



## City of Savannah Zoning Board of Appeals

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### August 26, 2021 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

#### V. Item(s) Requested to be Withdrawn

#### VI. Approval of Minutes

##### [1. Approval of the July 22, 2021 Meeting Minutes](#)

###### **Motion**

The Savannah Zoning Board of Appeals does hereby approve the July 22, 2021 meeting minutes.

###### **Vote Results ( Approved )**

Motion: Michael Condon

Second: Stephen Plunk

Stephen Merriman, Jr. - Abstain

Karen Jarrett - Aye

Hunter Hall - Aye

Michael Condon - Aye

Stephen Plunk - Aye

#### VII. Approval of Final Agenda

##### [2. Approval of the Final Agenda](#)

###### **Motion**

The Savannah Zoning Board of Appeals does hereby approve the August 26, 2021 final agenda as submitted.

**Vote Results ( Approved )**

Motion: Stephen Plunk

Second: Michael Condon

Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Aye
Hunter Hall	- Aye
Michael Condon	- Aye
Stephen Plunk	- Aye

**VIII. Consent Agenda**

**IX. Old Business**

**X. Regular Agenda**

[3. 1825 Montgomery Street | Parking and Height Variances | 21-001794-ZBA](#)

[☞ Staff Report.pdf](#)

[☞ Exhibits.pdf](#)

[☞ Street View.pdf](#)

**Mr. Marcus Lotson, Director of Development Services**, stated that the applicant is requesting three variances pursuant to a multifamily residential development at 1825 Montgomery Street. The variances are as follows:

**Variance 1.** Section 5.13.5 Maximum Permitted Height = 3 stories up to 45 feet.

Requested variance = 4 stories up to 55 feet.

**Variance 2.** Section 9.3.8 Maximum Distance for Remote Parking = 300 feet

Requested Variance = 460 feet.

**Variance 3.** Section 9.3.4 Off Street Parking Requirements. Requested Variance = 20 spaces.

The subject property is a full city block bounded by Montgomery Street, Martin Luther King Jr. Boulevard, Kline Street, and Thirty Fifth Street. It is .85 acres in size and is developed with a retail store. The applicant intends on redeveloping the property as a multifamily residential development. The property is zoned TC-2 (Traditional Commercial) and is within the Streetcar Historic District. The proposed use is a permitted use in the district. In addition to development review, it would require approval of the building design through the Historic Preservation department.

The petitioner is requesting three variances. The first variance request is to exceed the maximum permitted height. Per Section 5.13 of the Zoning Ordinance, the maximum permitted height in the TC-2 zoning district is 3 stories, up to 45 feet. The applicant is requesting a maximum of 4 stories up to 55 feet. The petitioner is proposing to apply some of their off street parking requirement on a remote lot. The Ordinance allows this up to 300 feet away from the use. The petitioner is requesting a 460 foot variance to this maximum. The final variance the petitioner is requesting is an off street parking variance in terms of the number of required spaces. It is a 20 space variance that would be required based on the current design.

In 2018, a staff-generated text amendment to the Zoning Ordinance was adopted to change the maximum allowed height to 4 stories and 55 feet. That amendment was not carried over to the new Ordinance and the current City Council recently elected not to re-adopt it.

**Mr. Lotson** said that there do not appear to be any special conditions related to the land, buildings, or structure. The height variance request is related to design choices of the applicant and the parking variances are a result of the number of proposed residential dwelling units. The property can be developed with the proposed use absent of the requested variances. No undue hardship is created by the literal interpretation of the Ordinance. Other properties in the same zoning district are subject to these regulations. Not providing off street parking to the degree proposed does allow the applicant to achieve a unit count that would not otherwise be feasible. Approximately 70% of the parking would be provided off site. Staff finds this to be inconsistent with the intent of the Ordinance.

**Mr. Lotson** explained that yesterday staff received an opposition letter from a neighboring property owner, Mr. Rich Ferguson. Mr. Ferguson opposes the proposed variances. He indicated that the impacts of the development would impact on-street parking. He also felt that the size of the building was not compatible with the neighborhood, as most of the buildings here are two stories. Mr. Lotson said this was also the staff's contention as stated in their report. Based on the staff review relative to height, they believe that the intent of the Ordinance is to allow the appropriate scale of development that is compatible with the existing development within the vicinity.

**Mr. Lotson** reported that based upon the review criteria, staff recommends denial of the requested variances at 1825 Montgomery Street.

**Mr. Lotson** entertained questions from the Board.

**Ms. Jarrett** said she was concerned about the parking lot, not only are there not enough parking spaces, but she has a lot of issues with this project. There is a 20 foot wide driveway to get in and out. If a car is waiting to get out and a car is trying to get in, they will not be able to navigate that intersection. The parking spaces are 8'- 6" wide. The minimum that she has ever seen for a parking stall is 9'. Ms. Jarrett said she does not know if the city has a regulation about how wide the parking stalls have to be, but here they will be barely able to open their car door if a car is beside them. Has any consideration been given to how people will get in and out their vehicles and how they will navigate this intersection?

**Mr. Merriman** said Ms. Jarrett asked a good question and that the petitioner will be able to answer the question when he makes his comments.

### **PETITIONER COMMENTS**

**Attorney Robert L. McCorkle, McCorkle Johnson and McCoy Law Firm**, stated that their client wants to put a \$20M project in an area that has suffered greatly from both blight and vacancy for decades. Attorney McCorkle said that Mr. Lotson did a good job in describing the project. However, the Montgomery Street corridor especially in the area south of Anderson Street is mostly commercial. As you proceed down this street, it is a ghost town because the lots are vacant and many structures are condemned. Their project takes up an entire city block. They are proposing an 85 unit multifamily and will provide 25 parking spaces on site. It will be 4 stories in height; a studio, one and two bedrooms. A huge housing demand is in Savannah and in this area.

**Attorney McCorkle** said that, as Mr. Lotson stated, they are requesting three variances, including a four story height as well as having off street parking at a remote site which they are permitted to do. These parking spaces count the same as onsite parking spaces. The restriction is that the spaces be within 300 feet of their building. The parking lot that they are acquiring for the purpose is about 760 feet from their building. The lot will also add two additional residences, which was done through discussion with staff about trying to put something facing Montgomery Street so that they will not have another parking lot. When looking at the site from Montgomery Street, you see two residence buildings facing the street and the parking lot will be behind the residences. Their parking lot is located directly across the street from 1501 Montgomery Street, which is a four-story multifamily project that looks almost identical to their project; however, it is larger and provides less parking.

**Attorney McCorkle** showed the ZBA pictures of various new apartments between Gaston and Gwinnett Streets on Montgomery Street. He said all the new developments in this area are large four-story apartment buildings. New townhouses are being built around the perimeter on Gwinnett Street. However, the new development in the area has been slow to come south of Gwinnett Street. He explained that the purpose of their project is to try to be a part of the new change. A new project is being

constructed three blocks from their project on Montgomery Street and it is similar to their project. He said that Mr. Andy Lynch did the work for that project and he is also doing the work for their project. Mr. McCorkle stated that he believes what they are proposing to do is consistent with the project being built here now. He believes that their project, just like this project, will be a huge benefit to the area. The project will bring people to this area.

**Attorney McCorkle** explained that particularly there is no neighborhood in this corridor that they are building in. This is a commercial corridor that is void of people and development. The only new development in the vicinity of their property is a four-story apartment building three blocks away. He believes that the ten additional feet they are requesting will allow them to have freedom of unit size, floor heights, and will allow them to have an elevator on site. The complex is desperately needed in this area. Mr. McCorkle said he does not believe that a project this size is inappropriate for this lot. Therefore, this is what makes it unique. Attorney McCorkle asked the ZBA to approve their request.

**Mr. Plunk** said he agrees with the importance of height density in this area. He asked if the adjacent development came before the ZBA to seek similar variances. Were these variances granted?

**Attorney McCorkle** answered that he does not believe that they had variances. The overlay was put in place through the development of that project. They did not seek variances as the Ordinance was rewritten based on that project. They added the fourth story. During this time, the on-street parking spaces could be counted. Consequently, the petitioner did not have to request variances as the Ordinance was amended.

**Ms. Jarrett** stated that she does not believe that she has seen an 8 foot parking space in any application. The other site shows an 8 1/2' space. She said 9' spaces are reasonable; 18 feet for the length of the parking is a little shy as well from normal standard, but she believes it is an acceptable amount. She has concerns about the in and out driveway. There will be conflicts between vehicles coming in and going out. Ms. Jarrett said she believes the other project had development plans and met with the neighborhood association. She has not heard that a neighborhood association meeting was held here. They have been shown some pictures, but not told what they are going to build. Ms. Jarrett asked Attorney McCorkle if they have met with the neighborhood association.

**Attorney McCorkle** said they have not met with the neighborhood association; but, he believes the neighborhood association was notified about what they wanted to do in the area. He also believes that the abutting property owners were notified as well. Attorney McCorkle stated that he did not know until today that comments were received. No one has contacted him about the project. This is a heavily commercial area and most of their neighbors are vacant. The turn ins and outs have to be 20 feet wide and spaced a certain distance apart.

## **PUBLIC COMMENTS**

None.

## **BOARD DISCUSSION**

**Ms. Jarrett** said her concerns are about parking spaces that are really small. It would be extremely difficult to pull into an 8 1/2' parking space. They need all of the 26' wide area that they have between the parking spaces. She believes the petitioner could plan a different mix of units to reduce the parking and fit more in or redesign the parking.

### **Motion**

The Savannah Zoning Board of Appeals does hereby approve Variance 1 and Variance 2 for 1825 Montgomery Street as follows:

Variance 1. Section 5.13.5 Maximum Permitted Height = 3 stories up to 45 feet. Requested variance = 4 stories up to 55 feet

Variance 2. Section 9.3.8 Maximum distance for Remote Parking = 300 feet. Requested variance = 460 feet.

The ZBA additionally approved Variance 3 Section 9.3.4 Off Street Parking Requirements. Requested Variance = 20 spaces.

**Vote Results ( Approved )**

Motion: Stephen Plunk

Second: Michael Condon

Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Nay
Hunter Hall	- Aye
Michael Condon	- Aye
Stephen Plunk	- Aye

[4. 2424 Fort Argyle Road | Height Variance | 21-004360](#)

[☞ Staff Report .pdf](#)

[☞ Final executed NHPOA Parcel C-2 MPC letter.pdf](#)

[☞ Parcel C-2 Height Variance Buffer Exhibit.pdf](#)

[☞ Map.pdf](#)

[☞ Future Development New Hampstead.pdf](#)

**Mr. Lotson** stated that the applicant is requesting a 15-foot height variance from the 45-foot height maximum for the development of a film industry office complex and theater proposed at 2442 Highway 204. The variance, if approved, would permit a maximum height of 60-feet.

The subject property is located at the southeast corner of the intersection of Fort Argyle Road and Highgate Boulevard. It's an undeveloped 30-acre site within the New Hampstead Planned Development and has a commercial designation. Highgate Boulevard is a 4-lane divided roadway with a 140-foot right-of-way and Fort Argyle Road, an extension of Highway 204, has a 100-foot right-of-way. Per the New Hampstead Development Guidelines, a 50-foot buffer is required to be maintained along both of these roadways.

The development pattern in the vicinity is in the process of converting from rural to suburban with a number of single and multifamily residential developments underway. The eastern and northern boundaries of the site abut a property which is identified on the Master Plan as a future multifamily development, where a minimum 100-foot buffer would apply. In addition, the applicant has agreed to an additional 100-foot setback along the northern and eastern property lines for any building over 35 feet in height.

The height variance request is pursuant to the development of the site as a film industry related office and theater space. The maximum permitted height in the district is 45 feet. The abutting multifamily designated property also permits a maximum height of 45 feet, but is undeveloped. Although a site plan has not been submitted, the applicant has stated that the requested variance is to accommodate the theater/soundstage space and is necessary for sound, lighting, and other media related design features for the space.

**Mr. Lotson** explained that because no site plan has been submitted, staff cannot verify where or to what

extent the proposed variance would be applied. Although it is a 30-acre site that will be buffered significantly from adjoining property, as submitted, the variance would apply to the entire site. Although unlikely, if approved without conditions, the entire area other than the 200-foot setback and buffer would be subject to a maximum height of 60 feet. This 30-acre site is most likely to be developed with multiple buildings. Staff finds that the size and location of the site, the commercial designation and the proposed buffers are all mitigating factors that could support a variance. However, limitations should be placed on the instances of additional height.

**Mr. Lotson** reported that based upon the review criteria and special circumstances outlined in the report, staff recommends approval with conditions of the requested variances at 2442 Highway 204 as follows:

1. A 100-foot undisturbed buffer shall be required adjacent to the northern and eastern property lines.
2. No building over 35-feet in height shall be within 200 feet of the northern and eastern property lines.
3. The requested variance shall only apply to one building on site. If the applicant proposes multiple buildings that exceed the maximum height, a variance for each will be required.
4. Should the land use designation change to residential, this variance shall not apply to any residential building on site.

**Mr. Lotson** entertained questions from the Board.

**Ms. Jarrett** asked if the exhibits that were provided in the packet are the same exhibits that the letter refers to.

**Mr. Lotson** explained that it is the same exhibit.

#### **PETITIONER COMMENTS**

**Attorney Robert L. McCorkle, McCorkle Johnson and McCoy Law Firm**, stated this is an exciting project. They have received support from the Savannah Economic Development Authority (SEDA), the Savannah Film Commission, as well as various legislators and other people. The purpose of this project is basically to create a film industry office complex, sound studio, theater and incorporate tours to the public, have restaurants and office space for visiting film crews. The idea is that this will be home base for visiting film production crews. Attorney McCorkle explained that this is a large site.

They do not believe that the building or the project will be visible from the adjacent properties and should not have any effects on the adjacent neighbors because of the buffering. They have the approval of the Homeowners Associations, wide range community support, and the staff support. Attorney McCorkle asked the ZBA to approve the request.

A question was asked of Mr. McCorkle if he was okay with the staff's recommended conditions.

**Attorney McCorkle** answered generally, yes. He explained that his only concern about one condition is that they will have to come back every time they have more than one building. For what it is worth, if they are agreeing to the buffers and buffering the property back, neither the homeowners association or the master developer asked them to limit it to a single building. It seems difficult to him to have lawyers come back through the process every time they want to add a building to a site. If they are going to buffer 200 feet and 60 feet as appropriate for their project, he believes it would be appropriate whether they have one building that size or two buildings that size as long as they meet all the zoning setback requirements. However, he would like to avoid all of this, but in general, they are fine with the conditions.

**Mr. Merriman** explained that coming back would only be in the case that the building exceeded the height limit. Otherwise, the petitioner would be able to develop as they will.

**Ms. Jarrett** asked staff to please respond to this condition.

**Mr. Lotson** explained that the condition states that "the requested variance shall only apply to one building on site. If the applicant proposes multiple buildings that exceed the maximum height, a variance for each will be required." He said that the maximum height is 45 feet.

**PUBLIC COMMENTS**

**Mrs. Bieber** sent a question via chat. Mr. Lotson explained that her question concerned whether the petitioner contacted the West Chatham Community Watch. This is not a neighborhood group. He said he just spoke to Attorney McCorkle, who told him that he had not spoken to that organization. Mr. Lotson did not believe that Attorney McCorkle is familiar with this group. Mr. Lotson explained that for the record, this is not a part of the requirement for the variance process.

**BOARD DISCUSSION**

The ZBA was in agreement with the staff recommendation.

**Motion**

The Savannah Zoning Board of Appeals does hereby approve the requested variance with the following conditions:

1. A 100-foot undisturbed buffer shall be required adjacent to the northern and eastern property lines.
2. No building over 35-feet in height shall be within 200 feet of the northern and eastern property lines.
3. The requested variance shall only apply to one building on site. If the applicant proposes multiple buildings that exceed the maximum height, a variance for each will be required.
4. Should the land use designation change to residential, this variance shall not apply to any residential building on site.

**Vote Results ( Approved )**

Motion: Michael Condon

Second: Stephen Plunk

Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Aye
Hunter Hall	- Aye
Michael Condon	- Aye
Stephen Plunk	- 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.*