



SAVANNAH ZONING BOARD OF APPEALS

STAFF REPORT

PETITIONER: Robert Brannen, Bouhan Falligant LLP – Agent for J Eady Construction, LLC

FILE NO: 26-001333-ZBA

ADDRESS: 6 and 7 Gunnie Street and 1623 Staley Avenue
[PIN: 20642 01032, 20643 01033, 20643 01034, 20643 01035]

DATE: April 23, 2026

Nature of Request:

The Appellant is appealing a final written decision by the Metropolitan Planning Commission (MPC) issued on January 27, 2026 for a General Development Plan with Variances (25-005774-ZA).

Issues Raised on Appeal:

- The Appellant argues that in its approval of the request for the General Development Plan with Variances, the Commission required that one of the four lots (Lot 15-0) be dedicated as a common area. Appellant did not agree to such dedication and alleges that the Commission acted improperly, in requiring dedication without his consent. Appellant requests that the Commission's decision be reversed and that the zoning for the lots at issue be reverted to the original classification with no variances. Appellant also requests that this be treated as a denial of the original request, with the option to revisit the request for a variance in 12 months.

Timeline of key events:

1. **2009:** The subject parcels are adjacent to and proposed to become part of the John Eady Court subdivision which was reviewed and approved by the MPC in 2009 (S-090813-41606-2). The subdivision created 17 single-family detached lots (6,000 sf+) on 4.28 acres, and, per the staff report, was stated to be consistent with a previously approved preliminary plan (S-020318-49407-2 and S-080612-59364-2). The subdivision required a variance to the minimum required ROW width. Per the 2009 plat, the subject parcels existed as they are today.

2. **July 2025:** The parcel identified as 0 Gunnie St (20643 01032) was denied the requested front and rear setback relief on July 24, 2025 by the ZBA and is currently ineligible for consideration under the provisions of Sec. 3.21.14 until at least one year has passed (25-002696-ZBA). The Petition was referred to the Planning Commission at the request of MPC Staff for the Commission to consider all parcels concurrently as a Variance to a General Development Plan.
3. **January 2026:** The MPC reached the following decision for the Variance to a General Development Plan request.

*The Planning Commission **approves** of front and rear setback relief for lots 15-A and 15-C in accordance with the following stipulations and accompanying MPC Staff exhibits:*

Setback relief (Lots 15-A and 15-C):

1. *Reduce the front setback from 20-foot to 10-foot for habitable areas.*
2. *Maintain the 20-foot front setback for attached garage areas.*
3. *Reduce the rear setback from 20-foot to 10-foot for habitable areas.*
4. *Create a 15-foot rear setback for attached garage areas.*
5. *For lot Revise the side setbacks to be 10-foot (interior) and 15-foot street (along Staley).*

Dedication of Lot 15-D

6. *Lot 15-D shall be developed as a community area/green space for the John Eady Court HOA and shall not be developed for any other use. See attached MPC Staff Exhibits.*

General Conditions:

7. *There shall be a continuous rear privacy buffer created and maintained along the rear property line of the four parcels. The rear buffer shall consist of a 6-foot privacy fence and minimum 3' wide hedge row. See attached MPC Staff Exhibits for plat, sketches and diagrams.*
8. *The associated variance petition number and approved MPC conditions shall be added to the final plat and recorded.*

Findings

1. Per 2008 aerial imagery, the parcels at 1623 Staley Avenue and 6 Gunnie Street contained single-family dwellings that predate the dwellings on J Eady Court. By 2011 both dwellings were demolished.



2008 Aerial Imagery per SAGIS

2. The four parcels, according to the Chatham County Tax Assessor's records, are 0.14 acres each for a combined total of 0.56 acres in size. Each parcel is an approximately 100' by 60' rectangle fronting on John Eady Court near the intersection of Staley Avenue.



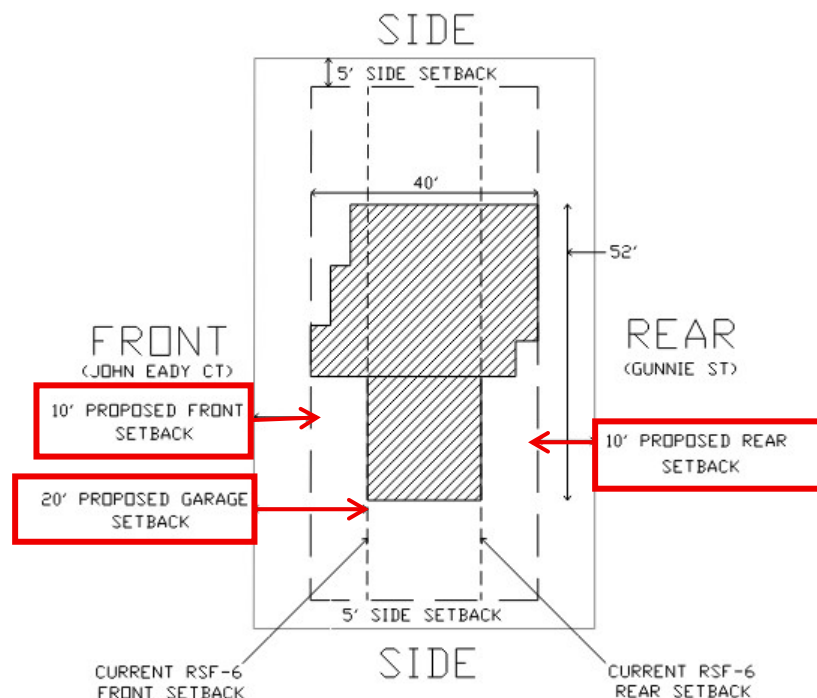
Satellite Imagery of John Eady Court

3. The property is zoned as RSF-6 and the Section 5.7.5 Development Standards for

Permitted Housing Types are shown in the table below. For this property, the standard setbacks result in a buildable area that is 90-feet wide and 20-feet deep.

5.7.5 Development Standards for Permitted Housing Types							
Standards	RSF-E	RSF-30	RSF-20	RSF-10	RSF-6	RSF-5	RSF-4
Lot Dimensions							
Street Access							
Lot area (min sq ft) [1]	43,560	30,000	20,000	10,000	6,000	5,000	4,000
Lot width (min. ft.)	120	100	80	70	60	50	40
Lane Access [2]							
Lot area (min sq ft) [1]	--	--	--	--	6,000	4,000 [3]	3,500
Lot width (min ft)	--	--	--	--	60	40 [3]	35
Building Setbacks (min ft)							
Street Access							
Front yard	40	30	30	25	20	20	15
Side (interior) yard	20	10	10	7	5	5	5
Side (street) yard	15	15	15	15	10	10	10
Rear yard	40	30	30	25	20	20	20
From access easement	5	5	5	5	5	5	5

- The Appellant has provided a variance exhibit showing the current setbacks and proposed setback variances. In addition to reducing the front and rear setbacks to 10', the garage would have its own setbacks of 20-feet front and 20-feet rear. Essentially the attached garage portions of the house would maintain the existing setback guidelines with the Livable Areas benefiting from the setback relief. See the image below.



Variance Exhibit from Applicant



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7. Per [Sec. 3.23.6](#), the Savannah Zoning Board of Appeals may dispose of an Appeal in the manner that follows:

3.23.6 Action by the Zoning Board of Appeals

- a. The Zoning Board of Appeals shall determine whether the first decision-maker erred in the application or interpretation of this Ordinance.
- b. The Zoning Board of Appeals may reverse or affirm (wholly or in part) or may modify the final written decision appealed and shall make a final written decision that in its opinion ought to be made in the case before it unless otherwise specified by this Ordinance. To this end, the Zoning Board of Appeals shall have all of the powers of the administrative official, commission or board from whom the appeal is taken.
- c. A motion to reverse, affirm or modify the final written decision appealed shall include a statement of the specific reasons including the proposed findings of fact that support the decision. The findings of fact shall be based on the same evidence received by the first decision maker.
- d. If a motion to reverse or modify is not made, or such motion fails to receive the affirmative vote of a majority of the members present, then the appeal shall be denied.
- e. The Appellant shall have the burden of proof.

Analysis of Issues Raised

The Appellant's primary argument is that the Metropolitan Planning Commission acted improperly by requiring the dedication of one of the four parcels (Lot 15-D) as a common area as part of the approval of the General Development Plan with Variances. The Appellant contends that this condition was imposed without consent and requests that the Commission's decision be reversed and the zoning reverted to its original standards without variances.

The record does not support the Appellant's claim that the Commission acted improperly. Under Section 3.23.6 of the Zoning Ordinance, the Planning Commission has the authority to approve, approve with conditions, or deny a request based on the evidence presented. The requirement to dedicate Lot 15-D as a community area was a condition directly tied to mitigating the impacts of the requested variances, particularly the reduction of front and rear setbacks from 20 feet to 10 feet.

The requested variances reduce standard dimensional requirements in the RSF-6 zoning district, thereby increasing the developable area and intensity on relatively small lots (approximately 0.14 acres each). In such cases, it is standard planning practice to require compensating design elements, such as open space or buffering, to maintain neighborhood compatibility and mitigate impacts related to density, aesthetics, and livability. The dedication of Lot 15-D as a common area

serves this purpose by preserving shared open space within the development and providing a buffer for adjacent properties.

The Appellant's request to revert the zoning to its original classification without variances effectively seeks to nullify both the benefits and the conditions of the approved plan. The Appellant cannot selectively accept the benefits of the variance relief while rejecting the associated conditions that formed the basis of the Commission's approval.

Additionally, the Commission's decision reflects consideration of neighborhood concerns, including the need for buffering, open space, and compatibility with the existing John Eady Court subdivision. The requirement for a continuous rear privacy buffer and the dedication of a common area are consistent with these planning objectives and are reasonable conditions intended to protect the public health, safety, and welfare.

The Appellant has not demonstrated that the Commission committed an error of law, misapplied the Ordinance, or abused its discretion in imposing these conditions. Rather, the evidence indicates that the Commission acted within its authority and followed standard planning practices in conditioning the approval to address the impacts of the requested variances.

Staff Recommendation

Per *Section 3.23.6* of the Ordinance, upon appeal, the Zoning Board of Appeals may take on all powers of the original decision-maker and make a final written decision that in its opinion ought to be made in the case before it.

The MPC's approval was a conditioned approval that appropriately balanced setback relief with mitigation measures, including the dedication of Lot 15-D as a common area. This condition was within the Commission's authority and directly related to the impacts of the requested variances.

The Appellant has not demonstrated that the MPC committed an error of law, misapplied the Ordinance, or abused its discretion in imposing these conditions.

Accordingly, MPC Staff recommends that the Zoning Board of Appeals **affirm and uphold** the MPCs decision.