



SAVANNAH ZONING BOARD OF APPEALS

STAFF REPORT

PETITIONER: Samuel Kopelman, 40th St Savannah LLC; Bill Glass, Esq., Agent
FILE NO: 26-001359-ZBA
ADDRESS: 2324 Martin Luther King Jr Blvd [PIN: 20073 14007]
DATE: April 23, 2026

Nature of Request:

The Appellant, Samuel Kopelman, represented by Bill Glass, Esq., is appealing the decision of the Savannah Historic Preservation Commission (HPC) from February 25, 2026. The HPC denied a Certificate of Appropriateness (COA) for the demolition of a non-contributing structure located at 2324 Martin Luther King, Jr. Boulevard (25-004739-COA). The Appellant requests the Zoning Board of Appeals (ZBA) reverse the HPC's decision and direct the issuance of the COA for demolition, asserting that the HPC abused its discretion by applying by stating that its basis for denial was the "incompatibility of the demolition project", which alleged standard does not apply to any criteria under Savannah Ordinance 3.18.5 regarding demolition and exceeding its purview (HPC's bylaws and O.C.G.A. §44-10-28(c) which prohibits HPC from considering building interiors. Appellant alleges that his application met all of the standards for the demolition of a non-contributing structure.

Issues Raised on Appeal:

The Appellant raises the following issues:

1. All applicable legal criteria for approval for the demolition of a non-contributing resource were met.
2. The HPC exceeded its legal purview by considering interior conditions and conditions of the structure, contravening its own Bylaws and O.C.G.A. § 44-10-28(c).
3. The MPC's Staff recommended approval at every stage.
4. Continued denial causes undue hardship and is contrary to the purposes of the Historic Preservation Act.

Timeline of key events:

October 22, 2025: The demolition request is first presented to the HPC. Staff recommends

approval with conditions. The HPC votes to continue the matter to allow further investigation into historic structures allegedly encapsulated within the existing 1975 building.

November 19, 2025: The City of Savannah issues Building Permit 25-10533-BC to the applicant, authorizing interior demolition within the building.

January 5, 2026: Following a partial collapse during exploratory demolition, MPC staff meets the applicant on-site to observe the compromised interior conditions.

January 28, 2026: The HPC hears the petition for a second time. Staff again recommends approval with conditions for deconstruction and salvage. The HPC votes to continue the request again, demanding surgical demolition that does not disturb the outer envelope.

February 25, 2026: The HPC officially denies the COA for the demolition, citing "the incompatibility of the demolition project."

March 13, 2026: The Appellant formally files an appeal of the February 25, 2026 HPC decision to the ZBA.

Findings

1. The subject property is zoned TC-2 (Traditional Commercial-2) and is located within the Streetcar Historic Overlay District and the Thomas Square-Streetcar National Register Historic District.
2. The existing structure is a vacant warehouse (formerly a hardware store) constructed in 1975. It is officially classified as a non-contributing resource within the Streetcar Historic District. The 1975 construction enveloped two earlier structures built between 1898 and 1916; however, the interiors were gutted and converted into a single open showroom.
3. MPC Staff evaluated the structure against the Ordinance criteria for "exceptional importance" and determined it did not possess the architectural, historical, or archaeological integrity required to be reclassified as a contributing historic resource.
4. Following the HPC's October directive for exploratory demolition, the interior structure experienced a partial collapse due to a lack of structural support, a fact confirmed by an MPC staff site visit on January 5, 2026. The applicant possessed a valid building permit (No. 25-10533-BC) for the interior demolition work.
5. 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 Savannah Zoning Ordinance Sec. 3.18.8 explicitly governs the demolition of non-contributing resources. The Ordinance requires that a non-contributing resource must first be evaluated for contributing status prior to demolition. Based on review of the Staff Report, MPC staff correctly performed this evaluation, finding that the 1975 structure lacked the distinctive characteristics or integrity to meet the criteria for exceptional importance. The HPC's stated reason for denial, "the incompatibility of the demolition project," is not a legally recognized criterion under Sec. 3.18.8. The HPC erred by applying a standard that does not exist in the text of the Savannah Zoning Ordinance.

The Savannah Zoning Ordinance and the HPC's own standard opening preamble dictate that the Commission cannot consider criteria not specifically identified within the Ordinance, explicitly stating that the *"interior arrangements of structures are not within the commission's purview and cannot be a factor in the issuance or denial of a Certificate of Appropriateness."* By conditioning approvals on the preservation of interior structural elements that had been enveloped by a non-contributing 1975 facade, the HPC exceeded its legal authority and committed a procedural error.

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.

A conservative evaluation of the Savannah Zoning Ordinance reveals that the Historic Preservation Commission committed an error of law. The HPC exceeded its jurisdictional authority by evaluating the interior arrangement of the structure, and it abused its discretion by denying the petition based on an "incompatibility" standard not found in *Sec. 3.18.8*. Additionally, MPC Historic Staff evaluated the structure against the Ordinance criteria for "exceptional importance" and determined it did not possess the architectural, historical, or archaeological integrity required to be reclassified as a contributing historic resource.

On this basis, MPC Staff recommends the decision of the Historic Preservation Commission be **reversed**, and that the Zoning Board of Appeals direct the issuance of a Certificate of Appropriateness for the demolition of the non-contributing structure located at 2324 Martin Luther King, Jr. Boulevard, subject to the original Historic Preservation Staff recommended conditions:

1. Explore whether the building can be deconstructed rather than traditional demolition, and the materials salvaged for reuse where possible.
2. Document the building as per the City of Savannah's Policy for Documenting Buildings Prior to Demolition.