



CITY OF SAVANNAH
ZONING BOARD OF APPEALS

Arthur A. Mendonsa Hearing Room
June 26, 2014- 10:00 A.M.
Minutes

June 26, 2014 Savannah Zoning Board of Appeals

Members Present: Timothy Mackey, Chairman
Brian Reese, Vice Chairman
Sidney J. Johnson
Eli P. Karatassos
Thomas Branch III

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

Advisory Staff Present: Geoff Goines, City Zoning Administrator

I. Call to Order and Welcome

II. Notices, Proclamations and Acknowledgements

III. Approval of Minutes

1. [Approval of May 22, 2014 SZBA Meeting Minutes](#)

Attachment: [May22 SZBA Meeting Minutes-Agenda.pdf](#)

Board Action:

Approval of the May 22, 2014 SZBA Meeting Minutes as submitted. - PASS

Vote Results

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

IV. Approval of Final Agenda

2. [Items to be Continued](#)

The petitioners have requested that the following items are continued to the next scheduled hearing, July 24, 2014;

- 1) 202 W. Waldburg St - 14-002596-ZBA;
- 2) 400 Block of E. 32nd St. - 14-002635- ZBA and;
- 3) 536 Selma Street - 14-001000-ZBA

Submittal of additional documents are needed prior to Board consideration.

Board Action:

Approval of the requested items to be continued. - PASS

Vote Results

Motion: Tom Branch

Second: Eli Karatassos

Tom Branch - Aye

Sidney J Johnson - Not Present

Eli Karatassos - Aye

Timothy Mackey - Aye

Brian Reese - 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

3. [11705 Mercy Boulevard | Sign Area Variance | 2577](#)

Attachment: [Staff Report 2577.pdf](#)

Attachment: [Images 2577.pdf](#)

As a consent item, Jack Butler gave a brief summary of the petitioner's request. Staff has recommended **approval** of the requested sign area variance.

Board Action:

Approval of the requested 645-square foot sign area variance. - PASS

Vote Results

Motion: Eli Karatassos

Second: Tom Branch

Tom Branch - Aye

Sidney J Johnson - Aye

Eli Karatassos - Aye

Timothy Mackey - Aye

Brian Reese - Aye

VI. Old Business

4. [502/504 East Henry Street | Parking and Standards Variances | 992](#)

Attachment: [Staff Report 992.pdf](#)

Attachment: [Images 992.pdf](#)

Present for the petition was: John Sumner, Agent

Jack Butler gave the following summary:

The petitioner, John Sumner agent for JSRB Ventures, is requesting approval of a 120-square foot lot area variance from the 2,100 square foot required parking variance to allow no off street parking and eight foot rear yard set back variances to reduce the rear yard from 35 to 27 feet. The request is to permit the subdivision of the lot and construction of two townhomes on the property. Because sufficient space exists for the petitioner to provide off-street parking to the rear of the proposed dwellings (accessed from Price Street), and because there is no off-street parking in that block of Henry Street, and only a single off-street parking space on that block of Price Street. Staff recommends **denial** of the requested two-space parking variance.

Speaking on the petition: John Sumner, stated that after speaking with traffic engineering staff, he was told that based on the standards, approval would not be granted to allow a curb cut in the rear of the property. He explained that this was his reasoning for the requested variances. He asked that he be allowed a continuance in order to meet with traffic engineering staff to gather additional information and discuss his options.

Board Action:

Approval of a 30 day continuance - PASS

Vote Results

Motion: Eli Karatassos

Second: Brian Reese	
Tom Branch	- Aye
Sidney J Johnson	- Aye
Eli Karatassos	- Aye
Timothy Mackey	- Aye
Brian Reese	- Aye

VII. Regular Agenda

5. [240 West Broughton Street | Appeal of HRB Decision | 2598](#)

Attachment: [Staff Report 2598.pdf](#)
Attachment: [Images 2598.pdf](#)
Attachment: [Petitioners Supplement to ZBA Petition.pdf](#)
Attachment: [Public Comment to 14-002598-ZBA.pdf](#)
Attachment: [Petitioner's Engineering Report.pdf](#)
Attachment: [May 14 2014 - HDBR Meeting Minutes - 240 W Broughton St .pdf](#)
Attachment: [Public Comment 2 to 14-002598-ZBA.pdf](#)
Attachment: [5-25 HBR 240W PRESENTATION 5-14-14.pdf](#)
Attachment: [COA - 240 West Broughton Street 14-000193-COA Denied.pdf](#)

Present for the petition was: Harold Yellin, Agent

Jack Butler gave the following summary;

The petitioner, Harold B. Yellin, Agent for Broughton Street Partners Co., LLC, is requesting approval of an appeal of the decision by the Historic District Board of Review denying a demolition permit on a non-listed building. The subject property is located at 240 West Broughton Street, and is a contiguous building with 246 W. Broughton Street. While 246 W. Broughton Street ("McDonald's Building") is identified on the Historic Building Map as an historic building, 240 W. Broughton Street is identified as a non historic structure. The record indicates that there is no procedural error. The petitioner has submitted an argument for abuse of discretion stating that the Historic District Board of Review denied the petition for demolition by erroneously applying standards that are reserved for historic, contributing buildings, and which should not have been applied to 240 W. Broughton Street which is neither historic nor contributing.

The HDBR staff report details the overall plan of Broughton Street, the significance of the "contributing" attached half of the subject property, the importance and relevance of the subject property, and the historic role of the subject property as part of what was once a contiguous commercial building and as an integral part of the Broughton Street Commercial corridor and the Savannah Landmark Historic District. Staff recommends **denial** of the petitioner's request.

Speaking on the petition: Attorney Harold Yellin, Agent agreed with staff that there has not been a procedural error. He stated that the issue before the Board is, was there an abuse of discretion. He presented excerpts from the HRB report that stated "246 W. Broughton Street is a contributing structure" (the McDonald's Building) while 240 is not listed as contributing. He went on to state that the reason for this building (240 Broughton

Street) not being listed as contributing was due to the alterations to the front façade. And because this building is located in the historic district, they were required to go to HRB where all demolitions are heard, whether the building is historic or non historic, if it is located in the historic district. He added that HRB erroneously classified or reclassified this site from non-historic to historic because the building is connected. He explained that the building is not connected; it has a different property identification number, a different address, and a different parcel number and it is owned by a different owner. He concluded, though the building is being treated as an appurtenance under the ordinance, it is not. This is a standalone building and he requested that the petition be granted as submitted.

Patrick Phelps, Architect gave a brief history of the building (240 West Broughton Street) and offered a timeline on the modifications.

James B. Blackburn, Jr. former owner of 240 W. Broughton Street gave a brief history on Broughton Street and also gave a timeline on the renovations of the subject building. He briefly highlighted the major changes on Broughton Street during the 1960's. He stated that during the late 60's Broughton Street's retail character began to deteriorate. However, retail is now coming back to Broughton Street. This is why we are here. He stated that there is not a brick wall between the two buildings. Whether or not tearing down 240 would effect 246 was not a question that he could answer This could only be answered by a structural engineer. If he determines that one side of the building can be demolished without causing damage to the other-- then this decision should lie with him.

Ruel Joyner, owner of 24E Broughton Street spoke in support of Mr. Carter's project.

Daniel Carey, representing Historic Savannah Foundation stated that he was in support of the staff recommendation. He asked that the recommendation be approved.

Leah Michalak, Historic Preservation Planner informed board members on how the historic surveys were performed and how the Historic Board of Review rendered its decision.

Ryan Arvey, 31 E, 63rd Street, stated that he only wanted to be another voice going on the record in favor of upholding the preservation board's ruling.

Board Action:

Approval of the petitioner's request, due to an error by the HRB in disregarding the non-contributory status of the building. - PASS

Vote Results

Motion: Brian Reese

Second: Sidney J Johnson

Tom Branch - Nay

Sidney J Johnson - Aye

Eli Karatassos - Aye

Timothy Mackey - Aye

Brian Reese - Aye

6. [406 West 36th Street | Lot Area and Building Setback Variances | 2597](#)

Attachment: [Images 2597.pdf](#)

Attachment: [Staff Report 2597.pdf](#)

Present for the petition was: Richmond Ferguson, Petitioner

Jack Butler gave the following summary:

The petitioner, Richmond Ferguson, is requesting approval of a variance of 1,080 square feet in lot area per dwelling unit from the 3,600 square feet per dwelling unit required in order to construct a two-family residence on a single residential lot. The petitioner also requests a two-foot variance in front building setback. Staff recommends approval of the requested lot area per dwelling variance and front setback variance.

Board Action:

Approval of the requested lot area per dwelling variance and front setback variance. - PASS

Vote Results

Motion: Eli Karatassos

Second: Sidney J Johnson

Tom Branch - Aye

Sidney J Johnson - Aye

Eli Karatassos - Aye

Timothy Mackey - Aye

Brian Reese - Aye

7. [102 West Hall Street | Use Approval - Assembly Hall | 2540](#)

Attachment: [Staff Report 2540.pdf](#)

Attachment: [Images 2540.pdf](#)

Attachment: [Remote Parking Agreement.pdf](#)

Present for the petition was: Dolly Chisholm, Agent

Jack Butler gave the following summary;

The petitioner, Dolly Chisholm, Agent for Zimmer Properties, is requesting approval of a use, #29 in §8-3163(b) (Assembly Hall). The petitioner also requests a variance of 590 feet in permitted distance between a use and remote off site parking. The proposed use, Assembly Hall, is appropriate for the location and is in keeping with the current use of the property as an Inn. Provided that the hours of operation are limited as the petitioner suggests is historically the case, and provided that the number of guests is limited to no more than 30 guests not staying at the Inn, and provided the use continues to avoid any use of amplified music outdoors, the proposed use should not create undue disturbance in the neighborhood.

The Zoning Board of Appeals has made a practice of requiring such uses to provide parking for their guests. Two recent Assembly Hall requests either already had existing off-street parking nearby, or provided leasing arrangement (one such request requiring a variance in the maximum distance from the venue). The petitioner has provided a remote parking plan and requests a 590 foot variance from the maximum separation of the parking from the use.

Staff recommends **approval** of the requested use, #29 in §8-3163(b) (Assembly Hall), with the **conditions** that the hours of operation be limited to between 10:30 a.m. and 4:30 p.m., that the use be limited to no more than 30 guests, and that the use of amplified music be forbidden at all times. Staff is also recommending **approval** of the requested 590 foot parking separation variances to permit the use of the parking lot on parcel 2-0032-55-002 on the southwest corner of Barnard & Gaston Streets to meet the parking needs of the proposed use.

Board Action:

Approval of the requested use, #29 in §8-3163(b) (Assembly Hall), with the **conditions** that the hours of operation be limited to - **PASS** between 10:30 a.m. and 4:30 p.m., that the use be limited to no more than 30 guests, and that the use of amplified music be forbidden at all times.

Vote Results

Motion: Eli Karatassos

Second: Tom Branch

Tom Branch	- Aye
Sidney J Johnson	- Aye
Eli Karatassos	- Aye
Timothy Mackey	- Not Present
Brian Reese	- Aye

8. [105 East Duffy Street | Use Approval - Inn | 2291](#)

Attachment: [Staff Report 2291.pdf](#)

Attachment: [Images 2291.pdf](#)

Present for the petition was: Joseph Wise, Petitioner

Jack Butler gave the following summary;

The petitioners, Joseph and Kathryn Wise, are requesting approval of a use, (#6, Inn or Apartment Hotel), which is permitted in the district with Zoning Board of Appeals approval. The petitioner has been offering the home for vacation rental use. The City of Savannah has determined that such use should be classified as an "inn or apartment hotel," which requires Zoning Board of Appeals approval. The site has off street parking space for six vehicles. The petitioner is proposing to rent out the building for the proposed use. Staff recommendation is for **approval** of the proposed use (#6, Inn or Apartment Hotel).

Board Action:

Approval of the proposed use (#6, Inn or Apartment Hotel). - PASS

Vote Results

Motion: Eli Karatassos

Second: Tom Branch

Tom Branch - Aye

Sidney J Johnson - Aye

Eli Karatassos - Aye

Timothy Mackey - Not Present

Brian Reese - Aye

9. [224 West Waldburg Street | Use Approval - Inn | 2537](#)

Attachment: [Staff Report 2537.pdf](#)

Attachment: [Images 2537.pdf](#)

Attachment: [Citizen Comment ZBA File No_ 14-002537-ZBA.pdf](#)

Attachment: [Citizen Comment 2 ZBA File No_ 14-002537-ZBA.pdf](#)

Present for the petition was: Nancy Maia, Petitioner

Jack Butler gave the following summary:

The petitioner, Nancy Maia, is requesting approval of a use, (#6, Inn or Apartment Hotel), which is permitted in the district with Zoning Board of Appeals approval. The property is a two story 3, 272 square foot residence located at 224 West Waldburg Street on a 3, 329 square foot conforming lot of record. The petitioner has been offering the home for

"vacation rental" use. The City of Savannah has determined that such use should be classified as an "inn or apartment hotel," which requires Zoning Board of Appeals approval. The site has off-street parking space for three vehicles. The petitioner is proposing to rent out up to three bedrooms in the house. Staff recommends **approval** of the proposed use (#6, Inn or Apartment Hotel), with the condition that no more than three bedrooms may be rented out at any given time.

Board Action:

Approval of the proposed use (#6, Inn or Apartment Hotel), with the **condition** that no more than three bedrooms may be rented - PASS out at any given time.

Vote Results

Motion: Tom Branch

Second: Sidney J Johnson

Tom Branch	- Aye
Sidney J Johnson	- Aye
Eli Karatassos	- Aye
Timothy Mackey	- Not Present
Brian Reese	- Aye

10. [7203 Skidaway Road | Buffer Variance | 2641](#)

Attachment: [Staff Report 2641.pdf](#)

Attachment: [Images 2641.pdf](#)

Present for the petition was: Tom Havens, Agent

Jack Butler gave the following summary:

Tom Havens, agent is requesting approval of a 10-foot variance reduction in the required 15-foot vegetative buffer along the southern property line of the subject parcel. The petitioner proposed to construct a 2,596 square foot addition onto the north side of the existing animal clinic structure on the property, and a parking area on the southern side of the building. The parking will approach the southern property line.

The layout of the existing lot limits the possible locations for additions to the existing structure. An addition to the rear would cause similar encroachment on required setbacks. The south side of the existing structure abuts an ornamental pond/pool that the petitioner wishes to retain. The front of the existing structure abuts the access drive and parking area. The remaining side (the north side of the existing structure) is adjacent to a public park and open space.

A setback variance on the north side of the property was approved in 2009, and re-approved in 2011. The lot has been reconfigured (a land-swap with the adjoining property) so the variance on the northern edge is no longer necessary.

The south edge of the property abuts the rear of a multi-story, multifamily residential complex. Buffering is appropriate between commercial and multifamily residential. Staff recommends **approval** of the requested 10-foot variance from the 15-foot vegetative buffer with the **condition** that the petitioner maintain an opaque fence of approved materials along the southern property border of the subject property (the board fence is currently on the multifamily property and is not required for the multifamily use).

Speaking on the petition: Tom Havens responded that he was aware of the conditions placed on the Board's decision and that he would adhere to those conditions.

Board Action:

Approval of the requested 10-foot variance from the 15-foot vegetative buffer with the **condition** that the petitioner maintain an opaque fence of approved materials along the southern property border of the subject property (the board fence is currently on the multifamily property and is not required for the multifamily use). - PASS

Vote Results

Motion: Eli Karatassos

Second: Tom Branch

Tom Branch	- Aye
Sidney J Johnson	- Aye
Eli Karatassos	- Aye
Timothy Mackey	- Not Present
Brian Reese	- Aye

11. [330 Bonaventure Road | Height Variance | 2600](#)

Attachment: [Staff Report 2600.pdf](#)

Attachment: [Images 2600.pdf](#)

Present for the petition was: Douglas Roberts, Agent and Jerry Fleming, Architect

Jack Butler gave the following summary:

The petitioner Douglas Roberts, Agent for the City of Savannah, is requesting approval of a 22-foot building height variance in order to construct a lighthouse-shaped columbarium (which is a mausoleum for ashes). The property is located at 33 Bonaventure Road, on the extreme eastern edge of Bonaventure Cemetery. the property is zoned R-A (Residential Agriculture-Chatham County) but is within the City of Savannah municipal boundaries. Staff recommends approval of the request with the condition the lighting of the proposed columbarium must be made directional and directed away from residential lots across the river from the site, and that the illumination of the columbarium be visible no more than one mile from the site.

Speaking on the petition: Jerry Fleming, Architect gave board members the actual height of the proposed columbarium and explained the site plan.

Board Action:

Approval of the requested 22-foot height variance, with the condition that the lighting of the proposed columbarium must be made directional and directed away from residential lots across - PASS the river from the site, and that the illumination of the columbarium be visible no more than one mile from the site.

Vote Results

Motion: Eli Karatassos

Second: Sidney J Johnson

Tom Branch	- Aye
Sidney J Johnson	- Aye
Eli Karatassos	- Aye
Timothy Mackey	- Not Present
Brian Reese	- Aye

12. [801 West 39th Street| Request for Reconsideration|2005](#)

Attachment: [Images 2005.pdf](#)

Attachment: [Board Decision 2005.pdf](#)

Attachment: [Staff Report 2005.pdf](#)

This item was removed from the Final Agenda and placed on Regular Agenda for reconsideration.

Present for the petition was: Michael Linton, Agent

Jack Butler gave the following summary:

The petitioner, Michael Linton, as Agent for Wendy Bennett, is requesting approval of variances in order to authorize an accessory dwelling unit in a converted garage. The unit requires approval of the use, a three-space off-street parking variance, a 3,822-square foot lot area per dwelling unit (49%) variance from the 7,800 square feet required for the use. Staff recommends **approval** of the request.

Board Action:

Approval of the petitioner's requested use and associated variances. - PASS

Vote Results

Motion: Eli Karatassos

Second: Tom Branch

Tom Branch - Aye

Sidney J Johnson - Aye

Eli Karatassos - Aye

Timothy Mackey - Not Present

Brian Reese - Aye

VIII. Other Business

IX. Adjournment

13. [Adjournment of the June 26, 2014 SZBA Meeting](#)

There being no other business to come before the board, Vice Chairman, Brian Reese declared the June 26, 2014 SZBA Meeting adjourned.

Respectfully submitted,

Jack Butler, SZBA 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.