

APPLICATION NUMBER

**5163**

A REQUEST FOR

**FRONT YARD SETBACK VARIANCE TO ALLOW A NEW  
DWELLING UNIT TO BE CONSTRUCTED 5' 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

**964 CHURCH STREET**

(North side of Church Street, 100' ± East of Charles Street)

OWNER/APPLICANT

**OAKLEIGH JOINT VENTURE REVOLVING FUND**

**BOARD OF ZONING ADJUSTMENT**

FEBRUARY 2003

The applicant is requesting a Front Yard Setback Variance to allow a new dwelling unit to be constructed 5' 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 states the Oakleigh Joint Venture Revolving Fund intends to build a 1,348 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 Oakleigh Garden Historic District neighborhood.

The residential construction as proposed would further strengthen the existing residential character of the neighborhood, and the Board has been mindful of the unique character of older areas, especially historic districts, when considering site variance applications. Moreover, the Board has been sympathetic in granting variances in the older urban areas and the historic districts of the city, especially when the construction was compatible with the existing structures in the immediate vicinity, and a 5-foot or greater setback is provided.

Furthermore, the brick wall to the West of the proposed development is approximately 4' from the backside of the sidewalk. Moreover, 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.

**RECOMMENDATION 5163****Date: February 3, 2003**

Based upon the preceding, this application is recommended for approval subject to the following condition: 1) the approval of the Architectural Review Board prior to the issuance of any permits.

# BOARD OF ZONING ADJUSTMENT VICINITY MAP - EXISTING ZONING



Located to the south and east of the site are single and multi-family residences. Single-family dwellings, apartments, a church, and various commercial uses are located to the north of the site.

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APPLICANT Front Yard Setback Variance

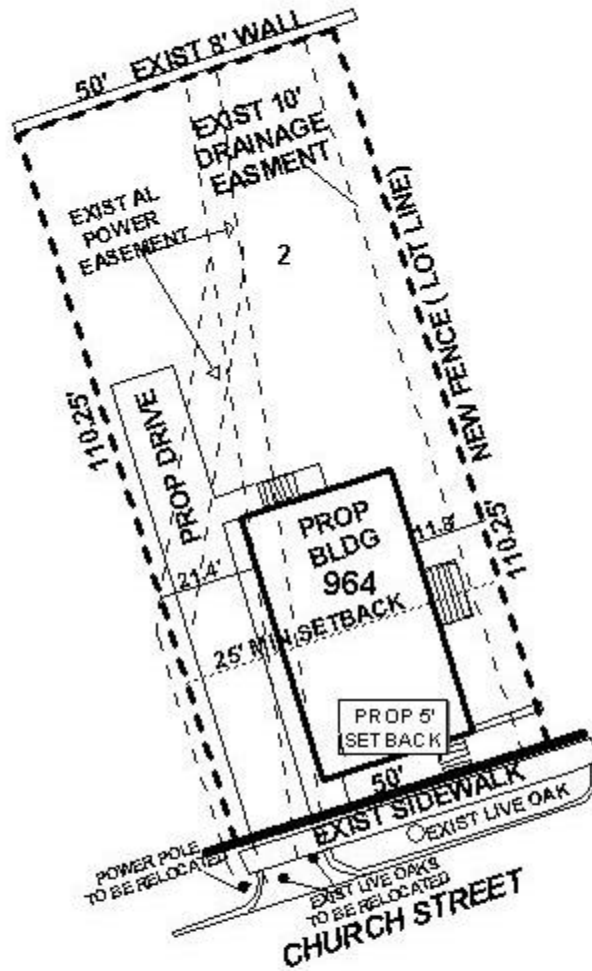
REQUEST Oakleigh Joint Venture Revolving Fund

LEGEND

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



## SITE PLAN



The site plan illustrates the proposed buildings, fencing, landscaping, existing fencing, existing easements and existing landscaping.

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 APPLICANT Oakleigh Joint Venture Revolving Fund  
 USE/REQUEST Front Yard Setback Variance



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