

APPLICATION NUMBER

**5216**

A REQUEST FOR

**FRONT YARD SETBACK VARIANCE TO ALLOW A NEW DWELLING UNIT TO BE CONSTRUCTED 8' FROM THE FRONT PROPERTY LINE IN AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT; A MINIMUM FRONT YARD SETBACK OF 25' IS REQUIRED IN AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT**

LOCATED AT

(West side of Lexington Avenue, 489'± North of Congress Street)

APPLICANT/OWNER

**MLK DEVELOPMENT CORPORATION**

AGENT

**MICHAEL PIERCE**

**BOARD OF ZONING ADJUSTMENT**

DECEMBER 2003

The applicant is requesting a Front Yard Setback Variance to allow a new dwelling unit to be constructed 8' from the front property line in an R-1, Single-Family Residential District; a minimum front yard setback of 25' is required in an R-1, Single-Family Residential District.

The applicant proposes to build an approximate 1,544 square foot, single-family residence on the lot. The applicant states that the reduced front yard setback 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.

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.

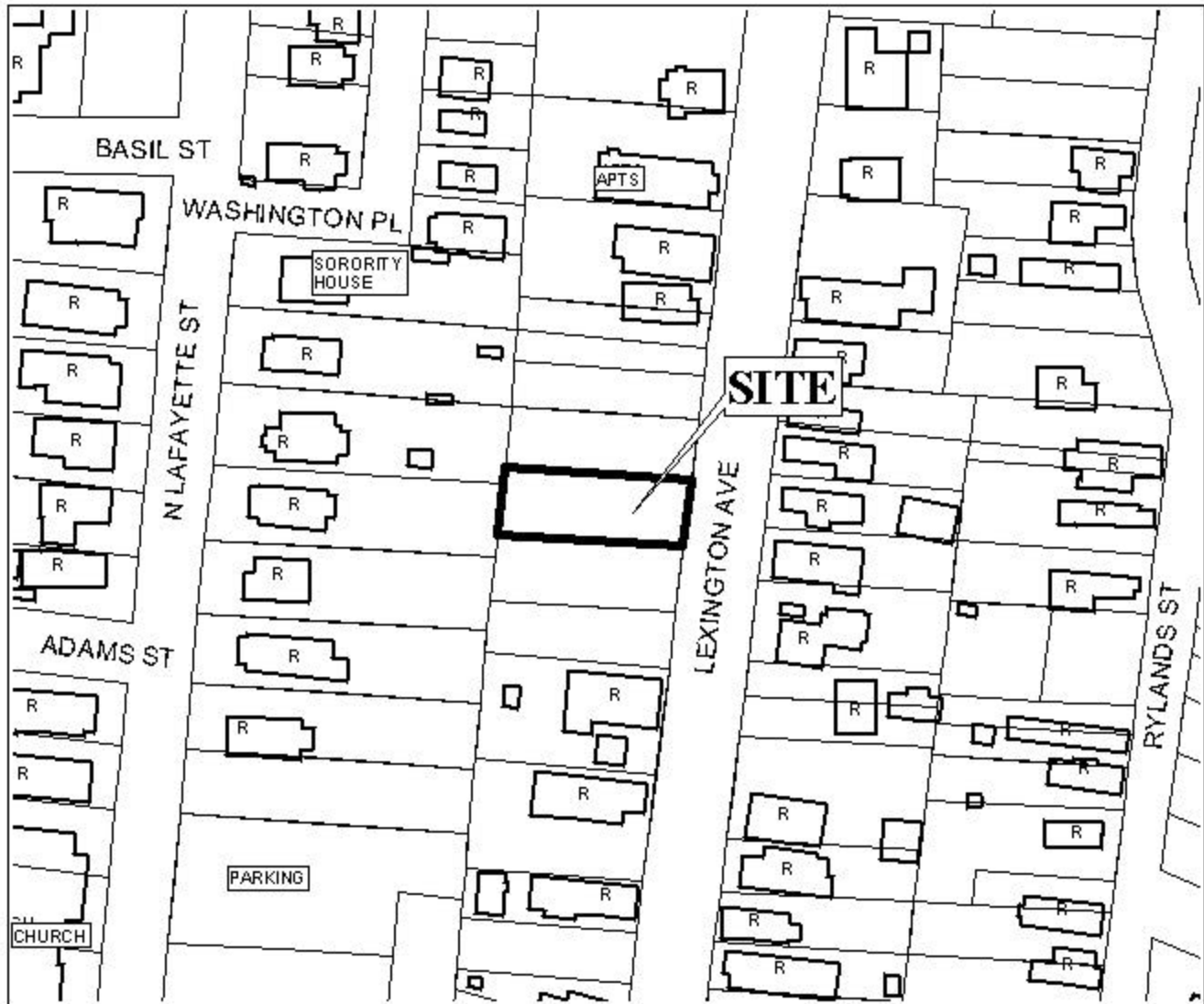
As illustrated on the Vicinity Map, the proposed dwelling with setbacks proposed corresponds to the existing dwellings on adjacent properties and will create a harmonious streetscape along Lexington Avenue.

**RECOMMENDATION 5216****Date: December 8, 2003**

Based upon the preceding, this application is recommended for approval.

# BOARD OF ADJUSTMENT

## VICINITY MAP - EXISTING ZONING



The site is surrounded by single and multiple family residential dwellings.

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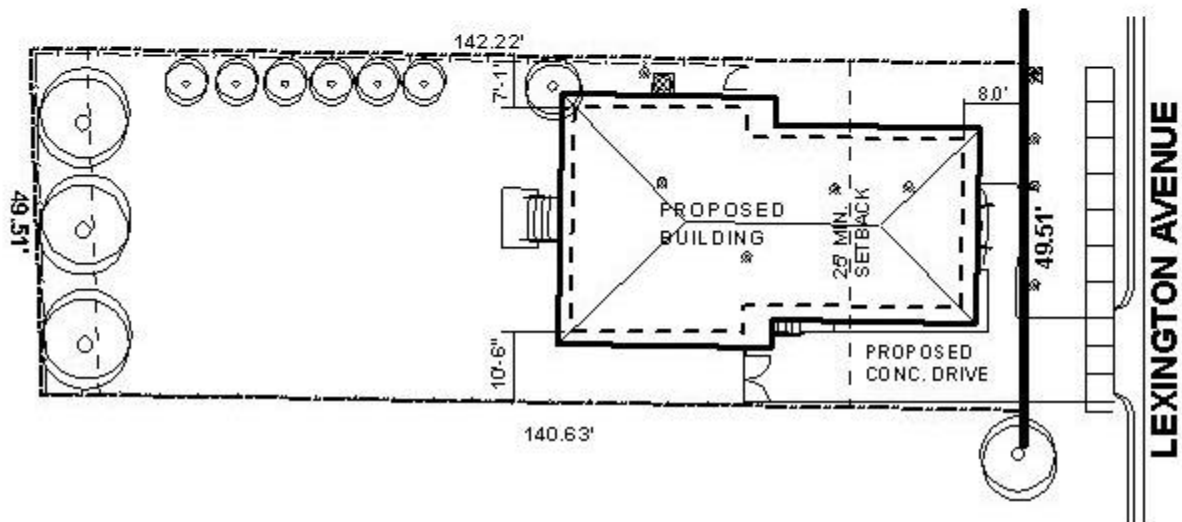
APPLICANT MLK Development Corp. (Michael Pierce, Agent)

REQUEST Front Yard Setback Variance

LEGEND



## SITE PLAN



The site is located on the West side of Lexington Avenue, 539' North of Congress Street. The plan illustrates the proposed building, along with the proposed 8' front yard setback.

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 APPLICANT MLK Development Corp. (Michael Pierce, Agent)  
 USE/REQUEST Front Yard Setback Variance



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