



SAVANNAH ZONING BOARD OF APPEALS

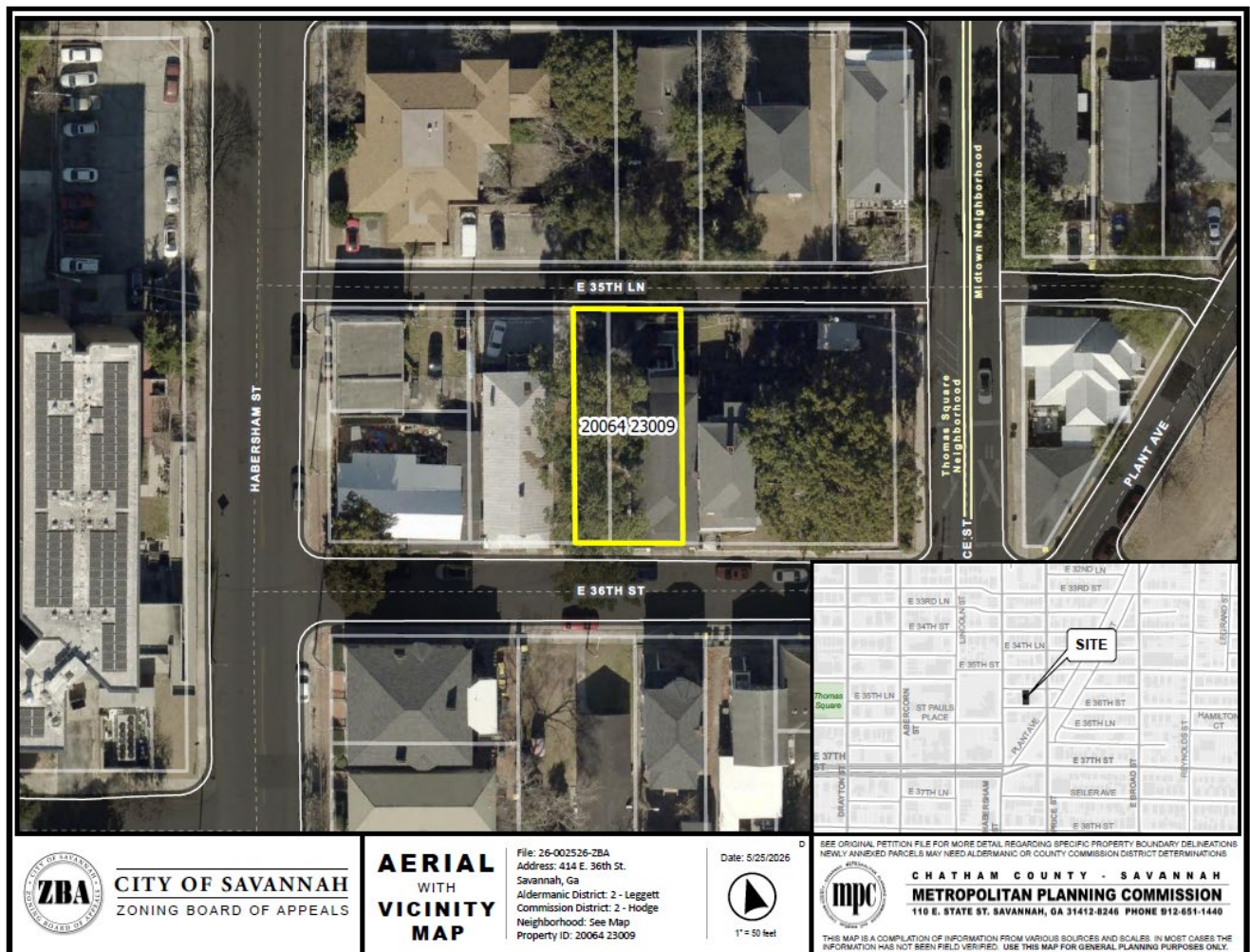
STAFF REPORT

PETITIONER: Samuel Kopelman
FILE NO: 26-002526-ZBA
ADDRESS: 414 E 36th Street
DATE: June 25, 2026

Nature of Request

The Petitioner requests the following variance in association with the construction of an accessory dwelling unit (ADU) in the TN-2 zoning district:

1. To reduce the rear setback of the ADU from 3 feet to 0 foot.



Aerial Map for 414 E 36th Street

Facts & Findings

1. The property is at 414 E 36th Street, with a PIN of 20064 23009, in the Thomas Square neighborhood and in Streetcar Historic District.
2. According to the Chatham County Tax Assessor, the subject property measures approximately 4,792 square feet (0.11 acres). The property is zoned TN-2 (Traditional Neighborhood-2). It is a non-conforming parcel by lot area required for a two-family dwelling in TN-2 zoning district.
3. The primary dwelling is a duplex that was built in or about 1900 according to the Chatham County Tax Assessor with a building footprint of approximately 1,725 square feet, according to the applicant.
4. The Petitioner is proposing to construct an ADU with a building footprint of about 500 square feet. The structures do not exceed the maximum permissible lot coverage.
5. [Section 8.7.4.d.iii](#) of the Zoning Ordinance requires that an accessory dwelling unit located on a lot abutting a lane maintain a minimum rear setback of three (3) feet and a 10 foot building separation from the primary structure. In this case, compliance with the three-foot rear setback requirement would prevent the proposed ADU from meeting the required ten-foot separation distance from the principal structure.

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.

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. However, according to the Petitioner, the variance is necessary to maintain the required ten-foot separation between the principal structure and the proposed ADU. While the request departs from the setback standard, it is not anticipated to be injurious to the neighborhood or 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: While no unique physical conditions exist on the property, the subject site contains a two-family dwelling that predates the current Zoning Ordinance and is legally nonconforming by lot area.

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

MPC Comment: The request is largely the result of the Petitioner's chosen design, as an ADU could be constructed in compliance with the current development standards. However, the need for variance is also influenced by the existing lot conditions and the requirement to maintain adequate separation between the principal structure and the proposed ADU.

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: Partially. A literal interpretation of the regulations would not deprive the Petitioner of the ability to construct an ADU, as a compliant structure could be built 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: While some variance relief may be warranted to accommodate a functional ADU and maintain adequate separation from the principal structure, Staff does not find that the requested variance represents the minimum variance necessary. A smaller ADU could be constructed that more closely aligns with the intent of the Ordinance while still allowing reasonable use of the property.

E. Special Privilege Not Granted

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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: Yes. The requested variance would confer a special privilege denied to other properties in the same zoning district.

Staff Recommendation

MPC Staff recommends **denial** of the following variance associated with the construction of an accessory dwelling unit within the TN-2 zoning district because the Petitioner has not demonstrated that the requested variance represents the minimum relief necessary:

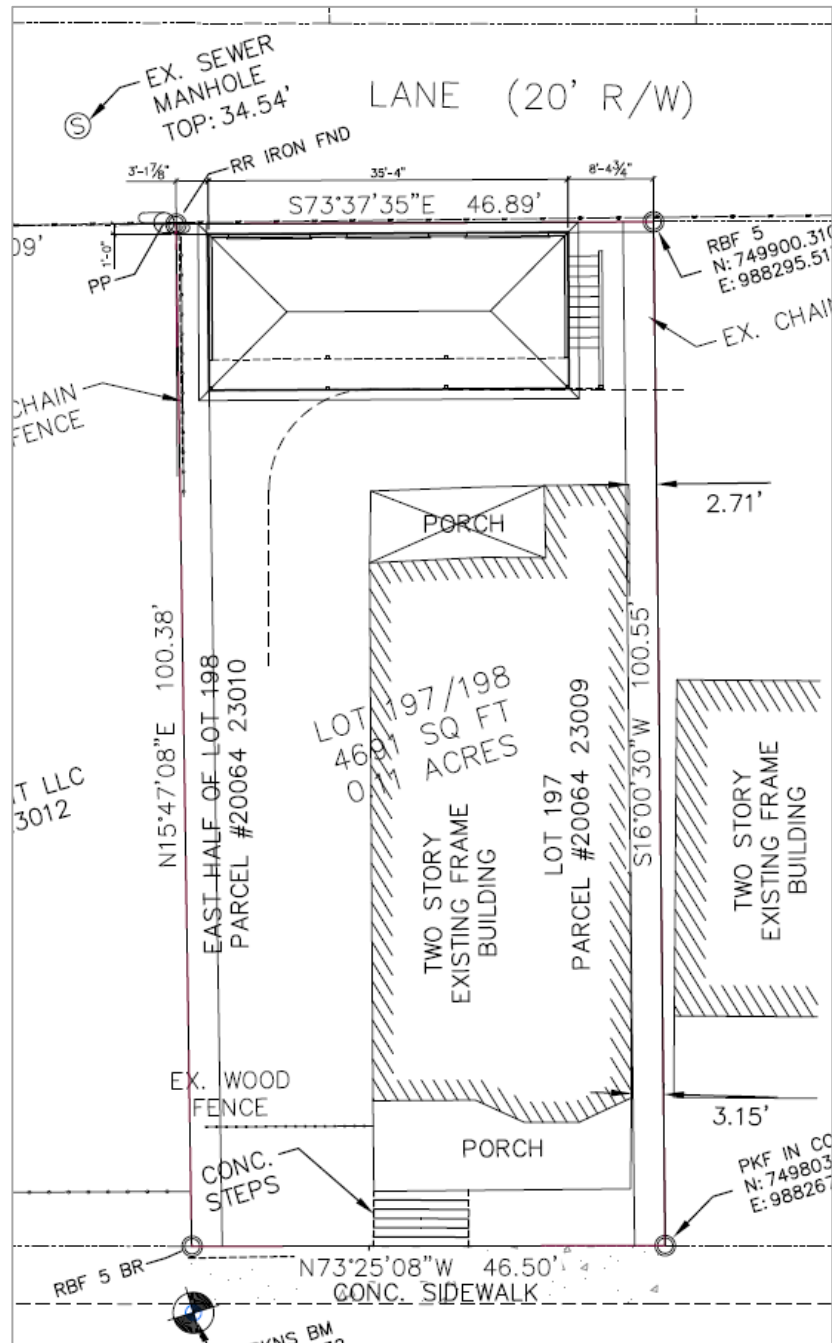
1. To reduce the rear setback of ADU from 3 feet to 0 foot.

Alternatively,

MPC Staff finds that the requested zero-foot setback variance exceeds the minimum variance necessary. Therefore, as an alternative recommendation, Staff recommends **continuance** of the request to allow the Petitioner to finalize the ADU footprint and dimensions, including eaves and overhangs, to provide a better understanding of the minimum variance required.

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.

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Plan for 414 E 36th St

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Street view from 2014 showing the previous carport