

**BY LAWS
CITY OF SAVANNAH
ZONING BOARD OF APPEALS**

Sec. 2.4 Zoning Board of Appeals

2.4.1 Establishment

The Savannah Zoning Board of Appeals is hereby established.

2.4.2 Powers and Duties

a. General Authority

- i. The Zoning Board of Appeals shall perform duties as directed by the Mayor and Aldermen.
- ii. The Zoning Board of Appeals may exercise additional powers as may be described elsewhere in this Ordinance and as permitted by the City Code of Ordinances.

b. Final Authority

With respect to this Ordinance, the Zoning Board of Appeals shall be responsible for final action regarding:

- i. Variances (as identified in Sec. 3.21, Variances);
- ii. Relief for Nonconforming Uses (as identified in Sec. 3.24, Relief for Nonconforming Uses); and
- iii. Appeals (as identified in Sec. 3.23, Appeals).

2.4.3 Composition and Term of Office

a. Composition

The Zoning Board of Appeals shall be composed of seven (7) members, who are selected by the Mayor and Aldermen.

b. Term of Office

Each member shall serve a term of three (3) years, and terms shall be staggered. Members shall not serve more than two (2) consecutive terms.

2.4.4 Residence of Members

Members of the Zoning Board of Appeals shall reside within the city limits of Savannah.

(a) Membership and appointment. The Board of Appeals shall consist of seven members residing within the city, appointed by the mayor and alderman, one of whom shall be a member of the planning commission. Except for the planning commission member, none of the Board of Appeals members shall hold any other public

office. Board of appeals members shall be removable for cause, upon written charges, and after public hearing. Any member of the board shall be disqualified to act upon a matter before the board with respect to property in which the member has an interest.

(b) Term of Office. The term of office for each member of the Board of Appeals shall be for three years; however, in order that no more than two terms shall expire upon the same date, the term of the original members of the board shall be as follows: Two appointees shall server for two years, to appointees shall serve for three years, and the planning commission appointee shall serve for one year. Thereafter, each appointee shall be appointed to serve for three years, In the event the planning commission appointee shall cease to be a member of the planning commission during the term of his appointment to the Board of Appeals, his membership on the board shall terminate, and the mayor and the alderman shall name a member of the planning commission to fill the unexpired term of its original appointee. All other vacancies shall be filled in accordance with the appointment procedure for the unexpired term of any Board of Appeals member whose term becomes vacant.

(c) Compensation. The Board of Appeals members shall receive no compensation for service, except that they shall be reimbursed for out-of-pocket expenditures made in connection with their duties.

Officers; meetings; quorum; minutes; procedures generally.

The Board of Appeals shall elect one of its members as chairperson and another of its members as vice-chairperson. The chairperson and vice-chairperson shall serve for one year or until either or both are re-elected or either or both of their successors are elected. No elected officer shall serve more than two consecutive terms in the same office. The Board of Appeals shall appoint a secretary who may be an officer or employee of the city or of the planning commission. The Board of Appeals shall be held at the call of the chairperson and at such other times as the board may determine. Four members of the board shall constitute a quorum. The chairperson, or, in his absence the vice-chairperson, may administer oaths and compel the attendance of witnesses by subpoena.

The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. The decision of the Board of Appeals shall be by resolution; which resolution shall contain a statement of the grounds of its decision or action. The full text of the resolution shall be sent to the appellant. No appeal requesting the same relief in regard to the same property shall be received or heard by the Board of Appeals for a period of 12 months following the date of such resolution, except that this limitation shall not affect the right of the board to grant a rehearing as provided in the rules of procedure adopted by the Board.

Assistance by Zoning Administrator; occupancy permit required.

- (a) Required. The Zoning Administrator shall provide such technical, administrative, and clerical assistance and office space as is required by the Board of Appeals to carry out its function under the provisions of this chapter.
- (b) Occupancy permit required. An occupancy permit shall be issued by the Zoning Administrator before any land or building area is occupied where the Board of Appeals has granted a variance from the minimum space requirements for “off-street parking and service requirements”, of this chapter, or where permission has been granted to utilize remote off-street parking.

Appeals.

- (a) Who May Appeal. Appeals from an administrative action to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board or bureau of the governing authority affected by any such administrative action. Such appeals shall be filed no later than 30 days after the date of notification of the decision appealed from, by filing with the Zoning Administrator with the Board of Appeals a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

- (b) Legal proceeding stayed. An appeal stays all legal proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals after the notice of appeal shall have been filed with him/her that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court for record on application, on notice to the Zoning Administrator and on due cause shown.

- (c) Presentation of evidence. The appellant and any public agency or private individual shall be entitled to present evidence on matters before the Board of Appeals, and the board may request technical service, advice, data, or factual evidence from the planning commission and the governing authorities for assistance in reaching decisions.

Calendar of Appeals.

Appeals and applications filed in proper form shall be numbered serially, docketed and placed upon the calendar of the Board of Appeals. The calendar of appeals to be heard shall be posted conspicuously in the office of the Board of Appeals and in the office of the Zoning Administrator during the period before such hearing date.

Public Hearings.

- (a) Notice of hearing shall be given. Before making its decision on any appeal, variance or on any other matter within the Board of Appeals' purview, the board shall hold a public hearing thereon. At least 15 days notice of the time and place of such hearing as prescribed by the Public Hearing notice requirements of the Savannah Zoning Ordinance. Such notice shall contain the name of the appellant or petitioner; the date, time and place fixed for the hearing; and a brief statement of the error alleged by the appellant or of the variance or other relief requested.
- (b) Erection of signs. At least 15 days prior to the scheduled date of public hearing of an application, the applicant shall erect a sign, to be furnished by the Zoning Administrator on the land for which the appeal is made. Such sign shall be erected by the applicant within ten feet of whatever boundary line of such land abuts the most traveled public road; and, if no public road abuts thereon, then such sign shall be erected to face in such manner as they may be most readily seen by the public. The lower edge of the sign face shall be of sufficient height so as to be read from the roadway. The sign furnished by the Zoning Administrator shall be nonreturnable, weather resistant or equal, shall have a minimum size of 30 by 40 inches, shall show the application number, the type of relief sought, the scheduled date, time and place of public hearing , and the telephone number to call for further information.
- (c) Adjournment of hearings. Hearings may be adjourned from time to time, and, if the time and place of the continued hearing be publicly announced at the time of the adjournment, no further notice of such continued hearings shall be required; otherwise, notice thereof shall be given, as in the case of the original hearing.
- (d) Who May Appear: Any party may appear at the public hearing in person or by agent or by attorney.
- (e) Public notice in newspaper: The Board of Appeals shall give public notice of the hearing in a newspaper published and circulated in the city by advertisement published at least 15 days prior to the date of the public hearing.
- (f) Rehearing's: Any applicant requesting a rehearing shall file such request in the same manner as the original application, within five

days following the board's decision on the petition for which a rehearing is being sought. The board may grant a rehearing only for petitioners submitting new and relevant information. Applications for a rehearing shall be denied upon a finding by the board that there has been no substantial change in facts, evidence or conditions relative to the petition in question. Upon approval of a request for a rehearing, the board shall rehear the petition in question at the same meeting.

- (g) *Appeals.* Appeals from decisions of the board shall be superior court. All such appeals shall be made in writing within 30 days of the date of such decision. An application for rehearing shall not stay or alter the 30-day time limit for appealing the board's decision to superior court.

Forms

Appeals, requests for variances and requests for extension of nonconforming uses shall be made on forms provided therefore, and all information required on such forms shall be provided by the appellant. Forms shall be filed with the Board of Appeals, and the appellant shall pay the board for expenses incidental to the appeal. No form shall be accepted by the Board of Appeals unless it contains all pertinent information and is accompanied by the required fee to defray expenses.

The following Rules and Procedures (Rules) define the basic procedural operations of the Savannah Zoning Board of Appeals (SZBA). These procedural policies are amended by the SZBA.

RULES AND PROCEDURES

ARTICLE I

MEETINGS

- Section 1. Regular meetings of Board of Appeals shall be once each month on the same weekday and time of the fourth week of the month, on a day and time determined by the board at the end of the preceding year, in the Metropolitan Planning Commission Conference Room, 112 East State Street, Savannah Georgia, or in any other designated meeting place, provided the location is specified in all notices as required by law.

Section 2. Special meetings may be called by the Chairperson at the request of three members, of which notice shall be given each member at least 48 hours before the time set, except that announcement of a special meeting at any meeting at which all members are present shall be sufficient notice of such meeting. Notice of special meetings shall be posted in the place where the meeting will be held. Notice of special meetings shall also be given to the newspaper in accordance with the Georgia Open Records and Public Meetings law.

Section 3. Except, as provided herein and in the City of Savannah Zoning Regulations, meetings shall be conducted according to Robert's Rules of Order, latest edition.

CASES BEFORE THE BOARD

Section 1. Each appeal to the Board shall be taken within 30 days from the date of refusal of a permit by the Zoning Administrator, or date of order, ruling, decision, or determination of the Zoning Administrator. Appeals made after 30 days from the date aforesaid shall not be considered by the Board.

Section 2. Each appeal to the Board, whether from an order, decision or determination of the Zoning Administrator or whether for a special exception or for a variance, shall be made on an official application form.

Section 3. All information called for in the application form shall be furnished by the appellant in the manner therein prescribed insofar as practical, and all notices shall be given as prescribed by the Board.

Section 4. The Board may reject an appeal unless made on the prescribed form properly filled out with all required data attached.

Section 5. Any communication purporting to be an application shall be regarded as mere notice to seek relief until it is made in the form with all required data attached.

Section 6. Any appellant may withdraw his application prior to a decision by the Board.

Section 7. Any appellant requesting a rehearing shall file such request in the same manner as the original application, within five days following the board's decision on the petition for which a rehearing is being sought. The Board may grant a rehearing only for petitioners submitting new and relevant

information. Applications for a rehearing shall be denied upon a finding by the Board that there has been no substantial change in facts, evidence, or conditions relative to the petition in question. Upon approval of a request for rehearing, the Board shall rehear the petition in question at the same meeting during which the request for rehearing is considered.

- Section 8. Appeals from decisions of the Board shall be to Superior Court. All such appeals shall be made in writing within thirty (30) days of the date of such decision. An application for rehearing shall not stay or alter the thirty (30) day time limit for appealing the Board's decision to Superior Court.

THE DOCKET AND CALENDAR

- Section 1. Each appeal filed in proper form with the required data shall be numbered serially, docketed, and shall be placed upon the calendar of the Board by the Secretary thereof. The docket numbers shall indicate the number of the year in which the application is filed.
- Section 2. All cases docketed more than twenty-two (22) days preceding a regular meeting day, prior to the scheduled cut-off date and in which the 15-day notice requirement has been compiled, shall be automatically set for hearing on the next succeeding regular meeting day, provided that requirements for notification in accordance with Article V (below) have been met. Cases docketed within 22 days or less of the regular meeting day, or after the scheduled cut-off date, shall be set for hearing on the second regular meeting day after the docketing of the application.
- Section 3. Appeals shall be heard in the order in which they appear on the calendar, except that an application may be advanced for hearing by order of the Board upon good cause. Where all appeals cannot be disposed of on the day set, or if additional information is desired, the Board may adjourn until a designated day, or until the next regular meeting, as it may order.

DOCKET, MINUTES AND DECISION BOOKS

- Section I. The Secretary shall be provided with a Docket and Minutes Book, which he/she shall keep posted to date. The docket shall be recorded in a well-bound book, or in an electronic format in which the Secretary shall enter

and shall include the number of the appeal; the name of the appellant, a short description by street number or otherwise, of the premises; the nature of the application; and the Board's final disposition concerning the case. All continuances, postponements, dates of sending notices and other steps taken and acts done shall be noted on the docket or in the official file of the application. The minutes book shall contain a summary of all actions taken by the Board during the course of its public meetings.

Section 2. The Decision Book or the official file of the application shall contain the decision relating to each case acted on, together with the vote of each member of the Board, those absent being so marked, together with all other actions of the Board.

PUBLIC NOTICE

- Section 1: At least fifteen days (15) prior to the scheduled public hearing, the Secretary shall send notice of the time and place of the public hearing as prescribed by the Public Hearing Procedures of the Savannah Zoning Ordinance. Such notice shall contain the name of the appellant, the date, time and place fixed for the hearing, and a brief statement of the error alleged by the appellant or of the variance, or other relief requested. The notice shall request that the petitioner or his/her agent be present at the hearing.
- Section 2: The Secretary shall give public notice of the hearing in a newspaper published and circulated in the City by advertisement published at least five (15) days prior to the date of the public hearing.
- Section 3. Erection of Signs. At least fifteen (15) days prior to the scheduled date of public hearing of an application, the applicant shall erect a sign, to be furnished by the Zoning Administrator, on the land for which the appeal is made. Such sign shall be erected by the applicant within ten (10) feet of whatever boundary line of such land abuts the most traveled public road; and if no public road abuts thereon, then such sign shall be erected to face in such a manner as may be most readily seen by the public. The lower edge of the sign face shall be of sufficient height so as to be read from the roadway. The sign furnished by the Zoning Administrator shall be nonreturnable, weather-resistant or equal, shall have minimum size of 30 by 40 inches, shall show the application number, the type of relief sought, the scheduled date, time and place of public hearing, and the telephone number to call for further information.
- Section 4. No notice other than that required by Georgia laws and the Zoning Ordinance of the City of Savannah will be given to applicants or others interested in hearings by the board.

HEARINGS

- Section 1. Hearings shall be held by the Board of Appeals in the Conference Hearing Room of the Metropolitan Planning Commission, 112 East State Street, Savannah, Georgia; or in any other designated meeting place, provided the location is specified in all notices as required by law.
- Section 2. A quorum for hearing by the Board shall consist of three (4) members, but a lesser number may meet and adjourn a meeting.

- Section 3. Hearings shall be open to the public.
- Section 4. The Board shall publish the rules to govern all hearings and shall make such rules available to appellants or to the general public upon request.
- Section 5. At least one copy of all advisory reports to the Board shall be available to appellants or to the general public upon request.
- Section 6. An appellant may appear in his own behalf or be represented by agent or attorney at hearings. If the appellant or his/her agent or attorney fail to appear, the Board may proceed to dispose of the matter on the record before it, or continue said matter until the next regular meeting.
- Section 7. All witnesses intending to speak in favor of or in opposition to a proposed variance, authorization of a specific use, or other action by the Board, shall be sworn under oath by the Chairperson; the right of cross-examination shall be available to every party.
- Section 8. No petitions signed by persons not present at the hearing shall be admitted onto evidence except by stipulation of all parties to the hearing.
- Section 9. Technical rules of evidence may not be applicable to the hearing, but the Board shall exclude irrelevant, immaterial, or unduly repetitious evidence and such evidence as is not of the kind which would affect reasonable men in the conduct of their daily affairs. Witnesses shall limit testimony to ten (10) minutes unless authorized by the Board to testify for a longer time.
- Section 10. All exhibits accepted in evidence shall be identified and duly preserved, or, if not accepted in evidence shall be properly identified and the reason for the exclusion clearly noted on the record.
- Section 11. The order of presentation at a hearing may be as follows:
- (a) Announcement of case by Chairperson
 - (b) MPC Staff Report and other advisory official's reports
 - (c) Interested property owner's statements
 - (d) Appellant's rebuttal
- Section 12. The Chairperson, or in his absence the Vice-Chairperson, may issue all necessary subpoenas.

DECISIONS OF THE BOARD

- Section 1. In a case of appeal from the decision of the Zoning Administrator, the Board shall affirm, modify, or reverse the refusal of a permit by, or any order or decision of, the Zoning Administrator. In a case of an application for variance from the terms of the Zoning Ordinance, the Board shall set forth what the application is denied or that it is granted with conditions or without conditions; and said decision shall specifically set forth what variances are permitted and what conditions, if any, shall be complied with.
- Section 2: Each decision of the Board shall require the majority of the members voting at a legally constituted meeting.
- Section 3. No finding by the Board shall be made unless based upon evidence introduced at public hearing or recorded within the official records of the municipality, county, or other public agency and unless such records are available to the public.
- Section 4. The Board shall support its conclusions by findings of fact and shall recite with particularity the reasons for its conclusions in the specific case before it.
- Section 5. Each decision or opinion of the Board shall be by resolution, which resolution shall contain a statement of the grounds of its decision or action. The full text of the decision and resolution shall be mailed to the appellant.

PRECEDENTS

- Section 1. No action of the Board of Appeals shall establish a precedent. Each case shall be decided upon its merits and upon the circumstances attendant thereto.

OFFICERS

- Section 1. The Board shall annually elect a Chairperson and Vice Chairperson at the first regular meeting in January or by special election in the event of a vacancy. A special election may be held at any regularly scheduled meeting or at a special meeting.

- Section 2. The Chairperson shall preside at all meetings and hearings of the Board. In the event of the absence of disability of the Chairperson, the Vice-Chairperson shall preside.
- Section 3. The Chairperson, subject to these rules, shall decide all points of procedure unless otherwise directed by a majority of the Board in session at the time.
- Section 4. The Chairperson may designate members of the Board to make property inspections or investigations to obtain pertinent information from the Board when necessary, and unless directed otherwise by a majority of the Board, shall appoint such committees as he deems necessary.
- Section 5. The Chairperson shall report at each meeting on all official transactions that have not otherwise come to the attention of the Board.
- Section 6. The Chairperson shall, subject to these rules and further instructions from the Board, transact the official business of the Board, supervise the work of the Secretary, request necessary help and direct the work of all subordinates.
- Section 7. The Secretary shall be such person as may be designated by a majority of the Board.
- Section 8. The Secretary, subject to the provisions of the Zoning Ordinance, these rules, and the direction of the Board and its Chairperson, shall conduct all correspondence of the Board; shall attend all meetings of the Board and all hearings; shall scrutinize all applications to see that these rules are complied with; shall keep the dockets and minutes of the Board proceedings; shall compile all required records; shall maintain the necessary files and indexes and generally supervise all clerical work of the Board.
- Section 9. The Secretary to the Board of Appeals and/or the Zoning Administrator or their designated representatives shall request from the applicant such additional information and data as may be required to fully advise the Board with reference to the application, whether such information and data are called for on the official forms or not. Any failure or refusal on the part of the applicant to furnish such additional information or data may be grounds for dismissal of the application by the Board.

INFORMAL REQUESTS FOR ADVICE

Section 1. No informal requests for advice, or moot questions, will be considered by the Board. Any advice, opinion, or information given by any Board member or the Secretary, or any other official or employee of the City of Savannah, shall not be binding on the Board. Because of the annoyance caused by individuals appealing personally to members of the Board, it is declared to be the policy of the Board to deprecate any such personal appeals.

AMENDMENTS

Section 1. These rules may be amended or modified by any affirmative vote of not less than four (4) members of the Board, provided that such amendments be presented in writing at a regular meeting and action taken thereon at a subsequent regular meeting.

Section 2. The following forms are included with all properly filed applications:

Page i	Application to the Board
Page ii	Notice of Public Hearing to Property Owners concerning Application
Page iii	Public Notice Published in Newspaper
Page iv	Decision of the Board