

**SAVANNAH ZONING BOARD OF APPEALS**

**ARTHUR A. MENDONSA HEARING ROOM**

**112 EAST STATE STREET**

**January 27, 2009**

**11:00 A.M.**

**REGULAR MEETING**

**MINUTES**

**MEMBERS PRESENT:**

**Timothy Mackey, Chairman  
Stephanie Bock  
John P. Jones**

**MEMBERS ABSENT:**

**Paul Robinson, Vice - Chairman**

**TECHNICAL STAFF PRESENT:**

**Keith Shipman, City Zoning Administrator**

**MPC STAFF PRESENT:**

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

**RE: Called to Order**

Mr. Mackey called the January 27, 2009 meeting of the Savannah Zoning Board of Appeals to order at 2:38 p.m.

**RE: MINUTES**

1. Approval of SZBA Minutes - December 16, 2008.

**SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals approve the minutes of December 16, 2008 as submitted. Ms. Bock seconded the motion and it was unanimously passed.**

**RE: Consent Agenda**

**RE: Petition of Doug Bean Signs, For  
First Jerusalem Missionary Baptist Church  
B-081224-38831-2  
4370 ACL Boulevard**

Mr. Butler gave the following Staff Report.

The petitioner is requesting approval of an 18-inch height variance in order to install a sign structure that is 8-feet, 3-inches tall.

**Findings**

1. The property in question is a 2.77 acre tract on ACL Boulevard that is zoned R-6 (Single-family Residential).
2. A 14,000 square foot church structure has been built on the lot.
3. The applicant seeks to install a primary use sign and announcement sign structure that is 10-feet, 6-inches above grade. The supporting posts of the sign are 10-feet tall and the peak of the sign projects approximately six inches higher.
4. The sign ordinance limits sign height in Residential districts to 10-feet tall.
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.**

There are no extraordinary and 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 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.

**Staff Recommendation**

Staff recommends approval of the requested height 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 Don Amerson, For  
Alee Shriners  
B-081224-39522-2  
100 Eisenberg Drive**

Mr. Butler gave the following Staff Report.

The petitioner, Don Amerson, for Alee Shriners, is requesting approval of a use (annual haunted house, and warehousing).

### **Findings**

1. The subject property is a portion of a 4.38 acres parcel in the northwest quadrant of the intersection of Eisenberg Drive and Skidaway Road.
2. The subject property is located in an I-P (Institutional-Professional) zoning district. Storage structures and theatrical operations are permitted uses in the IP zoning district, however “warehousing” is non-conforming.
3. The property is bisected by an unnamed abandoned right-of-way. The portion of the parcel on which the use approval is requested is on the eastern side of the abandoned right-of-way and has an existing 2,500-square foot storage structure located on the northern end of the property.
4. The petitioner seeks approval of a plan to increase the size of the existing storage structure by 5,600 square feet.
5. The proposed expansion will not encroach on public rights-of-way. The proposed expansion will meet setback and lot coverage requirements appropriate to the zoning district.
6. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals shall hear and decide upon requests for permission to expand non-conforming 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 uses (storage and occasional theatrical-type activities such as haunted houses) does not adversely affect the general plans for 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 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 internal to a large parcel 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 expansion of 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.

- 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 not constitute a nuisance, being located away from the property lines and rights-of-way.

- 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 to be met.

**Staff Recommendation**

Staff recommends approval of the requested expansion of the use.

**SZBA Action: Ms. 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 Scott Smith, For  
Coastal Heritage Society  
B-081224-39624-2  
539 West Charlton Street**

Mr. Butler gave the following Staff Report.

The petitioner, Scott Smith, For Coastal Heritage Society, is requesting approval of a three-space parking variance from the three spaces normally required for the proposed use.

**Findings**

1. The subject property is a 3,484 square foot lot with a single structure located at 539 West Charlton Street, near the intersection of West Charlton and Purse streets across from the Roundhouse.
2. The subject property is zoned B-2.
3. The application is part of a planned modification to the location and uses on three corner lots at the corner of Purse and West Charlton streets. The applicant seeks move an historic structure from an adjoining lot (see lots 8, 9 and 10 on applications B-081224-39707-2 and B-081224-40195-2) to 539 West Charlton and to use the resulting two structures on three lots as offices for the Coastal Heritage Society. The corner lot will also be used for office space.
4. The two structures are each less than 2,000 square feet in space, which would require 3 parking spaces each (for a total of six spaces on the three lots). The currently vacant corner lot would eventually have a similar office structure.
5. Historically, the structures were residential in character and parking for the structures was on-street.
6. The applicant seeks to use nearby public parking to serve the needs of the office uses.
7. 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 preclude the proposed use of the structures as offices, but would not constitute 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.

**Staff Recommendation**

The propose use of the relocated structure and existing structure as offices would add no additional parking or employees to the uses currently present in the location. Staff recommends approval of the requested parking variance.

**SZBA Action: Ms. 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 Scott Smith, For  
Coastal Heritage Society  
B-081224-39707-2  
543 West Charlton Street**

Mr. Butler gave the following Staff Report.

The petitioner, Scott Smith, For Coastal Heritage Society, is requesting approval of a three-space parking variance from the three spaces normally required for the proposed use.

**Findings**

1. The subject property is a 1,740 square foot vacant lot at 543 West Charlton Street, between West Charlton and West Jones streets across from the Roundhouse.
2. The subject property is zoned B-2.

3. The application is part of a planned modification to the location and uses on three corner lots at the corner of Purse and West Charlton streets. The applicant seeks move an historic structure from an adjoining lot (see lots 8, 9 and 10 on applications B-081224-39624-2 and B-081224-40195-2) to 539 West Charlton and to use the resulting two structures on three lots as offices for the Coastal Heritage Society. The corner lot will also be used for office space.
4. The two structures are each less than 2,000 square feet in space, which would require 3 parking spaces each (for a total of six spaces on the three lots). The currently vacant corner lot would eventually have a similar office structure.
5. Historically, the structures were residential in character and parking for the structures was on-street.
6. The applicant seeks to use nearby public parking to serve the needs of the office uses.
7. 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 preclude the proposed use of the structures as offices, but would not constitute 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.

### **Staff Recommendation**

The proposed use of the relocated structure and existing structure as offices would add no additional parking or employees to the uses currently present in the location. Staff recommends

approval of the requested parking variance.

**SZBA Action:** Ms. 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 Scott Smith, For  
Coastal Heritage Society  
B-081224-40195-2  
342 Purse Street**

Mr. Butler gave the following Staff Report.

The petitioner, Scott Smith, For Coastal Heritage Society, is requesting approval of a three-space parking variance from the three spaces normally required for the proposed use.

**Findings**

1. The subject property is a 1,300 square foot lot with a single structure located at 342 Purse Street, between West Charlton and West Jones streets across from the Roundhouse.
2. The subject property is zoned B-2.
3. The application is part of a planned modification to the location and uses on three corner lots at the corner of Purse and West Charlton streets. The applicant seeks move an historic structure from an adjoining lot (see lots 8, 9 and 10 on applications B-081224-39624-2 and B-081224-39707-2) to 539 West Charlton and to use the resulting two structures on three lots as offices for the Coastal Heritage Society. The corner lot will also be used for office space.
4. The two structures are each less than 2,000 square feet in space, which would require 3 parking spaces each (for a total of six spaces on the three lots). The currently vacant corner lot would eventually have a similar office structure.
5. Historically, the structures were residential in character and parking for the structures was on-street.
6. The applicant seeks to use nearby public parking to serve the needs of the office uses.
7. 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 preclude the proposed use of the structures as offices, but would not constitute 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.

**Staff Recommendation**

The propose use of the relocated structure and existing structure as offices would add no additional parking or employees to the uses currently present in the location. Staff recommends approval of the requested parking variance.

**SZBA Action: Ms. 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: Regular Agenda**

**RE: Petition of Michelle Moss  
B-081117-42971-2  
744 East 37<sup>th</sup> Street**

Present for the petition was Michelle Moss.

Mr. Butler gave the following Staff Report.

The petitioner, Michelle Moss, is requesting approval of a use (group care home for the elderly; 7 to 15 persons) which must be approved by the Zoning Board of Appeals.

**Findings**

1. The subject property is a four-bedroom residential structure located on a 3,500-square foot lot at 744 East 37<sup>th</sup> Street. The property is zoned R-4 (Four-family residential).

2. The petitioner is proposing to develop and operate a group care home for seven elderly clients with a resident caregiver. Group care homes for from seven to 15 persons are an allowed use in the R-4 zoning classification subject to approval by the Zoning Board of Appeals. Group care homes for fewer than seven persons are not permitted in the R-4 zoning district.
3. The subject property is located on a major arterial street as classified on the Street Classification Map No. 1 of Chatham County.
4. Section 8-3025(f) of the Savannah Zoning Ordinance requires Board of Appeals approval to establish a group care home for the elderly in an R-4 zoning district. The requirements for establishing a group care home require that such facility not be located with 1,000 feet (property line to property line) from another such home or similar institution.

The requirement appears to be met. However, the ordinance requires that a minimum separation of 1,000 feet be maintained between similar uses. This is a radius of roughly two and a half city blocks. Staff investigations have not revealed any group care homes within that radius of the petitioners' property.

5. In accordance with Section 8-3163 of the Savannah Zoning Ordinance, the Board of Appeals shall hear and decide upon requests for permission to establish uses upon which the Board of Appeals is required to pass under the terms of this chapter. The application to establish such use shall be approved on a finding by the Board of Appeals that:

- a. **The proposed use does not affect adversely the general plans for the physical development of the City, as embodied in this chapter, and in any master plan or portion thereof adopted by the Mayor and Aldermen.**

The proposed use will not affect adversely general plans for the physical development of the City. However, under the Unified Zoning Ordinance, the proposed use is not permitted in the district.

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

The proposed use may be contrary to the stated purposes of this chapter. The Future Land Use Map of the Tricentennial Comprehensive Plan identifies the property as "General Single-Family Residential." The petitioner's proposal would involve housing seven adults in a four-bedroom home, which falls outside the parameters of the anticipated district.

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

The proposed use would probably not affect adversely the health and safety of residents and workers in the City. The systems in residential structures are not designed for the workload of commercial operations, however the scope of the

proposed project is minor.

- 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 an arterial street. Any resulting traffic or potential congestion associated with proposed use would probably not be detrimental to the use or development of adjacent properties. The activities of the residents, given the limited internal space in the residences, would have to be outside, in large part, which could pose potential (although minor) nuisance to neighbors.

- 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 petitioner's site plan illustrates a modest single-family residential lot, and the appears to meet state-mandated minimum space requirements for seven client/patients and a resident caretaker. It appears that sufficient space is available to accommodate the required parking, however, the proposed parking arrangement 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 (see "d" above).

- 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.

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

### **Staff Report**

Staff recommends denial of the requested use, in that it is contrary to the Future Land Use Map and the standards that will apply in the Unified Zoning Ordinance.

Ms. Moss stated one of the main concerns was that this was a community with no businesses. She said she had pictures of other business within a 2 to 3 block radius.

Mr. Mackey asked if it would be overnight stay or just day time?

Ms. Moss stated overnight and emergency cases.

Mr. Jones asked the petitioner if they would be living at the home?

Ms. Moss stated no, but there would be staff on duty 24 hours a day.

Mr. Mackey asked if any neighbors had any comments?

Ms. Moss stated she talked with some of the neighbors but there was not any opposition.

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

**RE: Petition of Patrick L. Phelps, For  
Hansen Architects  
B-081224-38223-2  
412 Williamson Street**

Present for the petition was Paul Hansen.

Mr. Butler gave the following Staff Report.

The petitioner, Patrick L. Phelps, For Hansen Architects, is requesting approval of variances from the development standards of the Historic District (Section 8-3030) of the Savannah Zoning Ordinance. The applicant seeks to expand a non-conforming use (Lodging Facility) on a non-arterial street, and seeks to increase the height of the structure from three to five stories (62 feet).

**Findings**

1. The subject property is located between Williamson and West Bay streets at Martin Luther King Jr. Avenue.
2. The subject property is zoned B-B (Bayfront Business) and contains a three-story, 142-room lodging facility on approximately 30,000 square feet of land.
3. The lodging facility fronts on a local street and is therefore non-conforming. Hotels in the Bayfront Business district are required to locate on an arterial street or greater.
4. The subject lodging facility is three stories tall. The applicant seeks to increase the height of the structure by two stories to 62 feet in height.

5. The Historic Review Board has considered the application and found that the proposed height and mass of the property are in keeping with the district.
6. The applicant has agreed to cooperate with the City of Savannah in the design and installation of sidewalks, ramps, landings and railings to accommodate the modified structure.
7. 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 to this particular piece of property would create no unnecessary hardship, other than precluding the proposed expansion of the lodging facility.

- 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.

8. All of the conditions necessary to the approval of the requested variances appear not to be met.

**Staff Recommendation**

With the condition that the applicant abide by the agreements with the City of Savannah for cooperation in the design and installation of infrastructure (see item 6 above), staff recommends approval of the requested variances.

**Mr. Hansen** stated that the petitioner will be working with the City to work out all the issues regarding the master plan on MLK.

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

**RE: Petition of Mark Crapps, For  
Kern-Coleman & Co.  
B-081224-38454-2  
24 Westgate Boulevard**

Present for the petition was Mark Crapps.

Mr. Butler gave the following Staff Report.

The petitioner, Mark Crapps, For Kern-Coleman & Co., is requesting approval of a 36 percent parking variance (reduction from 36 required to 23 parking spaces) and a 10-foot front yard setback variances (from 15-feet required to five feet) in order to build a 7,800 square foot building extension on an existing structure.

**Findings**

1. The subject property is a 1.6 acre property on Westgate Boulevard zoned I-L (Light Industrial) with an existing 36,875-square foot one-story metal warehouse structure.
2. In 2006, the variances for the property were requested and received that granted a five-foot front setback variance (from the 15 feet required in the district) and a 13 space parking variance (from the 36 required for the use) that permitted construction of a 9,875 square foot addition to the existing structure.
3. The applicant is seeking an additional five feet of setback variance in order to construct a 7,800-square foot building addition to the 36,875 square foot structure to within five feet of the right-of-way of Patton Road.
4. The proposed addition will cover 14 of the existing 23 parking spaces on the property, leaving a proposed 23 spaces (including nine parallel spaces within the required setbacks along Westgate and Patton roads). This will leave a total of 14 spaces in the proposed reconfigured parking area that meet the requirements of the ordinance.
5. The Zoning Ordinance (section 8-3089 (14b)) would require 38 spaces in the expanded structure. The required variance to allow the proposed expansion of the structure would be for 15 spaces, and to permit the location of nine of the 23 spaces to be located within the front setback of the structure.
6. The Zoning Ordinance (section 8-3082(w)) precludes the location of required off-street parking within the required front setback of an I (Industrial) district.

7. The applicant contents that the proposed location of the additional nine parking spaces within the front setback will permit the preservation of two trees on the south side of the building.
8. 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 piece of property in question.

- 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 construction of the proposed warehouse expansion.

- 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.**

Relive, 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 expansion of the structure on the applicant's property would be the second variance for expansion on the site (following the 2006 variances). The proposed expansion would reduce the parking on the site to approximately one-third of the required parking. The proposed expansion would require that parking be permitted within the front setback, parallel to the rights-of-way abutting the property. Staff recommendation is for denial of the requested variances.

**Mr. Crapps** stated that the petitioner is requesting a extension of an already approved variance plus an additional five foot.

**SZBA Action:** Ms. Bock 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 Jamie Csizmadia, For  
Hurricane Bay Car Wash  
B-081224-38697-2  
2001 Victory Drive**

**Petition was continued because the property was not properly posted.**

**SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals continue the petition as submitted until the next regularly scheduled meeting on February 24, 2009. Ms. Bock seconded the motion and it was unanimously passed.**

**RE: Petition of Charles & Janice Oxford  
B-081224-39017-2  
1601 Huntingdon Street**

Present for the petition was Charles Oxford.

Mr. Butler gave the following Staff Report.

The petitioners, Charles & Janice Oxford, are requesting approval of an extension of a January, 2008 decision of the Zoning Board of Appeals to grant a variance of lot coverage of 4.6 percent (79.6 percent instead of the 75 percent allowed under the regulations).

**Findings**

1. The applicant originally received approval from the Savannah Zoning Board of Appeals on December 19, 2006. A request for an extension of the approval was approved on January 29, 2008.
2. In accordance with Section 8-3025 of the City of Savannah Zoning Ordinance, properties within the R-I-P-A zoning district are allowed lot coverage of 75 percent. Lot coverage is defined as any structure of part of a structure covered by a roof.
3. The petitioner is seeking an extension of the variance that would allow lot coverage of 79.6 percent on the subject property. It is the petitioner's stated intent to construct a single family residence on the currently vacant parcel. Required parking will be accommodated within an attached garage having access from the lane.
4. The parcel is considered a standard lot within the R-I-P-A district measuring approximately 25 feet wide and 70 feet deep, containing approximately 1,750 square feet.
5. The petitioner's request was reviewed by the City's Historic Preservation Officer. The HPO is supportive of the request due to the low height of the building resulting in a smaller structure mass.



6. 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 proposed development is consistent with development patterns in the neighborhood and has the support of the Historic Preservation Officer.

### **Staff Recommendation**

Staff recommends renewal of the petitioner's variances for a further year, until January, 2010.

**Mr. Oxford** stated that there would be four buildings on the lot with a courtyard.

**Ms. Bell** stated that she opposed the petition because the 80 percent lot coverage and the greenspace that would be lost.

**Mr. Jones** asked what would be in the courtyards and if any plants were going to be planted?

Mr. Oxford stated there would be a fountain, scrubs and a small tree.

**SZBA Action: Ms. Bock 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 Chanowk Pendergrass  
B-081224-39388-2  
401 East Hall Street**

Present for the petition was Chanowk Pendergrass.

Mr. Butler gave the following Staff Report.

The petitioner, Chanowk Pendergrass, is requesting approval of an extension of a December, 2005 Board of Appeals decision granting use approval (pastry/tea shop) and a variance from the requirement that said use be allowed to be located on a collector street of larger.

### **Findings**

1. Located on the southeast corner of Hall and Habersham Streets, the subject structure has previously housed a tea store, a grocery, and a barber shop. The petitioner intends to renovate the structure and develop a tea shop which would sell teas, coffees, and specialty baked breads and pastries that are made off-site.
2. Subject to certain performance criteria, a grocery, confectionary, bakery, pastry shop, and similar neighborhood service facilities are allowed within the R-I-P-A zoning district subject to use approval by the Zoning Board of Appeals. The City Zoning Administrator has determined that the proposed use can be classified as a pastry shop.
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 upon 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 and workers in the City.

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

The property is located in the midst of other neighborhood serving commercial and institutional uses. The proposed use has been designed to serve the immediate neighborhood and is not expected to cause detrimental impacts on adjacent or surrounding 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 commercial/residential/institutional character of the neighborhood.

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

The property is of ample size to accommodate the proposed use and the space requirements thereof.

- g. **The proposed use will not constitute a nuisance or hazard because of the number or persons who will attend or use such facility, vehicular movement, noise or fume generation, or type of physical activity.**

Pastry shops are an allowed use within the district and are not considered a nuisance.

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

The proposed use is in conformance with the development standards of the zoning district with the exception that such use is required to be located on a collector or arterial roadway. Although the subject property fronts a local street, the corner property sides onto Habersham Street, a designated secondary arterial roadway.

**Staff Recommendation**

Staff recommends extension of the use approval and variance granted for one year (until January 2010).

**Mr. Jones** asked how long has the roof been up on stilts?

Mr. Butler stated about three years.

Mr. Pendergrass stated they would like the approval of the extension in order to get the project up and going.

Mr. Henry stated he was in opposition to the variance. He said he was concerned about parking and the owners not taking care of the outside of the building.

Ms. Burgess stated she was in opposition because of how the petitioners left the property for the past three years. She said she felt that once the business opens, the building would not be keep up.

Mr. Whitten stated that the petitioners would like to move forward with the project and get the building repaired as soon as possible.

Mr. Jones asked what are the parking requirements for a tea shop?

Mr. Butler stated that the petitioners would have to provide parking or get an approval from the Historic Review Board for offsite parking.

Ms. Bock asked how many spaces are needed?

Mr. Butler stated it depended on the number of tables.

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

**RE: Petition of Judy L. Mincey, For  
New Order Greater Faith Ministries  
B-081224-40493-2  
Wolf Street**

Present for the petition was Judy Mincey.

Mr. Butler gave the following Staff Report.

The petitioner, Judy L. Mincey, For New Order Greater Faith Ministries, is requesting approval of an extension of previously approved use and variances granted by the Zoning Board of Appeals on November 28, 2006 in order to construct a church at the subject location.

### **Findings**

1. The petitioner is requesting renewed approval of an October, 2006 variance (a reconsideration of a 2003 variance) that a proposed use (church) be located on a collector street or greater; a variance from the requirement that the proposed use be more than 100 feet from a residential dwelling; a 15-foot front yard setback variance from the required

50 foot front yard setback as measured from the centerline of a residential street; an 11-foot rear yard setback variance from the required 25-foot rear yard setback requirement; and a variance to allow lot coverage of 62 percent as opposed to the 50 percent lot coverage allowed by Sections 8-3025 of the Savannah Zoning Ordinance, in order to construct a church on the subject property. The subject property, located at 811 Wolf Street, is zoned RM-25 (Multi-Family Residential- 25 units per acre).

2. The majority of the subject properties are currently vacant, with one structure located on one of the parcels.
3. The petitioner is proposing to construct a church and parking on four lots. Churches are permitted uses in the RM-25 district with the following conditions:
  - a. The use shall abut a collector or greater arterial; and
  - b. The use shall be at least 100 feet from any conforming residential dwelling.

The proposed use does not meet either of the established conditions.

4. Per Section 8-3025 of the Ordinance, the R-M zoning district requires a minimum lot frontage of 60 feet and a minimum lot area of 6,000 square feet. Additionally, the minimum front yard setback is established at 50 feet from the street centerline, the minimum rear yard setback is 25 feet, and the maximum lot coverage allowed is 50 percent.
5. The petitioner has submitted an application showing the building 35 feet from the center line of Wolf Street and 14 feet from the rear property line. The proposed lot coverage for the site is 62 percent.
6. In October of 2003, the Zoning Board of Appeals acted to approve a similar request for this site. The approval expired on October 28, 2004.
7. 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.**

Some of the subject properties are nonconforming lots of record. However, they will become conforming lots of record when combined. The parcel located on the south side of Wolf Street, where the church building is proposed exceeds the

minimum standards of Ordinance.

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

Strict application of these regulations would not create an unnecessary hardship.

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

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

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

Relief, if granted, would not likely cause substantial detriment to the public good. The subject parcels are within close proximity of Gwinnett Street, which is a collector street and there are currently few homes on this block of Wolf Street to be impacted by the proposed use.

**Staff Recommendation**

Staff recommendation is for approval of the requested renewal of the variance, to expire in January of 2010.

**Ms. Brown** stated that the petitioner is requesting an extension so they could build a church.

**Mr. Truell** stated she supports the petition.

**Mr. Roversin** stated he also supports the petition.

**SZBA Action: Ms. Bock 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 Linda W. Jordan  
B-081224-40672-2  
812 Seiler Avenue**

Present for the petition was Linda Jordan.

Mr. Butler gave the following Staff Report.

The petitioner, Linda W. Jordan, is requesting approval of a 4.5-foot rear yard setback variance from the 25-foot setback requirement in order to construct an addition onto an existing residential structure.

**Findings**

1. The subject property is a non-conforming 3,920 square foot residential lot located at 812 Seiler Avenue in an R-4 (Four-family Residential) zoning district.
2. The lot has 64.6 feet of frontage on Seiler Avenue, with a single 23-foot by 22-foot residential structure.
3. The minimum lot area for a single-family detached lot in an R-4 zoning district is 6,000 square feet.
4. The rear setback in an R-4 zoning district is 25-feet.
5. The applicant seeks to construct an addition onto the existing residence that is 16 feet in depth by 23-feet in width.
6. The proposed addition will encroach on the rear setback by 4.5 feet, to within 20-feet, six inches of the rear property line.
7. 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 in question is substantially (2,080 square feet) undersized for the zoning district. The dimension in non-conformity is the lot depth (88 feet, front to back).
  - 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.**

The particular piece of property is similar in size to a majority of the lots in the block face and neighborhood. However, the majority of residences in the vicinity have extensions that encroach on the rear setbacks to at least the same extent as the proposed extension on the petitioner's residence.
  - 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.

**Staff Recommendation**

Staff recommends approval of the requested rear setback variance (4.5 feet) to allow the construction of an addition to within 20.5 feet of the rear property line.

**Ms. Jordan** stated she would like a variance in order to construct a den on the existing house.

**Mr. Holmes** stated he supports the petition because he felt it would improve the neighborhood.

**SZBA Action:** Ms. Bock 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 Virginia Brown, For  
Coastal Habitat for Humanity  
B-081224-40745-2  
930 Hancock Street**

Present for the petition was Virginia Brown.

Mr. Butler gave the following Staff Report.

The petitioner, Virginia Brown, For Coastal Habitat for Humanity, is requesting approval of 7.5-foot front yard setback variance and a 1,324-square foot lot area variance in order to subdivide a property into two lots.

**Findings**

1. The subject property is a “T-shaped” lot of approximately 11,300 square feet in area with frontage on Hancock and Whitman streets.
2. The lot occupies area designated as lots 2, 27, 28 and part of lot 1 in the Summerside neighborhood (Liberty City/Summerside/Richfield/Southover).
3. The subject property has 187.68 feet of frontage on Whitman Street, varying in depth from 34.75 feet on the north end to 67.35 feet on the south end. The subject property has 60-feet of frontage on Hancock Street with a depth (the “post” of the “T”) of approximately 106 feet.
4. The subject parcel is zoned R-6 (single-family residential).
5. The standard lot size in a R-6 zone is 6,000 square feet.
6. The petitioner proposes to subdivide the lot into two lots of 6,800 square foot (Lot “A”)



and 4,676 square feet (Lot “B”), respectively, to create two buildable lots. Lot A would be conforming as to area and lot “B” would require a lot area variance of 1,324 square feet.

7. Because of the unusual configuration, the application is requesting front-yard setback variances of 7.5 feet on both lots to permit the location of new homes within 20-feet of the right-of-way.
8. The proposed setbacks would be greater than that on adjoining properties (which are close to the right-of-way line with near-zero setbacks). No sidewalks are present in the vicinity.
9. 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 of unusual size and shape.
  - b. **The application of this chapter to this particular piece of property would create an unnecessary hardship.**

The particular piece of property consists of portions of four historical lots of almost double the standard lot size for the zoning district. Strict application of the regulations would limit the use of the property to a single structure.
  - c. **Such conditions are peculiar to the particular piece of property involved.**

The subject property is unique in size and shape in the neighborhood.
  - 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.
10. The petitioner is requesting a 7.5-foot front yard variance and a 1,324-foot lot area variance (for lot B) pursuant to the requirements of section 8-3025(c) of the Savannah Zoning Ordinance in order to subdivide an existing lot at 930 Hancock Street, within an R-6 zoning district.

### **Staff Recommendation**

The subject property is an unusual shape and is nearly double the minimum lot size in the

neighborhood, having frontage on two parallel roads. Staff recommends approval of the requested variances in order to permit best use of the applicant’s property.

**Ms. Brown** stated she is requesting a variance in order to build two Habitat for Humanity homes.

**Ms. Thomas** stated that she supports Habitat for Humanity but she is in opposition of the location for this petition.

**Ms. Salters** stated that she is in opposition of the petition because she felt building two houses on small lots would be too tight.

**Ms. Simmons** stated she supports the petition and felt that it would not impact the community in a bad way.

**Ms. Anderson** stated she felt that two houses on the lots would be too much. She said she felt one house would be fine on the lot.

**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 John Sumner, For  
JSRB Ventures  
B-081230-56667-2  
400 Block of East 32<sup>nd</sup> Street**

Present for the petition was John Sumner.

Mr. Butler gave the following Staff Report.

The petitioner, John Sumner, for JSRB Ventures, is requesting approval of lot width variances of 8 feet, seven inches for two lots and eleven feet, five inches for two lots, of lot area variances of 50 square feet for two lots and 350 square feet for two lots, and two-foot side setback variances from the required five foot setback requirement in order to subdivide an existing lot of record into four lots.

**Findings**

1. The subject property is an 80-foot wide, 100-foot deep lot located on the north side of 32<sup>nd</sup> Street East in a TN-2 (Traditional Neighborhood, Thomas Square/Mid-City) zoning district.
2. The minimum lot area in the TN-2 zoning district for attached residential housing is 2,200 square feet. The minimum lot width is 30 feet in the TN-2 zoning district.

3. The petitioner proposes to divide the subject parcel into four separate lots for residential housing.
4. The proposed subdivision would create two interior lots of 18.5 feet in width and two end lots of 21.5 feet in width.
5. The two proposed interior lots would be 1,850 square feet in area and the two proposed interior lots would be 2,150 square feet in area.
6. The applicant proposes to fence the yards and provide two off-street parking spaces for each lot.
7. The two proposed interior lots would have zero-side setbacks.
8. The proposed subdivision would create lots that are similar to, but somewhat smaller than, other attached housing lots in the immediate vicinity.
9. 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 and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.

- 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.

### **Staff Recommendation**

Staff recommends approval of the requested variance. The proposed subdivision would allow the creation of four residential lots that are fundamentally similar to residential lots already existing

in the immediate neighborhood.

Mr. Sumner stated that the petitioner would like to have the lot subdivided and have four townhomes. Each one will have a court yard and two off street parking spaces.

**SZBA Action: Ms. Bock 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 Jamie Csizmadia, For  
Hurricane Bay Car Wash  
B-081230-60376-2  
10000 Abercorn Street**

Petition was continued because the property was not properly posted.

**SZBA Action: Mr. Jones made a motion that the Savannah Zoning Board of Appeals continue the petition as submitted until the next regularly scheduled meeting on February 24, 2009. Ms. Bock seconded the motion and it was unanimously passed.**

**RE: Adjournment**

There being no further business to come before the Savannah Zoning Board of Appeals the meeting was adjourned approximately 5:00 p.m.

Respectfully submitted,

Jack Butler,  
Secretary

JB/jm