONSA HEARING ROOM

112 EAST STATE STREET

December 16, 2008

11:00 A.M.

REGULAR MEETING

MINUTES

MEMBERS PRESENT:

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

MEMBERS ABSENT:

TECHNICAL STAFF PRESENT:

Randolph Scott, City Zoning Administrator

MPC STAFF PRESENT:

**Jack Butler, Assistant Secretary
Jessica Mayfield, Administrative Assistant**

RE: Called to Order

Mr. Mackey called the December 16, 2008 meeting of the Savannah Zoning Board of Appeals to order at 11:02 a.m.

RE: MINUTES

1. Approval of SZBA Minutes - October 28, 2008.

SZBA Action: Ms. Bock made a motion that the Savannah Zoning Board of Appeals approve the minutes of November 25, 2008 as submitted. Mr. Robinson seconded the motion and it was unanimously passed.

RE: Consent Agenda

SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals move the below items B-1117-42874-2 and B-081118-40259-2 to the consent agenda. Mr. Robinson seconded the motion and it was unanimously passed.

**RE: Petition of Carlos Michael
B-081117-42874-2
2003 Tuskegee Street**

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a 1.9% building coverage variance in order to construct a single-family residence.

Findings

1. The subject property is a 7,320 square foot lot located at 2003 Tuskegee Street.
2. The property is zoned R-6 (Single Family Residential). Maximum lot coverage in an R-6 zoning district is 30 percent.
3. The petitioner’s proposed residential structure is a single-story, 2,340-square foot house.
4. The proposed structure would not encroach on the required setbacks from the adjoining property lines.
5. The proposed structure would cause the structure to exceed the permitted maximum lot coverage (30 percent) by 1.9 percent.
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 prevent the applicant from constructing the proposed structure.
 - c. **Such conditions are peculiar to the particular piece of property involved.**

Such conditions are not peculiar to the 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 probably not cause substantial detriment to the public good or impair the purposes or intent of the Savannah Zoning Ordinance.
7. All of the conditions required for the granting of a variance appear not to be present.

Staff Recommendation

The proposed variance is less than 2 percent and the proposed addition does not encroach on the required setbacks. Staff recommends approval of the requested variance.

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

**RE: Petition of Jeff Vantosh
B-081118-40259-2
1413 Waters Avenue**

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of variances to permit the partial demolition and rebuilding of a derelict building. The proposed construction will require a 40-foot front yard setback variance (from the 70 foot required), a 10-foot side yard setback variance (from the 10-feet required), a 15-foot rear yard setback (from the 15-feet required) and a 50 percent lot coverage variance (from the 50 percent maximum permitted).

Findings

1. The subject property is a substantially dilapidated, vacant structure located at 1413 Waters Avenue on the corner of Waters and E. 31st Street. The property is zoned R-B-1 (Residential-Business) and is 3,327 square feet in area.
2. The existing structure on the property was built in 1937 and has a 30-foot front yard setback and zero setbacks on the side and rear, effectively covering 100 percent of the lot.
3. Minimum lot area in an R-B-1 district is 6,000 square feet. Front setback for the property should be 70 feet from center of Right of Way, with 10-foot side yard setback, 15-foot rear yard setback and a maximum lot coverage of 50 percent.
4. The applicant seeks to partially demolish and reconstruct the same structure on the lot.
5. 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 particular piece of property is an undersized, nonconforming 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 would prevent the applicant from reconstructing the historical structure.
 - c. **Such conditions are peculiar to the particular piece of property involved.**

Such conditions are not peculiar to the 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 probably not cause substantial detriment to the public good or impair the purposes or intent of the Savannah Zoning Ordinance.

6. All of the conditions required for the granting of a variance appear not to be present.

Staff Recommendation

The proposed variances will allow the reconstruction of a building on the lot in the location where it has been located since 1937. Staff recommends approval of the requested variance.

SZBA Action: Ms. Bock 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: Regular Agenda

**RE: Petition of David Peak, For
White Bluff Presbyterian Church
B-081117-42535-2
10710 White Bluff Road**

Present for the petition was David Peak and John Giddens.

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of a 16-foot rear yard setback variance in order to construct an extension on an existing building to within 9 feet of the property line.

Findings

1. The subject property is a group development with four existing structures and a cemetery on a 3.41 acre parcel located at the corner of White Bluff Road and Skyline Drive.
2. The petitioner seeks to construct a 770-square-foot addition onto the rear of the southernmost structure on the property (the classroom building) to serve as a kitchen.
3. The proposed additional would be 48-feet long by 16-feet deep, extending to within 9 feet of the property line.
4. The petitioner's property is zoned R-6 (Single-family residential).
5. The rear setback variance in an R-6 zoning district is 25 feet.
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 petitioner contends that the site is constrained by underground utility lines and the existing cemetery on the site, requiring the encroachment on the rear setback.

- 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 preclude the petitioner's construction of the proposed addition in the proposed location.

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

Such conditions are not peculiar to the 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 probably not cause substantial detriment to the public good.

7. All of the conditions required for the granting of a variance are not present.

Staff Recommendation

Staff finds that the proposed setback variance would move a commercial-grade kitchen to within nine feet of an adjoining property and could pose a nuisance to the adjoining property. The petitioner's property is 3.41 acres in size and has other areas that could be used for the proposed addition without encroaching on the required setbacks. Staff recommends denial of the request.

Mr. Peak stated that they would like to request a variance in order to add an addition on the present building for a kitchen. He said because of an active sewer line and a historic cemetery they felt the only place for the kitchen was to attach it behind the existing building.

Mr. Giddens stated they felt the easiest way to have the kitchen was to place it in the existing building.

Mr. Robinson asked what would be the size of the addition?

Mr. Giddens stated 770 sq ft.

Mr. Mackey asked how many members does the church have?

Mr. Peak stated 175.

Mr. Jones asked if it would be a commercial kitchen?

Mr. Giddens stated yes.

Mr. Peak stated that the kitchen would be used about once or twice a month.

Mr. Adams (Neighbor at 13 summit Drive) stated he would like to withdraw his verbal agreement with the church. He said he talked it over with his spouse and they felt it would be too close to their property. They also felt it would decrease their property value.

Mr. Robinson asked Mr. Adams where was his house located?

Mr. Adams stated his house is right behind the addition.

Mrs. Adams (Neighbor at 13 summit Drive) stated she also opposed the petition because she felt kids would be able to hang out behind the building and with the addition it would block her view. She said she also felt a lot of fumes would come from the church's kitchen.

SZBA Action: Ms. Bock made a motion that the Savannah Zoning Board of Appeals approve this petition as submitted. Mr. Robinson seconded the motion. The motion passed 2 - 1. Opposed to the motion was Mr. Jones.

RE: Adjournment

There being no further business to come before the Savannah Zoning Board of Appeals the meeting was adjourned approximately 11:40 a.m.

Respectfully submitted,

Jack Butler,
Secretary

JB/jm