



City of Savannah Zoning Board of Appeals

September 23, 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

[1. 2827-2829 Bull Street | Height Variance | 21-004959-ZBA](#)

V. Item(s) Requested to be Withdrawn

[2. 503 East St. Julian Street | Appeal of a Decision by HDBR | 21-004931-ZBA](#)

VI. Approval of Minutes

[3. Approval of the August 26, 2021 Meeting Minutes](#)

[📎 August 26, 2021 Meeting Minutes.pdf](#)

Motion

The Savannah Zoning Board of Appeals does hereby approve the August 26, 2021 Meeting Minutes.

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

Larry Evans - Aye

Stephen Plunk - Aye

VII. Approval of Final Agenda

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

Motion

The Savannah Zoning Board of Appeals does hereby approve September 23, 2021 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
Larry Evans	- Aye
Stephen Plunk	- Aye

VIII. Consent Agenda

IX. Old Business

X. Regular Agenda

[5. 73 Highlands BLVD - Variance - 21-004950-ZBA](#)

📎 [Staff Report - 73 Highlands BLVD.pdf](#)

📎 [Pages from 2021.08.27 17-219 Madison Park - City Zoning Board of Appeals....pdf](#)

📎 [Application.pdf](#)

📎 [Map.pdf](#)

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

Ms. Melissa Paul-Leto, Development Services Planner, gave the staff report. The subject property is located on the east side of Highlands Boulevard, north of Jimmy Deloach Parkway. 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 variance to the minimum side yard setback allowed in the Planned Development (PD) zoning district. The minimum side yard setback requirement in the PD zoning district is 25-feet. The multifamily building that is the subject structure for this variance request has already been constructed, the Certificate of Occupancy was issued, and currently tenants are residing in the subject structure.

Ms. Leto explained that the subject property has a total lot area of 23.38 acres, or 1,018,432.8 square feet. Based on the site plan submitted, the property consists of twenty (20) multifamily structures. A vegetative buffer exists between the subject property and the adjacent property and will not be disturbed.

Ms. Leto reported that based upon the review criteria, staff recommends approval of the requested variance for 73 Highlands Boulevard. She entertained questions from the Board.

Mr. Condon asked when was the building built.

Ms. Leto answered that the building was built within the past year.

Mr. Condon asked how was it discovered that it was in the setback.

Ms. Leto answered that it was discovered by the Building Inspector.

PETITIONER COMMENTS

Attorney Robert McCorkle of McCorkle, Johnson & McCoy, LLP was present on behalf of the petitioner. He explained that the building is already built. They have zoning letters issued on this building and there are no issues. They have the Certificate of Occupancy and people are living in the building. Attorney McCorkle explained that how this came to surface was through the financing of the project. They had to get a new survey which showed that the building was 7 1/2 feet into the 25 feet setback.

Attorney McCorkle showed the Board a picture of the actual building. He said the good news is that the adjacent property owner is the City of Savannah. Central Park is located immediately adjacent to the property. The area is heavily wooded. This is a city park and will never be developed. They have a 15 foot undisturbed buffer, which is not being affected by the building setback. Their next closest neighbor is a large complex. Attorney McCorkle stated that there is no victim here and it was not an intentional act. This was discovered through a survey and they are present today to get this corrected by asking that a variance be granted.

PUBLIC COMMENTS

None.

BOARD DISCUSSION

The Board was in agreement with the staff recommendation.

Motion

The Savannah Zoning Board of Appeals does hereby approve the requested side yard setback variance at 73 Highlands Boulevard.

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
Larry Evans	- Aye
Stephen Plunk	- Aye

6. 127 East 51st Street - Variance to the Maximum Lot Coverage - 21-004957-ZBA

📎 [Staff Report - 127 E 51st Street.pdf](#)

📎 [Map.pdf](#)

📎 [Front picture of subject property.pdf](#)

📎 [Application.pdf](#)

Ms. Melissa Paul-Leto gave the staff report. The petitioner is requesting a 144 square foot variance to allow a maximum lot coverage of 41.67% in order to construct an attached covered porch. The maximum permitted lot coverage in the Residential Single Family (RSF-6) zoning district is 40%. The property is located at 127 East 51st Street. The minimum lot area requirement in the RSF-6 zoning district is 6,000 square feet. The maximum lot coverage requirement is 40%. The petitioner is proposing 41.67%, or 2,614 square feet of lot coverage for the subject parcel.

Ms. Leto reported that based upon the review criteria, staff recommends approval of the requested variance. She entertained questions from the Board.

PETITIONER COMMENTS

Mr. Matthew Ball stated that staff gave a good report; however, he wanted to add that if you physically measure the exterior of the detached porch, it is 12x12 or 144 square feet. This is how they came up with the dimensions of 144 square feet covered porch that they want to attach to the house. Mr. Ball stated that he did not know where the other five feet came from other than, it might have been on an old permit. They purchased the house in May, 2021 and moved into this neighborhood. Consequently, they do not have the other history detail.

PUBLIC COMMENTS

NOTE: Staff received a letter of support from Mr. & Mrs. Calcamuggio.

Alderman Nick Palumbo was present and spoke on behalf of the petitioner's request. The Balls are long standing residents of this neighborhood. He knows that the Balls will do a good job and will be sympathetic to the neighborhood.

Mr. Ball in response to public comments, thanked Alderman Palumbo for his support of their request. He explained that where they plan to install the screen porch, will only be visible by one neighbor, Mr. & Mrs. Mark Calcamuggio, who support their request.

BOARD DISCUSSION

The Board was in agreement with the staff recommendation.

Motion

The Savannah Zoning Board of Appeals does hereby approve the requested maximum lot coverage variance at 127 E 51st Street.

Vote Results (Approved)

Motion: Larry Evans

Second: Stephen Plunk

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

[☞ Lot Exhibit.pdf](#)

[☞ Applicants Narrative.pdf](#)

[☞ Subdivision Plat.pdf](#)

Mr. Marcus Lotson, Development Services Director, gave the staff report. The request is for a 20-foot rear yard setback variance from the 25-foot rear yard setback requirement for property at 301 Wheeler Street in the Oakdale subdivision. The proposed variance is for the construction of a new single-family residence.

Mr. Lotson explained that the subject property is 0.158 acres in size and is part of a recombination with the adjacent former Battey Street right-of-way, which was quit claimed by the applicant. It is a conforming lot (pending final plat) within the RSF-10 zoning district. It is located on the south side of Wheeler Street and approximately 650 feet east of Habersham Street. The rear of the property abuts a 20-foot unimproved lane. The purpose of the variance request is to allow the construction of a new single-family residence. The adjacent property, (former right-of-way) to the west, is the property being recombined in order to create a conforming residential parcel. The proposed lot is 11,650 square feet in size and exceeds the minimum lot area requirement of parcels in the RSF-10 zoning district.

Mr. Lotson stated that the property has a required front yard setback of 25 feet and a required rear yard setback of 25 feet. No encroachment on the front setback is proposed. The purpose of the proposed rear yard setback is to align the new structure with other structures in the block face. The rear of the property abuts a 20-foot lane, which provides additional separation between the subject property and the nearest residence at the rear. Effectively, because of the lane, the required 25-foot separation is present.

Mr. Lotson reported that based on the unique circumstances and the review criteria, staff recommends approval of the rear yard setback variance request for 301 Wheeler Street.

Mr. Lotson entertained questions from the Board.

Ms. Jarrett asked that the site plan be shown again. The house appears to be placed in the corner. Is this to protect the trees?

Mr. Lotson answered that this was done for two reasons. One reason is to protect the trees, as there are some mature trees along Wheeler Street. Also, a stormwater feature is adjacent to the property. Mr. Lotson showed an aerial view of the property. The area behind the trees is the former Battey Street right-of-way. A portion of this and a portion of 301 Wheeler Street will be combined.

Ms. Jarrett asked if flooding is an issue here.

Mr. Lotson answered that he was not aware of any flooding issues in this neighborhood.

PETITIONER COMMENTS

Attorney Josh Yellin of HunterMaclean stated that he was present on behalf of the property owners, Tony and Donna Eichholz. Attorney Yellin explained that the right-of-way was owned by the Lewis Family when they developed the Jackson Woods subdivision. As the property owners went through this process, they got the quit claim deed from the Lewis Family. The right-of-way was never conveyed to the City of Savannah. This street was never intended to be opened by the City of Savannah. What is being called the "lane" behind the house is not an actual service lane. It is legitimately a 20 foot opened area with some manholes. No garbage pick up is here nor access from Habersham Street.

PUBLIC COMMENTS

None.

BOARD DISCUSSION

The Board was in agreement with staff recommendation.

Motion

The Savannah Zoning Board of Appeals does hereby approve the requested rear yard setback variance for 301 Wheeler 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
Larry Evans	- Aye
Stephen Plunk	- Aye

[8. 1811 Martin Luther King Jr, Blvd. | Parking and Building Footprint Variances | 21-004941](#)

[☞ Staff Report .pdf](#)

[☞ Map.pdf](#)

[☞ Current and Former View.pdf](#)

[☞ Application.pdf](#)

[☞ Petitioner's Exhibits.pdf](#)

Mr. Marcus Lotson, Development Services Director, gave the staff report. The applicant is requesting exemptions from the parking and the building footprint maximum requirements of the zoning ordinance, in order to accommodate the construction of a mixed-use residential building at 1811 Martin Luther King Jr. Boulevard. The subject property is located at the northwest corner of the intersection of Martin Luther King Jr. Boulevard and Kline Street in the Cuyler- Brownville Historic District. The property, which is 3,645 square feet in size, is developed with a historic single-family dwelling. The dwelling is 720 square feet in size and the remainder of the property is vacant. Prior to 2015, the vacant portion of the property was developed with a mixed-use building that included ground floor commercial and upper floor residential. Due to property maintenance and code compliance issues, the City of Savannah determined that the building needed to be demolished and it was.

Mr. Lotson explained that the current owners of the property, Historic Savannah Foundation (HSF), are desirous of re-establishing a mixed-use building on site. The building would include ground floor commercial space with one ground floor residential dwelling, and two residential dwellings on the upper floor. To facilitate the permissibility of mixed use at the site, HSF has filed a rezoning petition to rezone the property from the current TR-1 zoning classification to the TC-1 classification. They are also proposing to subdivide the lot to create individual parcels for the existing house and the proposed structure. Historically, both structures existed on one parcel, a nonconforming condition, and neither building provided off-street parking. A zoning petition was heard by the Metropolitan Planning Commission earlier this week. The zoning petition will be heard by City Council for consideration to rezone the property to the TC-1 zoning classification to allow the mixed use building.

Mr. Lotson stated that the required parking for the proposed development would be based on the number of residential units (1-space per unit) and the square footage and use of the proposed commercial portion. Because the square footage and use are unknown, the applicant is requesting an exemption from the parking requirements. This project is, however, contingent upon the proposed rezoning to TC-1. The variances, if granted, would allow the property to be redeveloped in a manner

similar to the building that was demolished. The proposed variances are being requested in order to entitle the property for future development. Any proposed mixed-use building would require City of Savannah site plan review and approval, as well as the approval of a Certificate of Appropriateness.

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 1811 Martin Luther King Jr. Boulevard as follow:

- A maximum of three 1-bedroom residential dwellings shall be permitted in any new construction on site.
- Any new structure shall meet all required setbacks and such setback requirements shall not be variable.

Mr. Lotson entertained questions from the Board.

Mr. Merriman asked if MPC voted in favor to pass the rezoning request to City Council.

Mr. Lotson explained that MPC recommended approval to City Council for approval to rezone the property to the TC-1 zoning classification.

Mr. Merriman asked if the property is rezoned to the TC-1 zoning classification, will the variances still be required.

Mr. Lotson answered "yes."

Mr. Condon said his concern is they do not know what will be on the first floor unit. For example, if it is a convenience store and three residential units are here; at the moment there is approximately 50 to 60 units being built across the street. At our last meeting, we approved a parking exemption here. His fear is that quite a bit of parking stress will be here. It is great to put the building back here, but the concern is the parking. Mr. Condon asked Mr. Lotson if his evaluation is based solely on observation as no parking survey was done.

Mr. Lotson answered "yes."

Ms. Jarrett said her concern is parking as well. She agreed with Mr. Condon that the Board recently approved a variance request in this area, and now they are being asked to approve another. Ms. Jarrett said as they move forward, they need to be mindful as to whether a parking study is needed for this area. This area seems to be revitalizing very quickly.

Mr. Lotson explained that the MPC staff has been working closely with the City of Savannah to complete parking studies for corridors that have been identified within the City. They just completed two phases on Waters Avenue. He believes that the City understands that the Montgomery Street and MLK corridors are targets for revitalization. There is a lot of interest in these neighborhoods for increased density. Mr. Lotson believes that, in this neighborhood, there will always be on street use, which is a good thing. But, he believes that off street parking, as much as can be provided, should be done. Mr. Lotson said, however, the redevelopment of this parcel will not be a tipping point in terms of parking. But, he believes it is important that an eye be kept on this area as they see interest continues to grow in this neighborhood.

Mr. Plunk asked that a 360 view be shown on the surrounding area's cross streets.

Mr. Lotson showed the 360 view of the surrounding area's cross streets. The City's new police precinct is in this area. The other development that the Board heard at its last meeting, the developer provided a traffic study. Based on the information that they found along Kline Street on the other side of MLK, there was very little on-street use. At this stage in this neighborhood, development is just beginning to come back here. However, at some point, more pressure will be here from a parking standpoint.

PETITIONER COMMENTS

Mr. Ryan Arvay of the Historic Savannah Foundation thanked staff for their recommendation for approval. The HSF is interest in this corridor and has been working to save historic buildings here for the last few years. They partnered with the City on the Meldrim Row Caretakers Cottage, which is the two-story house within the precinct site, as well as the small "shotgun cottage" that is adjacent to this property. Mr. Arvay said they have found it more successful to pool their resources in areas, rather than doing one off project. The HSF has tried to make the biggest, positive impact they can in a condensed area. Therefore, they turned their attention to this lot, after an unsuccessful bit to save the historic property in 2016. However, they were successful in getting some time to work with Savannah Technical College's preservation class. The class documented the previous historic corner store and took measurements. They have a lot of this information and would love to use it to recreate what was here. They want to restore the historic development pattern to this street. This, of course, is with modern day code and ordinances, which require these variances. The variances will help them to restore the historic pattern and reactivate a vacant corner, which is currently being used to dump trash. Mr. Arvay said they regularly have to clean up and continue to help to revitalize this corridor.

Mr. Arvay explained that the proposal, which is before the Board, would allow them to redevelop the corner in keeping with past master plans and corridor studies, which have been done as well as several developments that are under construction. They all are focused on density and mixed-use. The commercial use for the ground floor is unknown at this time, but he can promise the Board that it will be based on square footage, a very small commercial use, a low impact commercial use. They believe that the parking variance is warranted, due to the size of the commercial units. He recognizes that the variances were granted to the large development across the street.

Mr. Arvay stated that an unbroken median is here that goes a great length down Martin Luther King Jr. Boulevard. Therefore, any parking for the large development across the street will largely impact the east side of MLK, and more so on Montgomery Street. Therefore, he does not believe that their maximum seven spots would tip the scales versus the one that was recently approved. They are planning to restore the historic shop with the red tin roof. They are hopeful of getting the Board's approval on this. He said that staff should have received two letters of support for this petition from the adjacent property owners. Mr. Arvay entertained questions from the Board.

PUBLIC COMMENTS

Alderman Nick Palumbo said when reviewing the agenda, he found this petition to be very interesting. He is in favor of the petition. It is unfortunate that the building was demolished. Alderman Palumbo stated he believes that by developing this the way it was, prevents more intense uses from absorbing and swallowing up this site. They have seen corridors, especially this corridor, become revitalized at a very rapid pace. Oftentimes, for developers to make it work, they have very intense uses.

Alderman Palumbo said he just wanted to attend today's meeting to support the HSF in something that is really exciting for Savannah's future.

Mr. Arvay in response to public comments, thanked Alderman Palumbo for his support. He also thanked the Board for hearing the HSF's petition.

BOARD DISCUSSION

The Board was in agreement with the staff recommendation.

Motion

The Savannah Zoning Board of Appeals does hereby approve the requested parking and lot coverage exemptions at 1811 Martin Luther King Jr. Boulevard.

Vote Results (Approved)

Motion: Stephen Plunk

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

[9. 102 Lakepointe Drive | Rear Yard Setback Variance | 21-004721-ZBA](#)

- [Aerial.pdf](#)
- [Building Elevation.pdf](#)
- [HOA Approval.pdf](#)
- [Letter Support.pdf](#)
- [Map.pdf](#)
- [Site Layout.pdf](#)
- [Streetview.pdf](#)
- [Staff Report.pdf](#)

Mr. Marcus Lotson, Development Services Director, explained that the petitioner, Mr. Eric Perez, is requesting a 20-foot rear yard setback variance from the 25-foot rear yard setback requirement for property at 102 Lakepointe Drive. The proposed variance is for the construction of a new screened porch and will be approximately 5 feet from the rear property line.

Mr. Lotson stated that the Spring Lakes neighborhood includes a Homeowners Association (HOA) and an Architectural Review Board (ARB). Although not required for the Zoning Board of Appeals to take action, the ARB has approved the proposed addition. Also, a letter of support from the owner of 145 Spring Lake Drive was submitted. He stated that 145 Spring Lake Drive is across the street and immediately south of the subject property. The ARB letter also indicates that the roof line, shingles, and architectural details are required to match the principal building.

Mr. Lotson said that the percentage of the proposed variance is greater than what staff would typically support. However, the particular circumstances, including the shallow depth of the rear yard, the adjacent detention pond and the approval of the HOA, lend credence to support.

Mr. Lotson reported that based on the unique circumstances and the review criteria, staff recommends approval of the rear yard setback variance request for 102 Lakepointe Drive

PETITIONER COMMENTS

Mr. & Mrs. Perez were present on behalf of the petition. Mrs. Perez said upon COVID-19 surfacing, they submitted an application to their Homeowners Association requesting to construct a new screened porch. Their three children are grown and they wanted to protect them when they come to visit them. Mrs. Perez said they believe the screening of their porch would greatly help in this situation. They do not have neighbors behind them.

PUBLIC COMMENTS

None.

BOARD DISCUSSION

The Board was in agreement with staff recommendation.

Motion

The Savannah Zoning Board of Appeals does hereby approve the requested rear yard setback variance at 102 Lakepointe Drive

Vote Results (Approved)

Motion: Larry Evans

Second: Michael Condon

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