



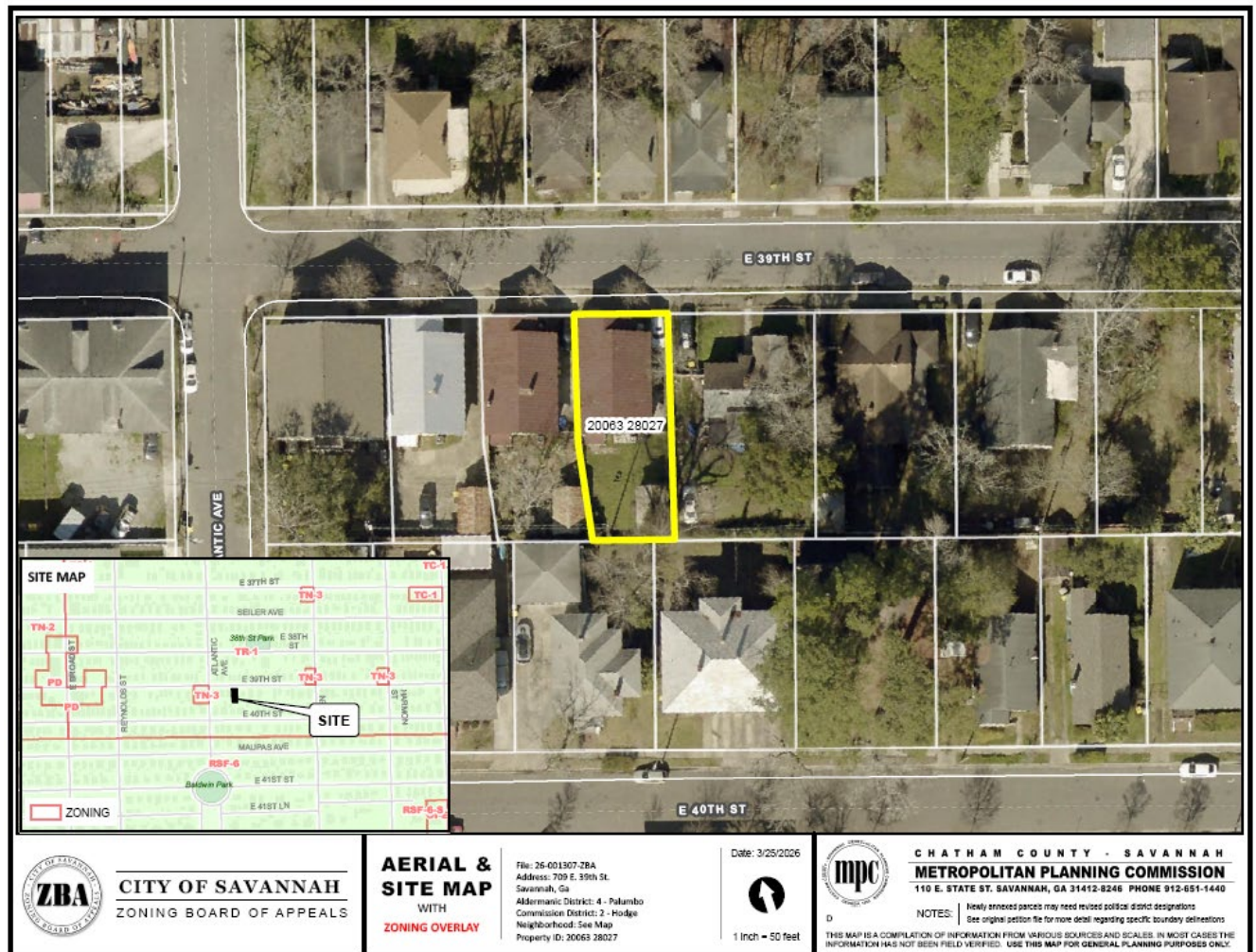
SAVANNAH ZONING BOARD OF APPEALS

STAFF REPORT

PETITIONER: Ben Summerlin, Agent for Shawna Lee Boyle
FILE NO: 26-001307-ZBA
ADDRESS: 709 E 39th St
DATE: April 23, 2026

Nature of Request

The Petitioner requests a variance to reduce the side yard setback from 3 feet to 2 feet in association with a pre-existing porch on a conforming and irregular lot in the TR-1 zoning district.



Aerial & Site Map for 709 E 39th St

Facts & Findings

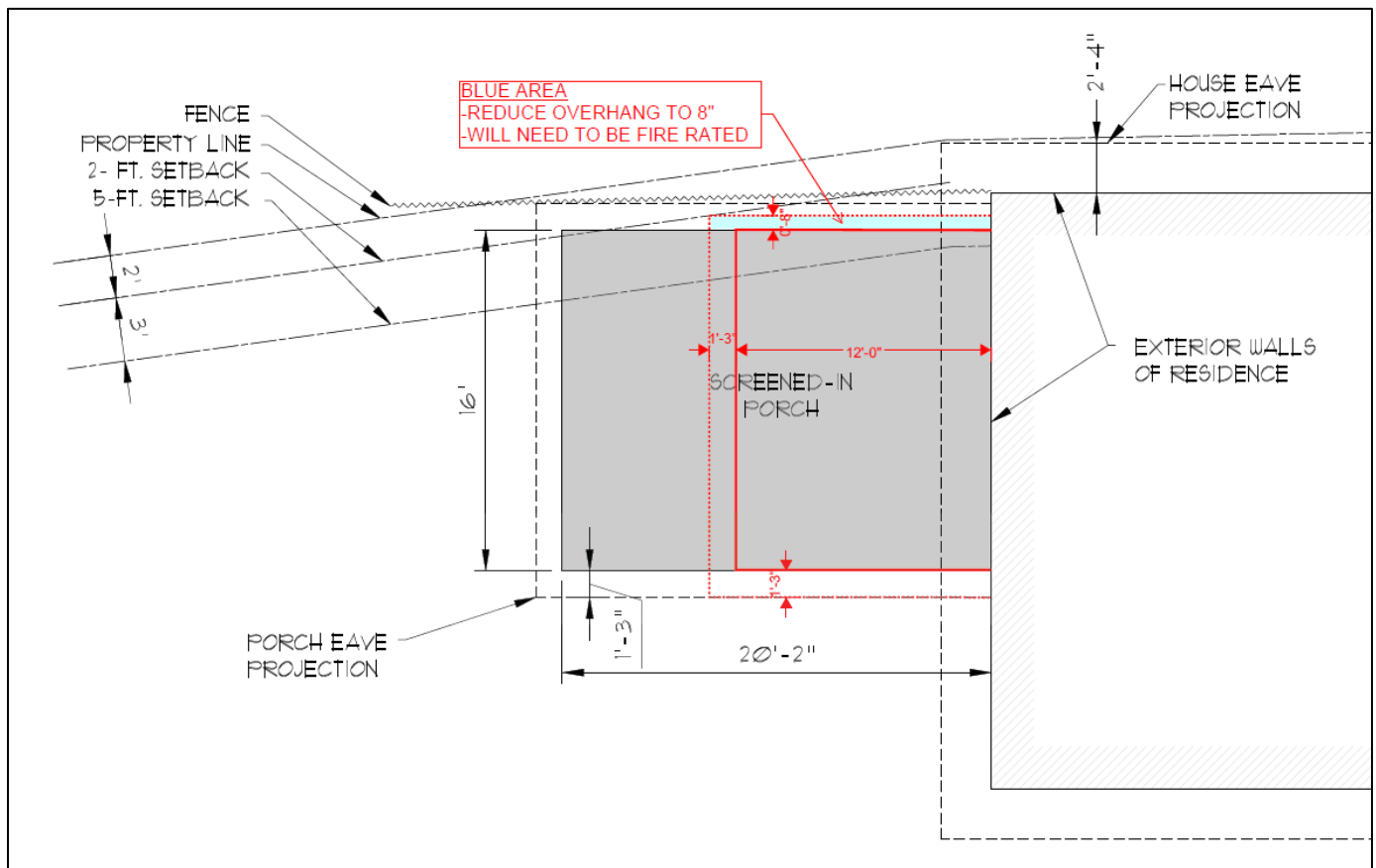
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1. The property is located at 709 E 39th St, with a PIN of 20063 28027, in the Midtown neighborhood.
2. According to the Chatham County Tax Assessor and information submitted from the Petitioner, the subject property measures approximately 3515 square feet. According to the submitted survey the lot has 40 feet of width by 97.04 – 96.59 feet of depth. The parcel is irregularly shaped. The property is zoned TR-1 (Traditional Residential-1). The property has no lane access.
3. The property was previously part of a larger parcel and was subdivided prior to the applicant's purchase in 2022, resulting in irregular property line conditions and limited buildable area. The applicant states that the existing porch/deck was reconstructed based on contractor guidance and without full awareness of applicable permitting and setback requirements. Upon later review, it was determined that the structure encroaches into the required setback. The applicant indicates that the location of the property line, which runs through a portion of the driveway area, further limits the ability to comply with standard setback requirements.
4. [Section 5.9.5](#) of the Zoning Ordinance requires a side setback of 3 feet for single-family dwellings. However, per Fire Code a 5 feet setback is required from the property line. The Petitioner is requesting to reduce the front yard setback to 2 feet. The Petitioner also stated that the structure will be fire-rated, which allows more encroachment into the 5 feet separation from the property line required by the Fire Code.

5.9.5 Development Standards for Permitted Uses						
Standards	TR-1		TR-2		TR-3	
Vehicular Access	Street	Lane	Street	Lane	Street	Lane
Building Setbacks (ft)						
Single-Family Detached						
Front yard	5 (min); 10 (max)		5 (min); 10 (max)		5 (min); 10 (max)	
Side (interior) yard	3 (min)		3 (min)		3 (min)	
Side (street) yard	10 (max)		10 (max)		10 (max)	
Rear yard	20 (min)		20 (min)		20 (min)	
From access easement	5 (min)		5 (min)		5 (min)	
All other housing types & uses						
Front yard	5 (min); 10 (max)		5 (min); 10 (max)		5 (min); 10 (max)	
Side yard (interior)	5 (min)		5 (min)		5 (min)	
Side yard (street)	10 (min)		10 (min)		10 (min)	
Rear yard	20 (min)		20 (min)		20 (min)	
From access easement	5 (min)		5 (min)		5 (min)	
Building separation	See Fire Code		See Fire Code		See Fire Code	
Height (max ft)	36		36		36	
Accessory Structure Setbacks	See Sec. 8.7		See Sec. 8.7		See Sec. 8.7	

5. The proposed plan shows a porch with a depth of 12 feet, and encroaches 1 foot into the side setback (this includes the overhangs encroaching 8 inches into the setback)

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Site layout – 709 E 39th St.

6. The Zoning Board of Appeals may grant variances to certain development standards.

Per Section 3.21.10, the granting of variances shall be based on the following criteria:

A. General Consistency

The variance shall be consistent with the intent of this Ordinance and the Comprehensive Plan and shall not be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare.

MPC Comment: The requested variances are not consistent with the intent of the Zoning Ordinance. However, the porch is an existing structure, and the petitioner proposes to reduce the extent of the encroachment by shortening its length and incorporating fire-rated construction to minimize the requested relief.

B. Special Conditions

i. Special conditions and/or circumstances exist which are peculiar to the land, buildings or structures involved and which are not applicable to other lands, buildings or structures in the same zoning district.

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MPC Comment: The parcel has an irregular shape, where the side property line is angled.

ii. The special conditions and/or circumstances do not result from the actions of the applicant.

MPC Comment: The request is the result of the Petitioner's chosen design.

iii. The special conditions and/or circumstances are not purely financial in nature so as to allow the applicant to use the land, buildings or structures involved more profitably or to save money.

MPC Comment: The requested variances are unlikely to be financially motivated.

C. Literal Interpretation

Literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Ordinance and would result in unnecessary and undue hardship on the applicant.

MPC Comment: The literal interpretation of the regulations would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.

D. Minimum Variance

The variance, if granted, is the minimum variance necessary to make possible the reasonable use of land, buildings, or structures.

MPC Comment: The variances are not required to make use of the subject property.

E. Special Privilege Not Granted

The variance would not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district.

MPC Comment: Approval of the side yard setback variance would confer a special privilege upon the Petitioner.

Staff Recommendation

MPC Staff recommends **approval** of the requested variance to reduce the side yard setback from 3 feet to 2 feet in association with a pre-existing porch on a conforming and irregular lot in the TR-1 zoning district.