



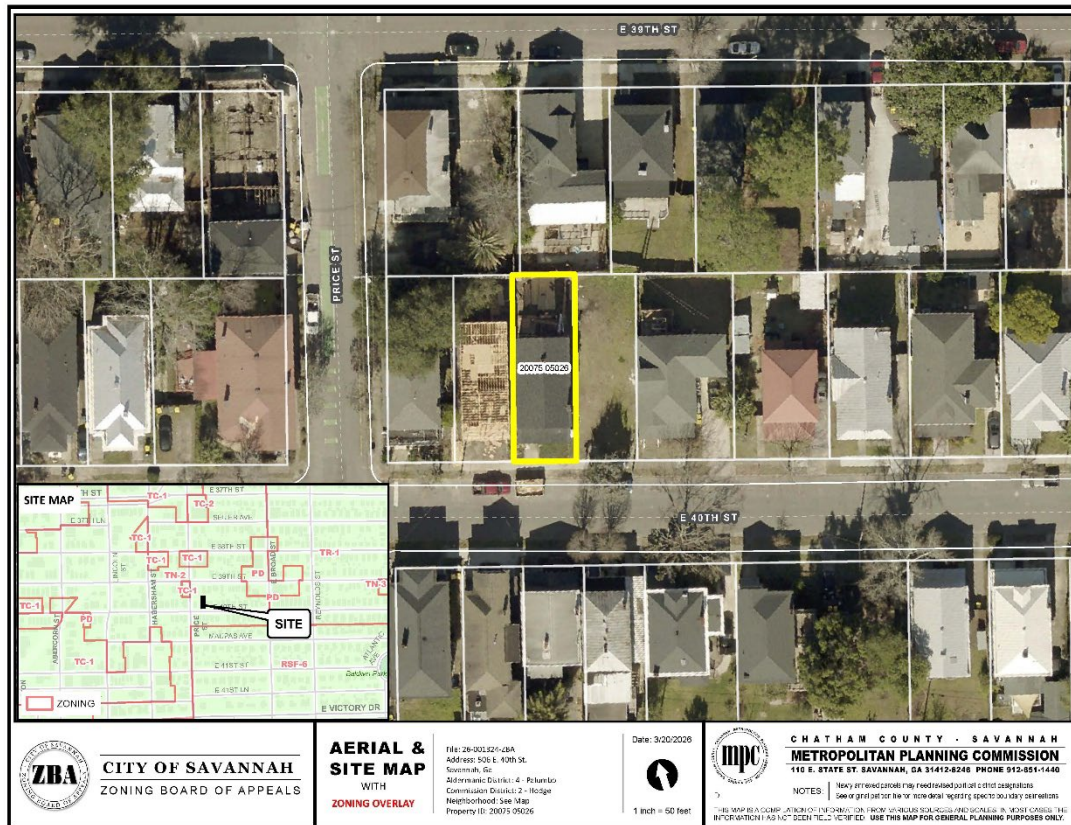
SAVANNAH ZONING BOARD OF APPEALS

STAFF REPORT

PETITIONER: Michael Carroll, Lauren Hinkel
MPC FILE No: 26-001324-ZBA
ADDRESS: 506 E 40th Street
PIN: 20075 05026
DATE: April 23, 2026
MPC Staff: Ely Zarka

Nature of Request – 1) Reduce the required rear yard setback for an accessory structure to 2 feet.
2) Reduce the required side yard setback for an accessory structure to 2 feet.

The Petitioner would like to reduce the required setbacks for an accessory structure in the rear yard for a new shed. The required side yard setback is 3 feet, the required rear setback is 5 feet.



The exhibit above indicates the subject property and surrounding vicinity.

Facts & Findings

1. Subject property is a rectangular lot fronting on 40th St. The principal dwelling was constructed in 1920.
2. The property is within an area that is almost completely zoned TN-2 (Traditional Neighborhood-2).
3. An accessory structure in the TN-2 district in the rear yard is required to meet the same side yard setback as the principal structure (3 feet), and a rear yard setback 5 feet when not abutting a lane.
4. The structure is within the Streetcar Local Historic District and the principal dwelling is a contributing structure.

Standards at Issue:

1. The proposed shed is not meeting either the side or rear yard setback set forth in the TN-2 district or accessory structure standards.

Section 5.12.5 Development Standards for Permitted Uses

For blocks with contributing structures*			
Front yard	Avg of block face	Avg of block face	Avg of block face
Side yard (interior)	3 (min)	3 (min)	3 (min)
Side yard (corner)	Avg of block face	Avg of block face	Avg of block face
Rear yard [2]	30 (min)	20 (min)	20 (min)
Building separation	See Fire Code	See Fire Code	See Fire Code
Height (max)	Avg of block face, not to exceed 40 ft. 40 ft if no contributing buildings on block	3 stories, not to exceed 45 ft [1]	2 stories, not to exceed 30 ft
Accessory Structure Setbacks	See Sec. 8.7	See Sec. 8.7	See Sec. 8.7

Section 8.7.3 Accessory Structures

C. Setbacks. i. An accessory building or structure shall not be located within five (5) feet of the rear property line. An accessory building or structure shall meet the same side-yard setback requirement as the principal structure.

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 variance is **consistent** with the Ordinance, current zoning and future land use. The accessory structure is being located to prevent blocking access and is taking measures to prevent detriment to adjacent properties.

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.*

MPC Comment: The principal dwelling is a contributing structure in a local historic district and does not meet all current criteria. The development pattern is not so irregular to make it stand out.

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

MPC Comment: The circumstances result from the petitioner's desired location for this accessory structure. The location was chosen to keep the shed far enough in the rear yard to allow for the opening of the side gate and clearance from the patio steps.

- 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 petitioner is seeking a variance for structure location. It appears the request is not purely financial in nature.

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 deny the applicant of rights commonly enjoyed by other property owners.

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 requested variance is minimal in nature. The petitioner has also indicated extra features that are not mandated such as gutters to prevent impact on the adjacent wall or neighbors.

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: The variance would not convey a special privilege to the Petitioner. The development pattern for this lot will not be so irregular as to deem this privileged.

Summary:

The request to reduce the required setbacks to allow for the installation of a small accessory structure to be used for storage.

Michael Carroll and Lauren Hinkel
26-001324-ZBA
506 E 40th St

Recommendation:

MPC staff recommends **approval** of the requested variance due to the minimal nature of the request as well as the reasoning for the structure location.

Note: This recommendation could change subject to new information provided at the Zoning Board of Appeals meeting. Final decisions will be made by the Zoning Board of Appeals at the public hearing based on information provided at the meeting, as well as information submitted for the staff report.