



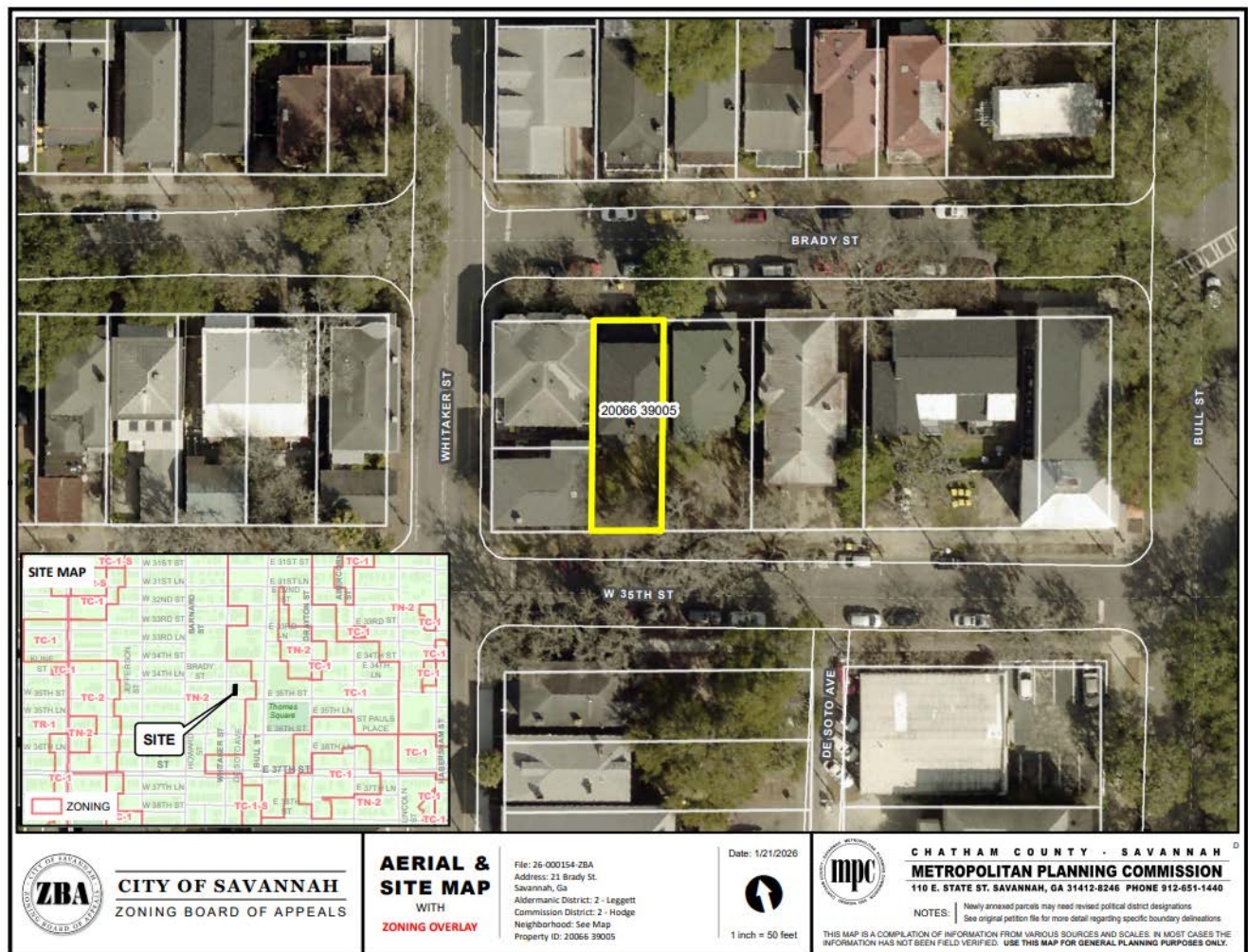
SAVANNAH ZONING BOARD OF APPEALS

STAFF REPORT

PETITIONER: Samuel Kopelman with 312 West 37th LLC
FILE NO: 26-000154-ZBA
ADDRESS: 21 Brady St
DATE: February 26, 2026

Nature of Request

The Petitioner requests a variance to reduce the rear yard setback of a proposed accessory dwelling unit (ADU) from 5 feet to 1 foot in the TN-2 zoning district.



Aerial & Site Map for 21 Brady St

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Facts & Findings

1. The property is at 21 Brady St, with a PIN of 20066 39005, in the Metropolitan neighborhood.
2. It is in the Streetcar Historic District. The Petitioner has not applied for a COA yet.
3. According to the Chatham County Tax Assessor, the subject property measures approximately 2,700 square feet with a lot width of 30 feet and a depth of 90 feet. The parcel is zoned TN-2 (Traditional Neighborhood-2). It is a nonconforming parcel in this zoning district due to the lot area. Additionally, it is a double frontage lot.
4. The primary dwelling is a single-family residence and was built in or about 1918 with a building footprint of approximately 1,236 square feet.
5. The Petitioner is proposing to construct an ADU with a building footprint of 400 square feet. The ADU will be one story with a proposed height of approximately 14 feet and 8 inches. The design meets the applicable standards for separation between the primary dwelling and the ADU, side yard setbacks, and maximum building footprint size for an accessory dwelling unit.
6. The TN zoning district does not require a minimum lot area to establish an ADU. This is stated in [Section 8.7.4.b](#) of the Zoning Ordinance.

b. Lot Area

For A-1, RSF-, RTF, RMF-1, RMF-2, and TR- districts, the minimum lot size for such use shall be at least 100% of the minimum lot area required by the zoning district. This standard shall be variable.

7. [Section 8.7.4.a.iii](#) of the Zoning Ordinance requires ADUs to have a rear setback of 5 feet. The Petitioner is requesting to reduce this to 1 foot.

iii. Detached accessory dwelling units shall meet the same side-yard setback requirement as the principal structure. Such units shall be separated from the principal structure by at least 10 feet. Detached accessory dwelling units shall have a rear-yard setback requirement of at least five (5) feet, provided that if the accessory dwelling is located on a lot that abuts a lane the rear-yard setback requirement shall be at least three (3) feet. Within zoning districts that have no rear-yard setback requirement for the principal structure there shall be no rear-yard setback requirement for an accessory dwelling unit.

8. The Petitioner stated that the setback relief intends to align the rear setback with the side setback of the structure to the west, which is on the corner of Whitaker St and W 35th St.
9. The Zoning Board of Appeals may grant variances to certain development standards.

Per Section 3.21.10, the granting of variances shall be based on the following criteria:

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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 not consistent with the intent of the Zoning Ordinance. Setback standards are established to protect public health, safety, and welfare by ensuring adequate separation between structures and ROWs.

While the requested relief would align the rear setback of the ADU with the side setback of the adjacent structure to the west, that building was constructed in 1900, long before the current development standards were adopted. Existing older structures may be legally nonconforming, but current standards apply to all new construction to uphold the purpose of the code. Additionally, primary structures on a corner lot in the TN-2 zoning district have different setback standards than ADU rear setbacks, which is the case here.

Although the Petitioner is requesting to extend into the rear setback, they are not proposing to increase the overall size of the ADU. Based on the current configuration, the ADU placement could be made conforming to the existing building footprint and setback requirements. In fact, the submitted site plan shows the ADU meeting all the development standards.

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: No special circumstances are present regarding the subject property or its contained structures.

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

MPC Comment: The request is the result of the Petitioner's chosen design.

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 requested variance is potentially financially motivated.

C. Literal Interpretation

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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 deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.

D. Minimum Variance

The variance, if granted, is the minimum variance necessary to make possible the reasonable use of land, buildings, or structures.

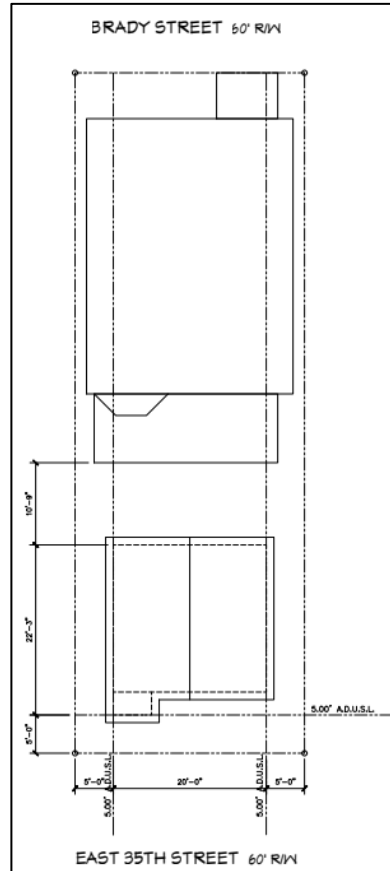
MPC Comment: The variance is not required to make use of the subject property.

E. Special Privilege Not Granted

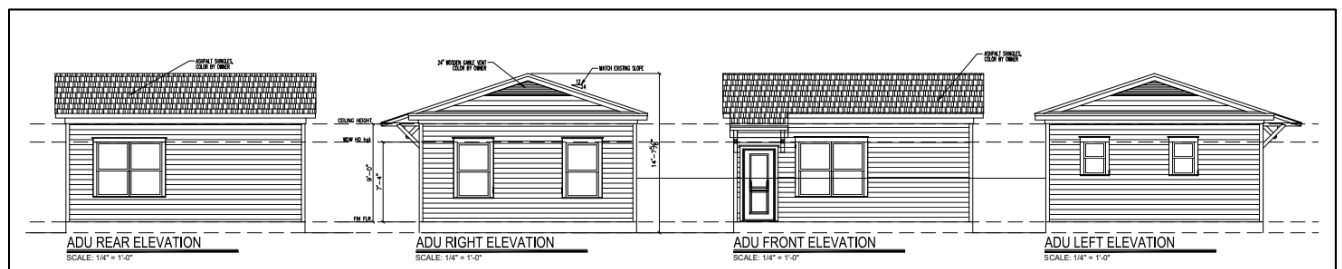
The variance would not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district.

MPC Comment: Approval of the variance would confer special privilege upon the Petitioner, though variance relief is a remedy afforded to all similarly situated property owners.

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Plan for 21 Brady St ADU that Meets All Development Standards



Elevations

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Perspective from 35th St Regarding ADU Placement in the Rear

Staff Recommendation

MPC Staff recommends **denial** of the requested variance to reduce the rear yard setback of a proposed accessory dwelling unit (ADU) from 5 feet to 1 foot in the TN-2 zoning district.

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.