

1. The property is at 721 E 41 Street, with a PIN of 20076 06006, in the Baldwin Park neighborhood.
2. According to the Chatham County Tax Assessor, the subject property measures approximately

17,040 square feet (0.39 acres) with a lot width of 120 feet and depths of 144 feet (western boundary) and 140 (eastern boundary). The property is zoned RSF-6 (Residential Single-family-6). It is a conforming parcel in this zoning district.

3. The primary dwelling was built in or about 1912 with a building footprint of approximately 2,960 square feet, and the existing ADU was built in 1920 with a footprint of 400 square feet according to the Tax Assessor.
4. The Petitioner proposes an addition to the existing ADU, increasing the total building footprint to 754 square feet. The proposed expansion will be used as a non-commercial art studio. The addition is located toward the front of the existing ADU and will be shorter in height than the existing structure; therefore, all applicable height and ADU setback requirements are met. Off-street parking will be provided for the ADU.
5. Section 8.7.4.d.i of the Zoning Ordinance requires a maximum of 700 square feet for the building footprint of an ADU. While the Petitioner does not exceed the 40% in relation to the primary dwelling requirement (40% of the principal dwelling would be 1,184 square feet), their proposed ADU is 754 square feet. This exceeds the maximum by 54 square feet.

d. Building Size

i. The building footprint of the accessory dwelling unit shall be a maximum of 40% of the building footprint of the principal dwelling not to exceed 700 square feet. In the A-1, RSF-E, RSF-30 and RSF-20 districts, the maximum building footprint shall be 40% of the building footprint of the principal dwelling or 1,000 square feet, whichever is less.

6. 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:

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 variances are not consistent with the intent of the Zoning Ordinance.

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. The parcel has a single-family dwelling, which is what is allowed by right, and accessory structures and ADUs can be built to conform to the development standards.

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: According to the Petitioner, the requested variances are not financially motivated.

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 deprive the applicant of rights commonly enjoyed by other properties in the same zoning district. A compliant 700-square-foot building footprint allows for typical accessory unit function.

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 variances are 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 variances would confer special privilege upon the Petitioner, though variance relief is a remedy afforded to all similarly situated property owners.

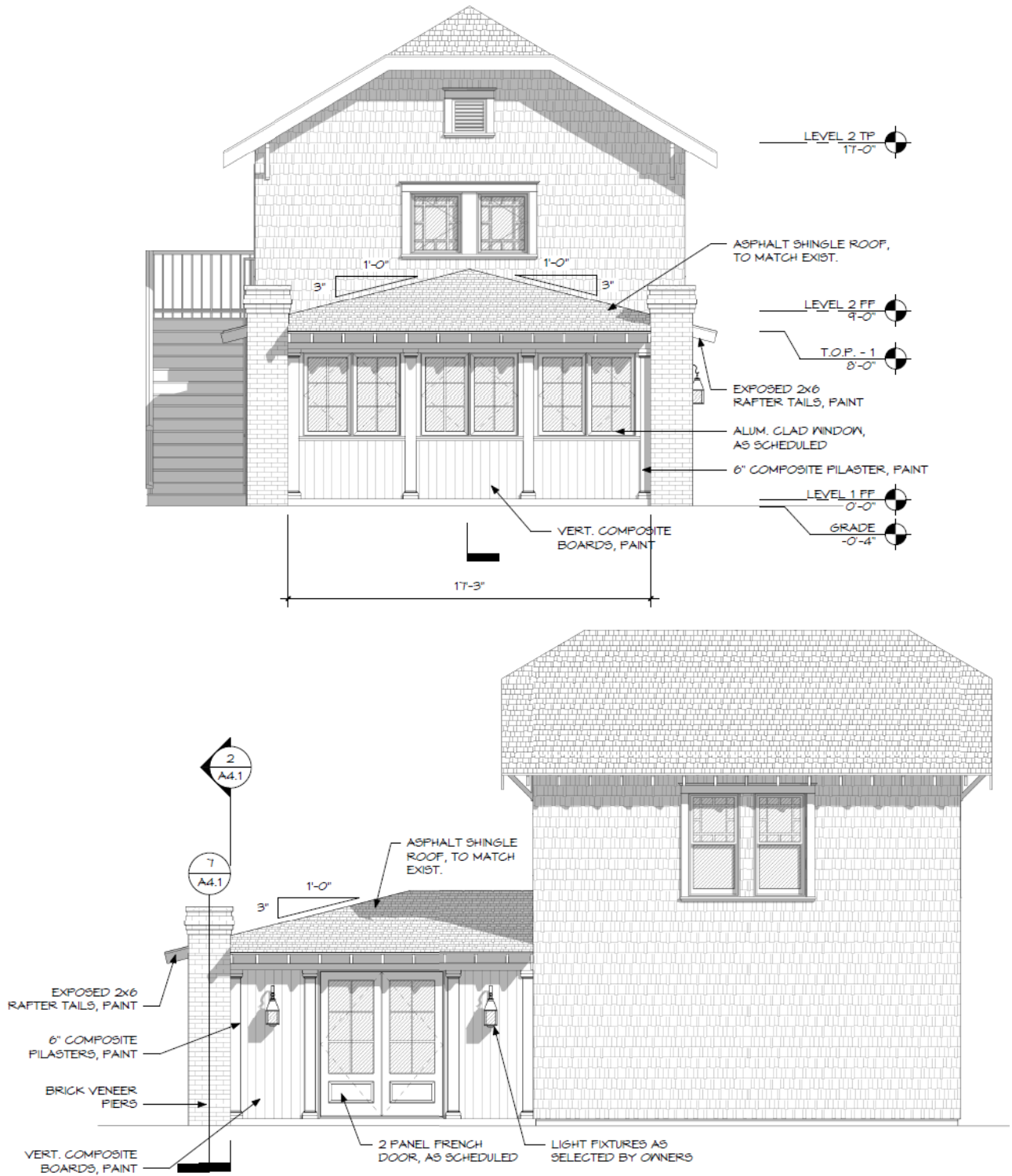
Staff Recommendation

Because a compliant 700-square-foot accessory structure can be constructed and used for ADU purposes, MPC Staff recommends denial of the following requested variance for expansion of the existing ADU within the RSF-6 zoning district:

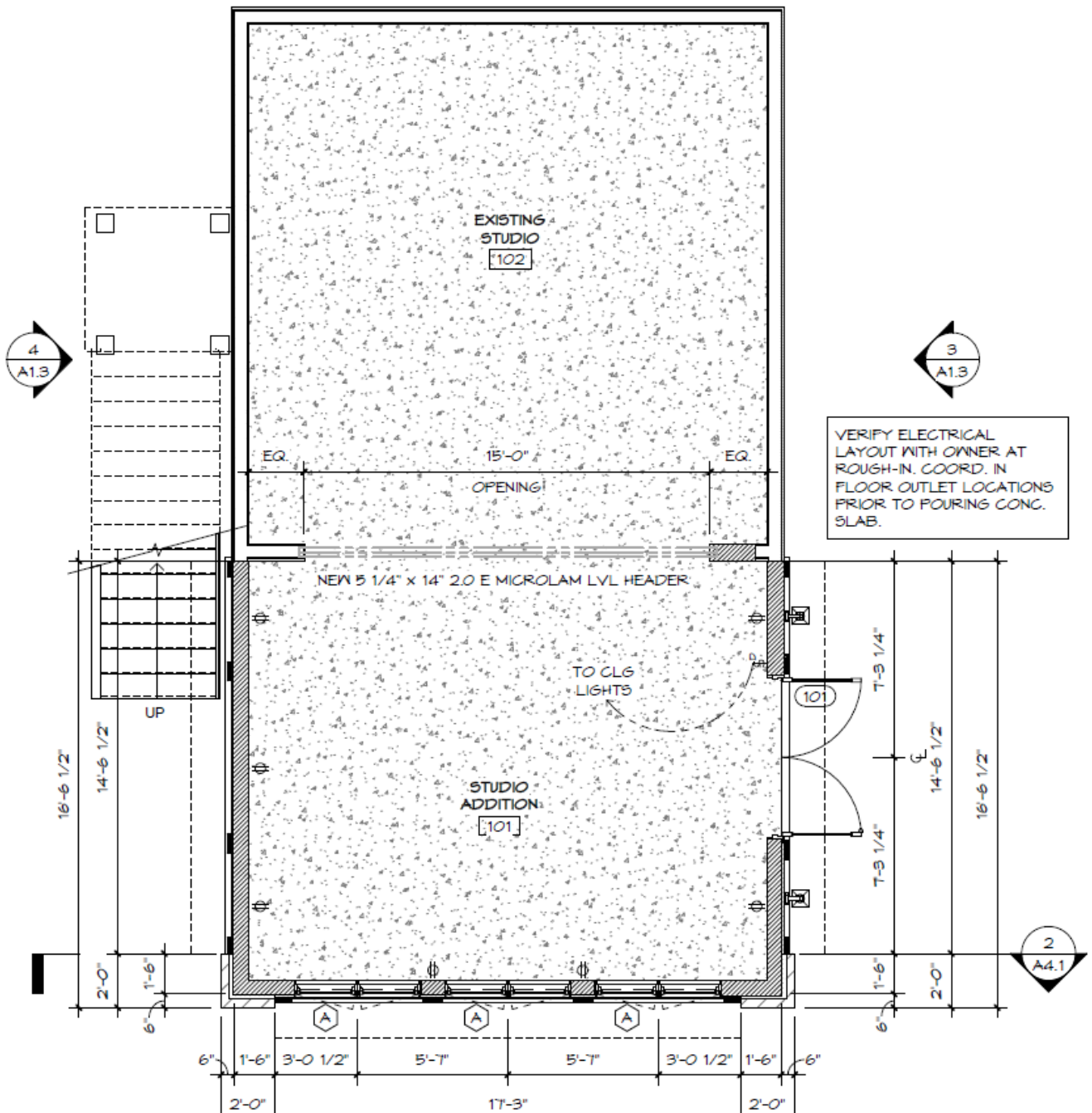
1. To allow the ADU to exceed the maximum 700-square-foot building footprint by 54 square feet, resulting in a total area of 754 square feet.

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.

Kalin Asenov and Tracy Crow
 26-000237-ZBA
 721 E 41st Street
 February 26, 2026



Proposed front and side elevations for 721 E 41st Street



Proposed ADU Layout 721 E 41st Street