



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
November 27, 2013 10:00 A.M.
Minutes

November 27, 2013 Savannah Zoning Board of Appeals Meeting

Members Present: Timothy Mackey, Chairman
William Ronning
Sidney J. Johnson

Members Not Present: Brian Reese, Vice Chairman
Eli P. Karatossos

Staff Present: Jack Butler, Secretary
Sabrina Finau, Assistant Secretary

Advisory Staff Present: Tom Bolton, City Zoning Inspector

I. Call to Order and Welcome

II. Notices, Proclamations and Acknowledgements

III. Approval of Minutes

1. [The October 24, 2013 SZBA Minutes will be available on November 26, 2013](#)

IV. Approval of Final Agenda

2. [Items Requesting to be Continued to December 17](#)

Board Action:

Staff recommends **approval** of the requested continuance.

Vote Results

Motion:

Second:

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. [510 E. 37th St. | Rear Setback Variance | 005407](#)

Attachment: [Staff Report -5407.pdf](#)

Attachment: [Images -5407.pdf](#)

Mr. Jack Butler gave the following summary;

The petitioner, Anthony Koncul, is requesting approval of a 5 foot rear variance to permit location of a proposed garage on a rear property line at a lane. The petitioner's proposed placement of a garage structure on the rear property line along Hamilton Street is normal to the vicinity. Staff recommends approval of the requested rear setback variance.

Board Action:

The petitioner's proposed placement of a garage structure on the rear property line along Hamilton Street is normal to the vicinity. - PASS
Staff recommends approval of the requested rear setback variance.

Vote Results

Motion: William Ronning

Second: Sidney J Johnson

Sidney J Johnson

- Aye

Eli Karatassos

- Not Present

Timothy Mackey

- Aye

Brian Reese

- Not Present

William Ronning

- Aye

4. [1317 Abercorn St. | Side Setback Variance | 005466](#)

Attachment: [Staff Report - 5466.pdf](#)

Attachment: [Images -5466.pdf](#)

Present for the petition was: Douglas Boyce, Agent

Jack Butler gave the following summary;

The petitioner, Douglas Boyce Jr., as agent for Dr. Brad Durham, is requesting approval of a five foot side setback variance to build an addition onto a dental office on Abercorn Street. The proposed addition would not encroach more than the existing HVAC enclosure or the wall extensions on either end of the building. The proposed addition would remove ornamental bushes planted between the building and the right-of-way.

Staff recommends approval of the setback variance, with the condition that the building elevations be submitted to the Visual Compatibility Officer for approval under the requirements of section 8-3028.

Board Action:

The proposed addition would not encroach more than the existing HVAC enclosure or the wall extensions on either end of the building. The proposed addition would remove ornamental bushes planted between the building and the right-of-way.

- PASS

Staff recommends approval of the setback variance, with the condition that the building elevations be submitted to the Visual Compatibility Officer for approval under the requirements of section 8-3028.

Vote Results

Motion: William Ronning

Second: Sidney J Johnson

Sidney J Johnson

- Aye

Eli Karatassos

- Not Present

Timothy Mackey

- Aye

Brian Reese

- Not Present

William Ronning

- Aye

5. [502 E. 51st St. | Lot Coverage and Setback Variances | 005489](#)

Attachment: [Staff Report -5489.pdf](#)

Attachment: [Images -5489.pdf](#)

Present for the petition was: Stephen Sherick, Petitioner

Mr. Jack Butler gave the following summary;

The petitioner, Stephen Sherick, is requesting approval of an 18 percent lot coverage variance over the 30 percent permitted in the district, and a 11-foot 4 inch front setback variance (from the 50-feet required) in order to build a bathroom addition on the rear of the house and a front porch addition to within 38-feet 8-inches of the centerline of East 51st Street. The resulting lot coverage and front setback would be similar to those on similar lots in the vicinity. There have been no objections from the adjoining property owners. Staff recommends approval of the requested variances.

Board Action:

The petitioner proposes to add a bathroom and a porch to an existing residence. The resulting lot coverage and front setback would be similar to those on similar lots in the vicinity. Staff recommends approval of the requested variances.

- PASS

Vote Results

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

6. [203 E. 56th St. | Side Yard Setback Variance | 005473](#)

Attachment: [Staff Report -5473.pdf](#)

Attachment: [Images -5473.pdf](#)

Mr. Jack Butler gave the following summary;

The petitioner, Jeff Cramer, is requesting approval of two-foot variances from the five feet required on both side yard setbacks in order to construct a building within three feet of the property lines. The petitioner proposes to meet lot coverage standards, and to make use of enhanced construction techniques to meet fire code for the structure. Staff recommends approval of the requested two foot side setback variances.

Board Action:

The petitioner proposes to meet lot coverage standards, and to make use of enhanced construction techniques to meet fire code for the structure. Staff recommends **approval** of the requested two foot side setback variances. - PASS

Vote Results

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

7. [223 E. Jones St. | Garage Door Width Variance | 005192](#)

Attachment: [Staff Report -5192.pdf](#)

Attachment: [Images -5192.pdf](#)

Mr. Jack Butler gave the following summary;

The petitioners, Charles and Debra Caldwell, are requesting approval of a four-foot variance in the maximum width of a garage door opening in Section 8-3030(n)(13) to allow a 16-foot garage door which is typical for a two car garage. The petitioners, Charles and Debra Caldwell, are requesting approval of a four-foot variance in the maximum width of a garage door opening in Section 8-3030(n)(13) to allow a 16-foot garage door. The petitioners presented this to the Historic Review Board and received a recommendation of approval. Staff is recommending approval and the petitioner is in agreement with the staff recommendation.

Board Action:

Staff recommends approval of the requested variance in accord with the recommendation of the Historic Review Board. - PASS

Vote Results

Motion: William Ronning

Second: Sidney J Johnson

Sidney J Johnson - Aye

Eli Karatassos - Not Present

Timothy Mackey - Aye

Brian Reese - Not Present

William Ronning - Aye

VI. Old Business

VII. Regular Agenda

8. [2407 Stevens St. | Use Approval - Group Care Home for Elderly | 005375](#)

Attachment: [Staff Report -5375.pdf](#)

Attachment: [Images -5375.pdf](#)

Present for the petition was: Vickie Boston, Petitioner

Mr. Jack Butler gave the following summary;

The petitioner, Vickie Boston, is requesting approval of a use, Section 8-3163(b) #18F (Group Care Home for the Elderly, six persons or fewer) in order to operate a residential care home for three patients and a caregiver. Such use may be permitted with Zoning Board of Appeals approval. The subject property is a non-conforming 4,138 square foot residential lot located at 2407 Stevens Street and comprising a 1,928 single-family residence. The property is zoned R-4/P-N-C (Four Family – Planned Neighborhood Conservation). The petitioner is requesting to establish a group care home for the elderly to provide 24-hour assisted living for up to three elderly residents and a caretaker/supervisor. The petitioner has provided an operational plan and floor plan for the proposed facility.

Chairman Mackey stated that he has concerns regarding group care homes in the interior side of neighborhoods. He asked staff if to their knowledge would there be a provider living on site.

Mr. Butler stated that the petitioner will confirm that there will be a caregiver living at the home and no more than three adults needing minimal care living there also.

Speaking on the petition: Ms. Bostick stated that this is her first facility and she will assist persons needing help dressing and preparing meals and administering medication.

Chairman Mackey asked staff to clarify the difference between a group care home and a rooming house.

Mr. Butler responded that the difference was that with a group cared home, the caretaker resident is intimately and actively involved in the lives of the residents; in a rooming house there may or may not be a resident manager and if there is, he or she will not be actively involved in the lives of the residents. The function of the group care home is to allow a degree of independent living for people who do require assistance in their day to day activities and to provide low cost housing for those who can not afford a larger dwelling. In this case, the residents will be three elderly persons who can not live on their own, and whose families need someone to provide that care.

Chairman Mackey questioned staff if this would be like the daycare where the zoning would remain with the site permanently.

Mr. Butler responded no. The approval is for the specific use. If the use is to change at all in character or scope then it would come back to this Board for further approval. This Board is approving a group care home for three or more persons.

Chairman Mackey also question staff; in reference to residential neighborhoods can a request be made within the confines of any residential area to have a group care home; is it sensitive to buffering or any other stipulations.

Mr. Butler responded that the Board has wide latitude to apply conditions if deemed to be necessary. In this case because it is an extremely small scale, it is three individuals and a caretaker. A normal household would have four individuals living together. The fact that it is licensed by the state and operated as a business requires the ZBA to do the review. This is not a commercial use. There will not be anyone conducting business.

Chairman Mackey stated that his charge to the petitioner would be that this facility remain in compliance and that she meet all standards.

Ms. Boston replied that the state will send a representative to ensure that she is in compliance and that she meet all regulations.

Board Action:

The requested use should have minimal impact on the surrounding properties and from the outside should be indistinguishable from a single family residential property. Staff - PASS recommends approval of the requested use.

Vote Results

Motion: Sidney J Johnson

Second: William Ronning

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

9. [4307 Liberty Parkway | Day Nursery/Kindergarten | 005496](#)

Attachment: [Staff Report -005496.pdf](#)

Attachment: [Images -5496.pdf](#)

Present for the petition was Shadawn Gosha, Petitioner

Mr. Butler gave the following summary;

The petitioner, Shadawn Gosha, as Agent for Paula and Daniel Henry, is requesting approval of a use (22a), Day Nursery and Kindergartens for up to 18 children. Such use may be approved by the Zoning Board of Appeals. The petitioner, Shadawn Gosha, as Agent for Paula and Daniel Henry, is requesting approval of a use (22a), Day Nursery and Kindergartens of up to 18 children. Such use may be approved by the Zoning Board of Appeals. He added that there have been no complaints from neighboring residents and that staff is recommending approval.

Speaking on the petition: Ms. Shadawn Gosha, petitioner stated that she presently operates a daycare in her home and has knowledge of the city and state regulations. She stated that she is asking for approval of the proposed site so that she can house more children. She explained that her hours of operation would not be before 6:00 A.M and no later than 6:00 P.M. She added that she is aware that she is in a residential area and plans to have her play time on the playground around a certain time of day. She has met with some of the neighboring residents and stated that she has not yet met with any opposition. She pointed out where she proposed to have her circular driveway, playground areas, and the vegetative buffering.

Ms. Ernestine Jones, President of the Liberty City Community Association stated that she was familiar with this site. She stated that the adjacent property was never commercial property. She voiced that her concerns were: 1) the abundance of daycare/nurseries facilities in the Liberty City Community; 2) the daycare facility across the street from the proposed sit; 3) the amount of traffic on Liberty Parkway and; 4) the inconvenience of a

circular driveway on the proposed site which was apparently too small. She stated that this would increase parking on the neighboring streets and asked that the board consider the neighborhood and not proliferate it with daycare facilities. She requested that the petition be denied.

Ms. Patricia Lovett, neighboring resident stated her that her concern was the safety of the children in such close proximity to Liberty Parkway. She added that she had additional concerns regarding the type of vegetation the petitioner proposed to use as a buffer. She stated that she has witness at least two automobile collisions at the proposed site in which an individual was killed. She added that she could not allow her child to attend this facility due to its hazardous location. She also brought to the attention of the board that this building was in need of repairs and that the petitioner had not mentioned when or if she had plans to make these repairs. She continued with concerns regarding the traffic on Liberty Parkway and the demand for parking. She stated that she has had several inconveniences due to the plethora of cars parking blocking her driveway. She asked that the petition be denied.

Ms. Gosha, petitioner stated that Pendleton Street was a one-way on the side that the building sits on. For instance if parents do park on Pendleton there is room for the other cars to maneuver. She added that there is a need for additional affordable childcare in this area. She would like to help the young high school students that can not continue school due to the lack of childcare. She would like to provide the needed service for these young adults to allow them to continue their education.

Board Action:

The petitioner has met the standards of the ordinance. Staff recommends approval of a day-care facility with a maximum of 18 children. WITH CONDITION OF AGE LIMITATION (5 AND UNDER) AND TIME RESTRAINT OF 6A TO 6P.

Vote Results

Motion: William Ronning
Second:

Board Action:

DENY

Vote Results

Motion: Timothy Mackey
Second:

Board Action:

DENY - PASS

Vote Results

Motion: Timothy Mackey

Second: Sidney J Johnson

Sidney J Johnson - Aye

Eli Karatassos - Not Present

Timothy Mackey - Aye

Brian Reese - Not Present

William Ronning - Nay

10. [4118 Walton St. | Day Nursery/Kindergarten | 004411](#)

Attachment: [Staff Report -004411.pdf](#)

Attachment: [Images -4411.pdf](#)

Present for the petition was: Contrenna Smith, Petitioner

Mr. Jack Butler gave the following summary;

The petitioner, Contrenna Smith, as Agent for True Vine Harvest Ministry, Inc., is requesting approval of a use (22a), Day Nursery and Kindergartens of up to 18 children; and a variance from the requirement that such a use be located on a collector street or greater. The case was submitted for the September meeting of the board, but was continued due to posting deficiencies.

Staff recommends denial of the requested variance that the proposed use be located on a collector street or greater and denial of the request to increase the number of children at a facility to 18. Staff recommends approval of the use for up to 12 children, provided the petitioner submits an acceptable landscape buffering plan for the parking and playground areas of the facility.

Speaking on the petition: Ms. Contrenna Smith, petitioner stated that there was an oversight as far as the addition that was needed for the site plan. She stated that she did not realize that the application was incomplete. She checked again with Mr. Butler and was informed all was well. She asked Mr. Butler if it was found to be incomplete would be allowed to ask for a continuance for another date.

Board Action:

Staff recommends **denial** of the requested variance that the proposed use be located on a collector street or greater and **denial** of the request to increase the number of children at a facility to 18. Staff recommends **approval** of the use for up to 12 children, provided the petitioner

submits an acceptable landscape buffering plan for the parking and playground areas of the facility. - PASS

DUE TO FAILURE TO PROVIDE REQUIRED LANDSCAPING PLANS FOR APPROVAL OF APPLICATION, APPLICATION IS DEEMED DEFICIENT. TO BE HEARD ON DECEMBER 19, 2013 ZBA.

Vote Results

Motion: William Ronning

Second: Sidney J Johnson

Sidney J Johnson - Aye

Eli Karatassos - Not Present

Timothy Mackey - Aye

Brian Reese - Not Present

William Ronning - Aye

11. [225 E. Huntingdon St. | Structure Parking Setback Variance | 005256](#)

Attachment: [Staff Report -5256.pdf](#)

Attachment: [Images -5256.pdf](#)

Present for the petition was: Ms. Teresa Jacobson, Owner

Mr. Butler gave the following summary;

The petitioner, John Clegg, is seeking approval of a three-foot rear setback variance, and a variance from the 30-foot structured parking variance, in order to construct a carriage house in the same location as an existing garage. The proposed replacement structure would shift the parking access from Lincoln Street to Huntingdon Lane, which would improve safety on the block. The proposed structured parking is residential in character and will not negatively impact the character of the neighborhood, or the streetscape of the public right-of-way. Traffic engineering has reviewed and approved the proposed access onto the lane. Staff recommends approval of the requested variances.

Speaking on the petition: Teresa Jacobson, property owner stated that she was only present to hear the petition approved. She would like to move forward.

Board Action:

The proposed replacement structure would shift the parking access from Lincoln Street to Huntingdon Lane, which would improve safety on the block. The proposed structured parking is residential in character and will not negatively impact the character of the neighborhood, or the streetscape of the public right-of-way. Traffic engineering has reviewed and approved the proposed access onto the lane. Staff recommends approval of the requested variances. - PASS

Vote Results

Motion: William Ronning

Second: Sidney J Johnson

Sidney J Johnson

- Aye

Eli Karatassos

- Not Present

Timothy Mackey

- Aye

Brian Reese

- Not Present

William Ronning

- Aye

12. [3009 Skidaway Rd. | Sign Variances | 005452](#)

Attachment: [Staff report -5452.pdf](#)

Attachment: [Images -5452.pdf](#)

Present for the petition was: Lloyd Hodges Jr., Petitioner

Mr. Butler gave the following summary;

The petitioner, Lloyd Inman Hodges Jr., is requesting approval of variances to install additional signage at a proposed Dairy Queen restaurant. The petitioner is requesting approval of a one square foot variance for the primary freestanding sign (over the 75 square feet allowed); a 19 square foot variance for the primary fascia sign (over the 88 square feet allowed); a 31 square foot variance for an additional fascia sign (over the 15 square feet allowed); and a six square foot variance for a second additional fascia sign (over the 15 square feet allowed) as well as a variance in the standard that allows only a single additional fascia sign.

The requested one-foot variance in the area of the pylon sign is negligible and would not result in an unusually large sign. Staff recommends approval of the requested one square foot area variance for the pylon sign.

The requests for variances to permit larger primary and secondary fascia signs than is permitted under the ordinance is not justified by any hardship or need. Staff recommends denial of the requests for variances to permit larger primary and secondary fascia signs than is permitted under the ordinance.

The request for a second secondary fascia sign (a fourth sign on the business) is not justified by any hardship or need. Staff recommends denial of the requested variances to permit a second secondary fascia sign.

Speaking on the petition: Lloyd Hodges Jr., petitioner stated that he is allowed 88 feet across the front according to the code; the sign is 65 feet, but the actual square footage of the profile is around 45 or 46 feet. If the square footage is considered, he is below the 88 feet. He said that he is not exceeding the square footage. He added that the third sign will go through the drive through. This is where he is asking for the variance.

Board Action:

The requested one-foot variance in the area of the pylon sign is negligible and would not result in an unusually large sign. Staff

recommends **approval** of the requested one square foot area variance for the pylon sign.

The requests for variances to permit larger primary and secondary fascia signs than is permitted under the ordinance is not justified by any hardship or need. Staff recommends **denial** of the requests for variances to permit larger primary and secondary fascia signs than is permitted under the ordinance.

The request for a second secondary fascia sign (a fourth sign on the business) is not justified by any hardship or need. Staff recommends **denial** of the requested variances to permit a second secondary fascia sign.

- PASS

- 1) APPROVE PYLON SIGNAGE 1 SQ FOOT
- 2) APPROVE FIRST AND SECOND SIGN FOR 12 FOOT VARIANCE ON NORTH SIDE OF BUILDING (FRONT)
- 3) DENY THIRD; TOO LARGE (DRIVE THRU)

Vote Results

Motion: William Ronning

Second: Sidney J Johnson

Sidney J Johnson

- Aye

Eli Karatassos

- Not Present

Timothy Mackey

- Aye

Brian Reese

- Not Present

William Ronning

- Aye

13. [134 Houston St. | Parking Variance | 005495](#)

Attachment: [Staff Report -5495.pdf](#)

Attachment: [Images -5495.pdf](#)

Present for the petition was; Eric McManus, Agent

Mr. Butler gave the following summary;

The petitioner, Eric McManus, as agent for Fawn Smiley, is requesting approval of a variance of four parking spaces from the 19 space required to operate a business. The subject property has been used for many purposes over the years. The immediate preceding use was as a consignment store/thrift shop. The petitioner has provided 15 of the required 19 spaces for the proposed acupuncturist business (including leasing an off-street space). Parking demand that might reasonably be anticipated from the proposed use is substantially less than the statutory requirement of 19 spaces. However, if a general parking variance is granted, it could have a negative impact should the use change to a more intensive parking demand generator in the future. He added that there have been letters sent to staff with concerns regarding an undue demand on parking in the immediate vicinity.

Staff recommends approval of a parking variance of four spaces for the proposed use of an acupuncturist office, with the condition that should the use change from an acupuncture clinic, the parking demand must be re-evaluated.

Board Action:

The subject property has been used for many purposes over the years. The immediate preceding use was as a consignment store/thrift shop. The petitioner has provided 15 of the required 19 spaces for the proposed acupuncturist business (including leasing an off-street space). Parking demand that might reasonably be anticipated from the proposed use is substantially less than the statutory requirement of 19 spaces. However if a general parking variances is granted, it could have a negative - **PASS** impact, should the use change to a more intensive parking demand generator in the future.

Staff recommends **approval** of a parking variance of four spaces for the proposed use of an acupuncturist office, with the **condition** that should the use change from an acupuncture clinic, the parking demand must be re-evaluated.

Vote Results

Motion: William Ronning

Second: Sidney J Johnson

Sidney J Johnson

- Aye

Eli Karatassos

- Not Present

Timothy Mackey

- Aye

Brian Reese

- Not Present

William Ronning

- Aye

14. [1107 Bull St. | Use Approval \(Multifamily\) | 005474](#)

Attachment: [Staff Report -5474.pdf](#)

Attachment: [Images -5474.pdf](#)

Present for the petition was: Christine Sottile

Mr. Jack Butler gave the following summary;

The petitioner, Christian Sottile, is requesting approval of a use, #4 (Multifamily, four stories or greater) in the Victorian District Zoning. The petitioner's request entails only the approval of the use at this stage of development. Should the board approve the use, the specific elements of site layout and structure design, including height, mass, and scale, must be reviewed by the Metropolitan Planning Commission and the Visual Compatibility Officer (Historic Preservation Officer).

The proposed use of the vacant parcel (which has been used as a vehicle parking lot for many years) is generally in keeping the other uses on the borders of Forsyth Park. Staff recommends approval of the requested use.

Board Action:

The petitioner's request entails only the approval of the use at

this stage of development. Should the board approve the use, the specific elements of site layout and structure design, including height, mass, and scale, must be reviewed by the Metropolitan Planning Commission and the Visual Compatibility Officer (Historic Preservation Officer).

- PASS

The proposed use of the vacant parcel (which has been used as a vehicle parking lot for many years) is generally in keeping the other uses on the borders of Forsyth Park. Staff recommends **approval** of the requested use.

Vote Results

Motion: William Ronning

Second: Sidney J Johnson

Sidney J Johnson

- Aye

Eli Karatassos

- Not Present

Timothy Mackey

- Aye

Brian Reese

- Not Present

William Ronning

- Aye

VIII. Other Business

15. [Nomination of Officers for 2014](#)

Attachment: [City Zoning Board of Appeals Bylaws 12-18-12.pdf](#)

Jack Butler informed the Board that Mr. William Ronning has submitted his resignation. He stated that Mr. Ronning has agreed to fulfill his term but will not continue to serve thereafter.

Board Action:

Mackey - Chair

Johnson - Vice

-

To be voted on 12. 17. 13.

Vote Results

Motion:

Second:

IX. Adjournment

16. [Adjournment of the November 27 2013 Savannah Zoning Board of Appeals Meeting.](#)

There being no other business to come before the Board, Chairman Timothy Mackey declared the November 27, 2013 Zoning Board of Appeals Meeting Adjourned.

Respectfully submitted,

Jack Butler, Secretary

/cm

NOTE: Minutes are not official until signed.

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.*

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