



SAVANNAH ZONING BOARD OF APPEALS

STAFF REPORT

PETITIONER: Marlon Epps, agent; Harold Rhodes, Petitioner
MPC FILE No: 26-02100-ZBA
ADDRESS: 810 E 41st Street
PIN: 20063 33012
DATE: May 28, 2026
MPC Staff: Ely Zarka

Nature of Request – 1) Reduce the required minimum lot size to 5,500 square feet to permit an Accessory Dwelling Unit.

The Petitioner would like to reduce the required minimum lot size to permit an Accessory Dwelling Unit (ADU) for a lot in the RSF-6 (Residential Single Family-6) zoning district.



The exhibit above indicates the subject property and surrounding vicinity.

Facts & Findings

1. The subject property is approximately 5,600 square feet in size.
2. The property is within an area that is almost completely zoned RSF-6.
3. The primary residence was constructed in 1922 and is not in a historic or conservation district.
4. The ADU is existing within the existing accessory structure on the eastern side of the lot, however it is not clear when the use of an ADU was established.

Standards at Issue:

1. The existing lot does not meet the minimum required lot size for a lot in the RSF-6 zoning district. ADU's are only permitted on lots in an RSF district if the lot is at least 100% of the minimum lot size shed is not meeting either the side or rear yard setback set forth in the TR-2 district or accessory structure standards.

Section 8.7.4.b Lot Area

For A-1, **RSF-**, RTF, RMF-1, RMF-2, and TR- districts, the minimum lot size for such use shall be at least 100% of the minimum lot area required by the zoning district. This standard shall be variable.

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 **inconsistent** with the Ordinance and current zoning. The subject lot appears to be in its original form and does not meet the minimum standard.

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: The development pattern of this lot, and this neighborhood is not irregular.

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

MPC Comment: The circumstances result from the Petitioner's application for a building permit to work on the existing ADU. It is not clear when the ADU was established or how it was established.

- 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 use of an ADU on the lot likely is financial in nature.

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 deny the applicant of rights commonly enjoyed by other property owners.

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 requested variance is relatively minimal in nature. The subject lot is within 10% of the minimum lot size.

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 variance may convey a special privilege to the Petitioner. The development pattern for this lot is not irregular, much of this block and the surrounding area consists of similarly sized, if not smaller lots. If the lot was of the minimum lot size the conversion of an existing, legal non-conforming structure to an ADU is a permissible action and may not require board action.

Summary:

The request is to reduce the required minimum lot size to legalize and permit an existing ADU.

Recommendation:

MPC staff recommends **DENIAL** of the requested variance due to the request granting special privilege to the Petitioner as well as the request not presenting a hardship.

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.