



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
December 19, 2013 10:00 A.M.
Minutes

December 19, 2013 Savannah Zoning Board of Appeals

Members Present: Timothy Mackey, Chairman
William Ronning
Eli P. Karatassos

Members Not Present: Brian Reese, Vice Chairman
Sidney J. Johnson

Staff Present: Jack Butler, Secretary
Constance Morgan Assistant Secretary

Advisory Staff Present: Tom Bolton, City Zoning Inspector

I. Call to Order and Welcome

1. [Call to Order](#)

Chairman Mackey called the December 19, 2013 Savannah Zoning Board of Appeals meeting to order. He explained 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 October 24, 2013 SZBA Minutes](#)

Attachment: [October24th.pdf](#)

Board Action:

Approval of the minutes as submitted. - PASS

Vote Results

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

3. [Approval of the November 27, 2013 SZBA Meeting Minutes](#)

Attachment: [November27.pdf](#)

Board Action:

Approval of the minutes as submitted.	- PASS
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Vote Results

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

IV. Approval of Final Agenda

4. [Items to be Continued to January 23rd, 2014](#)

The following items request to be continued due to pending actions and/or missing information:

1. 4118 Walton Street Day Nursery/Kindergarten -13-004411-ZBA
2. 311 E. Huntington, Lot Coverage Variance - 13-005491-ZBA
3. 309 E. Huntington, Lot Coverage Variance -13-005493-ZBA
4. 307 E. Huntington, Lot Coverage Variance - 13-005494-ZBA
5. 407 W. Duffy Street, Lot Area per D/U- 13-005940-ZBA
6. 27 W. Charlton Street, Use (Day Nursery/Kindergarten) 13-005946-ZBA
7. 230 Barnard Street, Use (Assembly Hall) 13-005949-ZBA
8. 110 W. Broughton Street, Lot Area per Dwelling Unit Variance 13-005953-ZBA

Board Action:

Approval of the requested continuances. - PASS

Vote Results

Motion: Eli Karatassos

Second: William Ronning

Sidney J Johnson - Not Present

Eli Karatassos - Aye

Timothy Mackey - Aye

Brian Reese - Not Present

William Ronning - 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.

V. Consent Agenda

5. [544 E. Liberty St. | Structured Parking Setback | 5643](#)

Attachment: [Staff Report 5643.pdf](#)

Attachment: [Images 5643.pdf](#)

Board Action:

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. - PASS

Staff recommends approval of the requested variances.

Vote Results

Motion: William Ronning

Second: Eli Karatassos

Sidney J Johnson - Not Present

Eli Karatassos - Aye

Timothy Mackey - Aye

Brian Reese - Not Present

William Ronning - Aye

6. [2040 Colonial Dr. | Setback Variance | 5887](#)

Attachment: [Staff Report - 5887.pdf](#)

Attachment: [Images 5887.pdf](#)

Board Action:

The proposed addition would improve the functioning and safety of the facility's patient delivery and pick-up, and is the only site on the subject property available for such a drive-way. - PASS

Staff recommends **approval** of the requested setback variance.

Vote Results

Motion: Eli Karatassos

Second: William Ronning

Sidney J Johnson - Not Present

Eli Karatassos - Aye

Timothy Mackey - Aye

Brian Reese - Not Present

William Ronning - Aye

7. [30 E. 60th St. | Setback and Lot Coverage Variances | 5888](#)

Attachment: [Staff Report -5888.pdf](#)

Attachment: [Images 5888.pdf](#)

Board Action:

The petitioner proposes to add a carport onto an existing accessory building. The resulting lot coverage and increase in the encroachment on the side setback would be unusual in the neighborhood, but the design of the structure would have minimal impact on the adjoining property. There would be no increase in impervious surface, since the area of the proposed carport is already paved. - PASS

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

Vote Results

Motion: Eli Karatassos

Second: William Ronning

Sidney J Johnson - Not Present

Eli Karatassos - Aye

Timothy Mackey - Aye

Brian Reese - Not Present

William Ronning - Aye

8. [201 Papy St. | Fence Height Variance | 5945](#)

Attachment: [Images 5945.pdf](#)

Attachment: [Staff Report - 5945.pdf](#)

Board Action:

The proposed fence is perpendicular to the main thoroughfare (Oglethorpe Avenue) and is proposed to be covered in vegetation. It is adjoining a parking deck, and will screen the necessary, but unsightly equipment behind the adjoining motel. - PASS

Staff recommends **approval** of requested 2-foot, 6-inch fence height variance.

Vote Results

Motion: Eli Karatassos

Second: William Ronning

Sidney J Johnson - Not Present

Eli Karatassos - Aye

Timothy Mackey - Aye

Brian Reese - Not Present

William Ronning - Aye

9. [7501 Abercorn St. | Sign Separation Variance | 5943](#)

Attachment: [STAFF REPORT 5943.pdf](#)

Attachment: [Images 5943.pdf](#)

Board Action:

Approval of the requested 300 foot separation variance. - PASS

Vote Results

Motion: William Ronning

Second: Eli Karatassos

Sidney J Johnson - Not Present

Eli Karatassos - Aye

Timothy Mackey - Aye

Brian Reese - Not Present

William Ronning - Aye

VI. Old Business

VII. Regular Agenda

10. [2112 Bull St. | Use Approval \(Restaurant with Beer and Wine Sales\) | 5942](#)

Attachment: [Images Revised 5942.pdf](#)

Attachment: [Staff Report Revised 5942.pdf](#)

Present for the petition was: Dana Braun, Agent

Mr. Jack Butler gave the following summary;

The petitioner, Gonzalez Architects as agent for Loan Tran, is requesting approval of a use (5.8.2 and 6.3.10) to permit the creation of a restaurant with sale and consumption of alcohol (beer and wine) as part of a meal. The subject property is a former bank building located 2112 Bull Street. The property is zoned TC-1 (Traditional Commercial in the Thomas Square/Mid City Zoning) The petitioner proposed to open a restaurant at the location with the sale of wine and malt beverages (beer) for consumption on premises as part of a meal, both the use of "restaurant with alcohol sales in the TC-1 District (5.8.2) and the commercial operation of a restaurant with alcohol sales (6.3. 10) require approval by the Zoning Board of Appeals. Staff Recommends approval of the requested uses, #5.8.2 and #6.3.10 in the Thomas Square/Mid-City Zoning.

Speaking on the petition: Dana Braun, Attorney for Loan Tran commented that Ms. Tran operates five restaurants in the Savannah area and he proceeded to name the restaurants. He stated that Ms. Tran has not had any issues related to her alcohol beverage license. She is only seeking to serve beer and wine by the drink at this restaurant and with the service of a meal. It is not intended to be a bar of any kind. He added that this will be an improvement to the neighborhood. He stated that he has met and presented petitions that had been signed by the residents in the neighborhood along with surrounding businesses and all were in favor of the proposed restaurant.

Andrew Young, pastor of neighboring church voiced that his concerns was the additional alcohol sales in the neighborhood basically contingent on the fact that there is already a saturation of alcohol sales in the neighborhood. He stated that the church congregation feels that any more alcohol sales in this particular neighborhood would be detrimental to the future vitality of the neighborhood for several reason. He stated the reasons. He concluded that his church also holds meetings for a very large group from Alcoholics Anonymous and that they are opposed to having another outlet for alcohol sales and consumption. He asked that the request to serve alcohol at this proposed location he denied.

Ms. Virginia Mobley, president of neighborhood association stated that Reverend Young had raised a very good point. She stated that her reasons for coming before the board was as she understood that the use of a restaurant with alcohol is consistent with what is going on in the neighborhood. She added that the problem that she has is that the decision the Board makes for a use with alcohol at a location opens it and makes acceptable any use of alcohol. She asked for clarity on the approved use; if approval of this petition would approve overall use of alcohol. She stated that she was asking for clarity on the limits if there are any on the use of alcohol.

Chairman Mackey stated that the board would rule on the petition and that he would take her concerns under advisement.

Board Action:

Approve staff recommendation for beer and wine by the drink only. - PASS

Vote Results

Motion: Eli Karatassos

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

11. [8608 Abercorn St. | Appeal of ZA Decision and Sign Separation Variance | 5508](#)

Attachment: [STAFF REPORT 5508.pdf](#)

Attachment: [Images 5508.pdf](#)

Attachment: [Submitted Documents 5508.pdf](#)

Present for the petition was: Phillip McCorkle, Agent

Jack Butler gave the following summary;

The petitioner, Phillip McCorkle as agent for Golden Isles Outdoor LLC., is requesting approval of a variance of 3,300 feet from the 5,000 feet of separation required between billboards, and appealing a ruling of the Zoning Administrator that a digital billboard is in violation of the ordinance. The subject property is located at 8608 Abercorn Street, and the southeast corner of the intersection of Abercorn and Montgomery Cross Road. The property is zoned P-B-C (Planned Community Business).

The petitioner last year replaced a two-faced standard billboard at the intersection with a similar, digital sign that retains a single panel standard billboard. At the intersection of White Bluff Road and Montgomery Cross Road, there is a pre-existing digital billboard belonging to Lamar Outdoor Advertising. This location is approximately 1,700 feet from the site of the petitioner's billboard. On or before May 16th, 2013, the petitioner was served with notification of a violation of section 8-3112(c)(5)(e)(4) that stipulates that the minimum separation between digital billboards be 5,000 feet when the signs are on the same side of the street. The petitioner was also cited with a violation of section 8-3112(l)(7)(b)(footnote 3) that defines "same side of the street" to mean roadsides that are addressed by a visible panel of a sign. Having been notified by the Zoning Inspector of a violation in separation, the petitioner offered to reorient the sign to be exclusively visible from Abercorn Street, which would have removed the sign separation issue from consideration.

On August, 2013, the petitioner was brought before the Recorder's Court of Chatham County for the same violations. That case is presently awaiting the findings of the Zoning Board of Appeals. In reviewing the appeal of the determination of the Zoning Administrator's inspector, it is clear that the sign is, indeed, intended to be read from both Abercorn and Montgomery Cross Road (see photo exhibits). The separation requirement is in force, despite the petitioner's assertion that the sign has an Abercorn Street address. Since the sign is technically "on the same side of" Montgomery Cross Road as the sign at the White Bluff Road intersection, the Zoning Administrator inspector was correct in his interpretation of the ordinance.

Speaking on the petition: Phillip McCorkle, attorney for the petitioner began with

explaining the interpretation of the ordinance and continued with a brief history on how his client arrived before the board.

Attorney Harold Yellin, agent for Lamar Advertising stated that the last time his client was before this board they were in opposition. He added that Mr. Goins had one opinion and Mr. Butler had another. This is not the case at this time. He added that by the ordinance signs should be five thousand feet apart. He pointed out that there is no place in the city where the distance would be reduced from five thousand feet to seventeen hundred feet. He continued that the variance being sought is thirty-three hundred feet. He gave an example of a thirty three hundred foot variance. If the petitioner had done what he said that he would there would be no need for a variance. He read from emails conversations between the petitioner, Geoff Goins, City Zoning Administrator; David Persey, and a representative from the city. He concluded that his client was not opposed to the petitioner erecting a sign at this location just that he abide by the same rules that his client has to abide by, which is a five thousand distant requirement.

Mr. Richard Estes stated that he built the original sign that was on the corner of Abercorn and Montgomery Crossroads. He stated that this was his sign and he sold it to Outdoor Advertising. He went through the whole procedure with Ben Jones who is the owner of the Outdoor Advertising. He added that he moved this sign so that it was exclusively at an angle to Abercorn Street. If the sign was perpendicular to Abercorn Street it would be visible from Montgomery Crossroads. The intent was to move the sign; it was moved; it was approved; the permit was given; the sign was built and he added that he felt that they should be allowed to have the sign the way that it is.

Board Action:

Approval of the petitioner's requested variance holding that the variance did not affect public safety or violate the intent of the ordinance. - PASS

Vote Results

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

12. [220 W. Broughton St. | Lot Area per Dwelling Unit | 5954](#)

Attachment: [Staff Report 5954.pdf](#)
Attachment: [Images 5954.pdf](#)

Present for the petition was: Patrick Phelps

Jack Butler gave the following summary;

The petitioner, Patrick Phelps as agent for Real Restaurant 220 LLC, is requesting approval of a variance to section 8-3025(d) to decrease the minimum lot area per dwelling unit from 600 square feet to 450 square feet per unit in order to construct six units of multifamily housing. The subject property is a three-story brick building with a 2,700-square foot footprint located at 220 W. Broughton Street. The property is zoned B-C-1 (Central Business District). The BC-1 zoning district requires at least 600 square feet of area for each living unit. The ground floor of the building is occupied by commercial uses. The petitioner is seeking to convert the upper two stories of the building to 6 residential one-bedroom units that would result in an average area per unit of 450 square feet. A literal interpretation of the standards in the BC-1 district results in a calculated 450 square feet of lot area per living unit (6 units on 2,700 square feet of lot area). Because the structure will have two floors of units, the average size will be closer to 900 square feet per unit. The petitioners are seeking a variance to allow an average 450 square feet of lot area for 6 living units. Staff is recommending approval.

Speaking on the petition: Patrick Phelps, agent for the petitioner explained the proposed development.

Mr. Mango, downtown resident asked whether or not the proposed development would be sold as condos or rental units.

Mr. Phelps responded that currently the plan was to lease them as a full one-year leased apartments.

Mike Lee, downtown resident listed his concerns regarding the subject property. He stated that he was opposed to the petitioner's request.

Mr. Karatassos interjected and asked if the board would be allowed to postpone this petition to the next scheduled SZBA meeting. He explained that due to a previous commitment, the board would soon be without a quorum.

Board Action:

Request to continue postpone this petition to the next scheduled SZBA meeting; January 23, 2014. - PASS

Vote Results

Motion: Eli Karatassos

Second: William Ronning

Sidney J Johnson - Not Present

Eli Karatassos - Aye

Timothy Mackey - Aye

Brian Reese - Not Present

William Ronning - Aye

VIII. Other Business

IX. Adjournment

13. [Adjournment of the December 19, 2013 SZBA Meeting](#)

There being no other business to come before the Board, Chairman Mackey declared the December 19, 2013 SZBA 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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