



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 A. Mendonsa Hearing Room
112 E. State Street, Savannah 11:00 AM
Minutes

June 28, 2011 Savannah Zoning Board of Appeals Meeting

Members Present: Timothy Mackey, Chairman
Paul Robinson, Vice Chairman
Sidney Johnson

Members Not Present: Brian Reese

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

Advisory Staff Present: Randolph Scott, City Zoning Administrator

I. Call to Order and Welcome

II. Notices, Proclamations and Acknowledgements

Notices

1. [The Next SZBA Meeting is Scheduled for July 26, 2011 at 2:30 P.M.](#)

III. Approval of Minutes

2. [Approval of the May 24, 2011 SZBA Meeting Minutes](#)

Attachment: [May24 \(1\).pdf](#)

Board Action:

Approval - PASS

Vote Results

Motion: Sidney J Johnson

Second: Paul Robinson

Sidney J Johnson - Aye

Timothy Mackey - Aye

Brian Reese - Not Present

Paul Robinson

- Aye

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

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.

V. Consent Agenda

VI. Old Business

VII. Regular Agenda

3. [5500 Abercorn St., Parking Variance Request - 39695](#)

Attachment: [Staff Report -39695.pdf](#)

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

Attachment: [Proposed Expansion.pdf](#)

Present for the petition was: Harold Yellin, Agent

Jack Butler gave the following summary:

The petitioner, Harold Yellin, Agent for TOSCO/SAV, LLC, doing business as Twelve Oaks Shopping Center, is requesting approval of a reduction in the required parking of 48 spaces, reducing the available parking to 484 spaces. The ordinance would require 532 spaces for the amount of retail space in the center. Staff recommends **approval**.

There was a brief period of questions asked by Mr. Paul Robinson prior to the making of the motion.

Board Action:

Kitchen Outfitters is unlikely to significantly increase demand for parking in the center. Since the parking lot serves only the tenants of Twelve Oaks Shopping Center, there would be no negative impacts off site. Staff recommends **approval** of the requested parking variance. - PASS

Vote Results

Motion: Paul Robinson

Second: Sidney J Johnson

Sidney J Johnson

- Aye

Timothy Mackey

- Aye

Brian Reese

- Not Present

Paul Robinson

- Aye

4. [913 W. 36th St., Use Approval, Child Care Center -57674](#)

Attachment: [Staff Report -57674.pdf](#)
Attachment: [Ortho-Zoning-Imagery.pdf](#)
Attachment: [Northview.pdf](#)

Present for the petition was: Mr. Shedrick Coleman

Jack Butler gave the following summary;

The petitioner, Shedrick Coleman, Agent for Patricia Nelson, is requesting approval of a use, Child Care Center (Section 8-3025, use #22b), which is permitted with Zoning Board of Appeals approval, and a variance from the requirement that said use be located on a Collector Street or greater. The request for a variance of the requirement that the facility be located on a collector street or higher may be justified, provided the petitioner can arrange for safe loading and unloading of children. Staff recommends **approval** of the proposed use, provided the petitioner receives approval from Traffic Engineering, with the **conditions** that the petitioner be required to fence the play area, that the maximum number of children be set at nine, and that property continue to serve primarily as a residence.

Speaking on the petition: Shedrick Coleman, agent stated that the petitioner will be happy to comply with the conditions that have been noted in order to move forward. He asked that the petition be approved.

Board Action:

Staff recommends **approval** of the proposed use, provided the petitioner receives approval from Traffic Engineering, with the **conditions** that the petitioner be required to fence the play area, - PASS and that the maximum number of children be set at nine, and that the property continues to serve primarily as a residence.

Vote Results

Motion: Paul Robinson
Second: Sidney J Johnson
Sidney J Johnson - Aye
Paul Robinson - Aye
Timothy Mackey - Aye
Brian Reese - Not Present

5. [104 W. Gaston St., Parking Variance Request - 47654](#)

Attachment: [Staff Report -47654.pdf](#)
Attachment: [Ortho-Zoning-Imagery.pdf](#)
Attachment: [Remote Parking Location.pdf](#)
Attachment: [Remote Parking Agreement.pdf](#)

Present for the petition was: Dolly Chisholm

Jack Butler gave the following summary;

The petitioner, Helen Bacon, agent for Georgia Historical Society, is requesting approval of a variance of 15 parking spaces from the 15 required in order to make use of the subject property as offices. The Georgia Historical Society has contracted for remote parking for its staff. The distance of the parking lot, while greater than allowed under the ordinance, is directly across Forsyth Park and within easy walking distance from the subject property. Therefore, staff recommends **denial** of the requested variance of 15 parking spaces. Staff recommends **approval** of the provided remote parking plan and the distance variance required to use it.

Speaking on the petition: Dolly Chisholm, partner with the petitioner stated that with regards to the parking nothing will actually change but that there will be two additional parking spaces added.

Board Action:

Staff recommends **denial** of the requested variance of 15 parking spaces. Staff recommends **approval** of the provided remote - PASS parking plan and the distance variance required to use it.

Vote Results

Motion: Sidney J Johnson

Second: Paul Robinson

Sidney J Johnson

- Aye

Timothy Mackey

- Aye

Brian Reese

- Not Present

Paul Robinson

- Aye

6. [3329 Hazel St., Use Approval - Child Care Center - 35969](#)

Attachment: [Staff Report -35969.pdf](#)

Attachment: [Board Decision 2009.pdf](#)

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

Attachment: [Southview.pdf](#)

Attachment: [Vicinity map.pdf](#)

Present for the petition: Ronald Dempsey

Jack Butler gave the following summary:

The petitioner, Ronald Dempsey, is requesting an approval of a use (22(b) – Child Care Center) and a variance from the requirement (b) that such uses be located only on a collector street or higher. In 2009, the petitioner received approval for the proposed daycare. That approval lapsed in June of 2010. In December of 2010, the petitioner requested an “extension” of the expired approval. In the intervening period, staff obtained an opinion from the City Attorney that the standards defining a residential child care center could not be varied to allow the operation of a purely commercial operation in an R-6 zoning district. The character of the location is a quiet residential street with limited traffic access that could be adversely affected. Staff recommends **denial** of the requested use.

Speaking on the petition: Donner Davis, engineer for the petitioner stated that the property is in the shell of a former residence and that the sign will be the only thing of a commercial venture.

Patricia Dempsey, petitioner stated that the commercialization of this property has occurred due to an error on the part of the city. She explained how the error occurred. She added that she had done all that the city required of her. She was not aware until recently that her petition had expired but would like the board to consider her circumstances and the misinformation that she was given by city staff.

Randolph Scott, City Zoning Administrator stated that he was confirming the account that Ms. Dempsey stated. He explained the circumstances that delayed Ms. Dempsey's petition and the role he played in the delay.

Ms. Dempsey presented a copy of the check that she had submitted on May 19, 2010, for the extension that was returned to her on April 11, 2011; to Ms. Dempsey we have found your check from 2010 still in our files and we are returning it to you. She reiterated that she has been working to be placed on the agenda since that time.

Mr. Davis asked that the board grant the petitioner relief due to the fact that had the petitioner not had the delay her business would be up and operational at this time. If rezoning was an option and they had know about their would be no opposition from the petitioner. He asked that the board consider granting the petitioner's request in order that she may be allowed to operate her business.

Board Action:

In December of 2010, the petitioner requested an "extension" of the expired approval. In the intervening period, staff obtained an opinion from the City Attorney that the standards defining a residential child care center could not be varied to allow the operation of a purely commercial operation in an R-6 zoning district. The character of the location is a quiet residential street with limited traffic access that could be adversely affected. Staff recommends **denial** of the requested use and variance. - PASS

Vote Results

Motion: Sidney J Johnson
Second: Paul Robinson
Sidney J Johnson - Aye
Timothy Mackey - Aye
Brian Reese - Not Present
Paul Robinson - Aye

7. [629 E. 53rd St., Setback Variance Request - 49874](#)

- Attachment: [Staff Report -49874.pdf](#)
- Attachment: [Ortho-Zoning-Imagery.pdf](#)
- Attachment: [Southview.pdf](#)
- Attachment: [Northview.pdf](#)

Attachment: [Neighborhood Coverage.pdf](#)

Present for the petition: John Meyer

Jack Butler gave the following summary:

The petitioner, John Myer, agent for William and Karen Carey, is requesting approval of an 8-foot rear yard setback variance (from the 25 feet required) and a 2.17% lot coverage variance (from the 30 percent maximum lot coverage) in order to build a sunroom addition on an existing single-family residence. The subject property has a public right of way to the rear. The stand-alone outbuilding on the subject parcel already sits on the rear lane and side property lines and the proposed addition would not increase the encroachment on either property line. The degree of coverage proposed by the petitioner is less than on many of the nearby properties and is not unusual in the neighborhood. Staff recommends **approval** of the requested variances.

Board Action:

The degree of coverage proposed by the petitioner is less than on many of the nearby properties and is not unusual in the neighborhood. Staff recommends **approval** of the requested variances. - PASS

Vote Results

Motion: Paul Robinson

Second: Sidney J Johnson

Sidney J Johnson

- Aye

Timothy Mackey

- Aye

Brian Reese

- Not Present

Paul Robinson

- Aye

8. [6 Watford Road, Setback Variance Request - 51823](#)

Attachment: [Staff Report -51823.pdf](#)

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

Attachment: [Northview.pdf](#)

Attachment: [Building Setback.pdf](#)

Attachment: [Building Setback.pdf](#)

Present for the petition: Joseph Smith

Jack Butler gave the following summary:

The petitioner, Joseph Smith, as agent for William & Katherine Johnson, is requesting approval of a variance of 8 feet from the 35-foot rear setback required. The nature of the petitioner's lot and the prevailing conditions in the neighborhood support the requested variance. Staff recommends **approval** of the requested 8-foot rear yard setback variance.

Board Action:

Staff recommends **approval** of the requested 8-foot rear yard setback variance. - PASS

Vote Results

Motion: Paul Robinson

Second: Sidney J Johnson

Sidney J Johnson - Aye

Timothy Mackey - Aye

Brian Reese - Not Present

Paul Robinson - Aye

9. [1717 Augusta Ave., Re-Open Non-Conforming Use -35846](#)

Attachment: [Staff Report -35846.pdf](#)

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

Attachment: [Northview.pdf](#)

Present for the petition: Derek Applegate

Jack Butler gave the following summary:

The petitioner, Derek Applegate, agent for Ziad Abdallah, is requesting approval of a request to re-open a non-conforming use (convenience store) in a purpose-built structure under the terms of Section 8-3133. Given the history of the site and structure, and the location on a corner lot on Augusta Avenue at Fell Street, staff recommends **approval** of the reoccupation of the structure by the non-conforming use (convenience store).

Speaking on the petition: Ronald Williams, neighborhood resident asked what type of business would be placed at this location and if there was a time limit on reoccupating a structure of a non-conforming use.

Mr. Abdallah stated that he was not sure if a convenient store would be at this location or its hours of operation. He wants to ensure that the site would be approved as a commercial site.

Mr. Randolph Scott stated that the use has to be approved by the Board of Appeals and that there is no option for alcohol sales.

Gloria Edwards, President of the West Savannah Neighborhood Association stated that she would like to know exactly what this site will be used for.

Mr. Williams asked if he could receive a copy of the uses allowed in the specific zoning district. He also informed the board that the neighborhood residents were not aware of the meeting time and date because the sign was not posted properly on the site. He added that he called the MPC and spoke with staff in order to gain information on who the petition was or if staff would contact the petitioner and let him know that the sign was not visible and that it had fallen several times. He contacted the petitioner and asked if he could post

the sign properly prior to site visits.

Board Action:

Staff recommends **approval** of the reoccupation of the structure by the non-conforming use (convenience store). - PASS

Vote Results

Motion: Paul Robinson

Second: Sidney J Johnson

Sidney J Johnson - Aye

Timothy Mackey - Aye

Brian Reese - Not Present

Paul Robinson - Aye

10. [1710 Abercorn St., Use Approval, Restaurant with Alcohol Sales - 55940](#)

Attachment: [Staff Report -55940.pdf](#)

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

Present for the petition: April Sanderson

Jack Butler gave the following summary:

The petitioner, April Sanderson, Agent for Mark Gjekaj, is requesting approval of a use, Restaurant (with Alcohol Sales), which is permitted in the zoning district with Zoning Board of Appeals approval. The proposed use constitutes the addition of beer and wine sales with meals at a restaurant of tenure in the neighborhood. Staff recommends **approval** of the requested use.

Board Action:

The proposed use constitutes the addition of beer and wine sales with meals at a restaurant of tenure in the neighborhood. Staff - PASS recommends **approval** of the requested use.

Vote Results

Motion: Paul Robinson

Second: Sidney J Johnson

Sidney J Johnson - Aye

Timothy Mackey - Aye

Brian Reese - Not Present

Paul Robinson - Aye

VIII. Other Business

11. [E-Agenda Training](#)

Mr. Jack Butler asked that Board Members arrive at 2:00 P.M for the July 26, 2011 SZBA Meeting in order to train for the e-agenda.

IX. Adjournment

12. Submittal

There being no other business to come before the Board, the chairman declared the June 28, 2011 SZBA Meeting adjourned.

Respectfully submitted,

Jack Butler,

Assistant Secretary

/cm

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.