



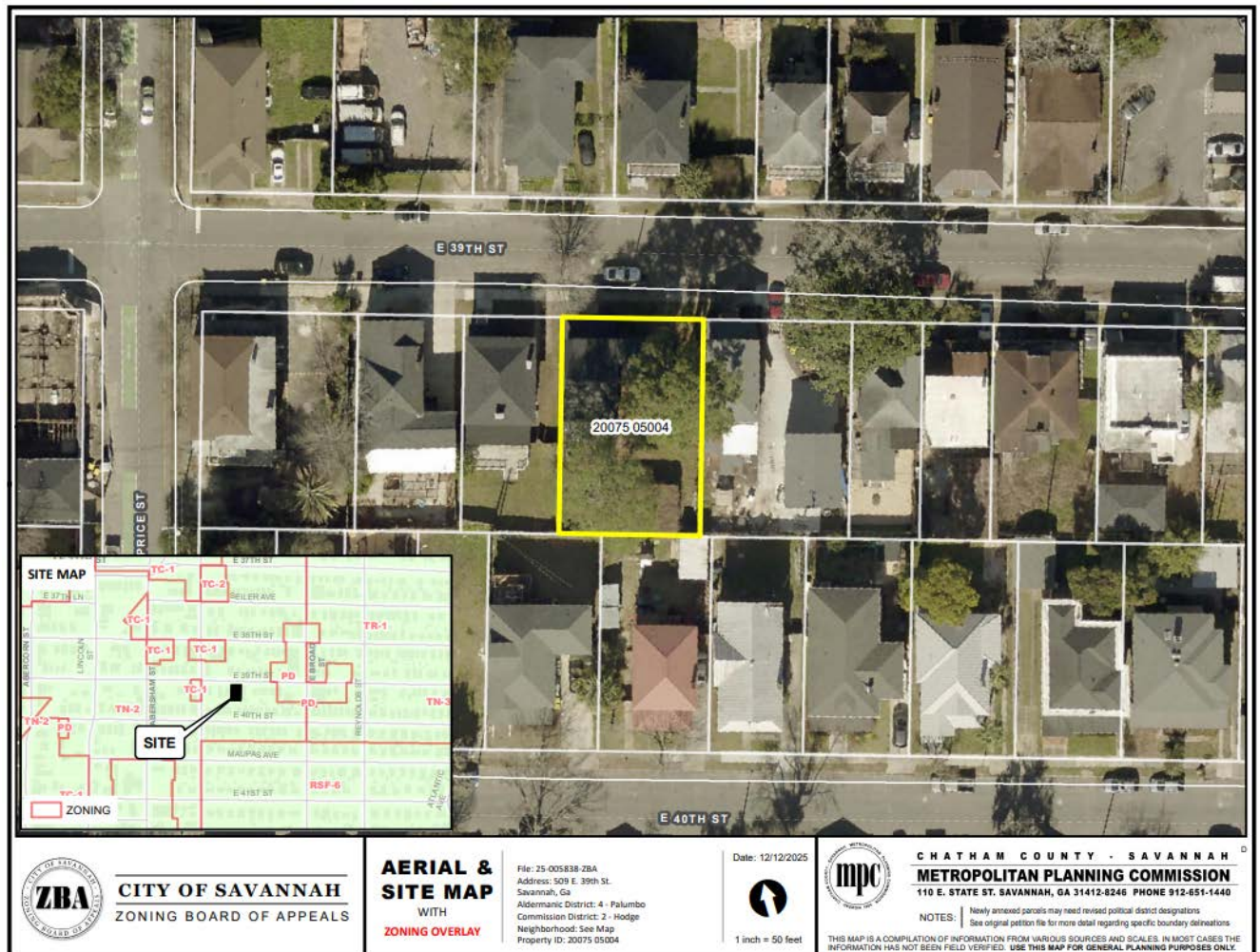
SAVANNAH ZONING BOARD OF APPEALS

STAFF REPORT

PETITIONER: Alex Mangum
FILE NO: 25-005838-ZBA
ADDRESS: 509 E 39th St
DATE: January 22, 2026

Nature of Request

The Petitioner requests a variance to reduce the rear yard setback of an accessory dwelling unit (ADU) that exceeds 15 feet in height in the TN-2 zoning district from 15 feet to 5 feet. This variance was identified after a building permit was issued.



Aerial & Site Map for 509 E 39th St

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Facts & Findings

1. The property is located at 509 E 39th St, with a PIN of 20075 05004, in the Midtown neighborhood.
2. The property is in the Streetcar Historic District. It received a Certificate of Appropriateness from the Historic Preservation Commission (25-001123-COA) on March 26, 2025. The HPC did not provide a recommendation for this variance request, as it was not identified as a variance at the time.
3. A building permit (25-06621-BR) for this project was issued on November 17, 2025. This variance was identified by the City after the building permit was issued and after construction began.
4. According to the Chatham County Tax Assessor, the subject property measures approximately 5,520 square feet (60 feet of width by 92 feet of depth). This property is zoned TN-2 Traditional Neighborhood-2). It is a conforming parcel in this zoning district. The parcel does not have lane access.
5. The principal dwelling on the lot was built in or about 1920 and has a building footprint of approximately 1,117 square feet.
6. The Petitioner is proposing to build an ADU in the rear of the property. The ADU would have a building footprint of 440 square feet. It has a proposed height of approximately 24 feet and 10.5 inches. The ADU will provide two off-street parking spaces. All other standards are met except for the requested rear yard setback.
7. [Section 8.7.4.h.iii](#) of the Zoning Ordinance requires a rear setback of 15 feet for an ADU that is over 15 feet in height and does not abut a lane. The Petitioner is proposing to reduce the required 15-foot setback to a 5-foot setback.

iii. Any portion of an accessory dwelling unit over 15 feet in height shall be located at least 15 feet from a rear property line that does not abut a lane.
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8. This additional standard was added in May of 2023 with a Text Amendment (22-005883-ZA) to the ADU sections. Before this Text Amendment, there were no height restrictions in place for the construction of ADUs.
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 proposal is not consistent with the intent of the Zoning Ordinance, as it states that a minimum 15-foot rear setback is required for ADUs over 15 feet in height. Additionally, the height would potentially permit a resident to impede the privacy of the adjoining neighbors to the south and the east.

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, other than the variance being identified after a building permit was issued and after construction started.

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

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. Though it is important to note that the property directly to the east does have an ADU that is over 15 feet in height and closer than 15 feet to the rear property line. This ADU was constructed before the Text Amendment that added this development standard.

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D. Minimum Variance

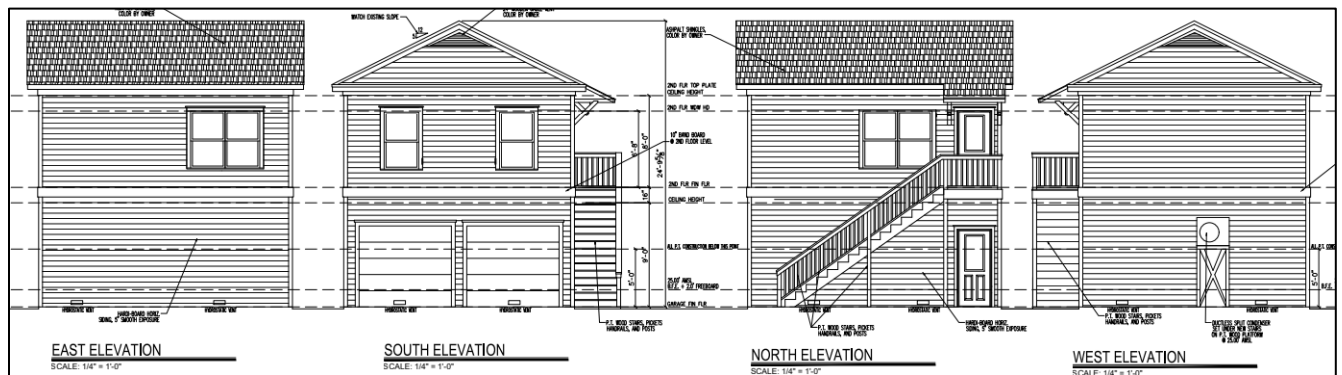
The variance, if granted, is the minimum variance necessary to make possible the reasonable use of land, buildings, or structures.

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

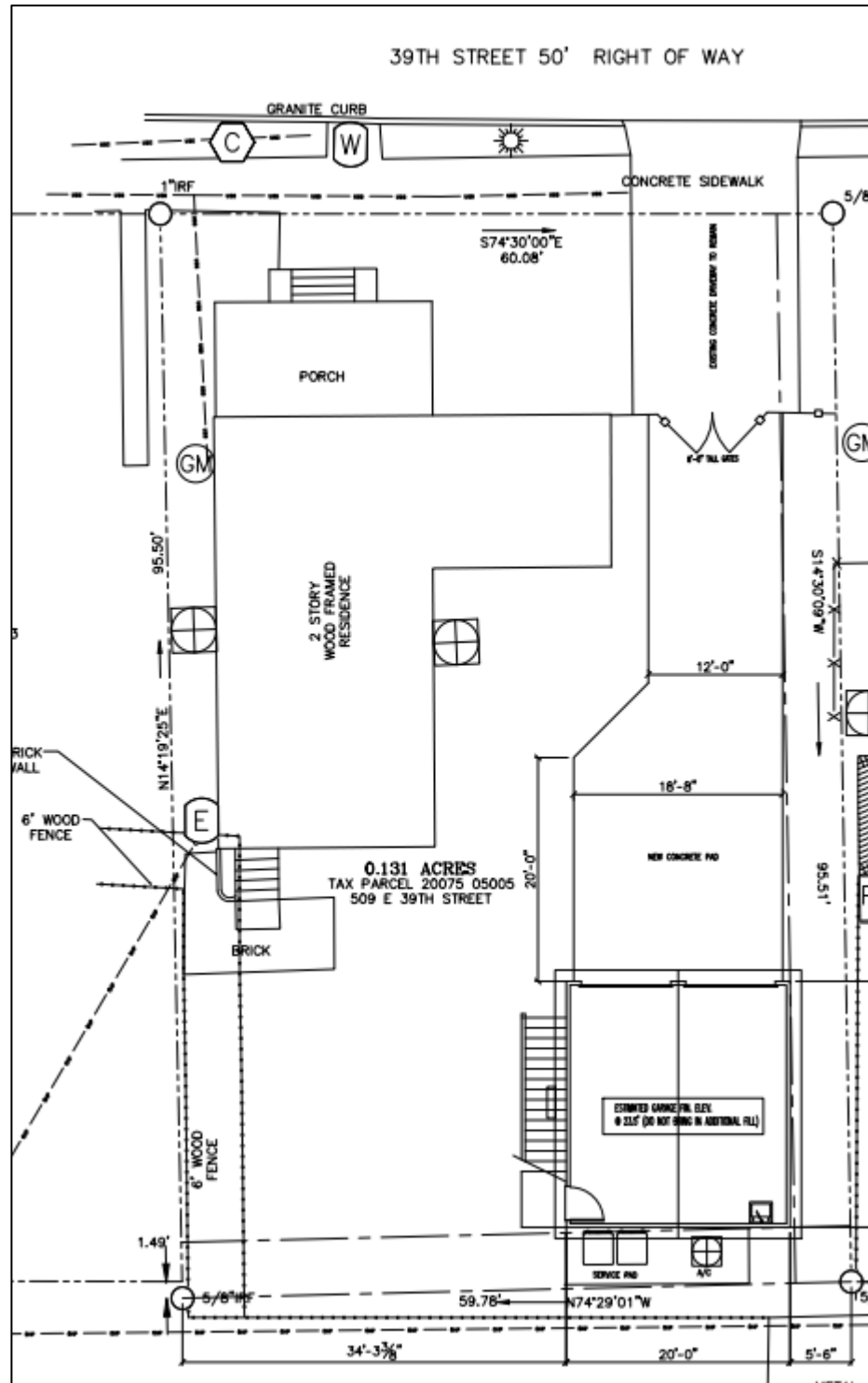
E. Special Privilege Not Granted

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: Due to the Text Amendment in 2023 that added this development standard, approval of the variance would confer special privilege upon the Petitioner, though variance relief is a remedy afforded to all similarly situated property owners.

Elevations for 509 E 39th St ADU

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Plan for 509 E 39th St ADU

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Staff Recommendation

MPC Staff recommends **denial** of the requested variance to reduce the rear yard setback of an accessory dwelling unit (ADU) that exceeds 15 feet in height in the TN-2 zoning district from 15 feet to 5 feet.

However, if the Board is inclined to support the variance request, MPC Staff recommends the following condition to help protect the privacy of adjoining neighbors:

1. On the south and east elevations of the ADU, there shall be either only small accent windows or no windows at all.

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.