



SAVANNAH ZONING BOARD OF APPEALS

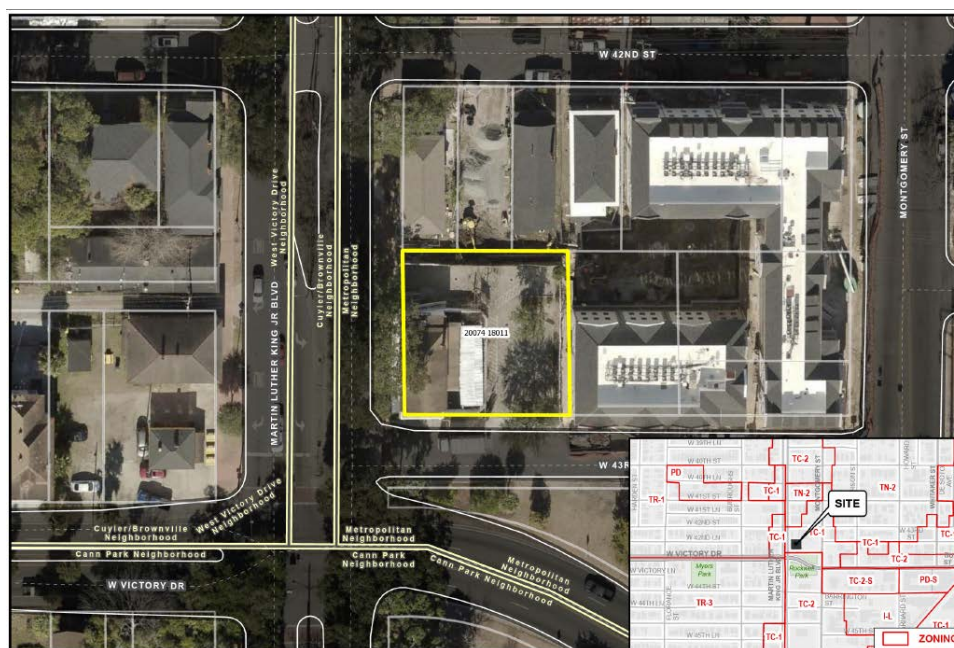
STAFF REPORT

PETITIONER: Ric Waugn (Property Owner D. Kaufman)
MPC FILE NO: 26-002727-ZBA
ADDRESS: 422 W. 43rd Street
DATE: July 23, 2026
MPC Staff: DeAndrae Spradley, Senior Planner

Nature of Request

The Petitioner is requesting for approval of a variance at 422 W. 43rd Street (PIN 20074 18011). The property is zoned Traditional Commercial-1 (TC-1) and is within the Streetcar Historic District. The Petitioner is requesting the following:

1. A variance for a minimum building frontage of 54 percent (the minimum building frontage requirement for the TC-1 Zoning District is 70 percent). The property has ninety feet (90 ft.) of frontage along W. 43rd Street and Dr. Martin Luther King Jr. Blvd., so sixty-three 63 ft. of building frontage is required by the Zoning Code and the Petitioner is proposing a building frontage of forty-nine feet (49 ft.).



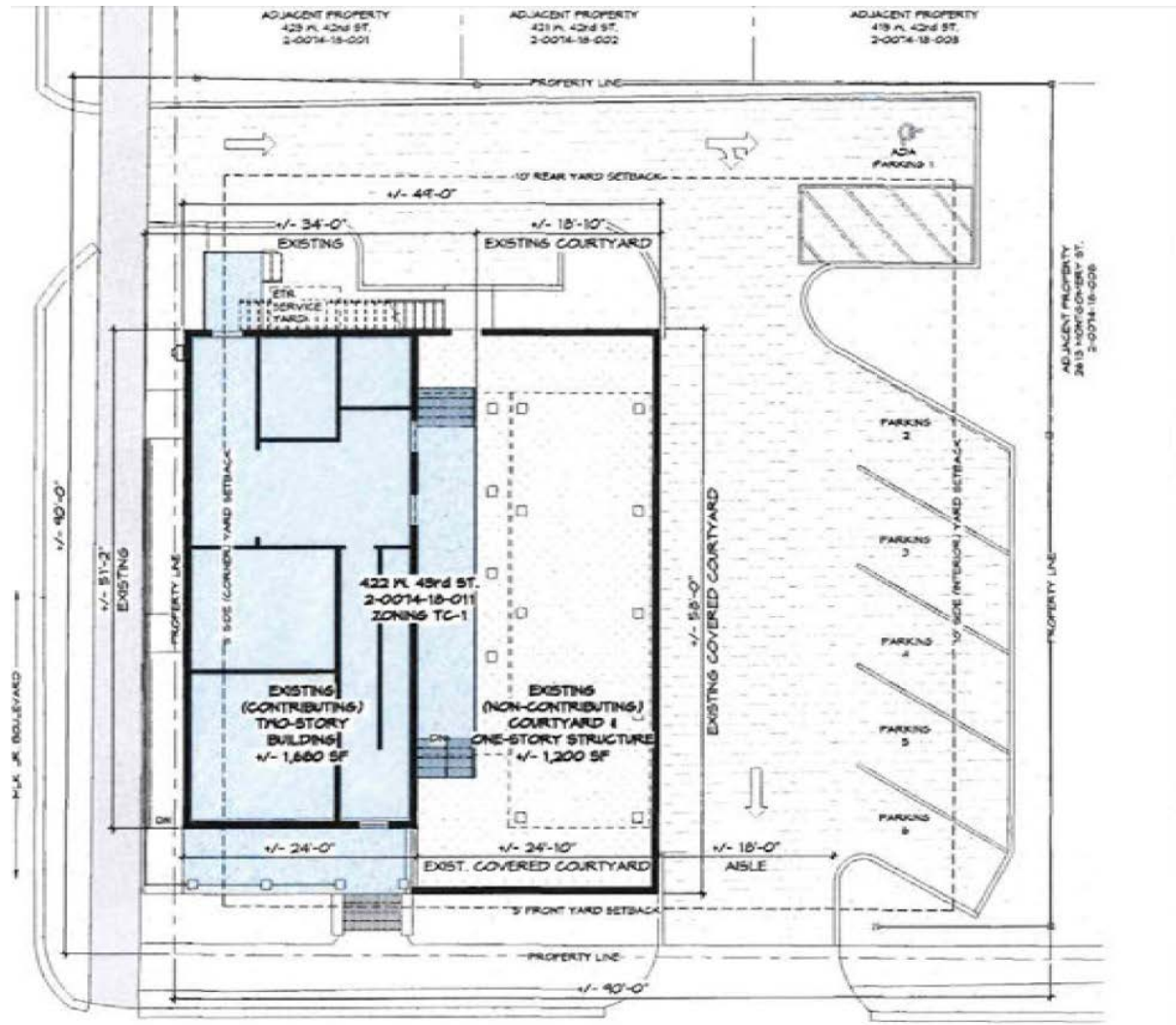
Aerial & Site Map for 422 W. 43rd Street

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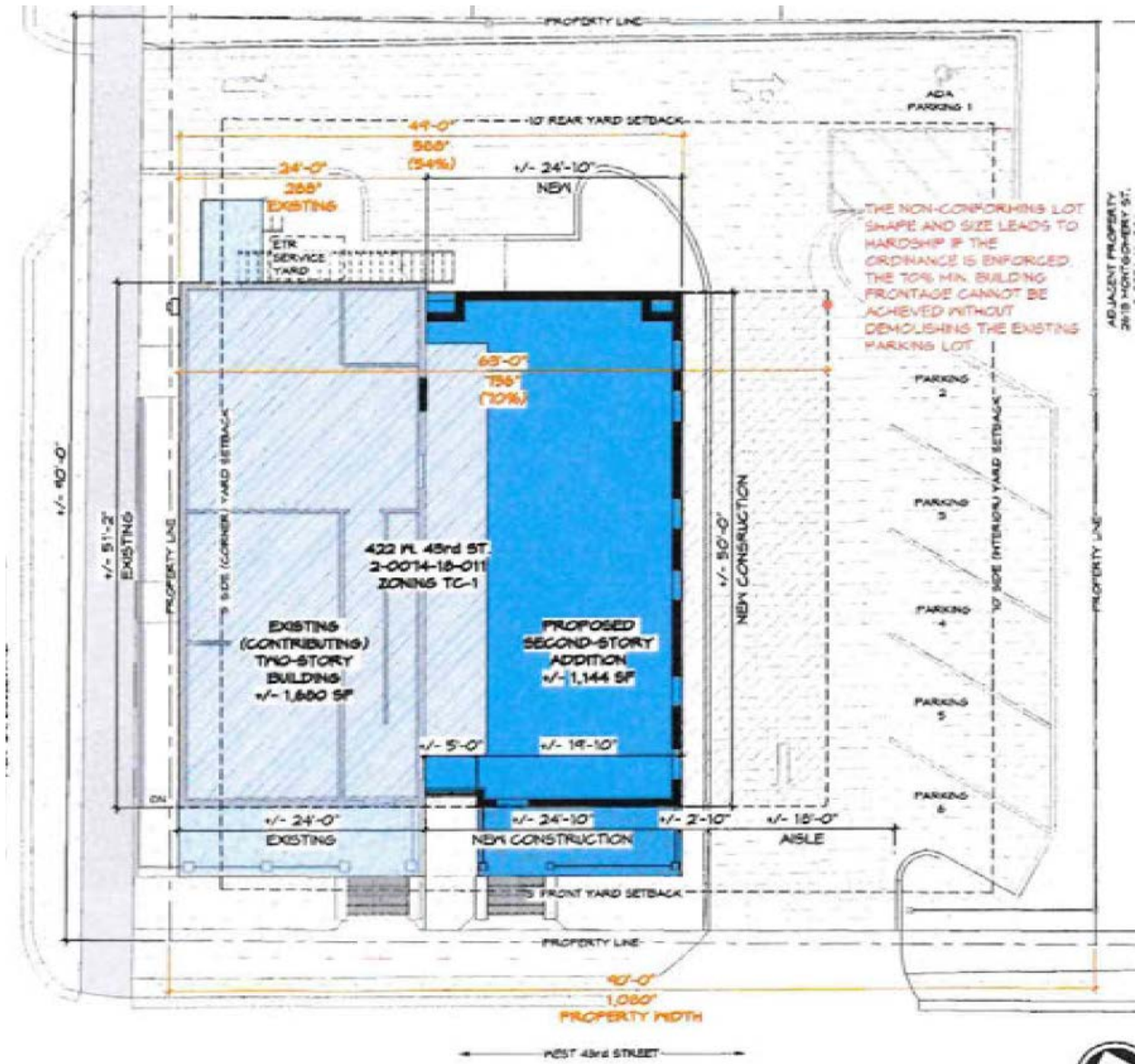
Existing photos of 422 W. 43rd Street

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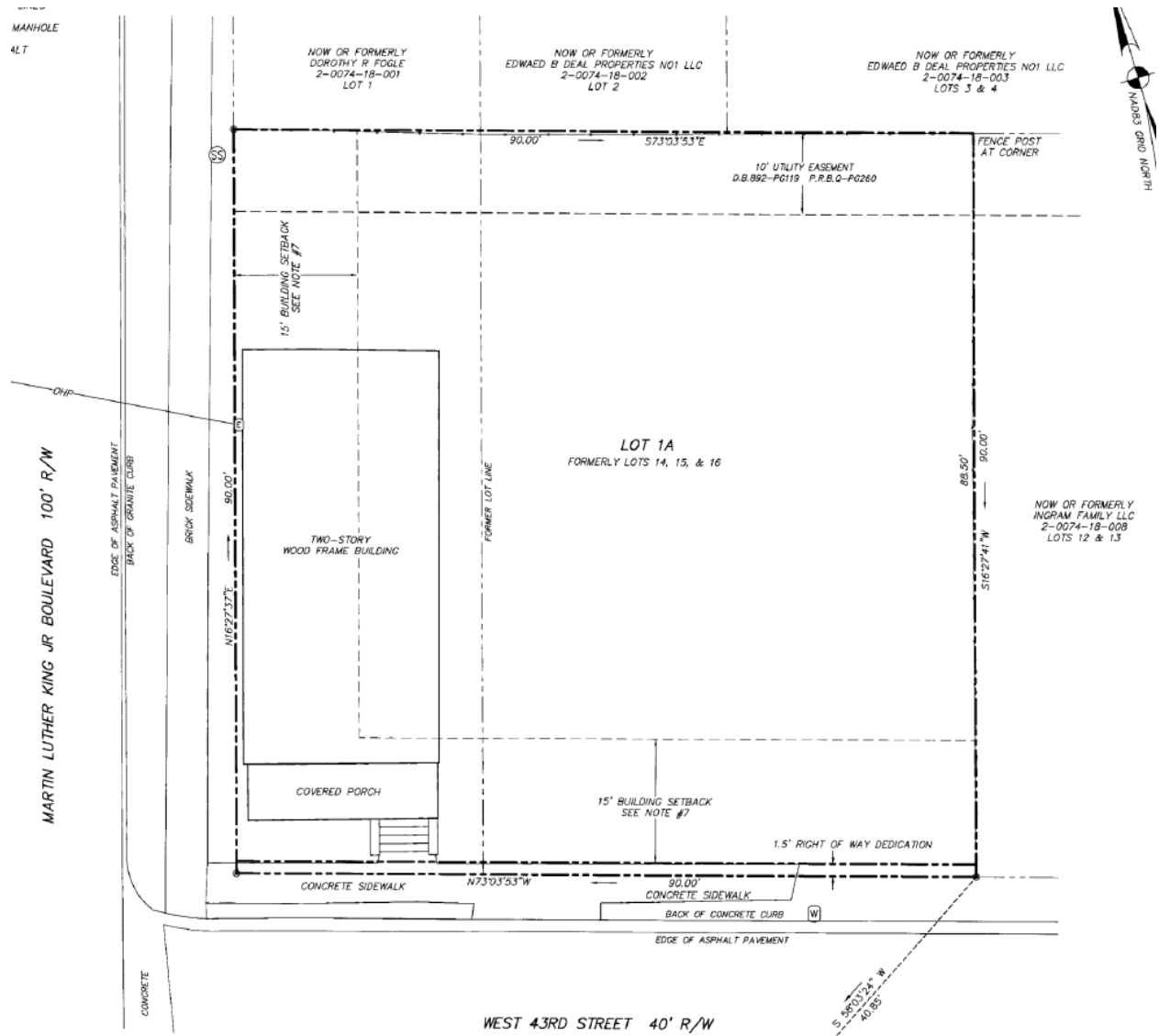
Existing Site Plan for 422 W. 43rd Street

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Proposed Site Plan for Second-story Addition at 422 W. 43rd Street

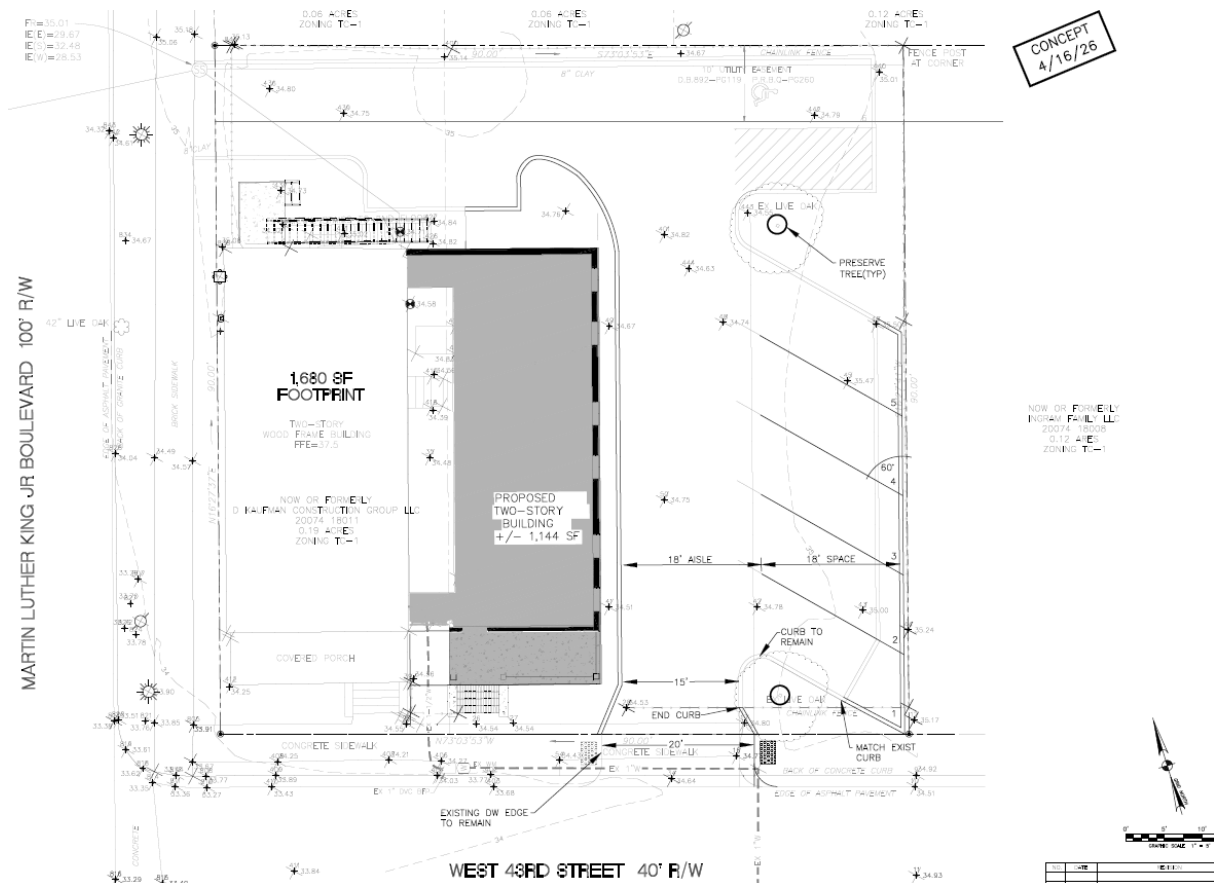
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Front view of 422 W. 43rd Street



Survey of 422 W. 43rd Street showing Proposed Addition

FACTS & FINDINGS:

1. The Petitioner's property is 0.19 acres. The Petitioner's proposal includes the demolition of an existing non-contributing covered courtyard structure and the construction of a new attached two-story addition at the referenced property.
2. The existing contributing two-story building is twenty-four feet (24 ft.) and two inches (2") wide and this represents about twenty-six percent (26%) of the ninety feet (90 ft.) wide referenced property. There's an existing non-contributing courtyard that's twenty-four feet (24 ft.) and ten inches (10") wide immediately adjacent to the building with a one-story structure making the total façade forty-nine feet (49 ft.) wide. The remainder of the property consists of six (6) existing onsite parking spaces. The Petitioner is proposing a second story addition that will fit within the existing courtyard area and the total width of the new façade will be forty-nine feet (49 ft.) or fifty-four percent (54%) of the required minimum frontage requirement of seventy percent (70%).
3. The project includes a new 2-story addition within an existing non-contributing courtyard containing a 1-story structure. This addition is proposed to resemble a row-house to fit contextually within the surrounding neighborhood. These modifications are proposed by the Petitioner for, "Sound and Fury", a new Post-Production Sound Design Studio.
4. The property is within the Traditional Commercial-1 (TC-1) Zoning District. The property is within the Streetcar Historic District. The building onsite is listed as a contributing resource within the National Historic Landmark District and the local Streetcar Historic District. On May 27, 2026, the Savannah Historic District Board of Review approved a Certificate of Appropriateness on the property. The Savannah Historic Preservation Commission recommended approval of the Petitioner's request for the seventy percent (70%) lot frontage variance.
5. The Petitioner is requesting for approval of a variance to the minimum building frontage requirement from the following City of Savannah's Zoning Regulations:

- **Section 5.13.5**

Sec. 5.13 Traditional Commercial Districts

5.13.5 Development Standards for Permitted Uses

Development in any TC- district shall meet the development standards as set forth below.

<u>5.13.5 Development Standards for Permitted Uses</u>		
Standards	TC-1	TC-2
Lot Dimensions (min)		
<u>Single-family Detached</u>		
Lot area (sq ft)	3,000	3,000
Lot width (ft)	30	30
<u>Single-family attached & Two-family</u> (side-by-side)		
Lot area per unit (sq ft)	1,450	1,200
Lot width per unit (ft)	18	18
Two-family (over-under)		
Lot area per unit (sq ft)	1,500	1,500
Lot width (ft)	30	30
Three- & <u>Four-Family</u>		
Lot area per unit (sq ft)	1,450	1,200
Lot width (ft)	30	30
Townhomes		
Lot area per unit (sq ft)	1,450	1,200
Lot width per unit (ft)	18	18
Upper Story Residential		
Lot area per unit (sq ft)	No min.	No min.
Lot width per unit (ft)	No min.	No min.
<u>Apartments</u>		
Lot area per unit (sq ft)	435	435
Lot width (ft)	30	30
Nonresidential		
Lot area (sq ft)	--	--
Lot width (ft)	20	20
Building		
<u>Building Coverage (max)</u>	--	--
<u>Building Frontage</u> (min)	70%	70%
<u>Building Footprint</u> (max sq ft) [1]	5,500	10,000
Building Setbacks (ft)		

<u>5.13.5 Development Standards for Permitted Uses</u>		
Standards	TC-1	TC-2
For <u>blocks</u> without contributing structures*		
<u>Front yard</u>	5 (max)	5 (max)
Side <u>yard</u> (interior) [2]	10 (min)	10 (min)
<u>Side yard</u> (corner)	5 (max)	5 (max)
<u>Rear yard</u>	10 (min)	10 (min)
For blocks with contributing structures*		
Front yard	Avg of <u>block face</u>	Avg of block face
Side yard (interior) [2]	10 (min)	10 (min)
Side yard (corner)	Avg of block face	Avg of block face
Rear yard	10 (min)	10 (min)
Building separation	See Fire Code	See Fire Code
Height (max) [1]	3 stories up to 45 ft	3 stories up to 45 ft
Accessory Structure Setback	See <u>Sec. 8.7</u>	See <u>Sec. 8.7</u>
* Refer to Contributing Resources Map in Sec. <u>7.11.4</u>		
[1] Monumental buildings in the Streetcar Overlay District are exempt from the maximum building footprint and maximum height standards provided that the visual compatibility criteria are met.		
[2] There is no minimum side yard (interior) setback for properties adjacent to any TC zoning district.		

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 Petitioner's requested variance is consistent with the intent of the City's Zoning Ordinance. The property is zoned Traditional Commercial-1 (TC-1) and this District is established to ensure the vibrancy of historic mixed-use neighborhoods with traditional development patterns characteristic of Savannah during the streetcar and early automobile eras. The District provides for commercial areas that are developed at a mass and scale harmonious with nearby residential neighborhoods. The property is within the Traditional Commercial Future Land

Use category. The Petitioner's variance request to include a second story addition at the property appears to be non-injurious to the immediate adjacent neighborhood and also appears to be non-detrimental to the public health, safety, or welfare of the immediate surrounding community.

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: There's an existing two-story non-contributing structure and six (6) existing onsite parking spaces and the current lot width of these two areas are legal non-conforming lots. The Petitioner's request for the minimum frontage variance to support the proposed two-story addition can't be achieved using the City's seventy percent (70%) minimum building frontage requirement. The Petitioner's proposal can't be achieved without demolishing the existing parking lot, as the new facade would need to equal sixty-three feet (63 ft.) wide to comply with the adopted Zoning Regulations. This situation creates a peculiar circumstance that is not applicable to the surrounding lands within the Traditional Commercial-1 (TC-1) Zoning District.

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

MPC Comment: The Petitioner's property is a legal non-conforming property. In 1920, the existing two-story contributing building on the Petitioner's property was constructed as a single-family residential dwelling unit. The existing two-story contributing building was built following the guidelines of a previously adopted Zoning Ordinance. Therefore, the Petitioner has no natural control over the new requirements implemented within the City's currently adopted Zoning Ordinance and the Petitioner's actions associated with this variance was not a direct result from the Petitioner's action.

- 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 financial costs associated with the Petitioner's proposal request does not appear to be purely financial in nature. The approval of the Petitioner's variance request allows the Petitioner to reconstruct a portion of the contributing building in a manner that still meets the overall intent and objective of the Traditional Commercial-1 (TC-1) Zoning District.

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.

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MPC Comment: The literal interpretation of the City's Zoning Regulations would not deprive the Petitioner of rights commonly enjoyed by other properties in the same zoning district. This literal interpretation of the City's Zoning Regulations would force the Petitioner to demolish the existing onsite parking areas and add building frontage to comply with the City's adopted Zoning Regulations and this creates an undue hardship on the Petitioner.

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 required so that the Petitioner is provided the opportunity to add an addition to the contributing building on the 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 Petitioner's variance requests would not confer special privilege upon the Petitioner.

Analysis

The Petitioner's property will be served by adequate public facilities, including police and fire protection. The existing onsite two-story contributing building on the Petitioner's property is a use that's compatible with the Traditional Commercial Future Land Use designation. Single-family residential is a use that's permitted by right within the Traditional Commercial-1 (TC-1) Zoning District. The Petitioner's variance request is consistent with and compatible to the City's adopted Zoning regulations.

MPC STAFF RECOMMENDATION:

MPC Staff recommends **APPROVAL** of the Petitioner's variance requests from Section 5.13.5 of the City's Zoning Regulations at 422 W. 43rd Street, Savannah, Georgia 31401. The variance is needed for the Petitioner to have the opportunity to construct an addition at the existing two-story contributing building on the property. The variance would allow the Petitioner the opportunity to construct the two-story addition with a minimum building frontage of fifty-four percent (54%) versus the required seventy percent (70%) building frontage requirement for the Traditional Commercial-1 (TC-1) Zoning District.