



## City of Savannah Zoning Board of Appeals

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Virtual Meeting  
July 28, 2022 10:00 A.M.

### JULY 28, 2022 CITY OF SAVANNAH ZONING BOARD OF APPEALS

Present: Stephen Merriman, Jr., Chair  
Michael Condon, Vice Chair  
Larry Evans  
Hunter Hall  
Karen Jarrett  
Betty Jones  
Stephen M. Plunk

Others Present: Pamela Everett, Esq., Assistant Executive Director  
Jacqualle Johnson, Development Services Planner Technician  
Melissa Paul-Leto, Development Services Planner  
Julie Yawn, Systems Analyst  
Mary Mitchell, Administrative Assistant

#### I. Call to Order and Welcome

##### [1. Call to Order and Welcome](#)

**Mr. Merriman** called the meeting to order at 10:00 a.m. He explained that 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.

#### II. Invocation and Pledge of Allegiance

##### [2. Invocation and Pledge of Allegiance](#)

The Invocation was given by **Mr. Merriman**. The Pledge of Allegiance was recited in unison.

#### III. Notices, Proclamations and Acknowledgements

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

#### V. Item(s) Requested to be Withdrawn

##### [3. 2819 Ogeechee Road | Re-establishment of a nonconforming use | 22-003124-ZBA](#)

#### Motion

Savannah Zoning Board of Appeals does hereby approve to withdraw 2819 Ogeechee Road from today's agenda as requested..

**Vote Results ( Approved )**

Motion: Betty Jones

Second: Michael Condon

Stephen Merriman, Jr. - Abstain

Karen Jarrett - Aye

Hunter Hall - Aye

Michael Condon - Aye

Larry Evans - Aye

Stephen Plunk - Aye

Betty Jones - Aye

**VI. Approval of Minutes**

[4. Approve June 23, 2022 Meeting Minutes](#)

📎 [June 23, 2022 Meeting Minutes.pdf](#)

**Motion**

The Savannah Zoning Board of Appeals does hereby approve the June 23, 2022 Meeting Minutes.

**Vote Results ( Approved )**

Motion: Stephen Plunk

Second: Karen Jarrett

Stephen Merriman, Jr. - Abstain

Karen Jarrett - Aye

Hunter Hall - Aye

Michael Condon - Aye

Larry Evans - Aye

Stephen Plunk - Aye

Betty Jones - Aye

**VII. Approval of Final Agenda**

**VIII. Consent Agenda**

**IX. Old Business**

**X. Regular Agenda**

[5. VARIANCE | 2131 Alabama Avenue | 22-003120-ZBA](#)

📎 [SITE VISIT.pdf](#)

📎 [Application.pdf](#)

📎 [VICINITY MAP.pdf](#)

📎 [STAFF REPORT.pdf](#)

**Ms. Melissa Paul-Leto** gave the staff report. The applicant is requesting to reduce the north front yard setback from 20 feet to 15 feet 6 inches and to increase the maximum building coverage from 40% to 43%. The applicant proposes to demolish the existing front covered porch with stairs that measures 5 feet in width and 3 feet 6 inches in depth, to construct a front porch that would be 7 feet in depth and 9 feet and 2 1/8 inches in width. The proposed front porch would have a footprint that is 4 feet 2 1/8 inches wider and 3 feet 6 inches deeper.

**Ms. Paul-Leto** explained that the subject property is zoned RSF-6 (Residential Single-Family – 6). The minimum lot dimension frontage is 53 feet; the minimum lot area is 5,300 square feet, while the minimum front yard- setback is 20 feet; the side yard is 5 feet. The street side yard is 10 feet and the rear yard is 20 feet. She said that the maximum building coverage is 40%, or 2,120 square feet. The subject property is a rectangular parcel of 5,300 square feet (.12 acres) with approximately 53 feet of frontage on the south side of Alabama Avenue. The lot is currently developed with a single-family residence. The subject property has vehicular access on the north side of the lot from a driveway off Alabama Avenue. There are very few trees on the subject property. Ms. Paul-Leto said the lots in the surrounding area vary in size and shape. Surrounding parcels are developed with single family detached residential structures zoned RSF-6 (Residential Single-Family-6).

**Ms. Paul-Leto** reported that based upon the variance criteria, staff recommends denial of the variances requested for 2131 Alabama Avenue. She entertained questions from the Board.

**Mr. Condon** asked if most of the houses in this area consistently have the same setback. In the 1950s, he believed the zoning was different. Is this correct?

**Ms. Paul-Leto** answered yes. She believed that the architect would talk about the zoning during his presentation to the Board. However, there is a type of development pattern that was here, but because of the present Zoning Code, she has to base her findings on the current zoning requirements.

**Mr. Condon** asked, however, is it mostly consistent throughout and most of these houses do have a small front porch.

**Ms. Paul-Leto** answered yes.

### **PETITIONER COMMENTS**

**Mr. Matthew Hallett** was sworn-in prior by Mr. Merriman. Mr. Hallett said this neighborhood was obviously built before the modern zoning was established here. This explains why the present zoning does not fit the modern zoning. He said the houses on the north side of the street have expansive front porches that come almost to the curb. If you look across Alabama Avenue, there are two houses on the corner that are close to the curb. These are expansive large classic Savannah porches. It is true that this house and the house next to it have the same small porch. They, both, were built in the 1950s. When air conditioning became popular, people were not hanging out on their porches any longer. Now they have gone back to getting porches so that they can interact with their neighbors.

**Mr. Hallett** said because it is a porch that they are seeking to add instead of wanting to add a living room to the front of the house, it is a lot less. They want to have an open porch with a roof. This will make it feel like the neighborhood that is here now. As he has said, this house and one other house are the ones with only the small front stoop, the other houses have large front porches. They are only asking for four and one-half foot change in the setback, which will only be 15 feet. Therefore, their porch will be 15 and one-half feet behind the property line, which is much further than the houses across the street. Mr. Hallett entertained comments from the Board.

**Ms. Jarrett** asked Mr. Hallett if he had an idea or could give the Board the percentage of the houses that encroach into the 20% setback.

**Mr. Hallett** answered no. He did not do this as he did not know how far the Board would want him to go.

**Ms. Jarrett** asked if this house already encroaches into the setback by 14 inches.

**Mr. Hallett** answered yes. He explained that they are seeking three and one-half feet rather than four and one-half feet.

**PUBLIC COMMENTS**

None.

**BOARD DISCUSSION**

**Ms. Jarrett** said sometimes the zoning is not always perfect. It appears that there are several houses in this neighborhood that exceed the 20 foot setback.

**Ms. Jones** said the older houses have stoops and some of the houses have expanded porches. Ms. Jones said, therefore, she did not see why this request could not be approved.

**Mr. Merriman** entertained a motion.

**Motion**

The Savannah Zoning Board of Appeals does hereby approve the minimum front yard setback, and the maximum building coverage requirements to construct a covered front porch at 2131 Alabama Avenue.

**Vote Results ( Approved )**

Motion: Betty Jones

Second: Karen Jarrett

|                       |           |
|-----------------------|-----------|
| Stephen Merriman, Jr. | - Abstain |
| Karen Jarrett         | - Aye     |
| Hunter Hall           | - Aye     |
| Michael Condon        | - Aye     |
| Larry Evans           | - Aye     |
| Stephen Plunk         | - Aye     |
| Betty Jones           | - Aye     |

6. VARIANCE | 601 West 37th Street Unit A & B | 22-003126-ZBA

- 📎 [Application.pdf](#)
- 📎 [SIGNED Board Decision 21-004031-COA 601 West 37th Street.pdf](#)
- 📎 [STAMPED 601 W37th V3 Permit Set - Revised 031822.pdf](#)
- 📎 [LOCATION MAP.pdf](#)
- 📎 [SITE VISIT.pdf](#)
- 📎 [SANBORN MAPS.pdf](#)
- 📎 [STAFF REPORT.pdf](#)

**Ms. Melissa Paul-Leto** gave the staff report. The applicant seeks to reduce the rear yard setback from 5 feet to 0 feet, and to increase the 40% maximum building coverage allowed to 48.7% for the construction of a two-story accessory dwelling unit (carriage house). The new building will be at the rear of the property; vehicles will access the building from the lane. The subject property fronts 60 feet on the south side of West 37th Street and begins 115 feet from the west side of Burroughs Street. The property is located on Land Lot 13 of the 3rd District, Savannah, Georgia. It is in the National Register Cuyler-Brownville Historic District and the local Cuyler-Brownville Historic District within the TR-1 (Traditional Residential – 1) zoning district, Council District 1.

**Ms. Paul Leto said the Relevant Zoning Requirements are:**

- The subject property is zoned TR-1 (Traditional Residential – 1).
- Minimum lot dimension requirements: Frontage for a two-family: 20 feet per unit = 40 feet;
- Minimum lot area for a two-family: 2,250 square feet per unit = 4,500 square feet.
- Minimum yard setbacks: Front yard: 5 feet (min);10 feet (max); Side yard interior: 5 feet; Street side yard: 10 feet: Rear yard: 20 feet.
- Maximum building coverage for Two-family, Three & Four-Family: 40%

**Ms. Paul-Leto** explained that in addition to compliance with the Visual Compatibility Criteria and the Design Standards, accessory structures shall also comply with the requirements set forth in [Sec. 8.7. Accessory Structures and Uses](#), and the following standards:

1. New accessory structures and structures shall be located in the rear yard.
2. New accessory structures shall be in scale with other contributing accessory structures on the lane.
3. The height and mass of the primary building shall not be exceeded by any accessory structure on the same parcel.
4. New accessory structures shall not be more than two (2) stories tall.
5. Garage openings shall not exceed 12 feet in width.
6. New accessory structures may have up to a five (5) foot lane setback to allow a turning radius into the garage.
7. Side yard setbacks for new accessory structures shall be a minimum of three (3) feet.

**Ms. Paul-Leto** said that the subject property is a rectangular parcel of 6,900 square feet (.17 acres) with approximately 60 feet of frontage on the south side of West 37th Street. The lot is currently developed with a 2,629 square foot two-family residence. The historic main building was constructed in 1916 and is a contributing resource within the National Register Cuyler-Brownville Historic District and the local Cuyler-Brownville Historic District. At some point between 1966 and 2022, the main house became a two-family residence. Per the Sanborn Maps, two different accessory buildings existed in this location historically. The second structure, which is visible on the 1966 map to the rear of the property, was a carriage house but was one-story. The lot currently is conforming at 37.7%, or 2,629 square feet of building coverage. The proposed carriage house would be an additional 768 square feet of building coverage to the property, with a total proposed building coverage of 48.7%. The subject property has vehicular access on the north side of the lot from a driveway off West 37th Street, as well as vehicular access from the lane. There are very few trees on the subject property.

**Ms. Paul-Leto** explained that on October 27, 2021, the Savannah Historic Preservation Commission approved a Certificate of Appropriateness for the proposed two-story garage dwelling unit (carriage house). Lots in the surrounding area vary in size and shape with typical smaller lot sizes. The surrounding parcels are developed with a mix of single-family detached, two-family, three and four-family residential structures zoned TR-1 (Traditional Residential -1) for the base zoning.

**Ms. Paul-Leto** stated that the applicant is requesting to reduce the rear yard setback from 5 feet to 0 feet and to increase the required maximum building coverage from 40% to 48.7% with a total of 3,397 square feet of building coverage on the property.

**Ms. Paul-Leto** explained that **Ms. Leah Michalak, MPC Historic Preservation Director** was present to speak about the property, principal building, and the overlay district regarding the rear setback requirement for carriage houses.

**Ms. Michalak** explained that she was not going to address the lot coverage, but would only address the setbacks that were discussed at the HPC meeting. Ms. Michalak reported that in helping the applicant design the project, they suggested a zero lane setback for two reasons:

1. That it is consistent with the historic building pattern throughout the historic district.
2. When staff reviewed the request and when the Board made its decision, under the overlay section, which basically trumps the zoning states that "new accessory structures may have up to a five-foot setback to allow a turning radius into the garage."

**Ms. Michalak** explained that the requirement does not say it "**must**" or that it "**cannot be zero (0).**" This is the reason that staff and the HPC said the standard is met. She entertained questions from the Board.

**Ms. Jarrett** asked how is the parking being handled? How many units are here? She saw two meters on the side of the house.

**Ms. Michalak** explained that the petitioner is adding an accessory dwelling unit, which does not require an off-street parking space. The HPC does not address interior use. However, she does not believe that they were aware that two units are in the front building. Therefore, each unit will require one off-street parking space. The petitioner is proposing one parking space inside the new garage, and she said pointing to a space that one spot is here and another spot is there. Therefore, three off-street parking spaces will be provided.

**Ms. Jones** asked if the accessory unit is being remodeled or will there be four units. Was a building here in the past?

**Ms. Michalak** answered that a building was here in the exact location until 1966.

**Ms. Paul-Leto** reported that staff recommends approval based upon the variance criteria and the Historic Preservation Commission's recommendation for 601 West 37th Street, Unit A & B.

### **PETITIONER COMMENTS**

**Mr. Eric Taylor** was sworn-in earlier by **Mr. Merriman**. Mr. Taylor said that they were told by the MPC staff that they could do 0 (zero) setback, Consequently, they got an architect to design the structure according to what they were told. They went to the City's Building and Safety Department and were told that they cannot build on the 0 (zero) lot line. Therefore, they applied for a Certificate of Appropriateness from the Savannah Historic Preservation Commission.. He entertained questions from the Board.

**Ms. Jarrett** asked Mr. Taylor if he plans to move the building back a little.

**Mr. Taylor** asked Ms. Jarrett to please explain what she means by "move back." He is requesting to put the building on the 0 (zero) lot line. The setback between the two buildings has to be ten feet.

### **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 minimum rear yard setback, and maximum building coverage requirements to construct a carriage house at 601 West 37th Street Unit A & B.

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

|                       |           |
|-----------------------|-----------|
| Motion: Hunter Hall   |           |
| Second: Stephen Plunk |           |
| Stephen Merriman, Jr. | - Abstain |
| Karen Jarrett         | - Aye     |
| Hunter Hall           | - Aye     |
| Michael Condon        | - Aye     |
| Larry Evans           | - Aye     |
| Stephen Plunk         | - Aye     |
| Betty Jones           | - Aye     |

[7. Variance Request I 122 Croatan Street I File No.22-003131-ZBA](#)

[Aerial View.pdf](#)

[Tax Map.pdf](#)

[Front View.pdf](#)

[Staff report.pdf](#)

**Mr. Jacqualle Johnson** gave the staff report. Mr. Johnson explained that he will be reporting on 122 Croatan Street and 123 Croatan Street at the same time. He showed the Board a map and explained that 122 Croatan Street is highlighted in the color blue and 123 Croatan is directly to the right. Chairman Merriman said Mr. Johnson may give his report for the two addresses at the same time, but the Board would vote individually on these addresses.

**Mr. Johnson** reported on 122 Croatan first. He stated that the agent for the petitioner, Robert Portman, is requesting a 4'6"-foot side yard variance from the 5-foot side yard setback requirement for an existing single-family residence. He explained that:

1. The subject property has frontage on 122 Croatan Street and is zoned RSF-6 (Residential Single Family-6).
2. The subject property is 0.20 acres in size, with a lot width of 90 feet. It is located in the Oakhurst Neighborhood. This neighborhood consists primarily of single family detached residences, two family residences. and apartment buildings. The subject property is generally consistent with the development pattern in the area.
3. 122 Croatan Street is a 9,000 square feet lot with an existing structure. The petitioner is requesting a 4-foot side yard variance. The minimum side yard requirement for the RSG-6 zone is 5-foot.
4. The petitioner is proposing to move he property line on he adjacent parcel by 10 feet from the initial 30 feet in order to increase the lot width to 40 feet. The increase in lot width creates a need for a side yard variance for the subject property; due to the fact, the proposed property line encroaches on the 5-foot side yard requirement. In addition, the increase in lot width to an adjacent parcel does not meet the development standard for this zoning classification. Therefore, creating a need for a lot width and side yard variance.

**Mr. Johnson** reported that staff, based upon the review criteria, recommends denial of the requested variance for 122 Croatan Street. He entertained questions from the Board.

**Mr. Condon** asked staff if 122 Croatan Street is buildable as a 30-foot, 3,000 square foot lot without a variance.

**Mr. Johnson** answered "yes."

**Mr. Evans** asked if the variances requested for both lots were approved and structures were built, what would be the distance between the two structures?

**Mr. Johnson** explained that based upon the site plan that the applicant has submitted, it appears that it would be four feet six inches.

**Mr. Evans** asked if this would be the new lot line for both structures.

**Mr. Johnson** answered "yes."

**Mr. Hall** asked, just to be clear, on 122 Croatan Street if this would be just a six inch side yard. Is this correct?

**Mr. Johnson** explained that the side yard would be four feet six inches.

**Mr. Hall** asked if the side yard would be four feet six inches, instead of five feet.

**Mr. Johnson** confirmed that the side yard would be five feet instead of four feet six inches.

### **PETITIONER COMMENTS**

**Mr. Portman** was sworn-in earlier by **Mr. Merriman**. Mr. Portman said that the 30 foot wide lot would give them a 15 foot wide house. They cannot accept that. The average width of the house is approximately 24 to 25 feet wide. This is the reason they are requesting a minor subdivision. He explained that 122 Croatan Street is 40 feet wide. The result of this will allow them a 24 and one-half foot wide house at 123 Croatan Street. This would allow them to have a garage, He said that garages need to be 22 feet deep; they cannot do a garage 15 feet deep. The reason for the subdivision is to get a quality size house built on 123 Croatan Street.

**Mr. Portman** stated that the 40 foot subdivision is four and one-half feet from the face of 122 Croatan Street. For both houses to be fire-rated, they need a 10-foot separation. Therefore, what they are showing on this exhibit is a 10-foot zone. Therefore, the new residence at 123 Croatan would actually have it at a distance further beyond the five foot to ensure that they have the 10 foot separation between the houses. Mr. Portman respectfully requested the Board's approval to allow them to have the 40 foot subdivision. Mr. Portman believed that there is one other lot like this lot, He said they believe that the scale of their portion of a larger house would be welcomed in this neighborhood. They cannot build on a 30-foot wide lot.

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

**Mr. Condon** said one of the things they try to do as a board is ensure that if they make allowances and grant variances, that they meet a certain standard. Of great importance to this Board is that whatever they allow fits with the rest of the street, block, etc. When they look at the map, all but two houses on the block are on 60 foot lots. This is really a neighborhood of predominately 60 foot lot width, If they get into this, he was only speaking for himself, but it is a "slippery slop" when they get into stretching 30 feet into 40 feet. If there were four lots, and the petitioner wanted to do a minor subdivision, two lots, two lots, and he had 60 feet lots, their job would be much easier. He explained, however, what Mr. Portman is asking the Board to do is actually more difficult than what he realizes. This would be somewhat of a long term implication for the rest of the neighborhood.

**Mr. Condon** said if the petitioner has an existing 30-foot lot [he was not offering advice] he is allowed to build on it. He does not necessarily have to build a 15-foot house. If the petitioner is not successful today, he suggests that he work with the MPC staff on a way to make his 30 foot lot work with the 20 foot house.

### **PUBLIC COMMENTS**



**Mr. Henry Scott** was present online. Mr. Scott did not object to the petitioner's request. He believed that this would be rental property and he wanted to be assured that the property would be taken care of. He lives across the street from the property and does not know what is going on.

**Mr. Portman**, in response to the Board and Mr. Scott's comments, said that in this particular area, they are the only 30-foot lots in the City. If other properties saw this and their approval, they would have to either be not in this neighborhood or there would be an existing 120 foot lot that does not have a property line. They are looking for a lot width where they can have a house that is common with the other houses in the area.

**Mr. Merriman**, for clarity, asked if the variances were for increasing the lot coverage.

**Mr. Johnson** said yes; the variances are for increasing the lot coverage.

**Ms. Jarrett** stated that increasing the lot coverage, though, makes it still a nonconforming lot as far as the 6,000 square foot. What the petitioner has now is a lot that is nonconforming; but buildable because it exists. The petitioner is asking the Board to create another nonconforming lot and allow him to build on it. Correct?

**Mr. Johnson** answered "correct."

**Mr. Condon** stated that during Mr. Johnson's presentation, he mentioned that there was an additional variance that would be required. What would this variance involve?

**Mr. Johnson** answered the additional variance that would be required, is the side yard variance for the adjacent property.

**Mr. Merriman** said that the request has not been through the process or posted.

**Mr. Johnson** said the additional variance if 123 is granted, the petitioner would need to apply for a variance for 122 Croatan Street.

**Mr. Portman** asked for clarification on the statement regarding additional variances.

**Mr. Johnson** explained that the variance request for 123 Croatan Street is to increase the lot width from 30 feet to 40 feet; moving the property line. If this variance is granted, then the petitioner would need a variance for 122 Croatan Street based on the proposed site plan for the 4 feet six inches.

**Mr. Merriman** explained that Item #6 - 123 Croatan Street is a request to move the lot line to change the size of the lot. If the petitioner gets this, he has to get a variance for the side yard setback for #5 - 122 Croatan Street. If #6 is not approved, the petitioner will not need #5.

**Mr. Johnson**, as there still appeared to be some misunderstanding, explained that the 60 feet is the required lot width for any property in this zone. The petitioner is proposing to move it to 40 feet, which is still nonconforming to the 60 feet requirement. Therefore, a variance is needed. Because the petitioner is asking for the variance, it requires another variance for 122 Croatan Street because he would be moving the property line closer to the existing building.

**Mr. Plunk** asked staff if they received any other comments from the public.

**Mr. Johnson** answered "no."

### **BOARD DISCUSSION**

**Ms. Jarrett** stated that one variance opposed to two variances seems like a logical thing to do.

**Mr. Evans** said he believes his colleagues may have had some concerns about creating what would be two nonconforming lots. But, in his review, in doing so, would make each lot somewhat closer to the historical pattern and the objectives of the zoning law in this area. The zoning law in this area in getting closer to 60 feet on each lot and certainly there would be small areas on the setbacks. But, he does not believe that this is the condition the petitioner is making. He believed that this is just the historical

anomaly. However, what they are dealing with is something that is non-conforming and this is bringing it closer in line with the objectives. Mr. Evans said he supports the variance request.

**Mr. Plunk** agreed with Mr. Evans. He said that an anomaly will be here no matter how it is developed. Mr. Plunk believed that they are just meeting in the middle with the proposal. But, he certainly understands the other side as well.

**Mr. Merriman** entertained a motion.

#### Motion

The Savannah Zoning Board of Appeals does hereby approve the requested variances at 122 Croatan Street.

#### Vote Results ( Approved )

Motion: Larry Evans

Second: Stephen Plunk

|                       |           |
|-----------------------|-----------|
| Stephen Merriman, Jr. | - Abstain |
| Karen Jarrett         | - Nay     |
| Hunter Hall           | - Aye     |
| Michael Condon        | - Aye     |
| Larry Evans           | - Aye     |
| Stephen Plunk         | - Aye     |
| Betty Jones           | - Aye     |

#### [8. Variance Request I 123 Croatan Street I File No. 22-003132-ZBA](#)

📎 [Front View.pdf](#)

📎 [Aerial View.pdf](#)

📎 [Tax Map.pdf](#)

📎 [123 Staff report.pdf](#)

**Mr. Jacquale Johnson** gave the staff report. Mr. Johnson explained that he will be reporting on 122 Croatan Street and 123 Croatan Street at the same time. He showed the Board a map and explained that 122 Croatan Street is highlighted in the color blue and 123 Croatan is directly to the right. Chairman Merriman said Mr. Johnson may give his report for the two addresses at the same time, but the Board would vote separately on these addresses.

**Mr. Johnson** stated that the agent for the petitioner, Robert Portman, is requesting a 40-foot width lot variance from the 60-foot width requirement for a proposed single-family residence. He explained that:

1. The subject property has footage on 123 Croatan Street and is zoned RSF-6 (Residential Single Familu-6).
2. The subject property is 0.07 acres in size, with a lot width of 30 feet. It is located in Oakhurst Neighborhood. This neighborhood consists primarily of single family detached residences, two family residences, and apartment buildings.
3. 123 Croatan Street is a 3,000 square foot undeveloped lot. The petitioner is requesting a variance for a lot width of 40 feet. The minimum lot width for the RSF-6 zoning district is 60 feet.
4. The petitioner is proposing to move the property line on the subject parcel by 10 feet from the initial

30 feet in order to increase the lot width to 40 feet. This increase in lot width creates the need for a side yard variance to the adjacent property due to the fact that the proposed property line encroaches on the 5-foot side yard requirement. In addition, the increase in lot width to the subject parcel does not meet the development standard for this zoning classification. Therefore, creating a need for a lot width and side yard variance.

**Mr. Johnson** reported that staff, based upon the review criteria, recommends denial of the requested variance for 123 Croatan Street.

**Mr. Evans** asked if the variances requested for both lots were approved and structures were built, what would be the distance between the two structures?

**Mr. Johnson** explained that based upon the site plan that the applicant has submitted, it appears that it would be four feet six inches.

**Mr. Evans** asked if this would be the new lot line for both structures.

**Mr. Johnson** answered "yes."

### **PETITIONER COMMENTS**

**Mr. Portman** was sworn-in earlier by **Mr. Merriman**. Mr. Portman said that the 30 foot wide lot would give them a 15 foot wide house. They cannot accept that. The average width of the house is approximately 24 to 25 feet wide. This is the reason they are requesting a minor subdivision. He explained that 122 Croatan Street is 40 feet wide. The result of this will allow them a 24 and one-half foot wide house at 123 Croatan Street. This would allow them to have a garage, He said that garages need to be 22 feet deep; they cannot do a garage 15 feet deep. The reason for the subdivision is to get a quality size house built on 123 Croatan Street.

**Mr. Portman** stated that the 40 foot subdivision is four and one-half feet from the face of 122 Croatan Street. For both houses to be fire-rated, they need a 10-foot separation. Therefore, what they are showing on this exhibit is a 10-foot zone. Therefore, the new residence at 123 Croatan would actually have it at a distance further beyond the the five foot to ensure that they have the 10 foot separation between the houses. Mr. Portman respectfully requested the Board's approval to allow them to have the 40 foot subdivision. Mr. Portman believed that there is one other lot like this lot, He said they believe that the scale of their portion of a larger house would be welcomed in this neighborhood. They cannot build on a 30-foot wide lot.

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

**Mr. Condon** said one of the things they try to do as a board is ensure that if they make allowances and grant variances, that they meet a certain standard. Of great importance to this Board is that whatever they allow fits with the rest of the street, block, etc. When they look at the map, all but two houses on the block are on 60 foot lots. This is really a neighborhood of predominately 60 foot lot width, If they get into this, he was only speaking for himself, but it is a "slippery slop" when they get into stretching 30 feet into 40 feet. If there were four lots, and the petitioner wanted to do a minor subdivision, two lots, two lots, and he had 60 feet lots, their job would be much easier. He explained, however, what Mr. Portman is asking the Board to do is actually more difficult than what he realizes. This would be somewhat of a long term implication for the rest of the neighborhood.

**Mr. Condon** said if the petitioner has an existing 30-foot lot [he was not offering advice] he is allowed to build on it. He does not necessarily have to build a 15-foot house. If the petitioner is not successful today, he suggests that he work with the MPC on a way to make his 30 foot lot work with the 20 foot house.

### **PUBLIC COMMENTS**

**Mr. Henry Scott** was present online. Mr. Scott did not object to the petitioner's request. He believed

that this would be rental property and he wanted to be assured that the property would be taken care of. He lives across the street from the property and does not know what is going on.

**Mr. Portman** in response to the Board and Mr. Scott's comments, said that in this particular area, they are the only 30-foot lots in the City. If other properties saw this and their approval, they would have to either be not in this neighborhood or there would be an existing 120 foot lot that does not have a property line. They are looking for a lot width where they can have a house that is common with the the other houses.

**Mr. Merriman**, for clarity, asked if the variances were for increasing the lot coverage.

**Mr. Johnson** said yes; the variances are for increasing the lot coverage.

**Ms. Jarrett** stated that increasing the lot coverage, though, makes it still a nonconforming lot as far as the 6,000 square foot. What the petitioner has now is a lot that is nonconforming; but buildable because it exists. The petitioner is asking the Board to create another nonconforming lot and allow him to build on it. Correct?

**Mr. Johnson** answered "correct."

**Mr. Condon** stated that during Mr. Johnson's presentation, he mentioned that there was an additional variance that would be required. What would this variance involve?

**Mr. Johnson** answered the additional variance that would be required, is the side yard variance for the adjacent property.

**Mr. Merriman** said that the request has not been through the process or posted.

**Mr. Johnson** said the additional variance if 123 is granted, the petitioner would need to apply for a variance for 122 Croatan Street.

**Mr. Portman** asked for clarification on the statement regarding additional variances.

**Mr. Johnson** explained that the variance request for 123 Croatan Street is to increase the lot width from 30 feet to 40 feet; moving the property line. If this variance is granted, then the petitioner would need a variance for 122 Croatan Street based on the proposed site plan for the 4 feet six inches.

**Mr. Merriman** explained that Item #6 - 123 Croatan Street is a request to move the lot line to change the size of the lot. If the petitioner gets this, he has to get a variance for the side yard setback for #5 - 122 Croatan Street. If #6 is not approved, the petitioner will not need #5.

**Mr. Johnson**, as there still appeared to be some misunderstanding, explained that the 60 feet is the required lot width for any property in this zone. The petitioner is proposing to move it to 40 feet which is still nonconforming to the 60 feet requirement. Therefore, a variance is needed. Because the petitioner is asking for the variance, it requires another variance for 122 Croatan Street because he would be moving the property line closer to the existing building.

**Mr. Plunk** asked staff if they received any other comments from the public.

**Mr. Johnson** answered "no."

## **BOARD DISCUSSION**

**Ms. Jarrett** stated that one variance opposed to two variances seems like a logical thing to do.

**Mr. Evans** said he believes his colleagues may have had some concerns about creating what would be two nonconforming lots. But, in his review, in doing so, would make each lot somewhat closer to the historical pattern and the objectives of the zoning law in this area. The zoning law in this area in getting closer to 60 feet on each lot and certainly there would be small areas on the setbacks. But, he does not believe that this is the condition the petitioner is making. He believed that this is just the historical anomaly. However, what they are dealing with is something that is non-conforming and this is bringing it

closer in line with the objectives. Mr. Evans said he supports the variance request.

**Mr. Plunk** agreed with Mr. Evans. He said that an anomaly will be here no matter how it is developed. Mr. Plunk believed that they are just meeting in the middle with the proposal. But, he certainly understands the other side as well.

**Mr. Merriman** entertained a motion.

**Ms. Jarrett** moved to deny the petitioner's request.

The motion failed due to not being seconded.

**Mr. Merriman** entertained another motion.

#### **Motion**

The Savannah Zoning Board of Appeals does hereby approve the requested variances at 123 Croatan Street.

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

Motion: Larry Evans

Second: Stephen Plunk

Stephen Merriman, Jr. - Abstain

Karen Jarrett - Nay

Hunter Hall - Aye

Michael Condon - Aye

Larry Evans - Aye

Stephen Plunk - Aye

Betty Jones - Aye

## **XI. Other Business**

## **XII. Adjournment**

### 9. Adjourned

There being no further business to come before the Savannah Zoning Board of Appeals, Mr. Merriman adjourned the meeting at approximately 10:56 a.m.

Respectfully Submitted,

Marcus Lotson  
Development Services Director

ML:mem

*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.*