



City of Savannah Zoning Board of Appeals

Virtual Meeting
March 24, 2022 10:00 A. M.

March 24, 2022 City of Savannah Zoning Board of Appeals

Members Present: Stephen Merriman, Jr., Chair
Michael Condon, Vice-Chair
Hunter Hall
Karen Jarrett
Stephen M. Plunk

Members Absent: Larry Evans
Betty Jones

Others Present: Pamela Everett, Esq., Assistant Executive Director
Marcus Lotson, Development Services Director
Nirva Gandhi, Development Services Planner and Historic Preservation Planner
Jacqualle Johnson, Development Services Planner Technician
Melissa Paul-Leto, Development Services Planner
Julie Yawn, Systems Analyst
Mary E. 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](#)

Mr. Merriman gave the Invocation and the Pledge of Allegiance was recited in unison.

III. Notices, Proclamations and Acknowledgements

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

[3. 712-714 West 39th Street - Variances to the maximum lot coverage and minimum rear yard setback requirements to reconstruct two \(2\) duplex residences - 22-000908-ZBA](#)

Motion

The Savannah Zoning Board of Appeals does hereby approve to remove 712-714 West 39th Street from the March 24, 2022 Meeting Agenda.

Vote Results (Approved)

Motion: Michael Condon

Second: Stephen Plunk

Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Aye
Hunter Hall	- Aye
Michael Condon	- Aye
Larry Evans	- Not Present
Stephen Plunk	- Aye
Betty Jones	- Not Present

V. Item(s) Requested to be Withdrawn

VI. Approval of Minutes

[4. Approval of February 24, 2022 Meeting Minutes](#)

[📎 February 24, 2022 Meeting Minutes.pdf](#)

Motion

The Savannah Zoning Board of Appeals does hereby approve the meeting minutes of February 24, 2022.

Vote Results (Approved)

Motion: Michael Condon

Second: Hunter Hall

Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Aye
Hunter Hall	- Aye
Michael Condon	- Aye
Larry Evans	- Not Present
Stephen Plunk	- Aye
Betty Jones	- Not Present

VII. Approval of Final Agenda

VIII. Consent Agenda

IX. Old Business

X. Regular Agenda

[5. VARIANCE REQUEST | File No. 22-000913-ZBA | 830 East 38th Street Lot Width & Lot Size Variance](#)

- 📎 [MAP.pdf](#)
- 📎 [38th Street email from applicant.pdf](#)
- 📎 [Letter Support Aaron Miller.pdf](#)
- 📎 [Streetview.pdf](#)
- 📎 [Staff Report.pdf](#)

Mr. Nirav Gandhi gave the staff report. The petitioner, Attorney Robert McCorkle III, is requesting two variances for the property at 830 East 38th Street. The first variance request is to decrease the minimum lot width from 40 feet to 30 feet. The second variance is to decrease the minimum lot size from 3,000 square feet to 2,600 square feet. The lot is intended to be subdivided into two lots. The subject property has frontage on East 38th St. The parcels are located in the RSF-6 (Residential Single Family) zoning district. The subject property is 0.24 acres in size, with a lot width of 60 ft.. The petitioner desires to subdivide this 60-foot lot into two 30-foot lots. Both lots would be too small to meet current zoning regulations for the TR-1 district.

Mr. Gandhi stated that staff received one letter of support from a neighbor and it is attached to the agenda. Staff also received one letter of opposition after the agenda was closed. He explained that Mr. Mobley lives one street from this property on Seiler Avenue. Mr. Mobley is in opposition because he believes the neighborhood is becoming too crowded.

Mr. Gandhi reported that based upon the review criteria, staff recommends approval of the requested variances for 830 East 38th St. He entertained questions from the Board.

Ms. Jarrett explained that she is very concerned about the parking. She is aware that they decided to go with the 40 foot lots rather than the 30 foot lots in this area because there is no alleyways here. Where are the people going to park?

Mr. Gandhi stated that if there is not enough room in the driveway to park, he believes it would then be on-street parking. However, the petitioner may be able to answer this question.

Ms. Jarrett asked staff if the petitioner is requesting a parking variance, as well as a variance for the width, and a variance for the area.

Mr. Gandhi answered that another variance would be required.

Ms. Jarrett asked staff if the petitioner has plans that show off-street parking.

Mr. Gandhi answered that he does not believe the petitioner has plans that show off-street parking.

Ms. Jarrett asked if the ZBA is being asked to give the petitioner two variances, and then he will have to come back for a third variance.

Mr. Merriman asked if there is an off-street parking requirement for this area.

Mr. Lotson explained that the petitioner (and anybody) is required to provide one off-street parking space per dwelling unit. Staff does not have a site plan that has been submitted by the petitioner. However, when the petitioner goes through this process, he will be required to provide a parking space. There are a number of lots in this neighborhood that are the same width and they do provide off-street parking. Therefore, staff believes that the petitioner can provide the off-street parking. But, if the petitioner cannot provide the off-street parking, then he would have to come back to the ZBA for a parking variance. However, they will not typically support a new residence without an off-street parking space.

Mr. Merriman, for clarity, asked that today, the petitioner is not requesting the off-street parking variance, but only requesting what is shown on today's agenda.

Mr. Lotson answered yes.

Ms. Jarrett asked if the ZBA wants to consider what is on the agenda if they do not know whether the off-street parking will be provided. She said the Planner informed the ZBA that no parking space was likely to be required.

Mr. Lotson said a parking space will be required and the petitioner would have to provide this, along with the building plan when he goes through the building plan process.

Ms. Jarrett stated that otherwise, the petitioner will come back and ask for another variance. She explained that if the ZBA moves forward and allows the petitioner to split the lots, and he comes back to them asking for another variance, they will be somewhat forced to approve the request. Aren't they?

Mr. Lotson answered that he did not believe the ZBA would be forced to approve the petitioner's request as staff believes the petitioner can provide off-street parking and build a house on the lot.

Mr. Hall asked staff to show the letter of opposition. He said the variance request is from 4,000 square feet. Is this the maximum?

Mr. Gandhi answered that the 4,000 square feet is the minimum lot size for this area.

PETITIONER COMMENTS

Attorney McCorkle thanked the ZBA for hearing their petition. He said they submitted a subdivision plat for this property. He believed that one thing that was helpful is the drawing. He explained that originally the size of the lot was incorrect. The red area shows that two lots are identified here, but it only shows the same width as the 30-foot lots, which are on both sides as well. He explained that the lot is actually 60 feet. The SAGIS drawing is incorrect. Attorney McCorkle said he worked with Mr. Lotson on this and gave him the information.

Attorney McCorkle explained that all the lots on East 38th Street are 30 feet wide. If they look at the lots that are more than 30 feet wide, his drawings show that the ones that are wider than 30 feet actually have two lot numbers. Historically, every lot in this area, particularly on this street, was 30 feet wide. They are still 30 feet wide. Therefore, when his client acquired this property, his deed refers to the two lots that he acquired. The reason they are here before the ZBA today is because the City of Savannah has had an Ordinance revision that says "if one owner owns more than one lot, that those lots are automatically recombined." Attorney McCorkle explained that, therefore, when they have a single PIN, the City treats them as if they have been recombined into one lot through a subdivision process; which, of course, is not what actually happened. He explained also that if these two lots were owned by two separate people over a certain period of time since this Ordinance passed, these 30 foot lots would still exist. As he has said, the only reason they don't exist is because they are under the ownership of one individual.

Attorney McCorkle said this is the historic context of all this. They are trying to reestablish the historic lots which allow for the construction of two homes on these two lots, instead of just one home leaving an empty lot, and a side yard which is the effect of what they have on a lot of these blocks. He showed the ZBA the actual property. He pointed out that the adjacent house on the corner was also built for a 30-foot lot and the houses are very close, which is consistent with the historic nature of this neighborhood. Across the street, are 30 foot wide lots, houses built for 30 foot wide lots and interestingly, none of these lots barely have parking. As you move down the block, you have more 30 foot houses. Attorney McCorkle said they are asking that they be allowed to reestablish the lots that were recombined because they were owned by a single owner, so that they can do some additional construction. He believes that it is worth noting that his client is invested in this neighborhood; he has acquired multiple lots in this neighborhood; and his daughter lives on this street. His client has done a lot of work to restore the house.

Attorney McCorkle explained that his client is committed to creating quality housing in this area. This is why they are before the ZBA today. They support the staff recommendation. They do not believe that any detrimental affect will occur with doing this. They are only reestablishing the lot size and creating additional residential homes for people in the area. Mr. McCorkle entertained questions from the ZBA.

Ms. Jarrett stated that she was looking at the survey and it shows that the driveway is actually

encroaching onto the adjacent lot. When the lot is developed, will the owner widen the driveway and put in an easement for both? Or is he going to remove the driveway and park on the street?

Attorney McCorkle said they do not have the plans. Therefore, he does not know how it will work. He understands the fact that there is a parking requirement for the property; therefore, they will have to do it one way or another. But, at this point, they are only trying to see if they can move forward with it. They do not have any formal plans for a house to be done.

Ms. Jarrett stated that when this development was developed, wasn't this somewhat like the Streetcar District where people did not own cars and they rode the streetcars or buses? Wasn't this one of the reasons that may be they had 30 foot lots, rather than 40 foot lots?

Attorney McCorkle, in an answer to Ms. Jarrett's above question, stated that he was not sure.

PUBLIC COMMENTS

No public comments were given at the meeting. However, staff reported that they received one letter of support and one letter of opposition.

BOARD DISCUSSION

Ms. Jarrett stated that she feels confident that the ZBA will get another variance request asking for a parking variance.

Mr. Condon move to approve the lot width and lot size variances as recommended by staff.

Mr. Hall seconded the motion.

Mr. Merriman called for discussion on the motion.

Ms. Jarrett asked if it was possible to continue this request until the ZBA gets a site plan showing that there is parking.

Mr. Merriman explained that if the motion on the table fails, then Ms. Jarrett could make a motion for the continuance.

Motion

The Savannah Zoning Board of Appeals does hereby approve the variance requests for 830 East Street as recommended by staff.

Vote Results (Approved)

Motion: Michael Condon

Second: Hunter Hall

Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Nay
Hunter Hall	- Aye
Michael Condon	- Aye
Larry Evans	- Not Present
Stephen Plunk	- Aye
Betty Jones	- Not Present

[6. VARIANCE REQUEST | File No. 22-000914-ZBA | 914 E 38th St Lot Width & Lot Size Variance](#)

- [MAP.pdf](#)
- [Street View.pdf](#)
- [Staff report.pdf](#)

Mr. Nirav Gandhi gave the staff report. The petitioner, Attorney Robert McCorkle III, is requesting two variances for the property at 914 East 38th Street. The first variance request is to decrease the minimum lot width from 40 feet to 30 feet. The second variance is to decrease the minimum lot size from 3,000 square feet to 2,600 square feet. The lot is intended to be subdivided into two lots.

Mr. Gandhi stated that the subject property has frontage on East 38th St. The parcels are located in the RSF-6 (Residential Single Family) zoning district. The subject property is 0.12 acres in size, with a lot width of 60 ft. It is located in the Midtown neighborhood. The Midtown neighborhood consists primarily of single family detached residences, two family residences and a small number of apartment buildings. The proposed lot size is generally consistent with this pattern. The petitioner desires to subdivide this 60-foot lot into two 30-foot lots. Both lots would be too small to meet current zoning regulations for the TR-1 district. On blocks without lane access in the TR-1 district, a minimum lot width of 40 feet is required. On blocks that abut lanes, a 30-foot lot width is permitted. This regulation is related to vehicular access to the property. The applicant would be required to provide one off-street parking space for any new dwelling unit.

Mr. Gandhi reported that based upon the review criteria, staff recommends approval of the requested variances for 914 East 38th St.

PETITIONER COMMENTS

Attorney McCorkle explained that this petition is more consistent with the existing lots that are around this property. He showed the Board a map and stated that some of the lots are less than 30 feet. They are highlighted in yellow. Attorney McCorkle showed the Board a picture of the house that the variance is being requested for. It is boarded up. The houses here are built close together.

Mr. McCorkle said he supports the staff recommendation. He entertained questions from the Board.

PUBLIC COMMENTS

None.

BOARD DISCUSSION

Ms. Jarrett stated that in five years they will have many complaints about parking. She said the Board may regret the decision they make today regarding this property.

The majority of the Board members were in agreement with the staff recommendation.

Motion

The Savannah Zoning Board of Appeals does hereby approve the variance request for 914 East 38th Street as recommended by the staff.

Vote Results (Approved)

Motion: Stephen Plunk

Second: Hunter Hall

Stephen Merriman, Jr.	- Abstain
Karen Jarrett	- Nay
Hunter Hall	- Aye
Michael Condon	- Aye
Larry Evans	- Not Present
Stephen Plunk	- Aye
Betty Jones	- Not Present

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.