



City of Savannah Zoning Board of Appeals

Virtual Meeting
September 24, 2020 - 10:00 A.M.
Minutes

September 24, 2020 City of Savannah Zoning Board of Appeals

This is a quasi-judicial proceeding. All those wishing to give testimony during these proceedings will please sign in. Witnesses will be sworn-in prior to giving testimony.

All proceedings of the Savannah Zoning Board of Appeals are recorded. Decisions of the Savannah Zoning Board of Appeals are final. Challenges to the decisions of the Savannah Zoning Board of Appeals must be filed through the Superior Court of Chatham County.

Note: All persons in attendance are requested to so note on the "Sign-In Sheet" in the meeting room on the podium. Persons wishing to speak will indicate on the sheet

I. Call to Order and Welcome

II. Invocation and Pledge of Allegiance

III. Notices, Proclamations and Acknowledgements

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

[1. 760 Old River Road | Variance | 20-003639-ZBA](#)

V. Item(s) Requested to be Withdrawn

VI. Approval of Minutes

[2. Approval of the August 27, 2020 Meeting Minutes](#)

📎 [August 27, 2020 Meeting Minutes.pdf](#)

The minutes were approved as submitted.

Motion

Approve the minutes as submitted.

Vote Results (Approved)

Motion: Michael Condon

Second: Michael Brown

Tommy Branch - Aye

Michael Brown - Aye

Trapper Griffith - Aye

Hunter Hall - Aye

Michael Condon

- Aye

VII. Approval of Final Agenda

3. Approval of the Final Agenda

The agenda was approved as submitted.

Motion

Approve the agenda as submitted.

Vote Results (Approved)

Motion: Michael Brown

Second: Michael Condon

Tommy Branch	- Aye
Michael Brown	- Aye
Trapper Griffith	- Aye
Hunter Hall	- Aye
Michael Condon	- Aye

VIII. Consent Agenda

IX. Old Business

X. Regular Agenda

4. 616 East 54th Street | Variance | 20-004088-ZBA

📎 [Map - 616 E 54th.pdf](#)

📎 [Plans.pdf](#)

📎 [Neighbor Letters for Approval.pdf](#)

📎 [Aerial Map.pdf](#)

📎 [Survey.pdf](#)

📎 [SZBA Staff Report.pdf](#)

Mr. Jordan Holloway, Development Services Planner, stated the petitioner is requesting approval of a three-foot rear yard setback variance from the three-foot requirement to construct an addition to an existing garage.

The subject property is located at 616 E. 54th Street within the RSF-6 (Residential Single Family-6) Zoning District on a .21-acre conforming lot with a single-family residence and accessory structure (garage). The petitioner would like to add a 100 square foot addition on the east side of an existing garage. The addition would keep the same rear setback as the existing garage, and the project would remove a brick wall that encroaches the setback further than the existing garage. The subject property is currently 24% lot coverage, and the proposed addition would increase the lot coverage to 25% overall, which is below the maximum 40% lot coverage maximum allowance. Letters of support have been submitted on behalf of the property owners from all adjacent properties.

Mr. Jack Simmons, petitioner, stated if we did not construct the room right up against the alley way the way the garage is, It would look absurd. It wouldn't conform to the building. The houses on both sides of me have garages and residential extensions similar to the one I'm proposing. We would be removing a

brick wall that encroaches farther into the alley way than the proposed addition.

No Public Comments

Motion

Motion to approve the requested variance.

Vote Results (Approved)

Motion: Michael Condon

Second: Michael Brown

Tommy Branch - Aye

Michael Brown - Aye

Trapper Griffith - Aye

Hunter Hall - Aye

Michael Condon - Aye

[5. 401 Washington Avenue | Variance | 20-003802-ZBA](#)

[Letter of Opposition.pdf](#)

[Map - 401 Washington Avenue.pdf](#)

[Application.pdf](#)

[Aerial Map.pdf](#)

[SZBA Staff Report.pdf](#)

Mr. Jordan Holloway, Development Services Planner, stated the petitioner is requesting approval to encroach the rear yard setback by five (5) feet. The petitioners wish to replace the current brick wall with the rear wall of a new accessory structure.

The subject property is located at 401 Washington Avenue within the RSF-6 (Residential Single Family-6) Zoning District on a .20-acre conforming lot with a single-family residence with an accessory structure. The petitioner would like to add a 352 square foot accessory structure on the southeast corner of the lot. The structure's rear wall would replace an existing brick wall that is on the property and has no setback from the property line. The subject property is currently 28% lot coverage, and the proposed addition would increase the lot coverage to 32% overall, which is below the maximum 40% lot coverage maximum allowance. Letters of opposition have been submitted on behalf of property owners from nearby properties.

Mr. Mike Crane, petitioner, stated we want to build a structure for the purpose of a garage to use for storage. The building will match the existing line of other buildings that are currently in the alley. There will not be any garbage truck issues. The building will be inside all of the telephone poles in the alley.

Mrs. Cynthia Crane, petitioner, stated the vegetation noted in the opposition letter submitted is a non-native species. It's bamboo and we would not be removing all vegetation, only the portion needed for removing the wall and construction.

Mr. Crane, stated in response to the opposition letter. Currently, the right of way of a City lane is 16 ft. We have, from the existing center of the lane to the proposed structure, 10 ft. So there will be plenty of room to turn around a small car.

Mr. Holloway, read a letter in opposition from Mr. and Mrs. William Lee Belford, Jr.

Ms. Crane, stated that part of the wall was unsound and had to be removed.

No Public Comments

Motion

Denial of the requested encroachment of 5 feet into the rear yard setback.

Vote Results (Approved)

Motion: Michael Brown

Second: Trapper Griffith

Tommy Branch	- Aye
Michael Brown	- Aye
Trapper Griffith	- Aye
Hunter Hall	- Aye
Michael Condon	- Aye

[6. 1606 Brownville Court | Variance | 20-003907-ZBA](#)

📎 [SZBA Staff Report.pdf](#)

📎 [Map - 1606 Brownville Ct.pdf](#)

📎 [Aerial Map.pdf](#)

Mr. Jordan Holloway, Development Services Planner, stated the petitioner is requesting an after-the-fact approval of a variance to allow the front building setback to be fourteen (14) feet. The ordinance required front building setback is five (5) to ten (10) feet.

The subject property is located at 1606 Brownville Court within the TR-1 (Traditional Residential – 1) Zoning District. It is a .11-acre conforming lot with a single-family residence. The subject property received a Certificate of Appropriateness from the Savannah Historic Preservation Commission on July 22, 2020. In error, throughout April of 2020, the City of Savannah’s Development Services Department approved and issued all required permits for the new construction of a single-family residence at 1606 Brownville Court without the project having been reviewed by either the Historic Preservation Commission, or MPC staff/Savannah Zoning Board of Appeals for a variance request. Staff was notified of this, by a citizen, after the construction was almost complete. Once staff was made aware, the petitioner agreed to apply for an after-the-fact COA and then file for a variance request with the Savannah Zoning Board of Appeals. The adjacent properties (Twelve (12) within the same block) appear to have front building setbacks in excess of thirteen (13) feet. The Petitioner is requesting to have a front building setback of fourteen (14) feet.

Mr. Gary Udinsky, petitioner, stated they are trying to keep this house inline with all the other houses in the neighborhood and would appreciate the Board's approval of the variance.

No Public Comments

Motion

Approve the variance from the standard as requested.

Vote Results (Approved)

Motion: Michael Condon

Second: Michael Brown

Tommy Branch	- Aye
Michael Brown	- Aye

Trapper Griffith	- Aye
Hunter Hall	- Aye
Michael Condon	- Aye

[7. 111 East Jones Street | Appeal a Decision | 20-003924-ZBA](#)

- 🔗 [Staff Report - 3924-ZBA.pdf](#)
- 🔗 [Application.pdf](#)
- 🔗 [Exhibit A.pdf](#)
- 🔗 [Map - 111 E Jones.pdf](#)
- 🔗 [Chronology 111 East Jones Street Addition.pdf](#)
- 🔗 [Exhibit 1- April 1 2020 COA drawings.pdf](#)
- 🔗 [Exhibit 2- Historic District Board of Review- COA additions checklist.pdf](#)
- 🔗 [Exhibit 3- City of Savannah Code of Ordinances - NewZO Section 3.1 Purpose.pdf](#)
- 🔗 [Exhibit 4- Precedents for Requiring Missing Elevations.pdf](#)
- 🔗 [Exhibit 5- City of Savannah Code of Ordinances - NewZO Section 3.19 Certificate of Appropriateness for the Savannah Downtown Historic District.pdf](#)
- 🔗 [Exhibit 6- Historic District Board of Review- COA application form.pdf](#)
- 🔗 [Exhibit 7- Historic District Board of Review- Bylaws and Procedural Manual.pdf](#)
- 🔗 [Exhibit 8- April 1, 2020 Staff COA decision.pdf](#)
- 🔗 [Exhibit 9- City of Savannah Code of Ordinances - NewZO Section 3.23 Appeals.pdf](#)
- 🔗 [Exhibit 10- Transcript of the Historic District Board of Review November 13, 2019 Meeting.pdf](#)

Mr. Marcus Lotson, Director of Development Services, stated the petitioner is appealing the approval of a Certificate of Appropriateness for property at 111 East Jones Street (File no. 20-001568-COA) that was approved by Historic Preservation staff on April 1, 2020. The scope of work included amendments to a previously approved COA of November 25, 2019 (File no. 19-005939-COA). The approved amendments are outlined below:

1. The projection of the addition is proposed to change from 12'-0" to be 9'-0".
2. The lot coverage is proposed to change from 53.5 to 51.6 percent.
3. The garden level of the addition is proposed to change from 10'-2" in width to 9'-8" in width.
4. A window has been removed from the design of the west facing façade of the third story of the addition.
5. A pair of windows was added to the rear facing garden level façade.
6. The grouping of windows on the rear facing second level façade has been revised to be centered on the façade.

The appellant contends that technical errors were made in the review process including required documents for submittal, and the authority to review on staff level.

The original petition was acted on by the Historic District Board of Review on November 13, 2019. At that time, the Board continued the hearing so that the petitioner could provide more information and revise the drawings. On November 20, 2019 staff was provided with the revised drawings which met the conditions set by the Board. On that same day, the applicant emailed staff requesting that the project be reviewed by staff, based on the review authority granted to the Planning Director in Article 3 Section 3.19 of the Zoning Ordinance.

In review of the amended COA, it was determined that the petition met conditions set forth by the Board and was, in fact, decreasing the overall scope of the project by decreasing the projection of the addition from 12'-0" to 9'-0". Decreasing the lot coverage from 53.5 to 51.6 percent and decreasing the size of the garden level addition by reducing the width from 10'-2" to 9'-8". Staff acted in accordance with the decision handed down by the Board. Per Section 3.23.6(a) the ZBA is only to determine whether the administrator erred on the application or interpretation of the Ordinance.

Ms. Leah Michalak, Director of Historic Preservation, reviewed the addition chronology that took place since the application was filed on October 16, 2019.

Mr. Lotson, reviewed the appeal procedures for the Board. The Board's position today is to determine whether there was an error made by MPC staff.

Ms. Ellen Harris, agent for the petitioner, stated the basis for the appeal is two technical errors which occurred during the approval process:

1. The east elevation of the proposed three-story addition, visible from the public right-of-way of East Jones Lane, was not provided in the application packet, as required on the COA application form, and the well-established precedent that all elevations for new construction and additions visible from a public right-of-way must be provided in order for a COA to be reviewed.
2. Section 3.19.7 of NewZO outlines the circumstances in which the Planning Director may take action on an application, and Section 3.19.8 of NewZO outlines the circumstances in which review by the Historic Board of Review is required. The scope of work of the revision approved in 20-001568-COA should have required Historic Board of Review action, rather than Planning Director action.

While Section 3.23 of NewZO specifies that appeals must be filed within "30 working days" of a decision, because of the GA Supreme Court order of March 13, 2020, subsequently extended five times through July 13, 2020, suspending filing deadlines due to Covid-19, the appeal is within the 30-day deadline.

She proceeded with a presentation of exhibits 1-10.

Exhibit 1: April 1, 2020 COA Drawings

Exhibit 2: Historic District Board of Review - COA additions checklist

Exhibit 3: City of Savannah Code of Ordinances - NewZO Section 3.1 Purpose

Exhibit 4: Precedents for Requiring Missing Elevations - List of different addresses

Exhibit 5: City of Savannah Code of Ordinances - NewZO Section 3.19 Certificate of Appropriateness for the Savannah Downtown Historic District

Exhibit 6: Historic District Board of Review - COA Application Form

Exhibit 7: Historic District Board of Review - Bylaws and Procedural Manual

Exhibit 8: April 1, 2020 Staff COA Decision

Exhibit 9: City of Savannah Code of Ordinances - NewZO Section 3.23 Appeals

Exhibit 10: Transcript of the Historic District Board of Review November 13, 2019 Meeting

Ms. Michalak, stated a material change to a new construction of walls, fences, screens or paving. A material change does not refer to the difference of stucco and hardie plank. It refers to an immaterial change vs a material change. It's a significant change.

Public Comments:

Mr. John Deering, stated that the applicant is focusing on the November HDBR submittal and the deadline to appeal that decision has past. I agree with Ms. Michalak that the east elevation is insignificant. The visibility is very limited. We did provide a 3D view that does show a glimpse of the east elevation and you can see it's a blank stucco wall. There are many project that I didn't list individually that we have applied for HDBR approval in rowhouses where we did not include adjacent blank wall elevations because they were not necessary. The request from March and April was a reduction in scope and a bettering of the project from a preservation standpoint.

Mr. Harold Yellin, stated that design plans once approved are often tweaked after a decision and, if that change is not material, it is done at staff level. That's how it's been since I began practicing law 38 years

ago. It makes since because, if every minor change had to go back to the HDBR, there would be a lot of items to heard every meeting. In this case, it was heard on November 25, 2019, the Board approved a proposed projection in lot coverage and garden level. This was pre-pandemic and the time to appeal that decision would have been on or before December 25, 2019, and there was no appeal of any kind prior to that date. The only thing that could possibly be appealed now would be the decision of staff on April 1, 2020, where they approved the reduction of lot coverage and reduced the garden level. All of these are minor changes. We agree with the Planning Director and staff's recommendation of upholding the decision of the Planning Director.

Ms. Michalak, stated that the HDBR Board is aware of every application that staff approves. We list them under the approved staff reviews section on the agenda. On the May 13 ,2020 HDBR Board agenda, we listed this item along with the COA. The Board approves this section when they approve the final agenda.

The Chairman read a note from Ms. Jeanne Glover, the note stated she was having technical issues but she disagrees with the comments made by the MPC staff and Mr. Deering.

Motion

Denial of the requested appeal.

Vote Results (Approved)

Motion: Michael Condon

Second: Hunter Hall

Tommy Branch	- Aye
Michael Brown	- Nay
Trapper Griffith	- Aye
Hunter Hall	- Aye
Michael Condon	- Aye

[8. 503 Orchard Street | Variance | 20-004058-ZBA](#)

[Application.pdf](#)

[Map - 503 Orchard.pdf](#)

[FINAL PLAT - Submittal_1_20-003661-SUBP_ Colding Ward Recombination.pdf](#)

[Street View.pdf](#)

[Staff Report 4058-ZBA.pdf](#)

Mr. Marcus Loston, Director of Development Services, stated the petitioner is requesting approval of a four space variance for required off-street parking for a proposed boutique at 503 Orchard Street.

The subject property is located at the southwest corner of the intersection of Martin Luther King Jr. Boulevard and Orchard Street within a TN-3 zoning district. The subject property is developed with a two-story structure built in in 1950. The structure is approximately 900 square feet in size. The petitioner intends to renovate the structure and use the ground floor for a proposed retail boutique, a permitted use in the TN-3 zoning district. In August 2020, the petitioner purchased the adjacent 700 square foot parcel, a right-of-way remnant adjacent to Martin Luther King Jr. Boulevard from the City of Savannah. The remnant was combined with 503 Orchard Street (MPC File no. 20-003661-SUBP). It appears that historically the right of way was used for parking, the recombination formalizes this use. Required parking for the use is calculated at 1 space for each 225 square feet. Based on this calculation, 4 off -street spaces would be required. The structure, when built, did not include off-street parking. The recombining of the 700 square foot parcel will provide informal parking for the use. The acquisition of the right-of-way by the petitioner provides the opportunity to create a conforming off-street parking space. Although there is marked on-street parking along Martin Luther King Jr. Boulevard, the applicant should not rely solely on

this parking when at least one space can be provided on site.

Ms. Tonya Ferguson, petitioner, stated back in 2000, the MPC allowed me to have a curb cut because I had an in-house salon. I do provide parking on the driveway pad.

Public Comments:

Ms. Naomi Woods, asked where is the parking space going? Is it going to be the same direction of the house? I'm one of the owners of the adjacent vacant lot and we don't want anyone blocking the lot or parking on Orchard Street.

Mr. Lotson, stated that the access for the parking would be from Orchard Street, but the parking space itself would be parallel to the home.

Motion

Approval of the requested variance.

Vote Results (Approved)

Motion: Michael Condon

Second: Michael Brown

Tommy Branch	- Aye
Michael Brown	- Aye
Trapper Griffith	- Aye
Hunter Hall	- Aye
Michael Condon	- Aye

[9. 919 East 39th Street | Variance | 20-004089-ZBA](#)

[Map -919 E 39th.pdf](#)

[Application.pdf](#)

[Staff Report4089.pdf](#)

[2020-09-22_LotSetback_Brds.pdf](#)

[Exhibit A - Example.pdf](#)

[Exhibit B Context.pdf](#)

Mr. Marcus Lotson, Director of Development Services, stated the petitioner is requesting approval of a 7-foot lot width variance for a proposed 2-lot minor subdivision at 919 East 39th Street.

The subject property is located on the south side of East 39th Street approximately 40 feet west of Ott Street within a TR-1 (Traditional Residential) zoning district. The petitioner is requesting MPC approval of a Final Plat for a 2-lot Minor Subdivision. The purpose of the proposed subdivision is to divide a 0.146-acre tract of land to create two single-family detached residential lots. There are 14 parcels within the block where the subject property is located. The development pattern includes both single family and two-family residential uses. Within this block, lot widths range from 30 feet to 60 feet. The proposed lots are 33 feet wide. Nearby blocks also include this pattern of lot width ranges. Based on the development pattern in the area, the proposed subdivision appears to be consistent with the others in the block and on nearby blocks. Relief from the lot width requirement would allow the development of two single family homes. The proposed lot size has accommodated single family residential development in the vicinity without the need for other dimensional variances. The setbacks that will be required for the property are as follows:

Front Yard - 5ft min / 10ft max
Side (Interior) Yard - 3ft (min)

Side (Street) Yard - 10ft (max)
Rear Yard - 20ft

Mr. Robert McCorkle, agent for the petitioner, stated the property is 67 ft wide, which is made up of two historic 30 ft lots and a 7 ft lot. This lot is the largest lot on the block. There are several lots that remain 30ft around this lot. My client is wanting to subdivide this lot into two 33ft lots, in order to construct two single family residents. MPC staff has already approved the subdivision plat, subject to us getting the variance approved. The lots, as we have created them, do meet all the setback requirements and minimum lot area requirement.

No Public Comments

Motion

Approval of the requested 7- foot lot width variance for 919 East 39th Street.

Vote Results (Approved)

Motion: Trapper Griffith

Second: Michael Brown

Tommy Branch	- Aye
Michael Brown	- Aye
Trapper Griffith	- Aye
Hunter Hall	- Aye
Michael Condon	- Aye

[10. 232 Price Street | Variance | 20-004090-ZBA](#)

[📎 SZBA Staff Report.pdf](#)

[📎 Plans.pdf](#)

[📎 Map - 232 Price.pdf](#)

[📎 Aerial Map.pdf](#)

Mr. Jordan Holloway, Development Services Planner, stated the petitioner is requesting approval of a variance from the maximum building coverage requirement of 75% to allow 100% building coverage pursuant to the remodel of an existing building, with an existing lot coverage of 100%.

The subject property is located at 232 Price Street within the D-R (Downtown Residential) Zoning District. It is a .02-acre pre-existing non-conforming lot with 100% lot coverage. The petitioner has received approval and a Certificate of Appropriateness by the City of Savannah Downtown Historic District Board of Review for alterations and a two-story addition to the existing building. The approval also includes the removal of an existing one-story addition at the rear, a two-story addition on the rear half of the existing building, alterations to the window and door openings on the existing building, and a new stucco finish on the existing building. The existing lot coverage is 100%, however the improvements and expansion of the building requires approval of a variance from the City of Savannah Zoning Board of Appeals.

Mr. Alejandro Gonzalez, petitioner, stated he is here to answer any questions the Board may have.

No Public Comments

Motion

Approval of the variance from the standard as requested.

Vote Results (Approved)

Motion: Michael Condon

Second: Michael Brown

Tommy Branch	- Aye
Michael Brown	- Aye
Trapper Griffith	- Aye
Hunter Hall	- Aye
Michael Condon	- Aye

XI. Other Business

XII. Adjournment

The Chatham County - Savannah Metropolitan Planning Commission provides meeting minutes which are adopted by the respective Board. Verbatim transcripts of minutes are the responsibility of the interested party.