



McCorkle, Johnson  
& McCoy, LLP

ATTORNEYS AT LAW  
319 Tattnall Street • Savannah, Georgia 31401  
Phone: (912) 232-6000 • Fax: (912) 232-4080  
mmm@mccorklejohnson.com  
Cell: (912) 604-7517  
Direct: (912) 232-6485

February 18, 2025  
Via Email

Melanie Wilson  
Executive Director and CEO  
Chatham County – Savannah Metropolitan Planning Commission  
110 E. State Street  
Savannah, Georgia 31401  
[wilsonm@thempc.org](mailto:wilsonm@thempc.org)

RE: Request for Stay of Proceedings Pursuant to O.C.G.A. § 36-66-5.1 (d) for the Application for Variance for 1001 and 1015 Whitaker St. and 120 and 124 W. Park Ave.: 25-000446-ZA (“Application for Variance”)

Dear Melanie:

We represent the Mayor and Alderman of the City of Savannah (the “City”) in re: Clara Greig and Tana Fileccia-Flagg v. City of Savannah, Seacrest Seven, LLC, 1015 Whitaker, LLC and Portfolio Holdings, LLC, Case No. SPCV25-00195, Superior Court of Chatham County. The City has forwarded me a copy of February 14, 2025, letter from Andrew Berrien Jones, attorney for plaintiffs, requesting that Metropolitan Planning Commission (“MPC”) stay the above-referenced Application for Variance. In support of his request, Mr. Jones cites O.C.G.A. § 36-66-5.1(d) which provides:

An appeal or challenge by an opponent filed pursuant to this chapter shall stay all legal proceedings in furtherance of the action appealed from or challenged, unless the local government, officer, board, or agency from which or from whom the appeal or challenge is taken certifies that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property

It is the City’s position that Mr. Jones has misinterpreted the statute. While it is correct that a Superior Court case has been filed challenging a prior Rezoning 24005815-ZA and FLUM Amendment 24-005916-ZA, the above referenced Application for Variance is a separate and distinct zoning decision that has not yet been made by the MPC and is not subject to a challenge in the pending Superior Court case. As such, the hearing today on the Application for Variance is not a “legal proceeding in furtherance of the action appealed from or challenged.” Therefore, it is not subject to stay pursuant to the statutory authority cited by Mr. Jones.

Sincerely,

Mathew M. McCoy  
Attorney at Law

cc: R. Bates Lovett, Esq. – via email  
R. Jonathan Hart, Esq. – via email  
Andrew Berrien Jones, Esq. – via email

Q:\DATA\WPDATA\14700\14775-02 MPC Letter.docx