



SAVANNAH ZONING BOARD OF APPEALS

STAFF REPORT

PETITIONER: FC GA 1, LLC.; Joshua Yellin, Agent
FILE NO: 26-001331-ZBA
ADDRESS: 613 and 615 West 39th Street (PIN: 20073 16012)
DATE: April 23, 2026

Nature of Request:

The Appellant, FC GA 1, LLC, represented by Joshua Yellin, is appealing a final written decision by the Zoning Administrator, issued on February 27, 2026, via Zoning Confirmation Letter 26-000744-ZCL. The Zoning Administrator determined that the subject property, containing two pre-existing duplexes, may not be subdivided to place each building on a separate lot.

The Appellant requests the Zoning Board of Appeals (ZBA) overturn the Administrator's determination and permit the subdivision.

Issues Raised on Appeal:

The Appellant raises the following issues:

- (1) The Appellant argues that the subdivision will separate two pre-existing duplexes into two lots of record, which is in keeping with the vicinity's development pattern and will not increase the actual density of the property.
- (2) The Appellant contends that the subdivision aligns lot lines with existing built conditions without exacerbating physical impacts.
- (3) The Appellant asserts that strict application of the density standards penalizes existing housing stock and creates an unjust barrier to individual ownership of the structures.

Findings

1. The property contains two, two-family dwellings (four units total) constructed in or about 1930 on a single lot of approximately 7,020 square feet.
2. On January 30, 2026, SAGIS staff reviewed the property and confirmed that both 613 and

615 West 39th Street function as duplexes containing "A" and "B" units. This established that there are a total of four existing dwelling units located on the single parent parcel.

3. This use is legally nonconforming, as the minimum lot area per unit in the current [TR-1 zoning district](#) (Traditional Residential-1) for an over/under two-family dwelling is 2,250 square feet (requiring 9,000 square feet total for four units).
4. The subject parcel is located within the Thomas Square neighborhood, which is part of the [Streetcar Historic Overlay District](#). The TR-1 zoning designation applied to this property is specifically intended to accommodate predominantly residential neighborhoods that were mostly developed prior to 1950. The pattern of development within the TR-1 district is distinct from standard suburban single-family districts, as it is historically characterized by smaller lot sizes and a wider, denser variety of housing types, including single-family detached, single-family attached, two-family, and three-to-four-family dwellings.
5. Under the TR-1 zoning development standards, ordinarily anticipated lot dimensions vary based on the specific housing type. For a standard single-family detached home, the minimum required lot area is 3,000 square feet with a minimum lot width of 40 feet. However, for a two-family over/under dwelling (the type currently existing on the property), the ordinance ordinarily anticipates larger lot dimensions to accommodate the density, requiring a minimum lot area of 2,250 square feet per unit, or 4,500 square feet total for a single duplex structure.
6. During a preliminary review of the proposed subdivision on January 29, 2026, the City Building Official noted that a 5-foot building and fire separation from the newly proposed lot line would be required. The Official cautioned that achieving this required separation distance may be difficult given the existing built conditions on the property. Zoning relief cannot waive or void these life safety requirements.
7. The Zoning Administrator determined that subdividing the parcel would create two new lots that are each nonconforming regarding the minimum lot area per unit. The Administrator cited [Sec. 11.5.4](#), which prohibits the subdivision of a nonconforming lot if it results in other nonconforming lots.
8. The Zoning Administrator further notes that [Sec. 3.21.8.b.i](#) of the Ordinance prohibits the ZBA from granting a variance for minimum lot area per unit.
9. Per [Sec. 8-2023.b.](#) of the Subdivision Regulations, the MPC may approve a proposed lot which does not meet the minimum standards upon a finding that the substandard lot being proposed will adequately accommodate the intended use and purpose without adversely impacting the prospective property owner, the adjoining properties, or Chatham County.
10. 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.

Policy Analysis

The Zoning Administrator's determination relies upon a strict, but accurate, reading of the Ordinance, concluding that splitting the 7,020 square foot lot creates a density nonconformity under Article 11. Uniquely, the proposed subdivision purports to create lot lines to match existing built conditions, creating no new dwelling units and generating no new adverse physical impacts or density increases. This distinct circumstance differentiates the request from the subdivision of vacant land or the construction of new units.

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.

As this is a request to determine whether the first decision-maker erred in the application or interpretation of this Ordinance MPC staff believes that the Appellant has the burden of demonstrating that the Zoning Administrator's decision was incorrect.