

APPLICATION NUMBER

**5276**

A REQUEST FOR

**FRONT YARD SETBACK AND SIDE YARD SETBACK  
VARIANCES TO ALLOW A NEW DWELLING UNIT TO  
BE CONSTRUCTED 12' FROM THE FRONT PROPERTY  
LINE AND 12' FROM THE SIDE (STREET) PROPERTY  
LINE IN AN R-1, SINGLE-FAMILY RESIDENTIAL  
DISTRICT; A MINIMUM FRONT YARD SETBACK OF 25'  
AND A MINIMUM SIDE (STREET) YARD OF 12.86' ARE  
REQUIRED IN AN R-1, SINGLE-FAMILY RESIDENTIAL  
DISTRICT**

LOCATED AT

**LOT 8, BLOCK 4, FISHER TRACT**

(Northwest corner of Dr. Martin Luther King, Jr. Avenue and Maple Street)

APPLICANT/OWNER

**MLK AVENUE REDEVELOPMENT CORPORATION**

**BOARD OF ZONING ADJUSTMENT**

NOVEMBER 2004

The applicant is requesting Front Yard Setback and Side Yard Setback Variances to allow a new dwelling unit to be constructed 12' from the front property line and 12' from the side (street) property line in an R-1, Single-Family Residential District; a minimum front yard setback of 25' and a minimum side (street) yard of 12.86' is required in an R-1, Single-Family Residential District.

The applicant proposes to build an approximate 1,662 square foot, single-family residence on the lot. The applicant states that the reduced front 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.

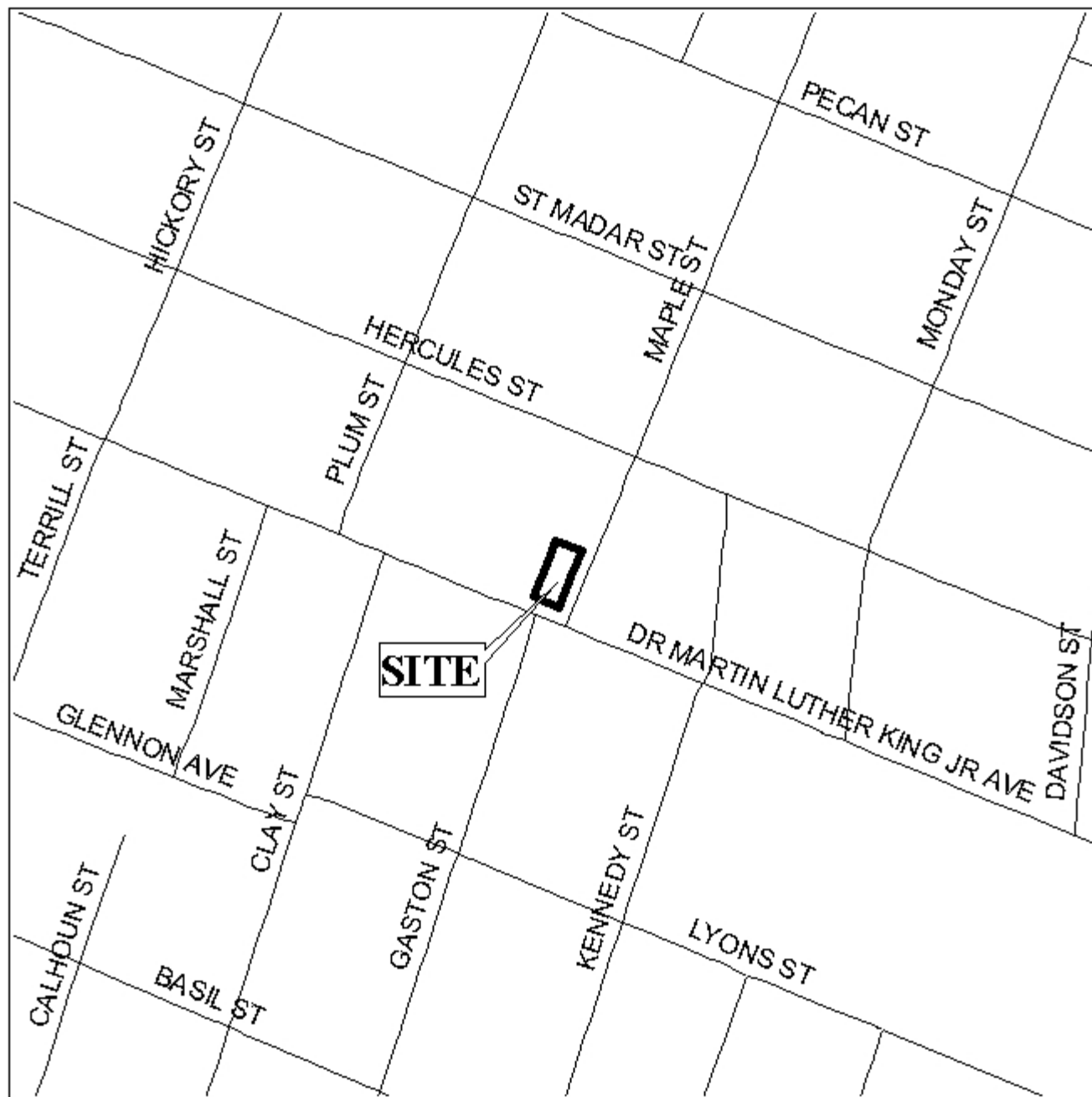
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement 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 correspond to the existing dwellings on adjacent properties and will create a harmonious streetscape along Dr. Martin Luther King, Jr. Avenue.

**RECOMMENDATION 5276****Date: November 1, 2004**

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

## LOCATOR MAP



APPLICATION NUMBER 5276 DATE November 1, 2004  
APPLICANT MLK Avenue Redevelopment Corporation  
REQUEST Front Yard Setback Variance



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential dwellings, with multiple family residential dwellings located to the South.

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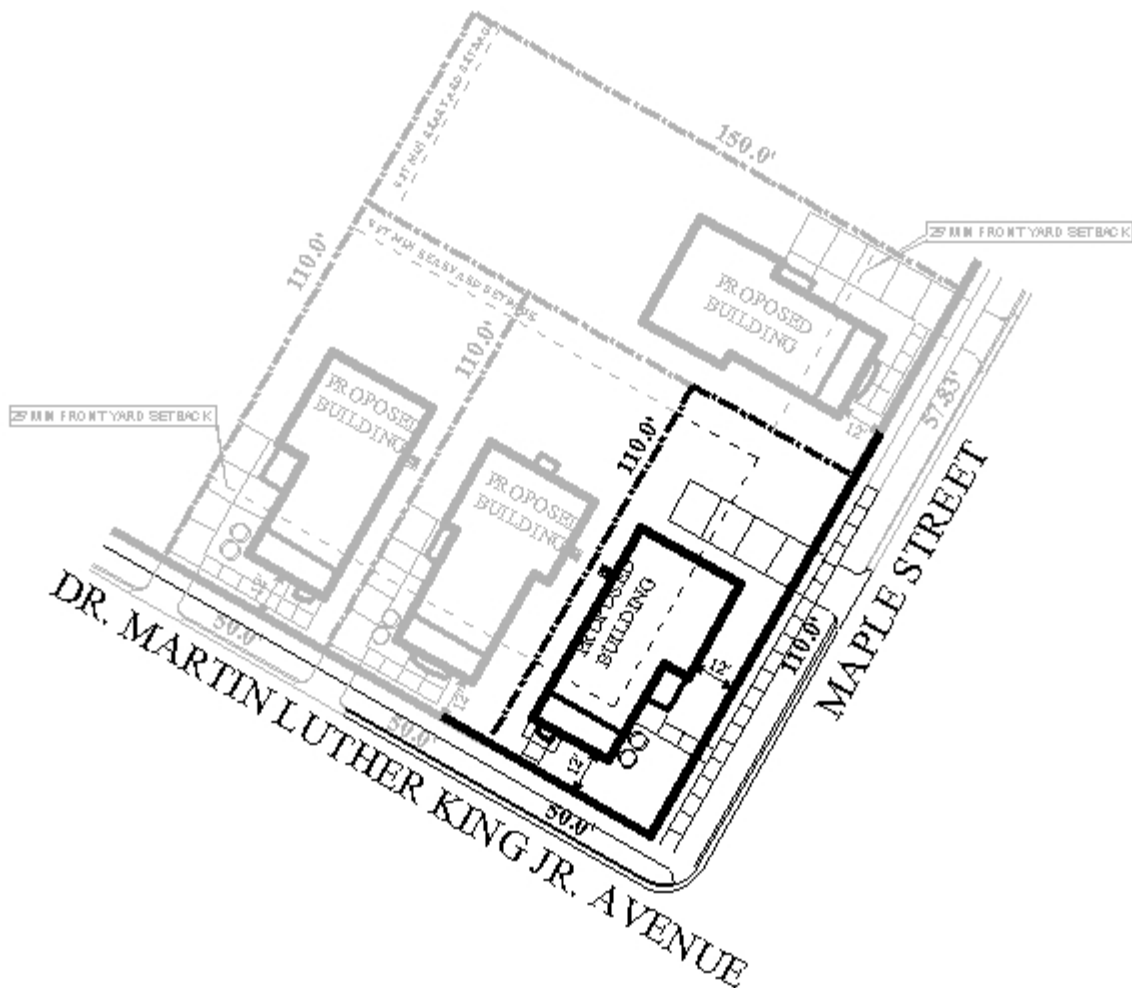
APPLICANT MLK Avenue Redevelopment Corporation

REQUEST Front Yard Setback

LEGEND



# SITE PLAN



The site is located on the Northwest corner of Dr. Martin Luther King, Jr. Avenue and Maple Street. The plan illustrates the proposed structure and front and side yard setbacks.

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REQUEST Front Yard Setback Variance

