

APPLICATION NUMBER

5350

A REQUEST FOR

**SIDE YARD SETBACK, SIDE (STREET) YARD SETBACK
AND COMBINED SIDE YARD SETBACK VARIANCES TO
ALLOW THE CONSTRUCTION OF A RESIDENTIAL
STRUCTURE WITHIN 6.05-FEET OF A SIDE PROPERTY
LINE, WITHIN 10-FEET OF THE SIDE (STREET)
PROPERTY LINE AND TO ALLOW A TOTAL COMBINED
SIDE YARD OF 16.08-FEET; A 7.5-FOOT SETBACK IS
REQUIRED FROM A SIDE PROPERTY LINE, A 15-FEET
SIDE (STREET) YARD AND A TOTAL COMBINED SIDE
YARD OF 22.5-FEET IS REQUIRED FOR RESIDENTIAL
STRUCUTRES ON A CORNER LOT 52.5-FEET WIDE IN A
R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT**

LOCATED AT

Northwest corner of North Lafayette Street and Chatague Avenue

APPLICANT/OWNER

MLK AVENUE REDEVELOPMENT CORPORATION

BOARD OF ZONING ADJUSTMENT

APRIL 2006

The applicant is requesting Side Yard Setback, Side (Street) Yard Setback and Combined Side Yard Setback Variances to allow the construction of a residential structure within 6.08-feet of a side property line, within 10-feet of the side (street) property line and to allow a total combined side yard of 16.08-feet; a 7.5-foot setback is required from a side property line, a 15-foot side (street) yard and a total combined side yard of 22.5-feet is required for residential structures on a corner lot 52.5-feet wide in a R-1, Single-Family Residential District.

The applicant submit a revised site plan illustrating a Side Yard Setback of 11.3-feet, within 10-feet of the side (Street) yard property line, and to allow a combined side yard of 21.3-feet. However, this information was received after the legal ads were published; therefore , the Board may consider the revised plan.

The applicant proposes to build an approximate 1,612 square foot, single-family residence on the lot. The applicant states that the reduced side (street) yard and side yard setbacks will correspond to the setbacks of the surrounding dwellings and will help the new dwelling fit in with the newly created “MLK Heritage Neighborhood”.

As proposed, the residential construction would further strengthen the existing residential character of the neighborhood, and the Board has been mindful of the unique character of older areas, when considering site variance applications. Moreover, the Board has been sympathetic in granting variances in the older urban areas of the city, especially when the construction was compatible with the existing structures in the immediate vicinity.

Furthermore, placing these residences to conform to the setback requirements of larger and more suburban areas, would be out of character with the surrounding development. It should be noted that the Board has approved several variances to allow the reduction of side yard and side (street) yard variances within this neighborhood.

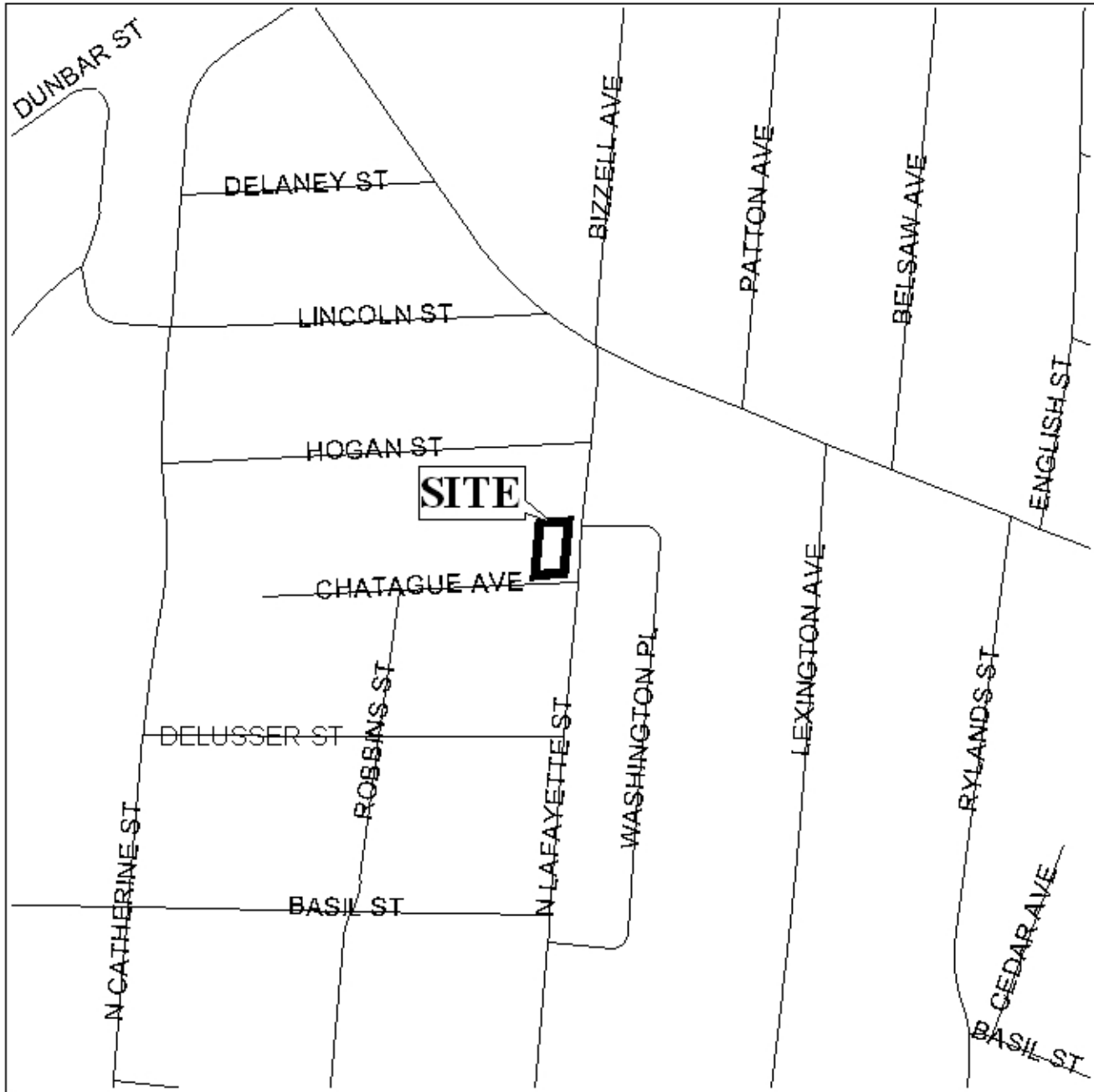
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement of the Ordinance will result in an unnecessary hardship. The Ordinance also states that a variance should not be approved unless the spirit and intent of the Ordinance is observed, and substantial justice done to the applicant and the surrounding neighborhood.

As illustrated on the Vicinity Map, the proposed dwelling with setbacks proposed corresponds to the existing dwellings on adjacent properties and will create a harmonious streetscape along the newly created “MLK Heritage Neighborhood”.

RECOMMENDATION 5350**Date: April 3, 2006**

Based upon the preceding, this application is recommended for approval subject to the following condition: 1) provision of gutters and downspouts along both sides of the new structures.

LOCATOR MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units. Churches are located to the north and east of the site. Commercial sites are located to the north of the site.

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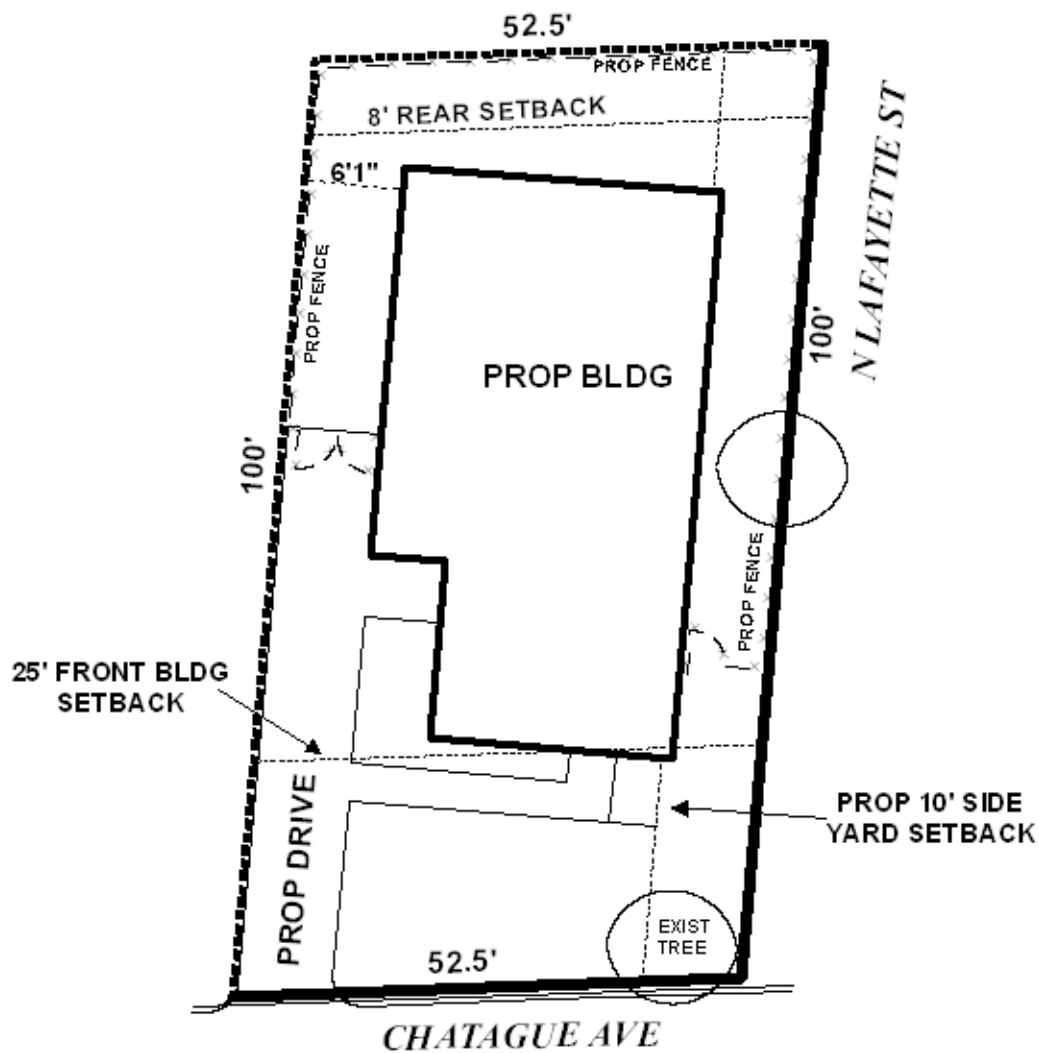
LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2

 NTS



SITE PLAN



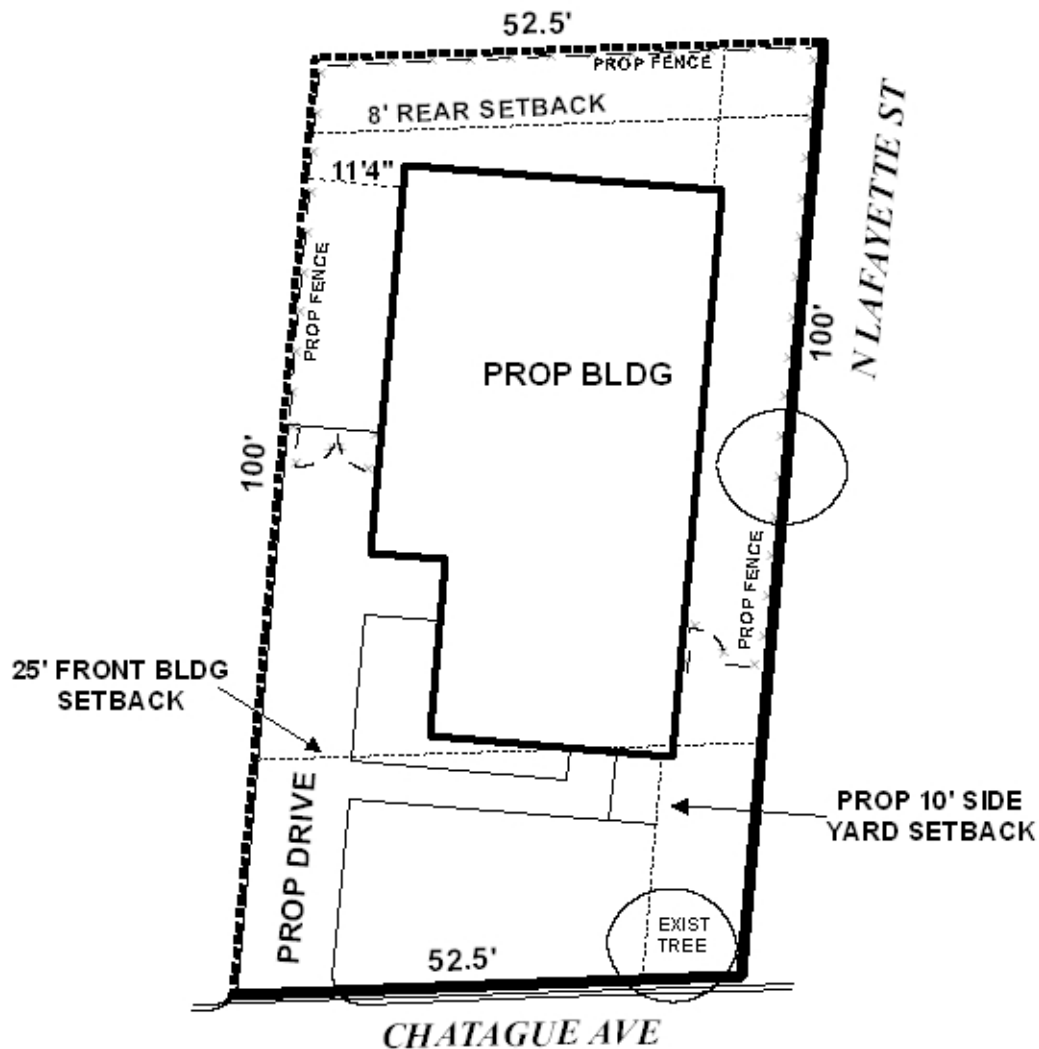
The site plan illustrates the proposed building and setbacks

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REVISED SITE PLAN



The site plan illustrates the proposed building and setbacks

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