



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

MPC Arthur Mendonsa Hearing Room
112 State Street, Savannah, GA 2:30 P.M.
Minutes

November 27, 2012 Savannah ZBA Meeting

Members Present: Timothy Mackey, Chairman
Brian Reese, Vice Chairman
Sidney J. Johnson

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

Advisory Staff Present: Tom Bolton, Zoning Inspector

I. Call to Order and Welcome

1. [Call To Order](#)

Chairman Mackey called the November 27, 2012 SZBA meeting to order. He explained the agenda for the benefit of those attending the meeting for the first time. He also welcomed everyone present and thanked them for taking time from their otherwise busy schedule to attend today's meeting.

II. Notices, Proclamations and Acknowledgements

III. Approval of Minutes

2. [Approval of the October 23, 2012 SZBA Meeting Minutes](#)

Attachment: [October23.pdf](#)

Board Action:

Approval as submitted. - PASS

Vote Results

Motion: Brian Reese

Second: Sidney J Johnson

Sidney J Johnson - Aye

Eli Karatassos	- Not Present
Timothy Mackey	- Aye
Brian Reese	- Aye
William Ronning	- Not Present

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

3. [Height Variance - 2 Whitaker Street - 001393](#)

Attachment: [Staff Report -001393.pdf](#)

Attachment: [IMAGES.pdf](#)

Board Action:

Staff recommends **approval** of the requested 2-foot height variance as represented in the plans presented, with the conditions that were recommended Historic Review Board be included in the decision. - PASS

Vote Results

Motion: Brian Reese

Second: Sidney J Johnson

Sidney J Johnson - Aye

Eli Karatassos - Not Present

Timothy Mackey - Aye

Brian Reese - Aye

William Ronning - Not Present

4. [Sign Area Variance - 131 Hutchinson Island Rd. - 001474](#)

Attachment: [Staff Report -001474.pdf](#)

Attachment: [IMAGES.pdf](#)

Board Action:

Staff recommends **approval** of the requested 100 percent sign area variance to allow up to 150 square feet of signage (total) on the SEDA building at 131 Hutchinson Island Road. - PASS

Vote Results

Motion: Brian Reese

Second: Sidney J Johnson

Sidney J Johnson - Aye

Eli Karatassos - Not Present

Timothy Mackey - Aye

Brian Reese	- Aye
William Ronning	- Not Present

VI. Old Business

VII. Regular Agenda

5. [Door Width Variance - 420 E. Oglethorpe Ave. - 001419](#)

Attachment: [Staff Report -001419.pdf](#)

Attachment: [IMAGES.pdf](#)

Attachment: [PUBLIC COMMENT.pdf](#)

Attachment: [Yellin Presentation.pdf](#)

Present for the petition was: Harold Yellin, owner

Jack Butler gave the following summary;

He stated that the petitioner, Attorney Harold Yellin is requesting approval of a variance from Section 8-3030 (13) (d), that "Garage openings shall not exceed 12 feet in width." in order to install a 16-foot wide garage door on an existing residence. The subject property is a conforming 1,800 square foot condominium lot/rowhouse in a historic structure located at 420 East Oglethorpe Avenue. The property is zoned RIP-A (Residential, Institutional, Professional - Medium Density) and is located in the Savannah Landmark Historic District. The standards of the Landmark Historic District (Section 8-3030, subsection 13-d) establish a maximum garage door width of 12 feet. The petitioner's building is mid-block among six units and has a single

7-foot, 10-inch garage door and a standard personal door of approximately 2 feet in width on York Street (north of Oglethorpe Street). The petitioner wishes to install a garage door sufficient to park two cars from York Street. In order to include required supports between two separate garage doors, the doors would be a maximum of 7-feet, 10-inches and 7-feet, 6-inches, respectively. Two of the six units in the petitioner's block row have garage doors of 16 feet in width. He concluded that staff recommendation is for approval of a four foot garage door with a variance. This does not automatically approve the door; it will go through Historic Board of Review for design.

Speaking on the petition: Mr. Yellin, petitioner stated that he was in support of the staff recommendation and that he would gladly answer any questions or concerns from the board and/or members of the audience.

Mr. Butler noted that Mr. Johnson would have to recuse himself from voting on this petition due to the fact that he also serves on the Historic Board of Review.

Mr. Johnson stated that he was not present at the last Historic Board of Review meeting when this petition was heard.

To remedy any possible improprieties, Mr. Reese made the motion to carry the petition of Mr. Yellin. Chairman Mackey seconded the motion.

Board Action:

Staff recommends approval of the requested 4-foot garage door width variance. Note that this does not remove the requirement that the petitioner attain approval of the design for the proposed door from the Historic District Board of Review. - PASS

Vote Results

Motion: Brian Reese

Second: Sidney J Johnson

Sidney J Johnson	- Aye
Eli Karatassos	- Not Present
Timothy Mackey	- Aye
Brian Reese	- Aye
William Ronning	- Not Present

Board Action:

Outside of Mr. Johnson, Mr. Reese made the motion to carry the petition of Mr. Harold Yellin. - PASS
Chairman Mackey seconded the motion.

Vote Results

Motion: Brian Reese

Second: Timothy Mackey

Sidney J Johnson	- Abstain
Eli Karatassos	- Not Present
Timothy Mackey	- Aye
Brian Reese	- Aye
William Ronning	- Not Present

6. [Setback Variances - 845 E. 37th St. - 001433](#)

Attachment: [Staff report -001433.pdf](#)

Attachment: [IMAGES.pdf](#)

Present for the petition: Kevin Livingston

Jack Butler gave the following summary:

The petitioner, Kenneth Livingston, Agent for Welldean Milton is requesting approval of a variance from the requirement that parking structures may not be located in a side yard (8-3011), a 15-foot variance from the 15-foot street side yard setback required under section 8-3057, and a 5-foot variance from the 5-foot rear yard setback requirement under section 8-3025. The subject property is a nonconforming 5,614 square foot lot of record located at 845 East 37th Street and comprising a 2,100 square foot single-family residence. The property is zoned R-4 (Four-family Residential). The subject property has had a driveway onto Harmon Street since the residence was built. The use of a side-yard access for a

garage is not unusual in the district, and would not change the appearance of the residence from 37th Street. Staff recommends approval of the variance from the requirement that accessory structures be located in the rear yard only. However, there is sufficient room to construct a garage that meets the same setbacks as the existing residence, which is located approximately 13 feet from the street-side property line. Staff recommends approval of a 2-foot street-side yard building setback variance, only, so that a garage structure may be built to match the street-side yard building setback of the existing residence. Minimum lot size in the R-4 zoning district is 6,000 square feet. In the R-4 zoning district, accessory structures (including garages) must be located in the rear yard. There is a 15-foot street-side yard building setback required. The petitioner initiated the construction of a stand-alone garage over the existing driveway to the residence. The driveway is accessed from the right-of-way of Harmon Street. . Subsequent to the initiation of construction, the petitioner was informed that the garage was being built on publicly owned property and was directed to halt construction. The petitioner is seeking variances to build the proposed garage accessing Harmon Street (to the side of the existing residential structure), and at the property line, encroaching on the required 15-foot street-side yard building setback. Staff recommends **approval** of the variance from the requirement that accessory structures be located in the rear yard only. However; there is sufficient room to construct a garage that meets the same setbacks as the existing residence, which is located approximately 13 feet from the street-side property line. Staff recommends **approval of** a 2-foot street-side yard building setback variance only, so that a garage structure may be built to match the street-side yard building setback of the existing residence.

Speaking on the petition: Kevin Livingston agent stated that proposed structure will not change the manner that the homeowner enters or exits the property. He explained how the parking structure did not exceed the property lines.

Mr. Reese questioned staff on the difference in staff recommendation and what the petitioner is seeking.

Mr. Butler explained that staff is recommending that the petitioner lines the structure with the front of the main house.

Mr. Reese questioned if the petitioner will have to demolish the fence in order to do this.

Mr. Butler responded yes, he would.

Mr. Livingston clarified that the structure was not a garage but a carport without any sides. This would be a structure with a top only. It would not deter visibility when exiting the property.

Mr. Conway, neighboring resident stated that he was under the impression that the petitioner would build a closed structure. However, he continued saying that there is a driveway that exists and that there is a structure that should exist are two different issues. The driveway has been here for some time but this does not mean that a structure has to go here. Also, he stated that the photographs presented did not depict how close this proposed structure would be to the road. He outlined that the footprint here is at the property line. He presented pictures that showed just how close the structure is to the property line. He added that there was ample space behind the fence that could take any sort of freestanding structure.

Mr. Butler clarified that staff recommendation would allow a sufficient variance to align the front of the garage up with the existing porch. He added that the conditions under which the Board of Appeals can grant a variance are specific. This property does not meet the standards. The variance from the street setback there is no justification for approving it.

Tom Bolton, City Zoning Inspector stated that a stop work order has been placed on this property. When the permit application was submitted it was noticed that the structure was encroaching into the side yard setback. He concluded that this is the reason the petitioner's agent is here today.

Board Action:

Staff recommends approval with the condition that the structure is lined with the porch and that the structure is a carport and not a garage. -

Vote Results

Motion: Brian Reese

Second: Sidney J Johnson

Sidney J Johnson - Aye

Eli Karatassos -

Timothy Mackey - Aye

Brian Reese - Aye

William Ronning -

7. [Lot Area Variance - 7 Drayton St. - 001440](#)

Attachment: [IMAGES.pdf](#)

Attachment: [Staff Report -001440.pdf](#)

Present for the petition was: Andy Lynch, Agent

Jack Butler gave the following summary:

The petitioner, Andy Lynch, agent for Jeff Notrica is requesting approval of a variance from the requirement that residential development provide 600 square feet of lot area for each living unit. The petitioners propose to provide 167 square feet of lot area for each of 34 living units in the upper four floors of a five-story structure.

The subject property is an existing five-story commercial structure on a 5,700-square foot lot located at 7 Drayton Street on the corner of Drayton and Bay streets. The property is zoned BC-1 (Central Business). The BC-1 zoning district requires 600 square feet of area for each living unit. The ground floor of the building is occupied by a restaurant and bar.

The petitioner is seeking to convert the upper four stories of the building to 34 residential units of one and two bedrooms that would result in an average unit size of 670 square feet (34 units in 22,800 square feet of floor space, gross area). The particular piece of property comprises a five story structure on a conforming urban lot. Because the structure is multistory, and the petitioners propose to convert the upper four floors to residential uses, although the individual living units range from 400 to nearly 800 square feet in area, the lot area per living unit is less than a third the area that is required by the ordinance. The petitioners believe that such large apartments are not marketable in this location. Relief, if granted, would not cause substantial detriment to the public good, however it would circumvent the Savannah Zoning Ordinance. Staff agrees that the method of unit density calculation in the BC-1 zoning district results in an unreasonably low residential density. The proposed unit size and configuration of the project at 7 Drayton Street would result in few adverse impacts on the community. At least twice (in 2006 and 2007), similar lot area variances were granted by the Zoning Board of Appeals in the district which resulted in increased density.

Therefore staff recommends **approval** of the requested lot area requirement variance. However, staff also requests that the Zoning Board of Appeals request an amendment to the BC-1 Zoning District to change the method of density calculation for multifamily development such that a more appropriate residential density can be achieved without requiring a variance of the density requirements established in the Savannah Zoning Ordinance.

Speaking on the petition: Andy Lynch, agent stated that he was in agreement with the staff recommendation and that he would be happy to answer any questions or concerns of the board.

Board Action:

Staff recommends **approval** of the requested lot area requirement variance. However, staff also requests that the Zoning Board of Appeals request an amendment to the BC-1 Zoning District to change the method of density calculation such that a more - **PASS** appropriate residential density can be achieved without requiring a variance of the density requirements established in the Savannah Zoning Ordinance.

Vote Results

Motion: Sidney J Johnson

Second: Brian Reese

Sidney J Johnson

- Aye

Eli Karatassos

- Not Present

Timothy Mackey

- Aye

Brian Reese

- Aye

William Ronning

- Not Present

8. [Use Approval \(Group Home for Elderly\) - 826 E. 33rd St. - 001448](#)

Attachment: [Staff Report -001448.pdf](#)

Attachment: [IMAGES.pdf](#)

Present for the petition was: Karen Dickerson, Petitioner

Jack Butler gave the following summary;

The petitioner, Karen Dickerson, is proposing to open a Group Home for the Elderly for seven to 15 persons (use 18F), which is permitted in the district with Zoning Board of Appeals approval. The subject property is a non-conforming, 4,155 square foot lot of record located at 826 East 33rd Street and comprising a two-story, seven-bedroom home. The property is zoned R-4 (Four-family Residential). The minimum lot size for a residential lot in the R-4 zoning district is 6,000 square feet. The proposed use will not adversely affect existing uses in the vicinity.

The floor plan of the subject property indicates seven bedrooms identified for single and double occupancy. The interior layout of the building appears adequate to the proposed use. There should be little demand on exterior space or parking generated by the proposed use. The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement, noise or fume generation or type of physical activity. The proposed use would generate increased vehicular and pedestrian traffic in the neighborhood. The standards appear not to have been met, in that the proposed use would allow the equivalent of several families to live in a structure intended for single-family occupancy.

Due to the potential impact of the use on the constrained space and limited access to the subject property, staff recommends **denial** of the requested use approval.

Speaking on the petition: Mr. William Fraizer neighboring resident stated that the house located at 826 was illegally built and he feels that the neighborhood will not be adequate for this type of facility. He added that this property has in the past always caused a nuisance in the neighborhood. He did not feel that this was any reflection on Ms. Dickerson but he would like his concerns addressed.

Ms. Dickerson, petitioner stated that she has come before this board once before for approval of this personal care home and the board in the past granted her request. She stated that due to personal problems out of her control she has been unable to open the house. She added that she has done considerable remodeling to the house since her previous appearance and she would like the board to reconsider and grant her petition as submitted.

Mr. Mark Conway, neighboring resident stated that his concerns is the potential of the house becoming a rooming house. He stated that there is a precedent that is set when a variance is allowed.

Carolyn Parsons stated that she will partner with Ms. Dickerson on this venture. She stated that they will only house four to six people in the house. She explained the layout of the property and discussed the need for this type of business.

Mr. Davis neighborhood resident stated that his concerns was the lack of the availability for adequate parking.

Mr. Bolton, City zoning inspector stated that if Ms. Parsons was correct that she and the

petitioner would only house four to six people in the home then this would be considered a family personal care home and it is not allowed in the R-4 district.

Mr. Butler explained to Ms. Dickerson the difference in a group home and a family care home and that a family care home is not allowed in the R4 district.

Ms. Dickerson re-stated that she applied for a personal care home on her application which is allowed in this district and that she felt that the service that she will provide is much needed for those that do not have family members to assist them in caring for themselves. She would like to provide this service and requested that her petition be approved as submitted.

Board Action:

Staff recommends denial of the requested use approval. - PASS

Vote Results

Motion: Brian Reese
Second: Sidney J Johnson
Sidney J Johnson - Aye
Eli Karatassos - Not Present
Timothy Mackey - Aye
Brian Reese - Aye
William Ronning - Not Present

VIII. Other Business

9. [Amendment of Savannah ZBA By-Laws](#)

Attachment: [\(REV\)CityZoning Board of Appeals Orientation Manual.pdf](#)

Chairman Mackey questioned staff as to whether or not the issue regarding the By-laws could be continued allowing board members additional time to review the proposed changes and render their decision at the next meeting.

Mr. Butler stated that if the board would vote on the proposed time change, the fourth Thursday of the month at 10:00 A.M., the by-laws could be adopted at the next meeting.

Board Action:

Approval of the proposed meeting day and time only. - PASS

Vote Results

Motion: Brian Reese

Second: Sidney J Johnson

Sidney J Johnson - Aye

Eli Karatassos - Not Present

Timothy Mackey - Aye

Brian Reese - Aye

William Ronning - Not Present

IX. Adjournment

10. [Adjournment of the November 27, 2012 SZBA Meeting](#)

There being no other business to come before the board, the chairman declared the November 27, 2012 SZBA meeting adjourned.

Respectfully submitted,

Jack Butler, Secretary

/cbm

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.