

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: April 4, 2016****CASE NUMBER**

6036

APPLICANT NAME

MLK Avenue Redevelopment Corporation (Michael Pierce, Agent)

LOCATION560 Hickory Street
(Southeast corner of Hickory Street and Pecan Street)**VARIANCE REQUEST****FRONT YARD SETBACK:** Front Yard Setback Variance to allow a 12.5' front yard setback.**SIDE YARD SETBACK:** Side Yard Setback Variance to allow a 10' side street side yard setback.**ZONING ORDINANCE
REQUIREMENT****FRONT YARD SETBACK:** The Zoning Ordinance requires a minimum 25' front yard setback.**SIDE YARD SETBACK:** The Zoning Ordinance requires a minimum 20' side street side yard setback.**ZONING**

R-1, Single-Family Residential

AREA OF PROPERTY

0.14± Acres

**ENGINEERING
COMMENTS**

No Comments

**TRAFFIC ENGINEERING
COMMENTS**

No Comments

**CITY COUNCIL
DISTRICT**

District 2

ANALYSIS

The applicant is requesting a Front and Side Yard Variances to allow a 12.5' front yard setback and a 10' side street side yard setback for a dwelling in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum 25' front yard setback and a minimum 20' side street side yard setback for a dwelling in an R-1, Single-Family Residential District.

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.

Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

The applicant states that:

We are requesting front and side yard setbacks on Hickory Street and Pecan Street of 12.5 feet and 10 feet respectively to keep the home in line with the others on Hickory Street. Additionally, the front yard setback variance will provide a backyard that is 20 feet 10 inches instead of 8 feet 4 inches thereby making the home more marketable.

Approximately 350'± to the East of the site, a variance was granted by the Board of Zoning Adjustment at its March 3, 1986 meeting to allow the construction of a building with a 14' front yard setback and a 7' side street side yard setback.

While not located in the Historic District Overlay Boundary (HDOB), and therefore not subject to the flexibilities allowed in the Historic District Overlay (HDO), the site is located in The Campground, which is a historic district on the National Register of Historic Places. If the site were within the HDOB, the dwelling would be allowed a reduced front yard setback of 7± feet, and a side street side yard setback of 4.5± feet. As such, it may be appropriate to allow reduced setbacks to keep in character with the existing neighboring homes.

It should be noted that because the site has a metes-and-bounds legal description, either a Subdivision application to create a legal lot or a deed with the current legal description from 1952 or earlier will be required prior to the issuance of a building permit for the site.

RECOMMENDATION:

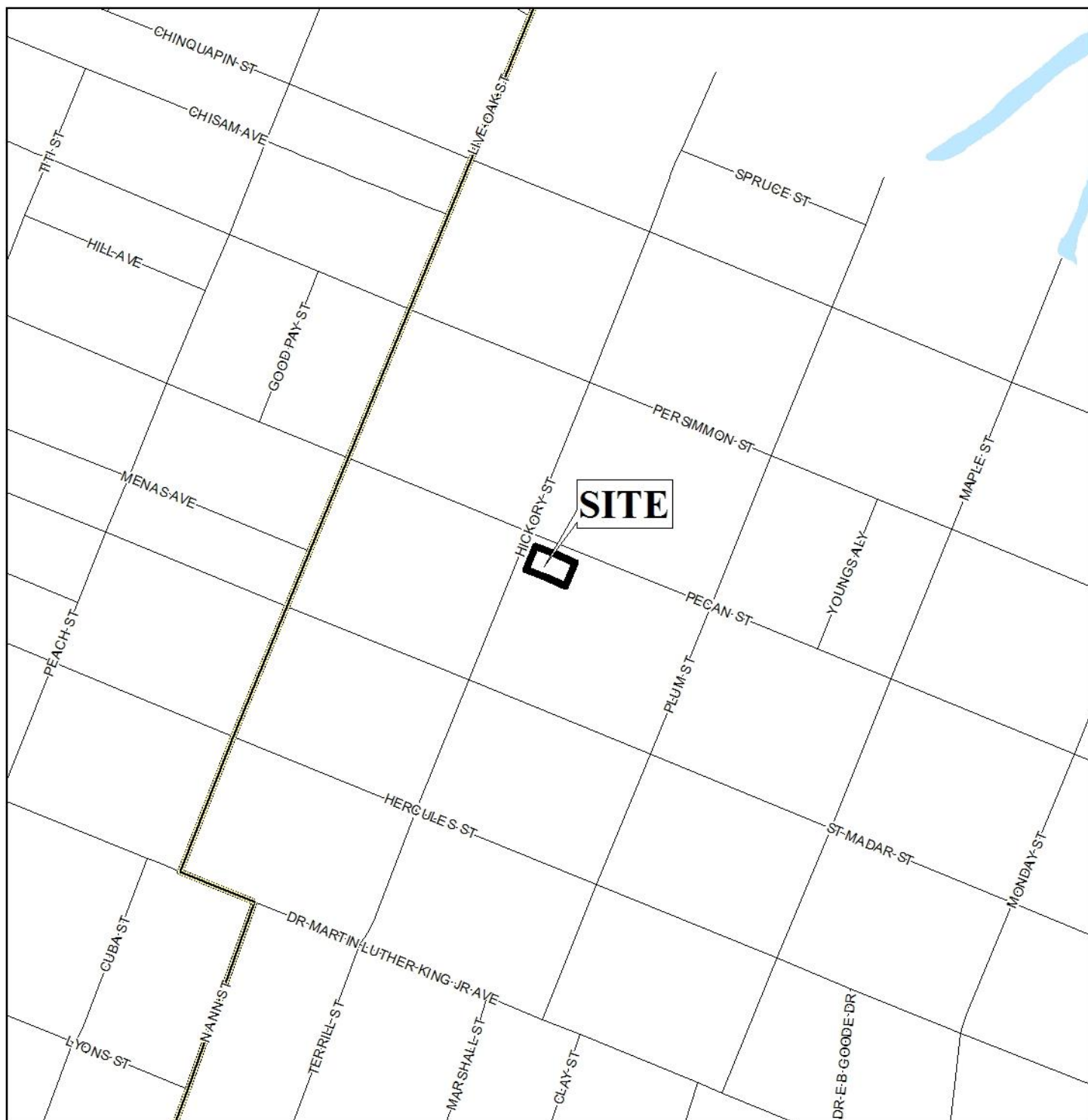
Staff recommends to the Board the following findings of fact for Approval:

- 1) approving the variance will not be contrary to the public interest in that existing dwellings in the area have sub-standard setbacks;
- 2) special conditions do exist and there are hardships which exist in that the site is in a federally listed historic neighborhood, and standard setbacks would result in a dwelling out of character for the area; and
- 3) the spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because the site is in a historic area with similar variances granted in the neighborhood previously.

The approval is subject to the following conditions:

- 1) either completion of a Subdivision or provision of a deed with the current legal description from 1952 or earlier prior to the issuance of a building permit for the site;
- 2) full compliance with all other municipal codes and ordinances.

LOCATOR MAP



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REQUEST Front and Side Yard Variances



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.

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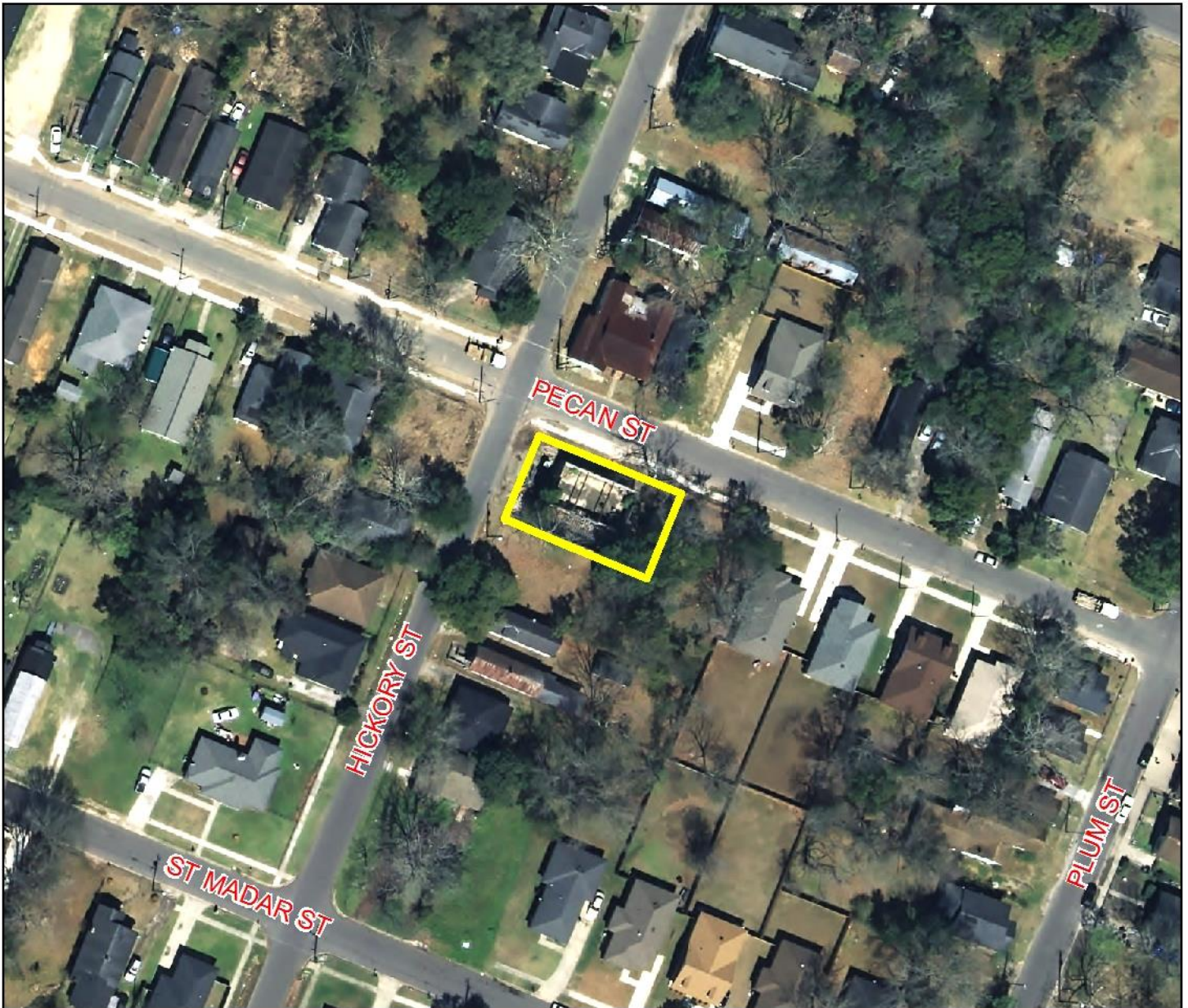
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R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

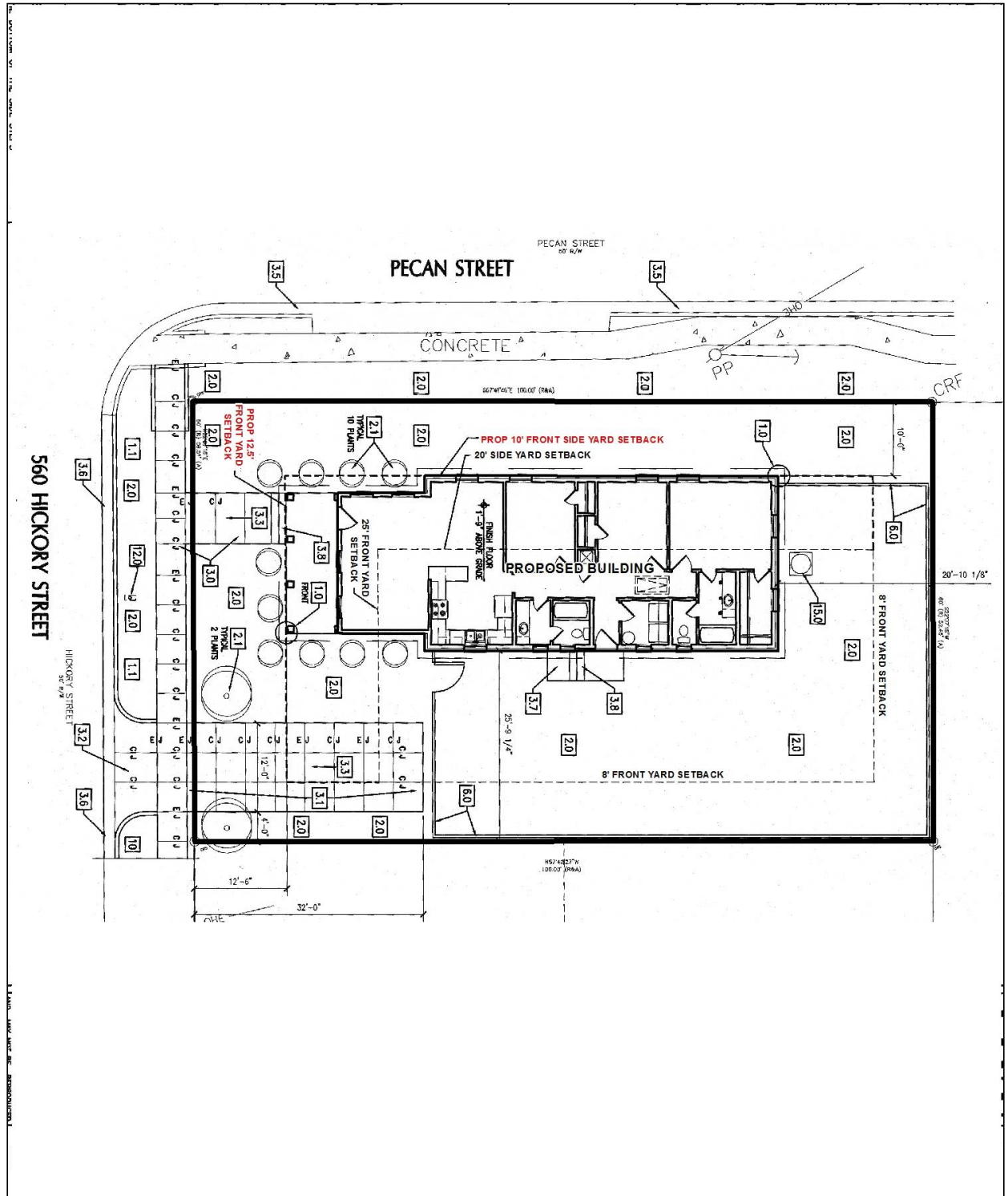


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SITE PLAN



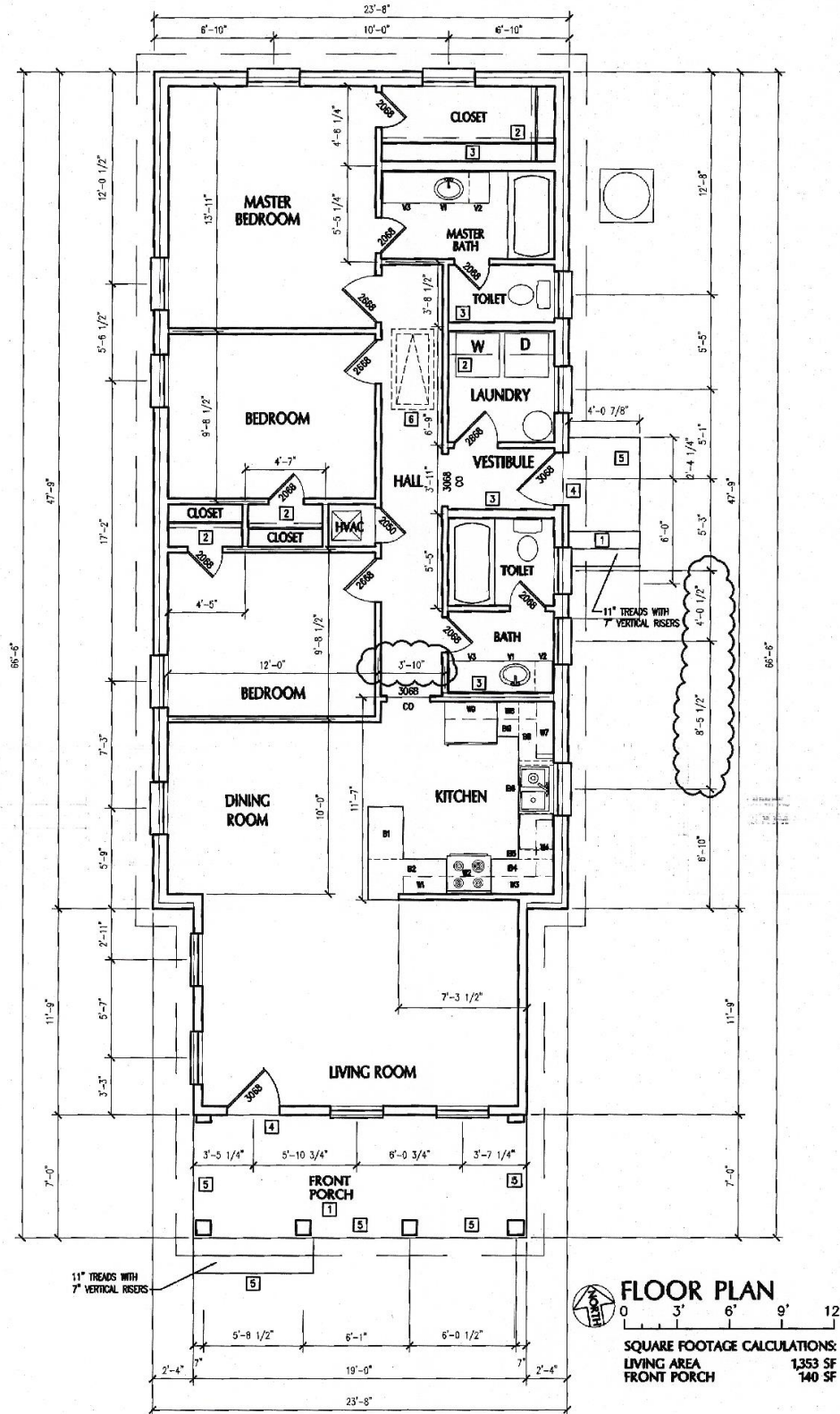
The site illustrates the existing setbacks, proposed setbacks, and proposed building.

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DETAIL SITE PLAN



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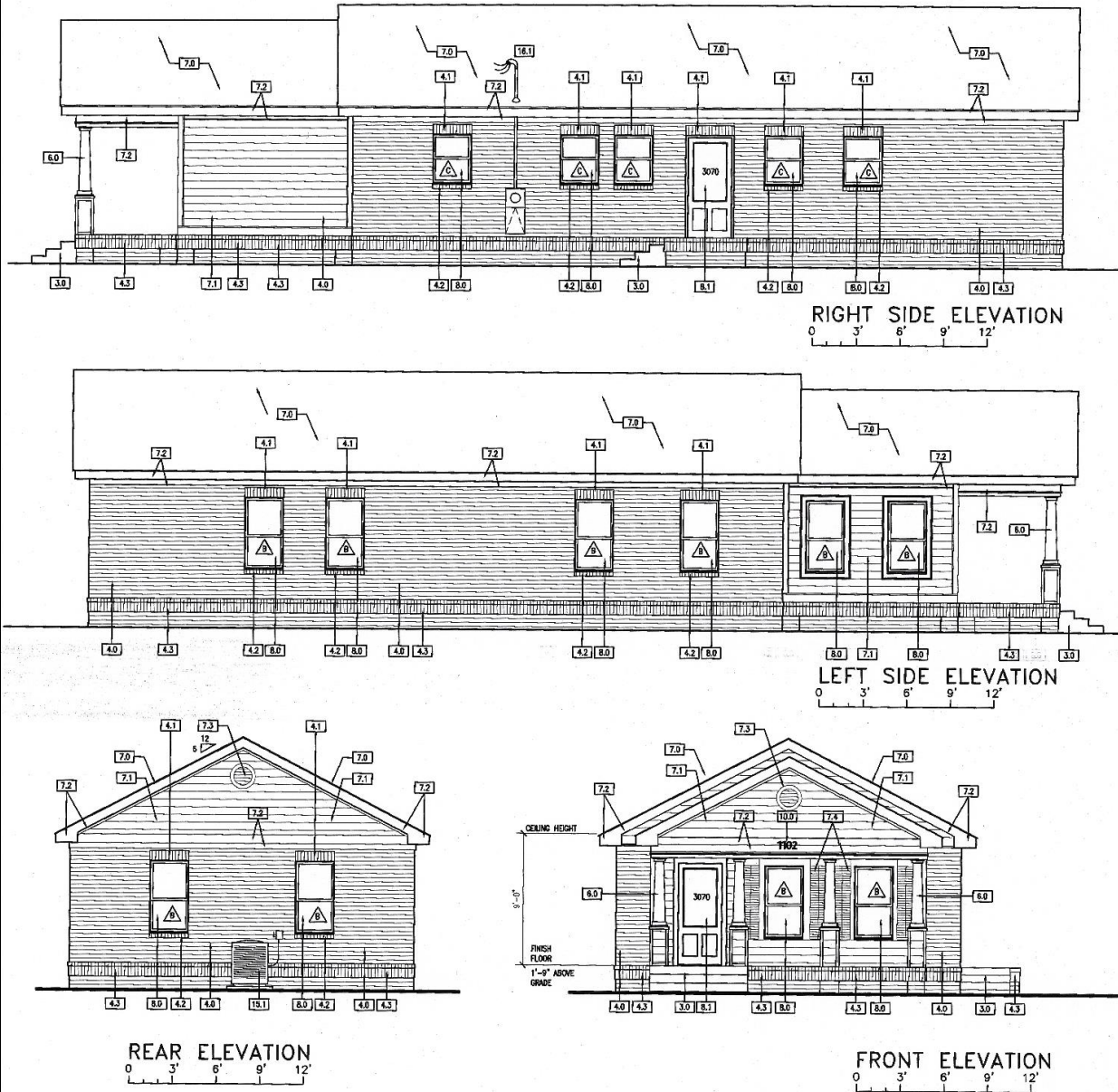
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