



City of Savannah Zoning Board of Appeals

October 28, 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V. Item(s) Requested to be Withdrawn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 September 23, 2021 Meeting Minutes](#)

📎 [September 23, 2021 Meeting Minutes.pdf](#)

Motion

The Savannah Zoning Board of Appeals does hereby approve the September 23, 2021 Meeting Minutes.

Vote Results (Approved)

Motion: Karen Jarrett

Second: Stephen Plunk

Stephen Merriman, Jr. - Abstain

Karen Jarrett - Aye

Trapper Griffith - 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 Final Agenda.

Vote Results (Approved)

Motion: Michael Condon

Second: Stephen Plunk

Stephen Merriman, Jr. - Abstain

Karen Jarrett - Aye

Trapper Griffith - Aye

Hunter Hall - Aye

Michael Condon - Aye

Stephen Plunk - Aye

VIII. Consent Agenda

IX. Old Business

X. Regular Agenda

[3. 707 East 54th Street - Front Yard Setback Variance - 21-005586](#)

[☞ Staff Report.pdf](#)

[☞ Surrounding properties of 707 E 54th Street with front yard setback measurements.pdf](#)

[☞ Map.pdf](#)

[☞ Site Visit.pdf](#)

[☞ Application - 707 East 54th Street 21-005586-ZBA.pdf](#)

NOTE: All persons wishing to give testimony were sworn-in by Mr. Merriman.

Ms. Melissa P. Leto, Development Services Planner, gave the staff report. The applicant is requesting a variance to the minimum front yard setback requirement in the Residential Single Family (RSF-6) zoning district to construct a new one-story single-family residence, a detached accessory structure, and a pool on the subject property. The minimum front yard setback requirement in the Residential Single Family (RSF-6) zoning district is twenty (20) feet, the applicant is requesting a fifteen (15) foot front yard setback. The property is located at 707 East 54th Street.

Ms. Leto said that the subject property is located between Harmon Street and Waters Avenue, facing the south side of East 54th Street with East 54th Lane located to the rear of the property. The parcel is in the Ardmore/Gould Estate Olin Heights neighborhood. The property is currently a vacant parcel and has a total lot area of 6,296.91 square feet, with an average depth of approximately 104.95 feet and an average width of 60 feet.

Ms. Leto explained that staff spoke with the petitioner and informed him that if the pool and the house were moved back further, there would be no need for a variance. However, the petitioner stated that the variance is being requested so that they may have a larger rear yard. The front yard measurements surrounding the properties located within this subject block, they find that none of the properties have a 15-foot setback. The minimum setback was a 16.5-foot.

Ms. Leto reported that based upon the review criteria, staff recommends denial of the requested variance for 707 East 54th Street.

Ms. Leto entertained questions from the Board.

Mr. Condon asked staff to show the photos again. He asked if the setback is being measured from the main house or from the closest point.

Ms. Leto said they are being measured from the roofline to the lot line.

PETITIONER COMMENTS

Mr. Mark Gugliuzza was present on behalf of the petition. Mr. Gugliuzza said they were asking for the variance not to increase the lot coverage, but to increase the size of the backyard for their daughter. He wanted to comment on two statements in the staff's reports. The first is under Section B - Special Conditions. In regards to having a clean slate to conform with the standards in no special circumstances, when they complete their plans, they are under the impression that they are within the zoning standards. In June, they submitted an application with site plan for the same requested variance as they are doing today. In July they were told that they did not need a variance. They were informed that properties with lane access in RSF-6 have a minimum front yard setback of 15 feet. When they applied for the building permit last month, they were informed that the setback was indeed 20 feet and that they needed the variance.

Mr. Gugliuazz said the second item he wanted to comment on is in section three. The report shows that staff conducted front yard measurements of the surrounding properties located within the subject block and found that none of the properties have a 15-foot setback. However, according to the documents provided by the MPC, the property located at 714 East 53rd Street is at 13.9 feet; the property at 712 East 54th Street is at 15.9 feet; the property at 710 East 54th Street is at 16.2 and the property at 702 East 54th Street is at 16.5 feet. Mr. Gugliuazz said their property at 707 East 54th Street will be 27 feet from the curb. Currently, 714 East 54th Street is also 27 feet from the curb, and 702 East 54th Street is 26 feet from the curb.

Mr. Gugliuazz entertained questions from the Board.

Mr. Condon stated that the Board does not have a copy of the plan. They only have a site plan. He asked the petitioner if the front of the house is flat. Are there stairs and a porch with an overhang?

Mr. Gugliuazz answered that there will be an overhang with a porch.

Mr. Condon asked the petitioner if he would be further than 15 feet.

Mr. Gugliuazz confirmed that he would be further than 15 feet.

PUBLIC COMMENTS

Ms. Ardis Wood stated that her general interests are historic and maintaining the tree lawns. She explained that she measured the distance from the curb back to the house. Ms. Wood additionally explained that two green markers are on the property. One marker is placed 15 feet and the other is placed 20 feet. She did not measure from the roof overhang, but as they can see, the house next door is further back from the street. Looking in the other direction, the next door neighbor is in line with the setback. Ms. Wood believes it would be a mistake and breaks the opportunity to have some more trees in the future.

Alderman Palumbo said this portion of the neighborhood, which has been historically called Chatham Terrace, has been identified by the City of Savannah for sidewalk placement in the future. He believes it would be piecemeal work to block any section of the neighborhood, especially to connect the east/west connector and it would be a true tree lawn which would provide the tree buffer close to the street, to the sidewalk, and private property. This is in context of the City.

Ms. Jarrett asked Alderman Palumbo where the sidewalk will be placed.

Alderman Palumbo answered that it will be a true tree lawn. There will be curb and sidewalk. As they see in Chatham Crescent, there are many places where the sidewalk meets the street without the tree

lawn. The sidewalk in Chatham Terrace will mirror the same pattern on the other side of the street.

Ms. Jarrett asked Alderman Palumbo if he was talking about 7 to 10 feet.

Alderman Palumbo said he did not have the specific measurements, but there will be enough placement for the trees and sidewalk.

Mr. Gugliuazz, in response to public comments, said the measurements were done from the curb and not from the lot line.

Mr. Merriman asked Mr. Gugliuazz if he knew what is the distance from the curb and the distance from the lot line.

Mr. Gugliuazz replied that he was not sure, but he believed it would be ten feet further back.

Mr. Merriman said, therefore, the green markers are not indicative of where the tree lines are.

Mr. Gugliuazz said he believed the measurements were done from the curb 15 feet back. The lot line is approximately 10 feet further back.

Ms. Leto explained that she measured based on the parcel's lot line and the front yard line to the closest roofline.

Mr. Merriman asked if this would be the covered porch.

Ms. Leto answered "yes."

Mr. Merriman asked Ms. Leto if she knew what is the distance from the curb to the lot line.

Ms. Leto stated that the petitioner is proposing 15 feet.

Mr. Merriman asked staff if this is from the curb to where the lot line is now.

Ms. Leto answered that she did not measure that; she only measured based on the SAGIS map.

Ms. Jarrett asked if the lot line is in line with the fence that was shown in Ms. Wood's picture.

Ms. Leto showed a picture of the property that is directly across the street from the petitioner's property. It is 20 feet from the roofline to the lot line. It would be approximately 10 feet from the lot line to the curb.

BOARD DISCUSSION

The Board discussed that it appears that many of the houses in this area are less than 20 feet from the lot line to the front of the house. They discussed the front porch.

Motion

The Savannah Zoning Board of Appeals does hereby approve the requested minimum front yard setback variance at 707 East 54th Street.

Vote Results (Approved)

Motion: Stephen Plunk

Second: Michael Condon

Stephen Merriman, Jr. - Abstain

Karen Jarrett - Aye

Trapper Griffith - Aye

Hunter Hall	- Aye
Michael Condon	- Aye
Stephen Plunk	- Aye

[4. 475 Jimmy DeLoach Parkway | Height Variance | 21-005468-ZBA](#)

- [☞ Staff Report - 475 Jimmy DeLoach Parkway.pdf](#)
- [☞ Petitioners Response to Criteria.pdf](#)
- [☞ Map.pdf](#)
- [☞ Building Elevations.pdf](#)
- [☞ Aerial.pdf](#)

Mr. Marcus Lotson, Development Services Director, gave the staff report. The applicant is requesting a 10-foot height variance from the 50-foot maximum for a proposed multifamily building at 475 Jimmy DeLoach Parkway, in order to be permitted a maximum building height of 60 feet. The subject property is located at the southeastern quadrant of the intersection of Jimmy DeLoach Parkway and Benton Boulevard. The parcel is in the northern portion of the Godley Station neighborhood and is in the Planned Development (PD) zoning district. The petitioner is seeking a 10-foot variance to the maximum height permitted in the district. The maximum height permitted is 50-feet, the petitioner is proposing a height not to exceed 60 feet for a proposed multifamily residential development. The subject property has a total lot area of 70.49 acres. However, only approximately 25 acres is buildable due to an existing 22-acre detention pond and wetlands encumbering a portion of the site. Building elevations provided by the applicant indicate that the proposed buildings will be four story buildings, measuring 55’11 ½” from grade to the highest point in the building.

Mr. Lotson explained that the maximum proposed height of 60-feet is requested to accommodate the definition of building height in the PD document which is as follows: *“Building Height, no building shall be constructed which has a height more than 50 feet above the average existing grade of the particular site, or, above the first-floor finished floor elevation whichever is lower.”*

Mr. Lotson reported that based upon the review criteria, staff recommends denial of the requested variance for 475 Jimmy DeLoach Parkway.

Mr. Lotson entertained questions from Board.

PETITIONER COMMENTS

Attorney Josh Yellin was present on behalf of Mariner Pooler, LLC and accompanying him was the developer, Mr. Ian Smith. He explained that representatives from the Silver Studio Architect were online and an engineer from Thomas & Hutton was present also. Mr. Yellin stated that the Mayor of Pooler and their team are heavily invested in this project. This project is located in the South Godley PUD. It is slightly different than the City of Savannah Zoning Ordinance with very different development standards. Their parcel is very large and 61 acres will be open space. Their neighbors are a large industrial complex, I-95, a gas station, and Benton Boulevard.

Attorney Yellin explained that this site, prior to the involvement of the Mariner Team and for many years, was zoned PUD Commercial. This site was only allowed to have commercial development. Mariner rezoned the property to permit multifamily development. This was done on behalf of the developer that is before the Board today requesting the variance. He believes what the other developers saw as the biggest obstacles for the site were mainly the wetlands and the lake. The Mariner Team decided that this would be the focal point of a new development, multifamily, and along with the lake resources would be ideal

Attorney Yellin showed the Board the GDP that has been submitted to the City. They are more than 800 feet away from Benton Boulevard, more than 500 feet from the existing warehouse, and approximately

200 to 300 feet away from I-95. But, they do have a development with a small amount of acreage that is taking advantage of this lake. They have a walking trail and outdoor amenities. In their requested variance, they are trying to go from 50 to 60 feet as they are trying to give more residents more visibility of the lake. This design feature will bring more people in and it will be oriented to this lake front feature. They will encourage the residents to take advantage of the lake. Attorney Yellin explained that all the buildings in the back will have review corridors that they are trying to maximize so that they can have views of the existing feature. The Mariner Team and Silver Team Studio have painstakingly and conscientiously looked at the design features for this building.

Attorney Yellin informed the Board that the architect will discuss the renderings. However, a part of the request is that "by right" they could build this building with a flat roof. They could go to the 50 feet and cut off the roof. Their request today does not impact the density, the amount of storage; the residents; or lot coverage. They are trying to build a nicer product and put in a pitched roof. They do not think that having an industrial flat roof would be appropriate for this area, and also not appropriate with the design consideration, particularly, as they talk about the lake front theme that they are envisioning here. They don't typically see flat roofs in institutional buildings at the beach or lake. Therefore, this is the reason for their request.

Attorney Yellin explained that as Mr. Lotson mentioned, their request was for 10 feet. Their building height was 55' 11 1/2." He stated that the way the ordinance reads [this is for the South Godley PUD] which is different than the City of Savannah's ordinance, height is measured above grade. They have submitted their GDP, but he cannot tell the Board what the grade of the property will be. If this is approved, they do not want to find themselves five years from now if they want to make renovations and someone comes to measure and tell them that their building height is 58 feet. They would be a non-conforming use and would find themselves back before the Board. Consequently, they wanted to give this a 6-foot cushion. Their proposed building height is 55' 11 1/2" for the tallest building.

Attorney Yellin respectfully requested that the Board approve their variance request. They believe this is the minimum request possible. They are truly trying to take advantage of this lakefront amenity. They are allowed to do this project now with the flat roof and they are also declaring under the South Godley PUD which is unique. There is an Architectural Review Board and they have to adhere to some of their design standards. Some of the design standards state that pitched roofs are preferable. He said, therefore, they are trying to accommodate all the considerations to make the best possible product, not for a financial reason, but for the betterment of the community and the future residents. He entertained questions from the Board.

Mr. Merriman asked if it was the Architecture Review Board's preference to have pitched roofs, but are the flat roofs permitted under the ordinance?

Attorney Yellin answered that the flat roofs are permitted.

Mr. Hall asked if this is for one building.

Attorney Yellin answered no. There are multiple buildings on the property, but not all the buildings are 55' 11 1/2." The tallest building is 55' 11 1/2" The variance is for the entire site. There are two different designs. Attorney Yellin said there are eight buildings, but he was not sure if the clubhouse would be as tall as the other buildings. He believes the tallest buildings would be in the rear.

Mr. Condon asked if all the buildings, with the exception of the clubhouse, would be four stories.

Attorney Yellin answered correct.

Mr. Condon asked if the original intent of the zoning ordinance was to limit height, which is designed for commercial buildings, that they have now changed this to residential. Therefore, they are being somewhat limited currently by the old zoning ordinance.

Attorney Yellin explained that the Godley PUD is odd and outdated. He was sure that the Board has seen some requests that come before them within the Godley PUD. But, this property was previously requested to become industrial warehouses, but that rezoning did not happen for many reasons. There are some limitations that go back. These ordinances were passed when Brannigan owned the properties

in the 1980s and 1990s.

Ms. Jarrett asked what are heights of the other apartment buildings in this area.

Attorney Yellin answered that he is not sure of the apartments' heights that are in the Godley PUD. He was not involved in those buildings. Mr. Smith has hired a biological expert to come in with a fish and wildlife management team to improve the condition of the lake and make it beautiful. They want to have it where the fish and birds are coming back,

Ms. Jarrett asked if the lake is owned by the PUD organization.

Attorney Yellin answered no. It is a part of their property.

Ms. Elizabeth Reidler thanked the Board for taking the time to hear their petition. They are an architectural design team with the focus on multifamily. Their finding principle is architectures should have impact and integrity. Every project and design are unique. This design will have a strong connection with the place. They had to look no further for inspiration than the site itself and the beautiful lake, which is the primary design element that helped them to create the narrative and design concept of the entire site. It inspires everything starting with the site plan; it starts with a long dramatic drive along the lake to the clubhouse. Ms. Reidler said from the moment you enter the site, you see the lake. The clubhouse is designed with a series of gable volumes, breaking up the building into smaller parts, and creating an opportunity for intimate and grand exterior spaces.

Ms. Reidler said the residential buildings are located along the lake for the benefit of the residents. There are walking trails from each building to the lake. Therefore, the trail connects people to the site and allows them to engage with nature in all seasons. The residents are able to walk from the clubhouse and get their mail; walk their dogs, and connect with other residents to create a true sense of a community. The architectural vernacular was also inspired by the site. The residential buildings will have abundant windows to frame the views; expand the balconies to enjoy the outdoors, and even the simple details of the brackets' drawings from the trees and the foliage. The pitched roofs will support the residential feel. For the elevation design, they drew from the southern portion of the Godley Station covenants; and under these items, the pitched roof, the roof overhang, and the dormers were encouraged. They agree with the residential feel of the neighborhood that the pitched roof will really support the design of an improved development.

Mr. Ian Smith stated that this area has a beautiful lake and is different from another property you might see. They had a representative from DNR Fishing Division come and restock the lake. They put a walking trail around the lake. When you look at the developable of this property, it is between the lake and I-95. Therefore, to put more of the residents on the lake, rather than on the interstate, the buildings along the lake are four story buildings. The two buildings in the rear, along I-95, are three story buildings. This variance is only necessary for the buildings along the lake. Mr. Smith said the reason it is necessary is not because of the nature of the buildings, as they can build four stories with the existing height limitations.

Mr. Smith apologized that the video did not come through, but the whole architectural vernacular of this project is a lakeside project. When you go to a lake in the State of Georgia or South Carolina, there are usually pitched roofs, clubhouses with a single story pitched roof building. Therefore, they felt that a common vernacular throughout the project makes sense. Consequently, the variance is to allow them to put a pitched roof on the four story buildings. This does not affect density. They always try to be respectful of the community at-large, but they do not have any impact on anyone whatsoever. They are trying to build the best project that they can build. Mr. Smith thanked the Board for their consideration.

PUBLIC COMMENTS

None.

BOARD DISCUSSION

Mr. Griffith made a motion to approve the requested 10-foot variance for the property located at 475 Jimmy DeLoach Parkway. The motion was seconded by Mr. Condon and carried.

Motion

The Savannah Zoning Board of Appeals does hereby approve the requested 10-foot variance for property at 475 Jimmy DeLoach Parkway.

Vote Results (Approved)

Motion: Trapper Griffith

Second: Michael Condon

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

[5. 2827-2829 Bull Street | Height Variance | 21-004959-ZBA](#)

📎 [Staff Report - 2827-2829 Bull Street.pdf](#)

📎 [Street Context.pdf](#)

📎 [Petitioner's Exhibits.pdf](#)

📎 [Map.pdf](#)

📎 [Applicant Narrative.pdf](#)

📎 [Public Comment.pdf](#)

Mr. Marcus Lotson, Development Services Director, gave the staff report. The applicant is requesting a variance to the maximum height allowed for properties at 2827-2829 Bull Street. The permitted maximum height is 3-stories, up to 45-feet. The applicant is requesting a maximum of 4-stories, up to 50-feet. The subject properties are two parcels on the west side of Bull Street, between West 45th Street and East 44th Lane. The properties comprise a total area of .72 acres. Lot 3 is developed with a low rise multifamily residential building (proposed to be razed) and lot 4 is vacant. Both properties are in the TC-1 (Traditional Commercial) zoning district. The maximum height permitted in the district is 3-stories, up to 45-feet. Unlike other zoning districts, both stories and height are a part of the requirement. The intent of including stories in the overall height is to maintain context with the surrounding development pattern, which often includes single family residential in close proximity. The immediate area includes a single-story warehouse building north of the subject properties and single family and mixed-use buildings south of the subject property. The rear of the property (west side) abuts an active rail line.

Mr. Lotson stated that the petitioner is proposing to develop the sites with a multifamily residential building. Multifamily residential is a permitted use in the TC-1 zoning district. The development pattern in the vicinity of the subject property includes primarily commercial and mixed-use buildings on the west side of Bull Street and single-family residential uses on the east side between Victory Drive and 52nd Street. Examples of buildings in the vicinity that exceed two stories include multifamily residential and structured parking on the south side of Victory Drive, between Bull Street and Montgomery Street. There are not examples of buildings of the proposed scale on Bull Street south of Victory Drive other than civic uses, (churches / schools). The massing models and floor unit layouts provided by the applicant indicate that the proposed building will be four stories up to 50 feet in height, and include 70 residential units with subgrade and at grade parking. The applicant has not provided a site plan to determine whether expanding the building footprint and reducing the height could yield the same number of residential units.

Mr. Lotson said that this variance, or frankly any variance, is somewhat difficult to justify because of a couple of reasons. One reason is the fact that the applicant is working from essentially vacant property. Therefore, in staff's opinion it can be built within the current regulations. Secondly, although there are some larger buildings in the vicinity of this property, they do not relate to this property. The buildings that do relate to this property

are typically much smaller in scale and are residential in nature. Even the building which is located here is a very large warehouse and is a single story building. The closest nonresidential building to this property is along 45th Street and across Bull Street in Ardsley Park. This property is not within the Streetcar Historic Overlay District.

Mr. Lotson explained that staff received a substantial amount of public comments on this petition. The items were attached to the agenda for the Board to review prior to the meeting. Staff also received additional comments this morning. The comments are similar to the comments that were attached to the agenda.

Mr. Lotson reported that based upon the review criteria and the development pattern in the area, staff recommends denial of the requested variance for 2827-2829 Bull Street. He entertained questions from the Board.

Mr. Merriman asked that the maximum amount of height allowed under the Ordinance is 45 feet, regardless of stories.

Mr. Lotson answered up to three stories.

Ms. Jarrett asked when did the TC-1 zoning come into existence.

Mr. Lotson answered that the zoning for this property was adopted in 2019.

Ms. Jarrett asked how does the parking relate to the number of proposed units.

Mr. Lotson explained that the parking requirement is one space per unit.

Ms. Jarrett asked how many parking spaces do they have per unit.

Mr. Lotson stated that 76 units are being proposed. Therefore, they are meeting the minimum requirement.

Ms. Jarrett asked Mr. Lotson to explain the public comments to the Board that staff has received.

Mr. Lotson explained that staff received a number of emails in opposition of this petition. One email was received from a property owner in Ardsley Park that was in support of the project. The petitioner met with the Neighborhood Association. Most of the public comments referred to issues that they thought may be a problem related to setting a precedent related to height; overflow parking was a concern; and the scale of the building as it relates to the existing development pattern was the overall theme of the emails that were sent in opposition.

PETITIONER COMMENTS

Attorney Robert L. McCorkle, III of McCorkle, Johnson, McCoy, LLP was present on behalf of the petitioner. Attorney McCorkle said they have been working on this project for a couple of years. Originally, they planned to have a larger scale, which would include a warehouse that would go to Victory Drive and Bull Street. But, they paired that project down and now they are at a 72-acre site, which is at the intersection of Victory Drive and Bull Street. Attorney McCorkle said he believed that it is important for the Board to know what they are proposing to do and why they are here, so they would understand the history of the site. This particular lot is not downtown and it is not in Ardsley Park. It is somewhat a triangular piece of property, between Ardsley Park and Montgomery Street, that has always been industrial and heavy commercial. He showed the Board a map from 2008, which showed the area. Attorney McCorkle stated that 1 West Victory Drive is the old ice factory. This building was a blighted site and sat vacant for decades. The Comet Oil Service Station was here and backed up to the railroad track. The Guerry Lumber company site is still here and is zoned industrial. The old Savannah Lumber facility, that the Murray Family owns, has been here for many years. The area that they are working in has never been a residential area. A self-service car wash was along Bull Street and little islands were in the front of the gas pumps. This is how this area existed until 2009.

Attorney McCorkle stated that, as Mr. Lotson mentioned, all during that time period from the adoption of the Zoning Ordinance in the City of Savannah until 2019, this site was zoned B-G, which is the heaviest commercial zoning district that the City of Savannah had prior to the adoption of NewZO. It is just short of light industrial. That B-G zoning would have allowed small warehousing, gas stations, and a Dollar General could have been built here, directly across the street from Ardsley Park. He said additionally, and most importantly, there were no height restrictions. Therefore, for the first 50 years of zoning in the City of Savannah, because

the site was zoned B-G and all the industrial B-G in the area, it had absolutely no height restrictions. Now, you might ask the question why it was not developed. Mr. McCorkle said he believed it was not developed because of a general lack of support in the area for commercial and retail. If you go currently up and down this street, you will see that most of the small scale commercial and retail that go all the way from the corner down are vacant. The other reason is because of the cost to build. This is an interior site and is a fairly well-known area of Savannah; therefore, the land is extremely expensive. Also, environmental issues are here. There is a phase two report that shows a site plan for this site. The site has been accepted into the Brownfield Program for the State of Georgia. It needs to be remediated.

Attorney McCorkle explained, therefore, no one will come and acquire this site to build a small retail project. He said economically, it does not make sense. As he has said, this project was zoned B-G forever with no height restrictions, which would allow virtually every commercial and light industrial use available to it. But, in the last few years, the area along Victory Drive, at least adjacent to them, has changed and their site still sits. Attorney McCorkle showed the Board various buildings in the surrounding area that are three and four stories. He also pointed out various commercial retail smaller uses, including a Diamond Convenience Store. On their site, they have a two-story small multifamily building adjacent to a city lane [which is not maintained well by the City]. They are adjacent to warehousing and dumpsters are all around them. On the other side of their site is 45th Street.

Attorney McCorkle said what has changed in the area is along Victory Drive. The old ice factory was torn down to make way for 1 West Victory Drive. The City made a push in the last decade to add density and tenant mix that is available to downtown. Housing has been added for SCAD students. The building is four stories, and as you travel down Victory Drive to Montgomery Street, the buildings are four and five stories. Actually, as you travel down Victory Drive to where the liquor store was replaced with the Victory Building, it is actually a five-story building. Mr. McCorkle stated that their request is for five feet of height; one additional story. The height and story limitation that they are asking for is the reduction from what was placed on this site in 2019. When the City adopted NewZO, they took the Mid-City zoning districts, which were developed over a long period of time because of the historical nature of the Streetcar District. A lot of work went into that to put it into place to fit the historic nature of Streetcar. But, in NewZO, the City took those districts and sprinkled them in various areas of town, outside of Streetcar. The effect is that historic restrictions, such as 45 feet height and three story height restrictions are on properties that were never in the Streetcar and Mid-City Districts. Particularly, an area like this that was zoned Heavy Commercial, was rezoned to TC-1 with a height restriction that did not exist before. They are not in Mid-City, but they are subject to these restrictions.

Attorney McCorkle stated just as has been said, height is always an issue when it comes to multifamily projects. It restricts flexibility in unit size and restricts rental rates. The extra story, an extra five feet, will allow them to produce larger units and have more flexibility and design of the project; allow them to economically afford to do a project in town that is incredibly expensive to build and also requires a remediation of the Brownfield Site because it is a former gas station and requires subterranean dig for them to park on the site. He explained to the Board that they will hear from some neighbors that this is all about economics that they are only asking for the variance because they want to have more units and more height. Attorney McCorkle stated that he could not say that this is not a part of the reason that they want to do so. But, the reason they want to do this is because it is a difficult build and a difficult site. The economics are not a bad thing. Economics are a good thing. If they have better economics in a project, and the project makes more sense and is more feasible, then it allows them to build and construct a better project. It allows them to put more money into the project, into the design, into the building, and to the other things that are being done. Virtually, every project that he has worked on for the last 18 years has been in front of this Board, in some capacity, asking for additional height. He was before this Board last month on the Montgomery Street and MLK Corridor, which was a similar piece of property. They came asking for an additional story, for additional height for multifamily. It was basically the same reasons they are asking for today. That request was granted. Attorney McCorkle said he was before the Board a couple of months ago for a project on Ogeechee Road asking for the same thing; and it was granted. In all these cases, the staff recommendations were for denial. He said he understood why staff recommends denial. If you look at any piece of property and say that it is a clean site, it is an empty piece of property and if you have no history and no context for what is around it, and no understanding for the expense of the project, then you can say that it is a blank slate and that you can meet the standards and build anything on it you want. But, the reality is adding some additional height, particularly, in this situation where height restrictions upon them were not specifically chosen to be here because of the nature of this site. It was specifically chosen for the historic nature of it; a different area of town, and then placed on the site which is not a part of this historic district. Therefore, he proposes to the Board that their project is not completely out of scale with their particular area. This, again, is a 1 West Victory project. As you move down Victory Drive, you have five stories that were granted to Victory Building. The Senior Citizens building is here. The Barnard Village project is behind them.

Attorney McCorkle said they have asked for a minimum of five feet and proposes that five feet of this height will be inconceivable from the street. He does not believe that anyone on Bull Street or 45th Street would be able to tell the difference between a 45-foot tall building or a 55-foot tall building. He said it is worth noting that the height they are asking for is permitted in every multifamily zone in the City of Savannah. He realized that there have been many public comments and many residents are present at today's meeting to comment on their request. They met with the Neighborhood Association. They met on site with the public and had a good conversation. They answered questions and did everything they could. Most of the comments were about density and parking. Attorney McCorkle said today they are not here asking for a density variance nor a parking variance. Their project will be completely parking onsite. They are proposing 70 units with 76 parking spaces. Actually, they are over-parked. In addition, there is parking on the street that wraps around the block that is currently not being used by anyone because the site has not been used for years, other than the one residential project that is here. He said they understand that the neighbors across the street are nervous about the change. They have tried to have a dialogue with the neighbors about ways they can improve the project that might make them more comfortable with the height. Some individuals suggested that they have a low income housing component of their project in order to get the additional height. Other people found this to be an upsetting suggestion. They had certain people who wanted commercial on the bottom floor. People were also concerned about parking. If they put restaurants and commercial retail on the bottom floor, this would create more parking than what they are planning to do. Ultimately, at the conclusion of this meeting, they were told by the neighbors that they did not have an interest in meeting further with them and they did not want to have further discussions about the project. They simply did not want them to get a variance. Several people told them that they did not want the project to be built at all. But, if they had to build it, then build it the way the Ordinance currently allows.

Attorney McCorkle said the reality is, as he has explained, the cost of the site and the complications of the site, it will be a multifamily project. His clients are former residents of Ardsley Park and are heavily invested in this area. They were involved in the Starland Yard Project, 2400 Bull Street; Save-A-Lot down the street; multiple projects throughout; they are local developers, conscientious about what they are doing; concern about making this a good project; and understands the dynamics of being directly across the street. They are under the dynamics about being in a brownfield. They want to build a great project and all they are asking for is five additional feet to make the project a better project. Attorney McCorkle entertained questions from the Board.

PUBLIC COMMENTS

NOTE: All persons wishing to give testimony were sworn-in by Mr. Merriman.

Ms. Michelle Solomon resides a few doors from this property. Ms. Solomon thanked the petitioner for coming to their community meeting. They believe the NewZO zoning is great. They do not believe that it was an oversight or a misstate. This zoning is appropriate for the neighborhood. A lot of thought and time went into the NEWZO zoning. They have many single family homes in their area. Along the Bull Street corridor heading south, there are one and two story buildings that are mixed use, residential, and commercial. They are happy with the gas stations here as they are accessory uses to their residential neighborhood. A wine bar is being built here next door to this site in the old Feed and Seed store. What you do not see in their area are buildings such as 1 West Victory Drive and Victory Village. These buildings are fronting Victory Drive and not facing Bull Street. It is inappropriate to have buildings such as these facing Bull Street. The developer made it clear at their community meeting that they will build here as a "right" a three-story multifamily, 50-unit complex. The outcome of the community meeting was that they understood that the three-story multifamily, 50-unit building could be built here and they have no problems with it.

Mr. Bill Broker resides at 1 East 45th Street. He spoke in opposition to the variance. The developer needs to be held to the existing rules due to the development of this project. When he goes out to get his newspaper, sit on his porch, cut his grass, etc. he will see the site. Mr. Broker said he had no problems with the property being developed, but it needs to be developed with the rules that currently exist. If the Board approves the variance, the scale of the building will be enormous. There is nothing in their neighborhood close to the mass that is being requested, with the exception of the ones along Victory Drive. Victory Drive is very different from Bull Street. Mr. Broker strongly encouraged the Board to deny the variance.

Ms. Melaney Crees explained that she does not live directly adjacent to the site, but she is a resident of Ardsley Park. Ms. Crees said she is a Construction Manager by trade. The developer gave a lot of

information about the past. But, her neighborhood is looking at the future. She believed that the area was zoned TC-1 because the persons in charge were also thinking about the future of Ardsley Park. Bull Street could be such a great walking connection to downtown, but, if a building is built that does not engage the community, it does not allow for the connection to actually occur. A mixed use building would be a better development at this site. Their community would support a project that engages the community in a better way. Ms. Crees is aware that this meeting is not about the building, but it would help if the community was shown the design. They must think about the future. Therefore, she is in opposition of the variance request.

Ms. Laura Walker stated that she concurs with the staff's report and findings. Ms. Walker agrees with her neighbors who have already spoken. She believes that the TC-1 zoning is current for Bull Street. Ms. Walker said she is excited about what is happening in the Starland area. They had their visionary session a couple of years ago where a lot of illustrations were done. Maybe they need a master plan for Bull Street. They might need to meet with the landowners, potential developers, and surrounding neighbors to decide what their future will be. Ms. Walker was hopeful that the Board would deny the variance.

Ms. Ellen Harris, resident and a member of the Ardsley Park Neighborhood Association, said she lives less than two blocks to the east of this proposed redevelopment. The request to allow a height up to 50 feet and four stories from the 45 feet maximum and three stories may at a quick glance seem insubstantial; it is only five feet after all. However, the increase from three to four stories is an overall increase of 33 percent and the increase from 50 units to 70 units is an increase of 40 percent. Ms. Harris said this is significant and has the potential for major impacts on its one and two story neighbors. She explained that one of the benefits of allowing the generous 45 feet maximum for a three story building is that it allows the architect the flexibility to design a building that is proportionate and compatible. Ms. Harris felt that it was important for her to point out that stated in Article 4 of NewZO the maximum heights limit do not apply to things such as parapet walls over four feet tall; elevator shafts and HVAC equipment that could be eight feet tall in height. Even when they said a maximum of 50 feet. there are other structures that are permitted that could go up and beyond that. Ms. Harris cited the purpose of the TC-1 district. The extra story will set a precedent along the Bull Street corridor. The same standard does not apply to Victory Drive and Bull Street. Ms. Harris encouraged the Board to accept the staff's recommendation and deny the petition on the grounds that the variance criteria have not been met.

Mr. John Woodward resides at 16 East 45th Street, Ms. Michele Folta resides at 37 East 45th Street, Ms. Meg Gorski Pace resides at 3 Entelman Place and Mr. Oscar Brannen resides at 30 East 44th Street were in opposition to the variance. There is great potential for the Bull Street corridor. They are well aware that the owners fully own the property and that they can build a 45-foot building with 50 one and two bedroom units. The petitioner brought up the discussion that he earlier asked for a variance and got approval. However, the approval that was granted was not for adding additional density for apartments, but was strictly for a roofline. They recommended that the Board accept the staff's recommendation and deny the variance.

Ms. Zoe Randall resides at 3 East 46th Street and spoke in opposition of the variance request. Ms. Randall wanted the regulations that will impact Ardsley Park, Chatham Crescent, Bingville, and Thomas Square to be maintained. If a precedent is set, it will be continued and before they know, they will be surrounded by tall buildings. Ms. Randall was hopeful that the Board would deny the variance request .

Mr. Mark Wilkes stated that he did not think the petitioner made a case for a hardship to provide more relief. Mr. Wilkes believes it is about more money. He lives at 7 East 44th Street and has had the pleasure, over the past 10 years, to witness what can happen when the keys are given to a developer. He believes the developers on Victory Drive had every good intentions, but when he sits in his living room, he can see three levels of parking. There are also tall light standards that illuminate the cars at night. He believes that the zoning category in Thomas Square has design standards, but when it was put in other areas of town, the design standards do not apply to the other areas. Mr. Wilkes wanted staff to address whether the building's footprint exceeds what is allowable. Would the zoning allow for a rooftop bar? If so, what would the hours of operation be? Would there be any restrictions?

Mr. Lotson, in answer to Mr. Wilkes' questions, stated that staff has not received the site plan from the applicant. He said regarding the rooftop facility, there is no prohibition regarding these types of facilities. Therefore, they could be permitted at this property. The Zoning Ordinance does not control or regulate

the hours of operation for these types of facilities.

Alderman Nick Palumbo, representative of the 4th District, stated that he and his colleague Alderwoman Dr. Estella Shabazz, who is not able to attend today's meeting, are supporting staff's recommendation to deny the variance. Alderman Palumbo explained that the City of Savannah also took a look at this specific corridor and included it in the Savannah Redevelopment and Renewal Authority's Greater Downtown Master Plan for 2033. The renderings were produced of this site, which features two and three story buildings.

Attorney McCorkle, in response to public comments, thanked everyone for their comments. He wanted to make two comments. He said with him referencing Ogeechee Road, 1 West Victory Drive; and Victory Village, he was not intending to imply that this project was the same as those nor was he saying that their project would look like 1 West Victory Drive. The Ordinance for these neighborhoods are exactly the same. He was simply making a point that when you have somewhat complicated sites, particularly the ones that are in town, and you are doing a multifamily project, it is common in virtually every single case for additional height, which he feels is 100 percent accurate and true. Attorney McCorkle said he believes the Board knows this is true as they sit here on the ZBA and hear the request. But, they are here today for a variance.

Attorney McCorkle said secondly, a lot of the other things he heard was about precedent and this comes up a lot as they go through these processes. The reality is there is no precedent from a variance request. This Board sits as a quasi-judicial body; they cannot be lobbied or talked to in advance of meetings. This Board is not a legislative action body. The whole purpose of the variance request is to look at a specific piece of property; look at the history of that property; look at the property surrounding it and make a determination as to whether, in this case on this particular piece of property, the variance is appropriate. This is what they are talking about here today. Attorney McCorkle said he was not trying to set a precedent for the full length of Bull Street. He does not know how much more new developments will be here as you go down the west side of Bull Street, but these variance requests are common and it is not just in areas such as Ogeechee Road and Montgomery Street. It is in Starland and in the Mid-City District. All of the multifamily projects and other things that he has worked on in the Mid-City District, they asked for height variances. Mid-City uses exactly the same ordinance. They have a tall building as a height variance at 31st and Bull Streets. They have Starland Village and they went through the entire process to get a height variance for this project. In all these cases, a precedent case was not set for all of Mid-City. Attorney McCorkle said he was not suggesting that the Mid-City Ordinance be thrown out. But, they were suggesting that, in these particular pieces of properties, it was appropriate based on the history of it; based on the surrounding properties, and based on what is going on around it. This is what they are here for today and this is what they are requesting. Attorney McCorkle said he appreciates the concerns; their client wants to build a good project and he wants to work with the neighbors about what they are doing. They had a meeting for this purpose and they offered to have additional meetings. But, they were told that they did not want to have additional meetings. Attorney McCorkle asked the Board to approve their petition. He entertained questions from the Board.

Mr. Plunk asked Attorney McCorkle to comment on the statement that was made with the Neighborhood Association that the project could be built either way.

Attorney McCorkle answered that the project can be built either way. It can be built as a three-story project. It can be built within the height variances. Any project from the ground up can be built within the limitations of the Ordinance. But, they believe that by allowing the additional height, it allows them flexibility in their architectural design that allows flexibility in their tenant mix, and allows flexibility in their rental rates. It allows them to be able to do a lot of things that make it a better project for them. It allows them to build a better product and to have more flexibility about what they are doing. Basically, if they are allowed to have that extra story, it allows them to have more money coming out of the project to help them do the remediation of the Brownfield site; help them to do the subterranean dig so that they can build a good project.

Ms. Jarrett asked if the subterranean dig was to remove the needed remediation materials.

Attorney McCorkle explained that they have to remove the remediated materials; but they also have parking for the project.

BOARD DISCUSSION

Mr. Condon stated that his problem with this proposal is that when they make and review applications, they are as Attorney McCorkle said "very specific" to "specific neighborhoods." This is a unique parcel. The problem he sees is that Attorney McCorkle's argument actually goes against what he is trying to accomplish. He does not see four stories being appropriate for this neighborhood. Once you cross over Victory Drive, it is an entirely different neighborhood. Bingville is entirely single family residences with the exception of the small shops on Bull Street. Ardsley Park is on the other side, which is a residential neighborhood of predominately two-story homes. His second issue is because it sits on the sidewalk, it surely will have a looming wall that, as you drive down Bull Street, will change the entire look of that neighborhood. The zoning for this neighborhood was specifically chosen after hundreds of hours work on the part of people who gave their time and energy because they cared about this neighborhood. Mr. Condon said he believed it would be ill-advised for the Board to overlook the amount of work and input of the people who live in this neighborhood.

Motion

The Savannah Zoning Board of Appeals does hereby deny the requested height variance at 2827-2829 Bull Street.

Vote Results (Approved)

Motion: Michael Condon

Second: Karen Jarrett

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

[6. 2340 / 2400 Bull Street | Appeal of Zoning Administrators Decision | File no, 21005540](#)

- [☞ Staff Report .pdf](#)
- [☞ Sign Exhibits.pdf](#)
- [☞ Map.pdf](#)
- [☞ Existing Signage.pdf](#)
- [☞ parking lot signage.pdf](#)

NOTE: Mr. Trapper Griffith recused himself from participating in this petition.

Mr. Marcus Lotson gave the staff report. The petitioner, Attorney Robert McCorkle is appealing the decision of the Zoning Administrator of the City of Savannah regarding a determination made as to the proposed location of a sign at 2304 Bull Street to support an existing building on the southeast corner of Bull Street and 40th Street. This is the former Sav-A-Lot building.

Mr. Lotson explained that the Zoning Board of Appeals may uphold the appeal (thus overturning the Zoning Administrator’s decision), reject the appeal (denying the petitioner’s request), or remand the application back to staff for reconsideration of any elements of the application that were affected by a perceived procedural error.

Per Article 3 of the Savannah Zoning Ordinance, Appeals shall be considered as follows:

3.23.6 Action by the Zoning Board of Appeals

- a. The Zoning Board of Appeals shall determine whether the first decision-maker erred in the application or determination of this ordinance.
- b. The Zoning Board of Appeals may reverse or affirm (wholly or in part) or may modify the final written decision appealed and shall make a final written decision that in its opinion ought to be made in the case before it unless otherwise specified by this Ordinance. To this end, the Zoning Board of Appeals shall have all of the powers of the administrative official, commission, or board from whom the appeal is taken.
- c. Motion to reverse, affirm or modify the final written decision appealed shall include a statement of the specific reasons including the proposed findings of fact that support the decision. The findings of fact shall be based on the same evidence received by the decision maker.
- d. If a motion to reverse or modify is not made, or such motion fails to receive the affirmative vote of a majority of the members present, then the appeal shall be denied.
- e. The appellant shall have the burden of proof.

Mr. Lotson stated that the subject property is located at 2304 Bull Street and is a surface parking lot associated with a multi-tenant commercial building, immediately south of E. 40th Street at 2400 Bull Street. The petitioner requested that the Zoning Administrator make a determination regarding the placement of a freestanding multi-tenant sign at 2304 Bull Street, for the purpose of serving to identify the tenants at 2400 Bull Street. A multi-tenant sign is defined as a monument or pylon ground sign located at a multi-tenant development. Typical examples are shopping center or office complex directories identifying individual businesses. Unlike typical examples, the petitioner's sign is off site.

Mr. Lotson said that the Zoning Administrator determined that a sign on one property that was different from the property on which the business is located is an off-premise sign and is not permitted. Staff reviewed the sign section of the zoning Ordinance (Sec 9.9) and off-premise signs, such as the proposed sign, are not among the permitted sign types. In addition, a review of similar development circumstances where a principal commercial use had off site parking on a separate parcel did not reveal examples of off premise signs. Specific to the Streetcar Historic District, there are two examples of freestanding signs and no examples of off-premise signs on the Bull Street corridor between 37th Street and Victory Drive.

Mr. Lotson explained that the applicant is permitted to have building signage (fascia) for each of the tenants within the building and has established signage for existing tenants. In addition, a parking directional sign (not to exceed 4 square feet) is permitted on the off-street parking lot to direct customers to park in the lot at 2340 Bull Street.

Mr. Lotson stated that, based on the information provided in the report and at the public hearing, the Board of Appeals shall make a finding as to the applicant's appeal. Such decision shall be based on whether or not the Zoning Administrator erred in the application or interpretation of the Ordinance. The burden of proof for any such error is on the appellant.

Mr. Lotson entertained questions from the Board.

Mr. Hall asked if this was a staff decision that never went before a Zoning Board or Commission at MPC.

Mr. Lotson answered that's correct. He explained that this request has not gone before a Commission or Board. Oftentimes, if there is an opinion of an applicant and there is a gray area in the Ordinance, they can request a determination from the Zoning Administrator who is the persons authorized to make those determinations. If the person disagrees with those determinations, they can appeal that decision to ZBA.

Mr. Lotson explained to the Board that their purview today is regarding the Zoning Administrator's decision and whether or not her decision was made correctly from a process standpoint.

PETITIONER COMMENTS

Attorney McCorkle thanked the Board for hearing their petition. He stated that the Ordinance does not

address their particular situation. His client applied for a very innocent sign permit, six feet tall and four feet wide, to go on the corner of the property to identify the tenant. This is not a billboard nor are they advertising for people to go and eat crabs at a restaurant. Attorney McCorkle showed the Board before and after pictures of what the site looked like. As has been mentioned, this is the Sav-A-Lot building. His clients are very conscientious developers and will have \$5m dollars in this project. They are heavily invested in this area and in the Starland Yard. He showed the Board pictures how the parking lot looked before it was completed.

Attorney McCorkle explained that they want to put a sign basically where the Board sees the sign on the corner, which identifies the tenants. It is different than Starland Yard because they are a single user. But, the situation they have here is different because they have parking for a tenant. It is different than Habersham Village, which does have separate parking, too, and has a gigantic sign with a reader board on it. It is different from that because the property completely surrounds the parking lot on all three sides and it all looks the same; the gigantic signs are made of brick and also match the building. Therefore, you have to know what the parking lot is for. Attorney McCorkle said but here, they are in an urban environment with other buildings surrounding them on all sides. There is no real way to know exactly what it is for. They could put a sign up that says parking for 2400 Bull Street, but nobody would know what that is; or what tenants can park there. More importantly, they have multiple tenants in the building who do not have sign vision. They are inside of the building and in back of the building, but there is no sign for them. The City has remote parking provisions. Downtown, you can park 1,500 feet a way from your building, but apparently based on the reading of the Ordinance because it does not address the situation, you cannot have a sign at that parking lot 1,500 feet a way from your business to identify what it. If you have a multitenant building you can apparently put the address, but you cannot tell people what businesses are at the address.

Attorney McCorkle said what they are really talking about is the content of their sign and this is where their debate begins. He is not before the Board saying that the Zoning Administrator erred. This is more of an exercise because the Ordinance does not say that you can't do this, but it also does not say that you can. The request was for them to appeal and ask for a variance. He is before the Board asking them not to grant him a variance, but declare that it was an inappropriate staff ruling because there is nothing to vary. They have looked at the Ordinance and tried to figure out what section they would vary. However, there is no section to vary because there is no section that says he cannot do what he is asking to do. As the Board knows, zoning is supposed to be a police power in the State of Georgia. He said that you are, in theory, supposed to have rights to use your property for what you want to use it for within the confines of the zoning, which is the police power that has to be strictly construed. Therefore, generally if it does not say you can't do something, then you can do it. Attorney McCorkle said this is exactly the case that they find themselves in. Unfortunately, the situation is not addressed in the Ordinance.

Attorney McCorkle said if the right-of-way did not exist between their parking lot and their building, they could have the zoning. But, there is no question, there is a ground sign section of the Ordinance that specifically addresses this situation. It makes no difference that they have building fascia. He explained that he was driving around in the area and took the pictures to show to the Board. He showed the Board similar signs on Paulsen Street, where fascia signs are shown on the buildings. One sign is of special interest because several of the tenants are not in the building, but they are in the building behind parking lot. Therefore, they are able to have a sign on the corner of the street.

Attorney McCorkle stated that the Sign Ordinance says specifically that they are able to have one ground sign for every 400 feet of lot frontage. The ground sign section of the Ordinance specifically anticipates having multitenant signs. He said that multitenant signs and ground signs are two different things. Multitenant signs have to be a pole sign or a monument sign, which are not what they are doing. This is what you see in a shopping center. These signs are always placed on parcels that are not necessarily the same parcel where the tenant is advertising. The only difference between them is that they have a public right-of-way. The ground signs state where a user places signage on a multitenant sign [this is in the ground sign section], no additional signage by such user shall be placed on another ground sign within the same frontage as a multitenant sign. Attorney McCorkle said, therefore, if you have a multitenant sign, the individual user cannot put their own sign on the same piece of street frontage.

Attorney McCorkle said the letter that was sent to them states that the Ordinance does not allow a multitenant sign as requested at 2400 Bull Street. The letter cited two examples. One example was the Kroger Grocery Store on Habersham Street and the other was the Habersham Village Shopping Center.

The letter notes in both cases that there are not tenant signs in a parking lot. Attorney McCorkle did not believe that Kroger has a parking sign in their lot. Habersham Village has a separate sign but even though they have separate tenants, the sign marks the parking lot by simply saying Habersham Village and has a message board that does not reference the tenants. Attorney McCorkle said he does not deny

that those two examples don't specifically reference the tenants, but this also does not mean that they cannot reference the tenants on their sign. He also assumed that this does not mean that they can have a reader board on their sign, which they are not asking to do. They are not trying to build anything near the scale of what he has shown the Board. They are talking about controlling the content of their sign and whether or not having the right-of-way between them makes a difference. The distance between their sign and their building is 50 feet. It will help to identify their tenants and help to identify who the surface parking lot is for. They are not trying to put a sign on someone else's property to identify a business that operates on another piece of property. As Mr. Lotson said, the intent of the Ordinance is for the sign to be able to advertise the businesses on the lot. Even though the physical building isn't on their lot, but the parking for it is; therefore, this business is on this lot and they are meeting the requirement. In order to avoid precedence, he believes the ruling is in a situation where the parking facility is part of the same project, in particular where it is owned by the same owner as the building, that such a sign should be permitted; because, otherwise, they are being denied rights that are allowed to every other business and owner. They have an unusual situation, which will not come up often. They have their remote parking facility directly across from their vicinity. If it helps to avoid this, he believes they are restricting it to a situation where it is providing the parking for the building that it is assigned for or a situation and/or if it is owned by the same entity, then the sign should be permitted. Attorney McCorkle stated that this is what they are asking for today.

Attorney McCorkle entertained questions from the Board.

Ms. Jarrett asked how many businesses are here that are represented or cannot be represented on the face of the building.

Attorney McCorkle answered three businesses.

Ms. Jarrett asked how many businesses are on the exterior.

Attorney McCorkle answered that there are five. This is the parking lot for all of those businesses. He believes there are three businesses with interior and five businesses in the exterior.

Ms. Jarrett asked if there is enough room on the exterior to put the three on the outside of the overall building. She said it appears that there are eight spaces here, which would be perfect for what is needed.

Attorney McCorkle did not believe that is in the manner of maintaining the aesthetics that they want to keep; it also would not help to identify that the parking is for that particular building. The intent is not to advertise for the business; it is not intended to be a billboard or an offsite premise sign. It is intended to identify the fact that the parking lot is for this specific tenant.

Ms. Jarrett asked if the building could be named as a certain building and put that the parking is for the commercial building.

Attorney McCorkle explained that this could be done for any building, but it still would not identify exactly who the tenants are and who the parking is for; especially, if all the businesses are on the exterior of the building.

PUBLIC COMMENTS

None.

BOARD DISCUSSION

The Board discussed that a parking lot is a part of the business. The Board wanted to know how the Zoning Administrator determined that the sign was not allowed. Did she cite the Ordinance? Mr. Lotson explained that he believes the Zoning Administrator reviewed the sign section of the Ordinance to try to determine whether or not an off premise sign, as was requested by the applicant, was a permitted type. A determination was made that it was not. Mr. Lotson additionally explained that if the Board moves to support the appeal of the applicant, at this point the applicant will be permitted to submit a sign permit request based on the finding of the Board.

Motion

The Savannah Zoning Board of Appeals does hereby uphold the appeal of the applicant thereby overturning the decision of the Zoning Administrator.

Vote Results (Approved)

Motion: Stephen Plunk

Second: Michael Condon

Stephen Merriman, Jr. - Abstain

Karen Jarrett - Aye

Trapper Griffith - Abstain

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.