



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, 2:30 P.M.  
Meeting Minutes

**September 28, 2010 Savannah ZBA Meeting**

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

**Members Not Present:** Timothy Mackey, Chairman

**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](#)

Due to the absence of the Chairman, Vice Chairman Paul Robinson, called the Savannah Zoning Board of Appeals Meeting to order at 2:37pm. He explained the agenda for the benefit of those attending the meeting for the first time.

**II. Approval of Minutes**

2. [Approval of the August 24, 2010 Minutes](#)

Attachment: [24August.pdf](#)

**Board Action:**

Approval of the August 24, 2010 SZBA Meeting  
Minutes as submitted with the necessary - PASS  
corrections should there be any.

**Vote Results**

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

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

#### 3. [Variance -1 East Victory Drive-58900](#)

Jack Butler stated that the petitioner, Mr. Khoa Nguyen has made a request for approval of a three-foot reduction from the five foot rear setback requirement in order to locate a single story garage on the property line. Staff has asked that Mr. Khoa Nhuyen provide a plat of the property with a scaleable measure of the acutal variance needed. Though in the process of having the plats prepared the petitioner was unable to meet the deadline. He has asked that the petition be continued until the next scheduled SZBA meeting, October 26, 2010.

#### **Board Action:**

The recommendation is to remove this item from the Final Agenda and to continue it to the next scheduled SZBA meeting, October 26, 2010. - PASS

#### **Vote Results**

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

#### 4. [Variance - 4140 Ogeechee Road 41561](#)

Jack Butler stated that the petitioner, Mark Bryant is requesting an approval of a setback varinace in order to operate a gas canister refilling business. Mr. Bryant has also been asked by staff to provide a plat which he was unable to submit prior to the deadline therefore; the petitioner asks that petition B-100909-41561-2, 4140 Ogeechee Road be continued until the next scheduled SZBA meeting , October 26, 2010.

#### **Board Action:**

The recommendation is to remove this item from the Final Agenda and to continue it to the next scheduled SZBA meeting, October 26, 2010 - PASS

#### **Vote Results**

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

**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

##### 5. [Use Approval- 2501 Bull Street-35224](#)

Attachment: [Staff Report B-100831-35224-2.pdf](#)

Attachment: [Southview.pdf](#)

Attachment: [Ortho-Zoning-Imagery.pdf](#)

Attachment: [Northview.pdf](#)

Attachment: [FLUM.pdf](#)

Attachment: [Comment Opposition Letter.pdf](#)

Present for the petition was: Nathaniel Graham

**Speaking on the petition:** Nathaniel Graham, listed the improvements and the changes he and his staff were willing to make in order to change the identity of the subject property and to make the new business venture a success. The petitioner stated that his major concern is for public safety. He will provide police protection for patrons and for the neighboring residents during hours of operations and immediately after closing. He informed the board members of the the club's hours of operation, dress code, and age requirement.

**Susanne Jackson**, a neighborhood resident voiced her concerns regarding the activity surrounding the clubs. She described to board members the some of the altercations and the rude behavior that the neighbors have had to endure . However, she added, the neighborhood has seen some improvement since the closing of Club Exclusive.

**Gwendolyn Waring**, president of the Neighborhood Association added that there has been typically problems in this area. However; the problems are not during the hours of operations but after the bars close. She stated that unless the owners are able to provide police patrol after the clubs have closed, between the hours of 3:00am til 7:00am, and have a clean up crew they will create a nusiance. In her conclusion, she stated that the owners would be unable to control the club's spill over. She was opposed to the petition.

**Malcom Thomas**, business partner stated that the group that will patronize the new establishment will be more of a mature crowd; hopefully this will arrest and eliminate the

anti-social behavior that has plagued this area.

**Aluson Platt**, neighborhood resident stated that her intention was not to try to dissuade anyone from entrepreneurship, but the residents are trying to help the neighborhood to flourish. With tear filled eyes she explained that she has two children and the things that they have seen is unfathomable. She stated that she does her duty as a property owner by policing the area and reporting to the police any unlawful behavior. She asked that the board give more consideration to the resident of this neighborhood and that they deny the petitioners request.

**Greg Jacobs**, president of the Starland Condominium Association stated that there is a very very clear long track record of nightclub operation in this location adding to the existing problems in the neighborhood. He stated, with sincerity that he appreciates Mr. Graham making the effort and the commitment to having off duty police officers present when his business is open but he questioned any business that will require the presents of police officers there to keep it peaceful is not working in the vein of making this a better neighborhood. The owner and the manager has acknowledged the possibility of fighting and the necessity to bring in police officers to control the crowd. This does not fit into this neighborhood. It is in the best interest of the neighborhood to do what is possible to make sure that this does not happen. He echoed that he was in no way against entrepreneurial spirit but said it has to be in keeping with the traditional neighborhood. He is against the petition.

**Brian Reese** questioned staff on the parking variance requirements for 135 people.

**Jack Butler** responded that the TC-1 district does not require parking. It is a downtown district and there are bars throughout the district.

**Gregg Jacobs** commented that if the business was smaller than 2500 square feet that it did not require parking.

**Randolph Scott**, City Zoning Administrator commented that this is true regarding the square footage and the parking. He stated that he researched Mr. Butler's information and was under the impression that there were some parking requirements under the zoning. It would not be effected under this case simply because it is a pre-existing use and the only thing before is whether the board will issue the use. The parking has not changed since it has been opened it would be grandfathered the same as the club itself.

**Greg Jacobs** asked whether or not parking would be grandfathered in since there has not been a bar here in over a year and now this is a new application and a new use.

**Randolph Scott**, Zoning Administrator's response was that the use and the parking will go along with the building if approved. The applicant made a note that parking would be done on the vacant lot. The ordinance will not permit that without the lot being developed as a parking lot. It is not a parking lot as it is.

**Jack Butler** explained in further detail parking in the TC-1 district.

**Michael Pritchard**, neighborhood resident/business owner explained the challenges with the parking. He stated that this will become a larger issue with a new club. The empty lot in

question, that has been suggested to be used as a parking lot can not be used as such. This is private property and the owners have done all that they can to keep people from parking on this lot. The lot has been a problem in the past and remains a problem. There are a variety of vendors and these so called boot-leggars set up in the parking lot. Once the clubs close this becomes the party spot. He stated that he has concerns regarding the petitioner's business plan and he would like to know what the plan involves and how the petitioner plans to change the mentality of a crowd that bar hops.

**Morgan Winsor**, a neighborhood resident stated that he is opposed to the petition and listed his major concerns as; 1) limited parking in the area; 2) public safety; and 3) devalue of real property. He asked board members for careful consideration and thought for the neighbors in this area.

**Dr. Alexander Hill**, owner of Central Animal Hospital stated that he is not a resident in the area but he does own and operate a clinic there. Since the closing of Club Exclusive he has noticed changes for the better in this area but said that he has had his clinic broken into several times, bricks thrown into the window, and there is a constant problem with debris. He does not see how the opening of another club will benefit the residents nor the businesses in the area. He asked that the board not consider putting another club of this type in the area.

**Rafiki Smith**, a neighborhood resident stated that he could probably be one of the patrons of the nightclub age 21-35, but as a resident in the area he is more concerned about the safety of his family members and the damage to his property. He echoed that he applauds the petitioner for his entrepreneurial spirit but he knows the damaging results this type of business has on the neighborhood and its residents.

**Thomas Zielonka**, neighborhood resident stated that he has seen a lot of trouble in the neighborhood. He added that there is a men's shelter here and these people have trouble with alcohol consumption. They do not need another club here to tempt them when they are dealing with issues of their own. He asked that the board not allow another bar in the neighborhood and to allow the residents time to work with what they have there to make the area better.

**John (last name inaudible)** a resident/business owner stated that the petitioners have not been able to find anyone from this community to come out and support them. He asked that the board consider the residents of the neighborhood and not someone from outside the city that has come in to establish a business and take those profits far away.

**Susanne Jackson** added that she has come before the board in the past requesting an addition of a 6x12 breakfast room. She stated that at the time she had to prove, that she was in a live/work neighborhood. She asked should'nt this rule apply to everyone.

**Nathaniel Graham**, petitioner responded that he is from Savannah and attended public school here. He added that the neighborhood has problems but those problems are not solely the result of the previous club nor should the residents anticipate that the proposed nightclub will have the same affect on the community. He invited anyone interested to view his business plans.

**Brian Reese** questioned the petitioner asking how would he insure the safety of the residents and those individuals leaving the club after closing.

**Mr. Graham's** response was that his security team would make sure that everyone in the immediate area, a two-three block radius, would be safely escorted to their cars.

**Board Action:**

Denial of the petitioner's request. - PASS

**Vote Results**

Motion: Brian Reese

Second: Paul Robinson

Johnnie P. Jones, Sr - Nay

Brian Reese - Aye

Paul Robinson - Aye

6. [Use Approval - 1307 E. 37th Street -61508](#)

Attachment: [Staff Report B-100827-61508-2.pdf](#)

Attachment: [Southview.pdf](#)

Attachment: [Ortho-Zoning-Imagery.pdf](#)

Present for the petition was Sandra Williams

Jack Butler gave the following summary:

The petitioner, Sandra Williams, is requesting approval of a use, Child Care Center (8-3025a, use #22b), which requires approval by the Zoning Board of Appeals. Staff recommends approval of the proposed use subject to approval of the pick-up and drop-off plan by traffic engineering and setting the maximum number of children at 28.

**Speaking on the petition:** Sandra Williams stated that she had operated a daycare for over 16 years at this location. Under new pastoralship, the church acquired ownership of the daycare and Ms. Williams was compelled to relocate. It has been recently bought to her attention that the church property was available if she would like to return and re-open her daycare. She stated that there is suitable parking on both the side and in the lane of the church. She asked that her petition be approved.

**Board Action:**

Staff recommends approval of the proposed use subject to approval of the pick-up and drop-off plan by traffic engineering and setting the maximum number of children at 28 with condition that the city engineering states that the petitioner meets the parking requirements - PASS

**Vote Results**

Motion: Brian Reese

Second: Johnnie P. Jones, Sr

Johnnie P. Jones, Sr - Aye

Brian Reese - Aye

Paul Robinson - Aye

7. [Use Approval - 5411 Skidaway Road-62201](#)

Attachment: [Staff Report B-100827-62201-2.pdf](#)

Attachment: [Southview.pdf](#)

Attachment: [Ortho-Zoning-Imagery.pdf](#)

Present for the petition was: Kimberly Hodges

Jack Butler gave the following summary:

The petitioner, Kim Hodges, is requesting approval of a use, Private and Parochial School (8-3025a, use #22). Such use requires Zoning Board of Appeals approval. Staff recommends approval of the proposed use, with the conditions that the maximum number of students be set at 159 or fewer, and that the petitioner be required to submit a site plan for evaluation by traffic engineering.

**Speaking on the petition:** Kimberly Hodges stated that the school will be limited to kindergarden through sixth grade and that she will be able to provide adequate parking.

**Board Action:**

Staff recommends approval of the proposed use, with the conditions that the maximum number of students be set a 159 or fewer, and that the petitioner be required to submit a site plan for evaluation by traffic engineering. - PASS

**Vote Results**

Motion: Johnnie P. Jones, Sr

Second: Brian Reese

Johnnie P. Jones, Sr - Aye

Brian Reese - Aye

Paul Robinson - Aye

**VII. Other Business**

8. [Request for New Appointment to the Board](#)

Jack Butler reminded board members of the vacancy on the SZBA Board. The board members agreed on the need to fill this vacancy as soon as possible and requested that a letter be drafted to send to city council requesting a new appointment.

### VIII. Adjournment

#### 9. Submittal

There being no further business to come before the board, Vice Chairman Paul Robinson declared the Savannah Zoning Board of Appeals Meeting adjourned.

Respectfully submitted,

Jack Butler,

Assistant Secretary

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*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.*