



SAVANNAH ZONING BOARD OF APPEALS

STAFF REPORT

PETITIONER: Alphonso Irving
MPC FILE No: 26-001365-ZBA
ADDRESS: 1406 & 1408 W. Gwinnett St.
PIN: 20050 06003
DATE: April 23, 2026
MPC Staff: Ken Gorski & Ely Zarka

Nature of Request

- Re-Establish a Non-Conforming Duplex
- Parking Reduction Variance for a new Restaurant use.

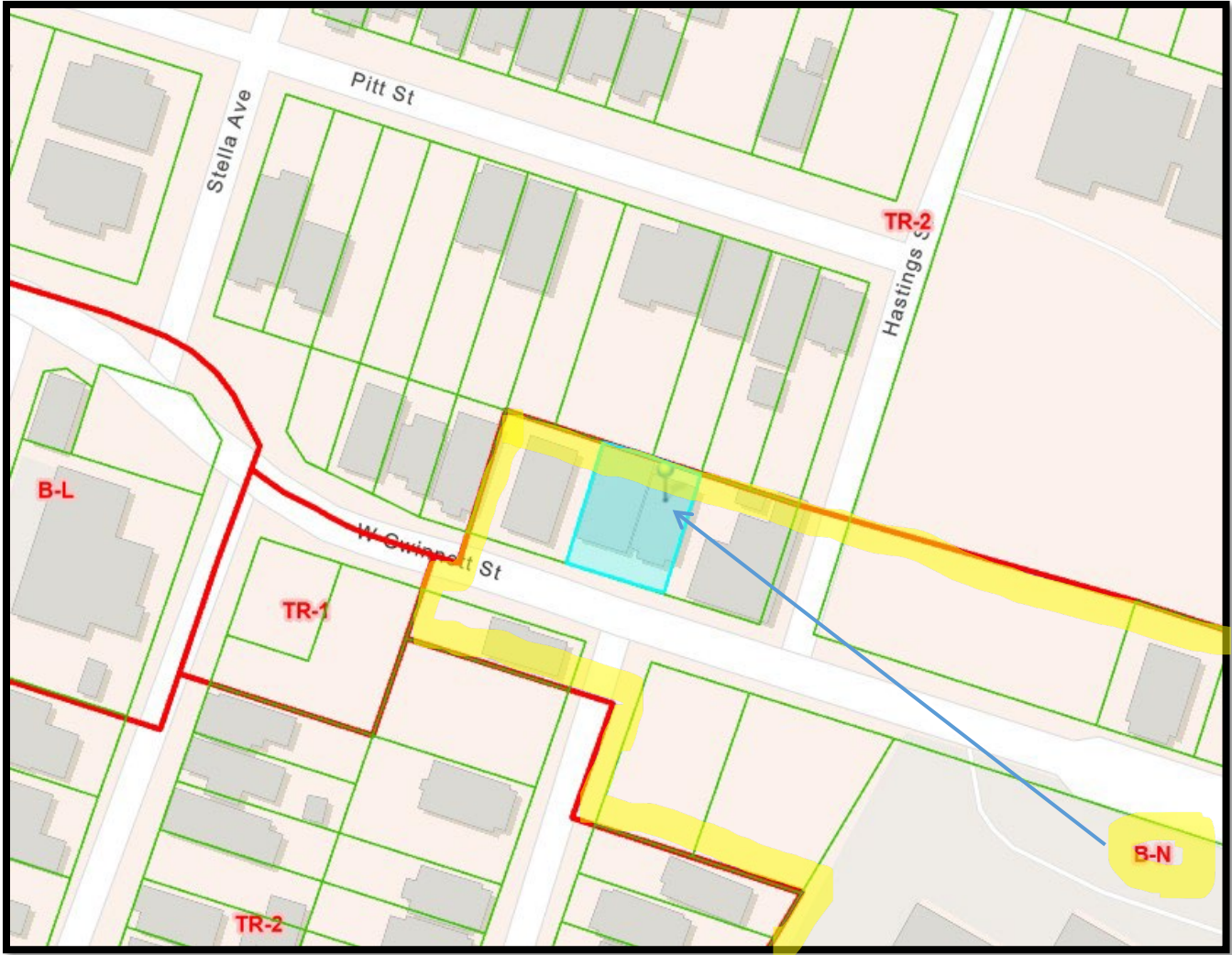
As part of a minor subdivision, the Petitioner would like to re-establish the previous non-conforming Duplex use for the existing structure known as 1406 W. Gwinnett Street and a Parking Reduction variance for a new restaurant use in the other existing structure known as 1408 W. Gwinnett Street. The subdivision will divide the parcel into two lots to separate the structures so that each has its own dedicated PIN.



The exhibit above indicates the subject property and surrounding vicinity.

Facts & Findings

1. Subject property is on West Gwinnett Street adjacent to Church of Christ Holiness Unto The Lord, across from Elliott Avenue and just west of Hastings Street. The parcel is 0.11 acres and has two non-conforming structures that are being surveyed to be subdivided. One structure is a duplex that is being renovated and the other is a former garage/repair shop that will be converted and remodeled into a walk-up neighborhood restaurant.



Current Zoning map for 1406 & 1408 West Gwinnett St.

2. The property is within a row of parcels that are zoned Business – Neighborhood (B-N) with adjacent properties that are zoned Traditional Residential 1 (TR-1), Traditional Residential 2 (TR-2) and Business - Limited (B-L). Along this section of Gwinnett Street, the prevalent development pattern has been light commercial or residences that have been converted to business uses. The Future Land Use for this area is Commercial – Neighborhood and is consistent with the current zoning designation.



Future Land Use Map for 1406 & 1408 West Gwinnett St.

3. The property has public water and sewer services available from the City of Savannah.
4. The parcel has direct access to Gwinnett Street with a small concrete area out front that is not suitable for current commercial parking standards. The property is along the CAT West Gwinnett/Cloverdale and Silk Hope bus routes with a bus stop about 125' east of the parcel.
5. The historical character of this corridor along West Gwinnett has evolved over the decades from primarily single-family houses into a mixed-use community that includes small neighborhood businesses with strong pedestrian activity due to the surrounding homes, churches and civic areas.

Meeting Notes

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The MPC staff had a pre-application meeting with the applicant to discuss goals and challenges for the parcel and redevelopment. Here are some bullet points from that meeting:

- Applicant bought the property with the intention of restoring and redeveloping the existing structures.
- Renovations on the duplex began and quickly escalated due to severe termite and structural damage.
- Applicant had questions and concerns about parking requirements and wasn't sure about other zoning and ordinance complications due to the two non-conforming structures.
- The Zoning Administrator and MPC Staff recommend that the parcels be subdivided to resolve multiple issues, primarily that one parcel cannot have two distinctly different principal uses.
- It was recommended that the zoning variances be applied for while the survey and subdivision were progressing and being processed to expedite the process for both.
- MPC staff and the Zoning Administrator suggested contacting the nearby church or similar neighbor to arrange for an alternate parking plan for some or all of the required parking spaces.
- It was also suggested that the applicant conduct community outreach within the neighborhood.
- The existing structures are so close, precautionary measures such as fire resistant materials should be used, especially along eaves, soffits and overhangs to help minimize the risk of fire spreading from one structure to the next. Especially since one use will be a restaurant.

MPC Staff and the Zoning Administrator advised the applicant that neither entity was opposed to the development concept, but recommended that alternatives should be investigated, especially regarding the parking requirements.

Standards at Issue:

1. The mix of residential and commercial uses does not comply with B-N zoning per section 5.16.1.b:

Section 5.16.1.b. Neighborhood Business (B-N)

The B-N district is established to permit small-scale, neighborhood-oriented nonresidential uses and upper story residences. This district is intended to provide for limited commercial opportunities in a walkable environment and to reduce or prevent impacts on adjacent or nearby residential uses. Uses in this district are intended to be located primarily on collector or arterial streets within convenient traveling distance from neighborhoods which they will serve.

The property currently has a duplex and a garage accessory structure that was converted into commercial use at some point in history. Both residential and business functions cannot exist on one lot as currently configured and do not comply with the definition of B-N above. Residences are only allowed on upper stories and the principal use must be commercial in nature.

However, since the non-conforming duplex and commercial structure predate the zoning ordinance, and the applicant is actively working to salvage and restore both structures, they are allowed some leniency while the applications and resolutions are worked out. The duplex is a candidate for re-established use even though it is inconsistent with the current zoning and future land use. The commercial building is an allowed use and will have its primary defect resolved once it is subdivided away from the residential duplex building.

2. Section 9.3.4 Off-Street Parking Requirements – the area of the use shall be measured in gross square feet, unless otherwise specified.

Table 9.3-1 Minimum Space Requirements

Eating and Drinking Establishments		
Bar; tavern	1 per 75 SF	n/a
Nightclub	1 per 50 SF of area open to the public	n/a
Restaurant	1 per 100 SF (including outdoor seating area)	5% of vehicle parking

Gross Area 1,472 sq. ft. for the new restaurant use requires 15 off-street parking spaces.

The Applicant does not have an alternate parking plan in place and instead requests relief for all 15 required parking spaces.

3. Per Article 3 *Section 3.21.9(a)*, the Zoning Board of Appeals may authorize a variance in an individual case upon finding that:

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: Both requested variances are **inconsistent** with the Ordinance, but since both structures predate the current zoning, some leniency is recommended. Since both structures and uses have historic ties within the neighborhood, they are not considered to be detrimental to public health, safety or welfare.

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 property has two existing non-conforming structures on one lot. Both uses have historic context and predate current zoning.

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

MPC Comment: The special conditions predate the current owner/applicant.

- 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 reasons do not seem to be financial in nature. The applicant is saving two existing buildings that both have serious structural defects. It could be argued that it would be more cost effective to demolish both structures and start from a clean slate.

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. Adjacent properties are subject to the same ordinances as this parcel. Literal interpretation would require that the duplex be removed or repurposed resulting in the loss of an existing structure and/or an opportunity for a diverse housing option for the neighborhood.

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 for parking relief could be less if an alternate parking plan could be arranged. However, since pedestrian-based businesses have been typical in this neighborhood, a walk-up restaurant could be considered reasonable. Re-establishing the duplex also seems appropriate for the community.

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 convey a special privilege to the Petitioner. However, since the requested variances are consistent with the history and needs of the community, they are less egregious and can be considered as a reasonable request.

Summary:

The request to re-establish the previous non-conforming duplex seems reasonable since it predates the current zoning and would resume a previous alternative housing option for the community.

The request for relief from all the required off-street parking seems a bit extreme since there is a church property nearby that appears to have excess parking capacity. However, it is not uncommon in this community to have pedestrian-based businesses with substandard or no off-street parking.

Other concerns and items include:

- The applicant provided information regarding a subdivision and survey that are in progress, but as of this report no application or supporting documents have been received by the MPC.
- The survey shall be completed by a licensed surveying professional and reviewed and approved by the MPC. Any notes or comments shall be integrated, and the final survey shall be prepared for final recording and include the new PIN, signatures and related requirements.
- Addressing should remain as-is but is subject to review and approval of the SAGIS staff.
- Upon successful subdivision, new or updated PIN numbers shall be assigned by the Chatham County Board of Assessors.
- Subject to review and approval of Department of Public Health, Traffic Engineering, as well as any and all jurisdictions having authority.

Recommendation:

MPC staff recommends **approval** of the requested variances due to the historic use and character of the community, as an effort to support economic development in a way that recognizes and contributes to the

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neighborhood's current and traditional character.

Variance 1: Re-establish the non-conforming duplex known as 1406 W. Gwinnett.

Variance 2: Relief from off-street parking requirements for the new restaurant use in the building known as 1408 W. Gwinnett.

This recommendation is conditional upon the successful subdivision to separate the two uses and structures onto their own distinct parcels. This minor subdivision process shall be completed and officially recorded before each respective renovation receives their certificate of occupancy.

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.