



C I T Y O F S A V A N N A H  
Z O N I N G B O A R D O F A P P E A L S

Arthur Mendonsa Hearing Room  
112 East State Street, 11 A.M.  
Minutes

**November 23, 2010 Savannah ZBA Meeting**

**Members Present:** Timothy Mackey, Chairman  
Paul Robinson, Vice Chairman  
Brian Reese  
John P. Jones

**Members Not Present:**

**Staff Present:** Jack Butler, Assistant Secretary  
Constance Morgan, Administrative Assistant

**Advisory Staff Present:** Randolph Scott, City Zoning Administrator

**I. Call to Order and Welcome**

1. [Call to Order](#)

Chairman Mackey called the November 23, 2010 Savannah Zoning Board of Appeals Meeting to order at 11:13 A.M. He explained the agenda for the benefit of those attending the meeting for the first time. He thanked Aldermen Van Johnson and Aldermen Mary Osburne for their attendance.

**II. Approval of Minutes**

2. [Approval of the October 26, 2010 SZBA Minutes](#)

Attachment: [26October3.pdf](#)

**Board Action:**

Approval of the October 26, 2010 ZBA Meeting - PASS  
Minutes as submitted.

**Vote Results**

Motion: Paul Robinson

Second: Brian Reese

Johnnie P. Jones, Sr - Aye

Timothy Mackey - Aye

Brian Reese - Aye

Paul Robinson - Aye

**III. Item(s) Requested to be Removed from the Final Agenda**

3. [Special Use- 1004 Abercorn Street 59351-2](#)

Jack Butler stated that Aldermen Van Johnson along with some members of the public have requested that this item be removed from the Final Agenda and rescheduled to the next SZBA Meeting, December 21, 2010.

**Speaking on the petition:** Attorney Harold Yellin stated that there has been a bit of confusion due to an email that was sent to Aldermen Johnson but inadvertently sent to an incorrect email address. He stated that when he had no response from the aldermen he was surprised to see him here asking for a continuance. He stated that he would like to be able to at least frame the issues regarding the petition but that he would agree to the board decision .

**Aldermen Johnson** stated that a continuance would allow the opportunity again for full disclosure for the residents that this would impact. This would allow them to fully understand the issues that involve them. He stated that in his letter of communication he was neither for or against the petitioner's request but that he would like to create an opportunity for the residents to meet with the petitioner so that they may ask questions and have their questions answered.

**Attorney Yellin** stated that the petitioner would agree to the continuance, but would like to ask for Aldermen Johnson's assistance in forming these meetings, typically between the Thanksgiving and Christmas Holiday. He added that the petitioner would like to be placed on the agenda for the December meeting.

**Aldermen Mary Osburne** stated that the petitioner has established many responsible businesses in this community. She said that she would be happy to hear the complaints of the residents and voiced what she believed most of their concerns would be. However, she added that the petitioner has gone to great extent to renovate the building and he will create a facade that will enhance the neighborhood. She stated that she was in favor of the petition.

Mr. Robinson recused himself and stepped down from the dais.

**Board Action:**

Motion for ZBA petition B-101025-59351-2,  
1004 Abercorn Street to remain on the November 23, 2010 Final Agenda. - PASS

**Vote Results**

Motion: Brian Reese  
Second: Johnnie P. Jones, Sr  
Johnnie P. Jones, Sr - Aye  
Timothy Mackey - Aye  
Brian Reese - Aye  
Paul Robinson - Abstain

**The Consent Agenda consists of items for which the applicant is in agreement with the staff recommendation and for which no known objections have been identified nor anticipated by staff. Any objections raised at the meeting will result in the item being moved to the Regular Agenda.**

**IV. Consent Agenda**

**V. Old Business**

**VI. Regular Agenda**

4. [Variance - 618 East 50th Street 58833-2](#)

Attachment: [Site Plans.pdf](#)  
Attachment: [Ortho-Zoning-Imagery.pdf](#)  
Attachment: [Building Coverage.pdf](#)  
Attachment: [Staff Report-58833.pdf](#)

Present for the petition was: Gerald Cowart

Jack Butler gave the following summary:

The petitioner, Gerald Cowart, agent for Brian Rickenbacker is requesting approval of a 3-foot, 4-inch setback variance from the 5-foot rear setback requirement and a 1-foot, 2-inch variance on the 5-foot side setback requirement in order to construct a stand-alone garage/workshop behind an existing residence. Staff recommends **approval** of the variances.

**Board Action:**

The petitioner's proposed structure would more closely conform to the required setbacks than the shed which was formerly located on the parcel, and would be in keeping with similar- PASS

structures on nearby parcels. Staff recommends **approval** of the requested variances.

**Vote Results**

Motion: Brian Reese	
Second: Johnnie P. Jones, Sr	
Johnnie P. Jones, Sr	- Aye
Timothy Mackey	- Aye
Brian Reese	- Aye
Paul Robinson	- Aye

5. Variance - 205 East 44th Street -62001-2

- Attachment: [Staff Report-62001.pdf](#)
- Attachment: [Ortho-Zoning-Imagery.pdf](#)
- Attachment: [Dr Suh Zoning Letter.pdf](#)
- Attachment: [Building Coverage.pdf](#)
- Attachment: [Site Plans.pdf](#)

Present for the petition was: Gretchen Calljas, Agent

Jack Butler gave the following summary:

The petitioner, Gretchen Callejas as agent for Daniel and Helene Suh, is requesting approval of a 6% lot coverage variance (36 percent instead of the 30 percent coverage permitted under the ordinance), in order to build a 295-square foot addition onto an existing residence. The proposed sunroom/master bath addition will maintain required setbacks and will result in a lot coverage that is not atypical for the neighborhood. Staff recommends **approval** of the requested 6% lot coverage variance (to a maximum of 36 percent).

**Board Action:**

The proposed sunroom/master bath addition will maintain required setbacks and will result in a lot coverage that is not atypical for the neighborhood. Staff recommends **approval** of the requested 6% lot coverage variance (to a maximum of 36 percent). - PASS

**Vote Results**

Motion: Johnnie P. Jones, Sr	
Second: Paul Robinson	
Johnnie P. Jones, Sr	- Aye
Timothy Mackey	- Aye
Brian Reese	- Aye
Paul Robinson	- Aye

6. Special Use - Package Store - 1004 Abercorn Street 59351-2

- Attachment: [Staff Report 59351.pdf](#)
- Attachment: [Ortho-Zoning-Imagery.pdf](#)
- Attachment: [Westview.pdf](#)

Attachment: [Petition - Opposed - 14 signatures.pdf](#)

Attachment: [Moody Letter.pdf](#)

Attachment: [CPD ZBA PETITION REVIEW.pdf](#)

Attachment: [Zoning Administrator Note RE SCORE Police calls to El Cheapo gas station versus little kings restaurant and hair salon.pdf](#)

Attachment: [Dionjlove Letter.pdf](#)

Attachment: [Petition - Opposed - 7 signatures.pdf](#)

Present for the petition were:

Jack Butler gave the following summary:

The petitioner, Harold B. Yellin, agent for Andy Patel doing business as Abercorn, LLC, is requesting approval of a use, "Package Store" (use number 44 in the Victorian District Zoning), which is permitted in the district with Zoning Board of Appeals approval. Due to the potential impact of the proposed use on the surrounding residential uses at this location and the limited commercial character intended by the 1-B zoning district, staff recommends denial of the requested use.

If the board finds in favor of the proposed use, staff recommends limiting the hours of operation so as to minimize the impact on the residential neighborhood.

**Speaking on the petition:** Harold Yellin, Agent for the petitioner stated that the petitioner wishes to operate from this location a convenient store, a cigar emporium, and a package store. He is requesting use approval of the site only for the package store component. He explained the permitted uses under the 1-B zoning and stated that the package store can only be permitted as a use with board approval. He presented the board with the design and parking plans for the subject property. He concluded that he was in favor of the special use and asked that the board approve the petition. There was a period of questions and answers from the board.

**Alderman Mary Osburne** assured board members that the petitioner is a responsible businessman and that he will address the concerns of the residents in the area. She is in favor of the petition.

**James B. Blackburn Jr.**, property owner stated that he is not sure if he is in favor or against the petition. He stated that the worse part of this property is that it is an eye sore. He said that his initial reaction was that a liquor store is not good for the neighborhood but as it was also pointed out to him that a liquor store exists about a ten blocks from the subject property that has not had any problems with loitering or violence or any of the anti social behavior that is often associated with liquor stores. He encouraged residents to not immediately assume that this liquor store will be a liquor store that will have problems. He added that he does have concerns regarding the hours of operation and the entrances to and from the property.

**Robert Knox**, 1020 Abercorn Street, stated that he received no notification regarding the petitioner's request other than the notice he received from the MPC. He stated that he and other residents would appreciate the opportunity to have a meeting with the petitioner in order to address their concerns and feels that the meeting should occur before the board addresses this important matter.

**Mary Knox**, 202 E. Park Avenue, stated that she opposes the petition.

**Susan Horner**, 209 E. Park Avenue stated that she and her husband are opposed to the petition. She voiced concerns regarding parking and the safety of the residents in the area.

**Emily Felstein**, 214 E. Park Avenue, voiced her concerns regarding the safety of the small children in the neighborhood and added that she would like to meet with the petitioner in order to discuss the proposed plans for the subject property.

**Ted Annis**, 210 E. Park Avenue, agreed with the opinions of the residents and stated that his additional concerns were the trash and the noise that is generated from the subject property. He added that he is opposed to the petition.

**Dr. Richard Felstein**, 214 E. Park Avenue, stated that he was unclear about the hours of operation and the delivery access. He also stated that his clinic treats person with significant alcohol problems and that he is concerned with the temptation of another liquor store is such close proximity. He added that he would also like the opportunity to meet with the petitioner to discuss his concerns.

**Michael Hogan**, 208 E. Park Avenue, stated that he is opposed to the petition.

**Andrew Spencer**, 914 E. Abercorn, highlighted the inconveniences associated with the proposed liquor store in the area such as the throw away tickets from the sales of lottery tickets, increased traffic, and hours of operation. He stated that he is strongly against the petition and submitted a list of neighbors opposed to the petition.

**Ms. Pixon**, neighborhood resident stated that she is also opposed to the petition.

**Janet Baylo**, 212 E. Waldburg, feels that the proposed petition will have a negative impact on the neighborhood. She is opposed to the petition.

**Paul Noll**, neighborhood resident, stated that he is making an investment in the neighborhood and added that the last thing he would like to see is that investment becoming a bad decision. He voiced his concerns regarding the traffic safety and encouraged the board to consider if the proposed site is consistent with the zoning.

**Gary Guthrie**, 110 E. Bolton Street, stated that he is opposed to the petition.

**Carl Pearl**, 221 E. Park Avenue, stated that he feels the proposed establishment will decrease the property value in the area. He is opposed to the petition.

**Carl Zipper**, Attorney for the residents in the area, presented board members with bound copies of information on the 911 calls to the area and listing of the activities associated with this type of business. He asked board members if approval is given to the petitioner that conditions are attached.

**Speaker's name inaudible** asked questions regarding the inventory of the petitioner and stated if he did in fact sold certain drug paraphernalia with the sale of alcohol this could be very bad for the neighborhood. He stated that he was not in favor of the petition.

**Harold Yellin**, Agent for the petitioner, stated that the petitioner is looking to put in a high end store. He gave the hours of operation for the convenient store and the liquor store. He also described the entrance to the store for pick up and delivery. He reminded board members of their charge and asked that the petition is approved.

**Board Action:**

Motion to continue SZBA File B-101025-59351-2, 1004 Abercorn Street be continued to the next - PASS scheduled meeting, December 21, 2010.

**Vote Results**

Motion: Brian Reese

Second: Johnnie P. Jones, Sr

Johnnie P. Jones, Sr

- Aye

Timothy Mackey	- Aye
Brian Reese	- Aye
Paul Robinson	- Not Present

**VII. Other Business**

**VIII. Adjournment**

7. Submittal

There being no other business to come before the board, Chairman Timothy Mackey declared the Savannah Zoning Board of Appeals adjourned at 1:40 P.M.

Respectfully submitted,

Jack Butler,

Assistant Secretary

*The Chatham County - Savannah Metropolitan Planning Commission provides meeting summary minutes which are adopted by the respective Board. Verbatim transcripts of minutes are the responsibility of the interested party.*