

Facts & Findings

1. The property is at 217 E Park Ave, with a PIN of 20044 34016, in the East Victorian neighborhood and in Victorian Historic District. The property is currently vacant.
2. According to the Chatham County Tax Assessor, the subject property measures approximately 5,355 square feet (0.12 acres) and has lane access through E Park Avenue Lane. The property is zoned TN-1 (Traditional Neighborhood-). It is a non-conforming parcel by lot area required in TN-1 zoning district.
3. The Petitioner proposes to construct a two-family attached dwelling with an approximate 1,225-square-foot footprint per unit. The proposal has received Historic Preservation Commission approval (25-003139-COA) and is pending subdivision approval subject to the requested variances. The structure complies with the maximum lot coverage requirements.
4. As part of the HPC-approved design, the applicant is required to maintain 16-inch roof eaves, resulting in encroachments into the required side setbacks. The requested variances apply only to the roof eaves and do not include the occupied building area.
5. The proposed eaves would maintain approximately 5 feet 4 inches of separation from the neighboring structure to the west and 12 feet 3 inches to the neighboring structure to the east. Staff finds the encroachment to be minimal and not anticipated to adversely affect adjacent properties or the character of the neighborhood.

[Section 4.3.3.i.2](#) of the Zoning Ordinance, eave or roof overhangs and awnings may project up to two (2) feet provided that such extension is at least three (3) feet from the property line, its lower edge is at least eight (8) feet above the ground elevation and is located at least five (5) feet from any other building, eave or awning.

2. Eave or roof overhangs and awnings may project up to two (2) feet provided that such extension is at least three (3) feet from the property line, its lower edge is at least eight (8) feet above the ground elevation and is located at least five (5) feet from any other building, eave or awning.

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 variance is not fully consistent with the intent of the Zoning Ordinance. While the request departs from the setback standards, it is not anticipated to be injurious to the neighborhood or otherwise detrimental to the 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: Yes. The requested encroachment of the 16-inch roof eaves required by the HPC-approved design.

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

MPC Comment: Yes. The special circumstances do not result from the actions of the 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 requested variances are 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: A literal interpretation of the regulations would not deprive the Petitioner of the ability to construct a compliant structure on the lot.

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: Yes. Staff finds that the requested variances represent the minimum relief necessary to facilitate proposed structure.

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 requested variance would not confer a special privilege denied to other properties in the same zoning district. Similar relief may be appropriate for properties seeking to rehabilitate and reuse existing nonconforming accessory structures under comparable circumstances.

Jerome Konter
26-001626-ZBA
217 East Park Ave
July 23, 2026

Staff Recommendation

MPC Staff finds that the requested variance represents the minimum relief necessary for the construction of the proposed structure and meet the HPC standards.

MPC Staff recommends **APPROVAL** of the following variance in association with the construction of a two family attached dwelling in the TN-1 zoning district:

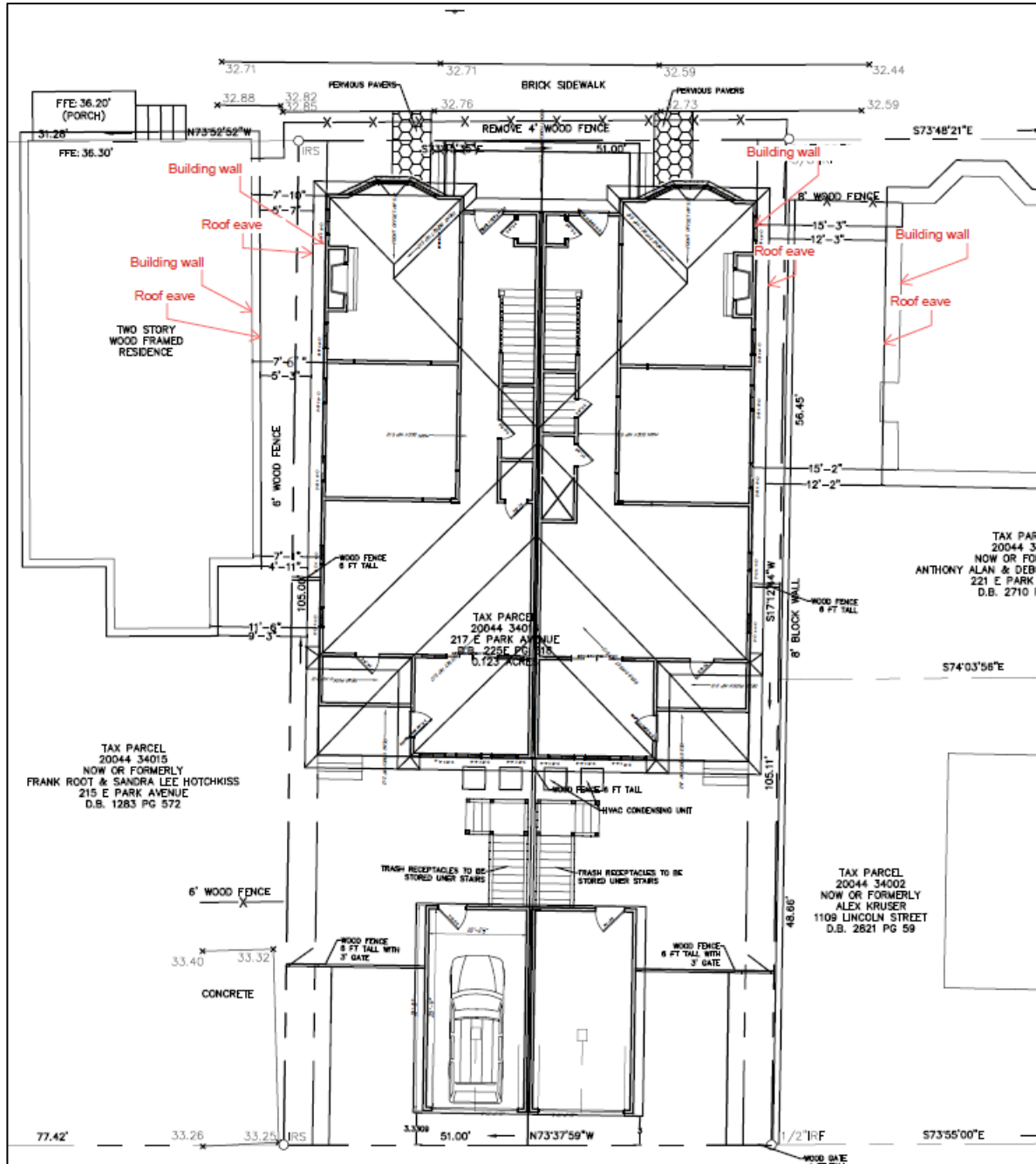
1. To allow the eaves to encroach into the 3 feet side yard setback by 16 inches

With the following condition:

- a. Roof drainage shall be collected and directed on-site through gutters.

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.

Jerome Konter
26-001626-ZBA
217 East Park Ave
July 23, 2026



Concept rendering of the ADU