



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 East State Street, Savannah  
Decisions

**March 22, 2011 SZBA Meeting**

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**Members Present:** Timothy Mackey, Chairman  
Sidney Johnson  
Brian Reese

**Members Not Present:** Paul Robinson, Vice Chairman  
John P. Jones

**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 March 22, 2011 SZBA Meeting to order at 3:34pm. He apologized to everyone for his tardiness and proceeded to explain the agenda for the benefit of those attending a meeting for the first time.

**II. Notices, Proclamations and Acknowledgements**

**III. Approval of Minutes**

2. [Approval of the February 22, 2011 Minutes](#)

Attachment: [February 22.pdf](#)

**Board Action:**

Approval of the February 22, 2011 SZBA Minutes - PASS  
as submitted.

**Vote Results**

Motion: Brian Reese  
Second: Sidney J Johnson  
Sidney J Johnson - Aye  
Timothy Mackey - Aye  
Brian Reese - Aye

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

3. [Thompson, 622 West 42nd St., Rear Setback Variance -33520](#)

Attachment: [Staff Report -33520.pdf](#)  
Attachment: [Ortho-Zoning-Imagery.pdf](#)  
Attachment: [Certificate of Compatibility.pdf](#)  
Attachment: [Southview.pdf](#)  
Attachment: [Northview.pdf](#)

Mr. Butler stated that the sign was not properly posted on the subject property when he along with Mr. Johnson visited the site on their regular site visits. According to the rules of this forum, the item will be removed from the agenda and continued to the next scheduled meeting, April 26, 2011.

**Board Action:**

Staff recommends removing this item from the March 22, 2011 SZBA Agenda and rescheduling it for the April 26, 2011 Agenda.

**Vote Results**

Motion: Sidney J Johnson  
Second: Brian Reese

**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**

4. [Lehmden, 101 Daisy Court, Setback Variance -57078](#)

Attachment: [Staff Report - 57078.pdf](#)  
Attachment: [Ortho-Zoning-Imagery.pdf](#)  
Attachment: [CPD PETITION REVIEW.pdf](#)

Present for the petition: Mr. Aaron VonLehmden, Petitioner

Jack Butler gave the following background information regarding the petition:

Mr Butler stated that the petitioner was given a one month continuance in order to meet with the adjoining property owner, of the subject property, to discuss the proposed expansion which would encroach within five feet of the rear property line. Staff has been in contact with the adjoining property owner who remains concerned regarding the encroachment onto his property. Mr. Butler added that there is also a pool house built within a couple of feet of this property line. This will mean that the separation between this proposed addition and that structure would be about six or seven feet. The neighboring property owner has expressed his concerns to staff; he was present earlier to present these concerns to the Board but had to leave. Staff recommendation is for denial of the petitioner's request.

**Speaking on the petition:** Mr. VonLehmden stated that as requested, he took pictures to submit to the board in order to depict a better idea of his proposal. He explained the requested variance and stated that there would be no over-hang on the neighbor's property. He also submitted to the board members a signed petition with the signatures of eleven of the thirteen neighbors who are in favor of the proposed variance.

Mr. Brian Reese questioned staff on the precise concerns of the neighboring property owner that would have to live with the encroachment.

Mr. Butler responded that the neighbor's immediate concern was having to live too close to the encroachment. He explained that the closest encroachment would be within five feet of the rear fence. The over-hang from the roof would be somewhat closer. It would be 10 to 18 inches depending on how much of a roof over-hang that the petitioner has. He added that staff's concern is that there are avenues available to the petitioner that do not require encroaching further onto the neighboring property. The rear house is now closer than the ordinance allows to the property.

Mr. Brian Reese reminded the petitioner that the board had requested that he provide alternative plans to adding the addition to the house.

Mr. VonLehmden responded that he did meet with the other property owner three or four times and provided him with a sketch of the layout. He added that his neighbor though he has concerns was not requesting a denial of the proposal.

Mr. Mackey explained to Mr. VonLehmden that the burden was with him to show where there was a need for the variance outside of a financial one. The Board is not authorized to grant a variance on the basis of a financial need. If there is the ability to seek other options and you have not done so due to the inability to make it fit or to work it in to your price range then what you are saying to the Board is that your hardship is from a financial standpoint.

Mr. VonLehmden stated that it was the aesthetic layout and the entry point to the expansion were the two main reasons that he required the variance.

Mr. Reese asked the petitioner if he had considered any other alternatives or if he had met with a contractor to try to find a solution that would not require such a variance.

Mr. VonLehmden concluded that he would like to stay with the original architectural design of the house and that he did not feel that he would be infringing on his neighbor. He asked that the petition be approved as submitted.

**Board Action:**

Staff recommends denial of the requested variance. - PASS

**Vote Results**

Motion: Brian Reese

Second: Sidney J Johnson

Sidney J Johnson - Aye

Timothy Mackey - Aye

Brian Reese - Aye

**VII. Regular Agenda**

5. [Evans-1006 May St. - Separation and Buffer Variance - 34342](#)

Attachment: [Staff Report -34342.pdf](#)

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

Attachment: [Site Plan.pdf](#)

Attachment: [Southview.pdf](#)

Attachment: [Westview.pdf](#)

Present for the petition were: Mr. Alec Metzgar and Mr. Robert Evans

Jack Butler gave the following summary:

The petitioner, Robert Evans, Agent for Gaines Chapel AME Church, is requesting approval of a 32-foot reduction in the required separation between a church and a residential structure, and a waiver of a required type B buffer (6-foot fence and 15-foot planted buffer) between a church and residential structures. Staff recommends approval of the waiver from a 15-foot planted buffer. However, staff recommends denial of the request to waive the required 6-foot fence in order to maintain a buffer between the church and the adjoining residential use.

**Speaking on the petition:** Alex Metzgar stated that there is an existing gravel access lane that's being use now that will have to be shifted if the planted buffer is put in. He added that there is no other fence in the area and he would not like to have a fence placed on the site. He would like to continue to have the residents with access to the property. He asked that the petition be approved as submitted.

Randolph Scott, Zoning Administor stated that according to the ordinance there should be a buffer at this location. However, he added that he could appreciate the petitioner not

wanting a fence up on one side of the four sided property. Usually the buffer is in place to prevent foot traffic from the neighboring residents but the petitioners in this case welcomes the foot traffic and do not want the community to feel as though the church is seperate.

**Board Action:**

Approval of the petitioner's request as submitted. - PASS

**Vote Results**

Motion: Brian Reese

Second: Sidney J Johnson

Sidney J Johnson - Aye

Timothy Mackey - Aye

Brian Reese - Aye

6. [Udinsky - 805 & 807 E. 38th St. - Lot Width and Lot Area Variance -43012](#)

Attachment: [Staff Report -43012.pdf](#)

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

Attachment: [Existing Plat -43012.pdf](#)

Attachment: [Proposed Plat -43012.pdf](#)

Attachment: [Substandard Lots in Vicinity -43012.pdf](#)

Present for the petition was: Mr. Udinsky

Jack Butler gave the following summary;

The petitioner, Gary Udinsky, is requesting approval of a 21.5-foot lot width variance and a 2,270 lot area variance in order to subdivide a 77-foot wide, 7,500-square foot lot into two equal parcels of 38.5 feet wide and 3,730 square feet each. The petitioner proposes to substantially improve the existing configuration of substandard lots. The proposed new lots are similar in width and area to many of the existing lots in the neighborhood. Staff recommends **approval** of the requested 21.5-foot lot width variance and 2,270 lot area variance.

**Board Action:**

Staff recommends approval of the requested 21.5-foot lot width variance and 2,270 lot area variance. - PASS

**Vote Results**

Motion: Brian Reese

Second: Sidney J Johnson

Sidney J Johnson	- Aye
Timothy Mackey	- Aye
Brian Reese	- Aye

7. [Rose - 2 E. Broad St. - Remote Parking Plan -54227](#)

Attachment: [Ortho-Zoning-Imagery.pdf](#)  
Attachment: [Southview-54227.pdf](#)  
Attachment: [Northview-54227.pdf](#)  
Attachment: [Staff Report -54227.pdf](#)  
Attachment: [Cafe Parking rental \(2\).pdf](#)  
Attachment: [Site Plan - Remote Parking.pdf](#)

Present for the petition: Mr. Kevin Rose

Jack Butler gave the following summary;

The petitioner, Kevin Rose, (agent for Randolph Street Development), is requesting approval of a remote parking plan to meet a 10-space parking requirement in order to operate a take-out café from existing historic structures. Staff recommends **approval** of the remote parking plan under the terms of Section 8-3088.

**Board Action:**

Staff recommends approval of the remote parking plan - PASS  
under the terms of Section 8-3088.

**Vote Results**

Motion: Brian Reese  
Second: Sidney J Johnson  
Sidney J Johnson - Aye  
Timothy Mackey - Aye  
Brian Reese - Aye

**VIII. Other Business**

8. [E-Agenda](#)

Jack Butler reminded Board members that the April 26, 2011 SZBA Meeting will begin at 11:00 A.M. and immediately following there will be a brief period of training to acquaint board members on the e-agenda system. He asked that all board members be present.

**IX. Adjournment**

9. [Submittal](#)

There being no other business to come before the Board, Chairman Mackey declared the March 22, 2011 SZBA Meeting adjourned at 4:15.

Respectfully submitted,

Jack Butler,  
Assistant Secretary

/cm

10. [Submittal](#)

***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.***