



SAVANNAH ZONING BOARD OF APPEALS

STAFF REPORT

PETITIONER: Christine Wacta
FILE NO: 26-002539-ZBA
ADDRESS: 405 West 37th Street
DATE: June 25, 2026

Nature of Request

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

1. To allow the eaves to encroach into the 3 feet side yard setback by 1 foot
2. To allow the eaves to encroach into the 3 feet rear yard setback by 1 foot



Aerial Map for 405 W 37th Street

Facts & Findings

1. The property is at 405 W 37th Street, with a PIN of 20073 12009, in the Metropolitan neighborhood and in Streetcar Historic District.
2. According to the Chatham County Tax Assessor, the subject property measures approximately 8,775 square feet (0.20 acres) and has lane access. 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 principal dwelling is a single-family residence constructed in 1920, with a building footprint of approximately 1,971 square feet according to the Chatham County Tax Assessor. The structure is a contributing resource within the Streetcar Historic District. An existing detached garage, approximately 420 square feet in area, was constructed after 2008 based on available aerial imagery. The garage is not a contributing structure and is legally nonconforming due to its encroachment into the required rear setback.
4. The Petitioner is proposing to convert the existing garage to a two story ADU with the same building footprint on the first floor and a small increase in area on the second floor. The structure do not exceed the maximum permissible lot coverage.
5. As part of the Historic Preservation Commission review process, the applicant was required to maintain a 12-inch roof eave on the proposed ADU (26-002683-COA). Compliance with this requirement causes the eaves to encroach into the required rear and side yard setbacks, thereby necessitating the requested variances.
6. [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. Since the existing garage is encroaching into the rear setback, the proposed ADU is non-compliance with the three-foot rear setback requirement.

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.

[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.

7. 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, the variance is associated with the rehabilitation and continued use of an existing garage that is already nonconforming with respect to the rear setback. As part of the Historic Preservation Commission review process, the applicant was required to maintain a 12-inch roof eave on the proposed ADU (26-002683-COA). Compliance with this condition results in minor encroachments into the rear and side setbacks, necessitating the requested variances.

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. A special circumstance exists in that the property contains an existing garage that is legally nonconforming with respect to the required rear setback. Additionally, as part of the Historic Preservation Commission review process (26-002683-COA), the applicant was required to maintain a 12-inch roof eave on the proposed ADU. Compliance with this requirement results in minor encroachments into the required rear and side setbacks, creating circumstances that are not generally applicable to other properties in the same zoning district.

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. The existing garage and its nonconforming rear setback predate the current proposal. Additionally, the requirement to maintain a 12-inch roof eave was established through the Historic Preservation Commission review process (26-002683-COA) and is not the result of the applicant's actions.

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 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: Yes. Staff finds that the requested variances represent the minimum relief necessary to facilitate the conversion of the existing garage into an ADU. The variances are limited to encroachments associated with the existing structure and the 12-inch roof eaves required through the Historic Preservation Commission review process.

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.

Staff Recommendation

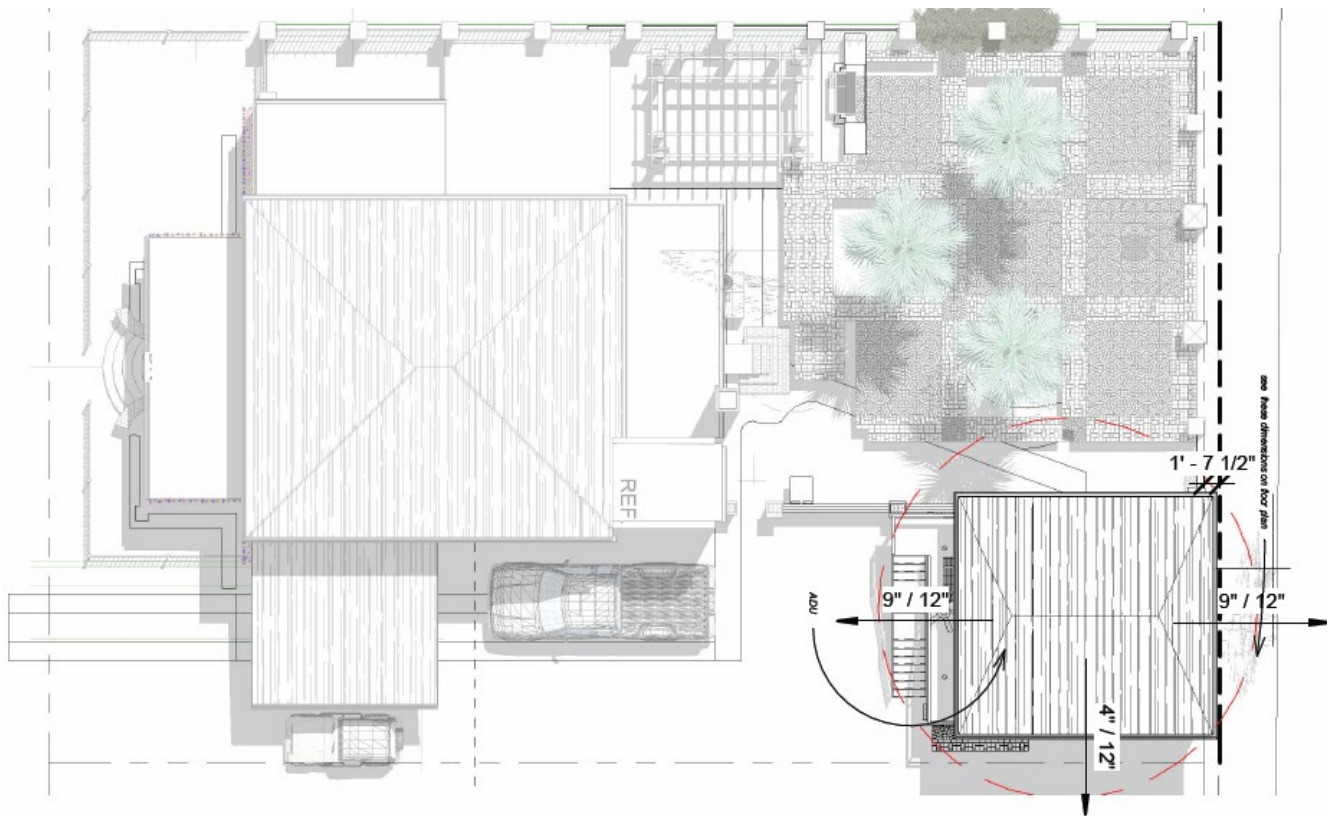
MPC Staff finds that the requested variance represents the minimum relief necessary to facilitate the rehabilitation and adaptive reuse of the existing structure and meet the HPC standards. Without the variance, the garage could not be reasonably converted to an ADU while maintaining its existing location and configuration.

MPC Staff recommends **approval** of the following variance associated with the conversion of an existing garage into an accessory dwelling unit (ADU) within the TN-2 zoning district.

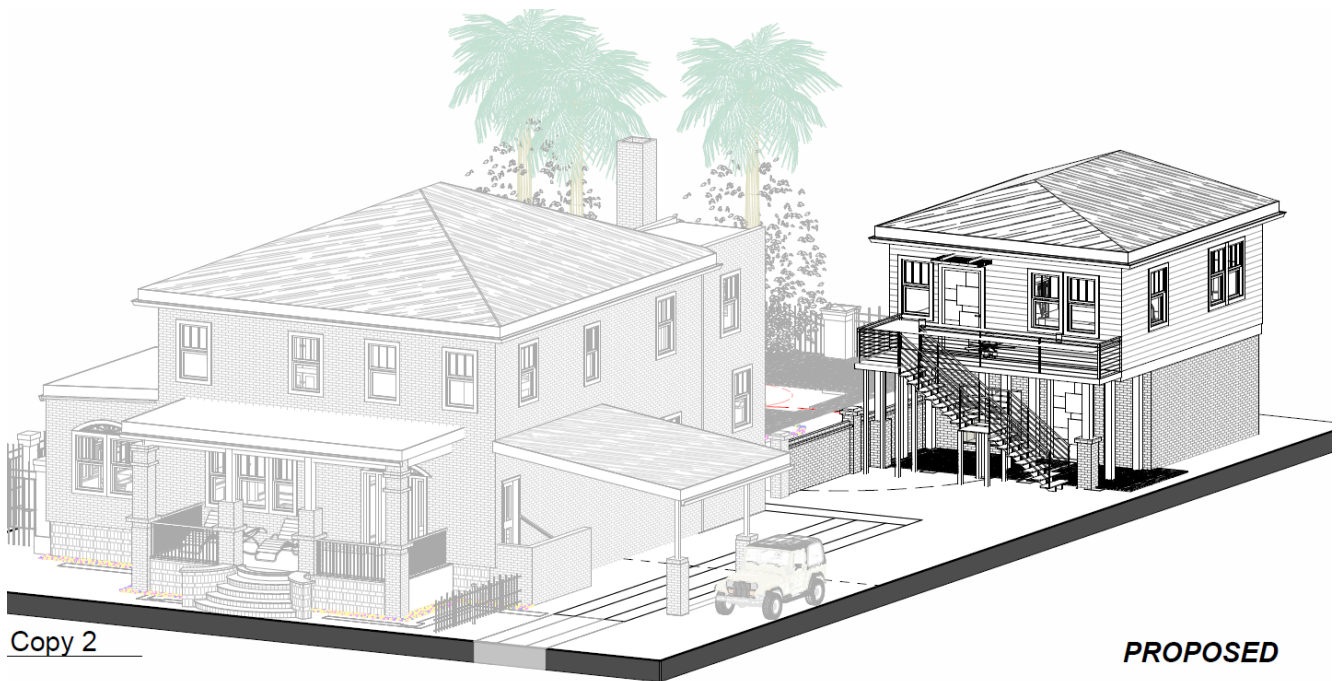
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With the following condition:

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



Concept Plan for 405 W 37th ADU



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Concept rendering of the ADU