

APPLICATION NUMBER

5277

A REQUEST FOR

**FRONT YARD SETBACK VARIANCE TO ALLOW A NEW
DWELLING UNIT TO BE CONSTRUCTED 12' 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-2, TWO-
FAMILY RESIDENTIAL DISTRICT**

LOCATED AT

LOT 9, BLOCK 4, FISHER TRACT

(West side of Maple Street, 110'± North of Dr. Martin Luther King, Jr. Avenue)

APPLICANT/OWNER

MLK AVENUE REDEVELOPMENT CORPORATION

BOARD OF ZONING ADJUSTMENT

NOVEMBER 2004

The applicant is requesting Front Yard Setback Variance to allow a new dwelling unit to be constructed 12' from the front property line in an R-2, Two-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 1,560 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.

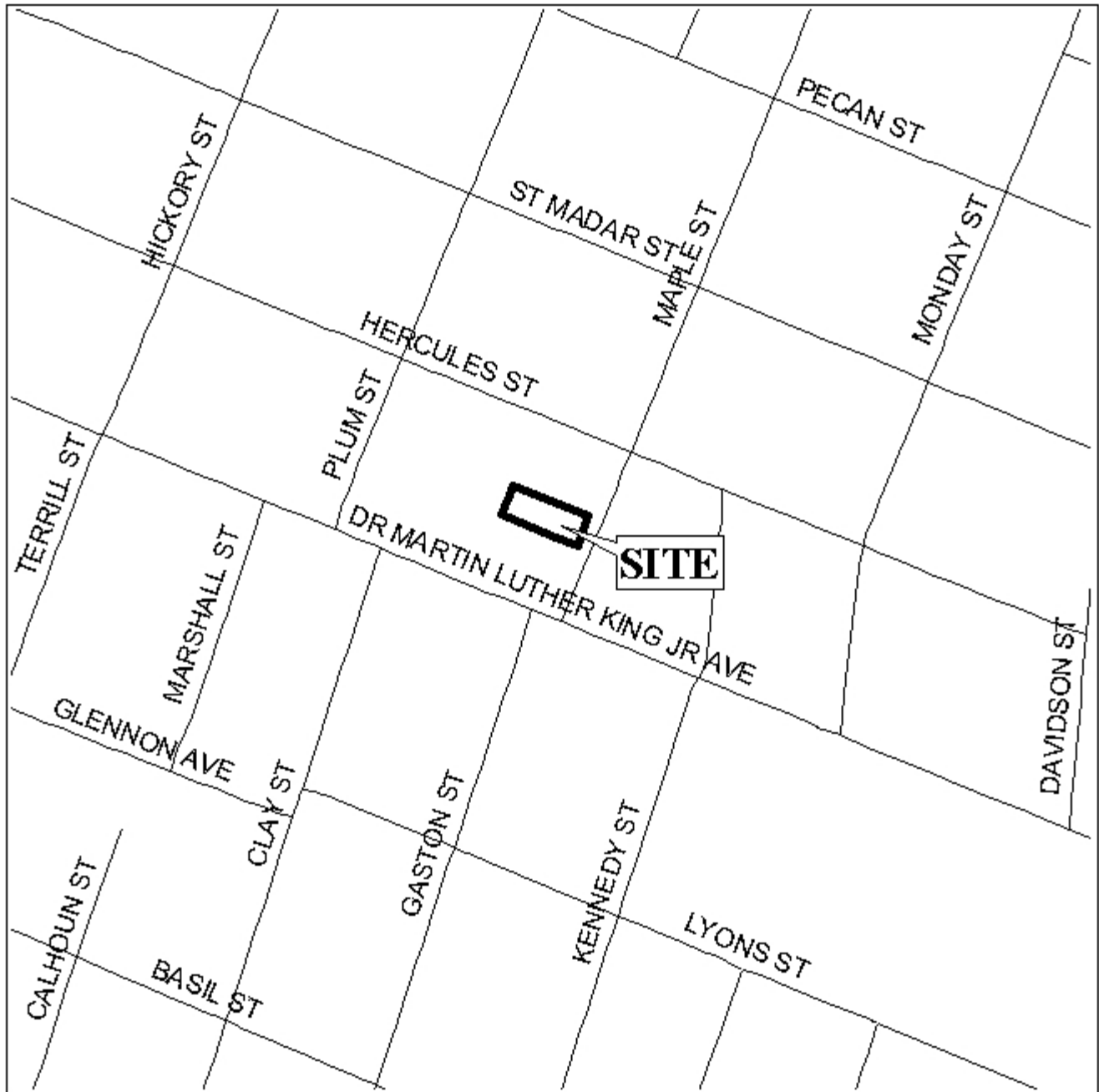
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement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

RECOMMENDATION 5277**Date: November 1, 2004**

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

LOCATOR MAP



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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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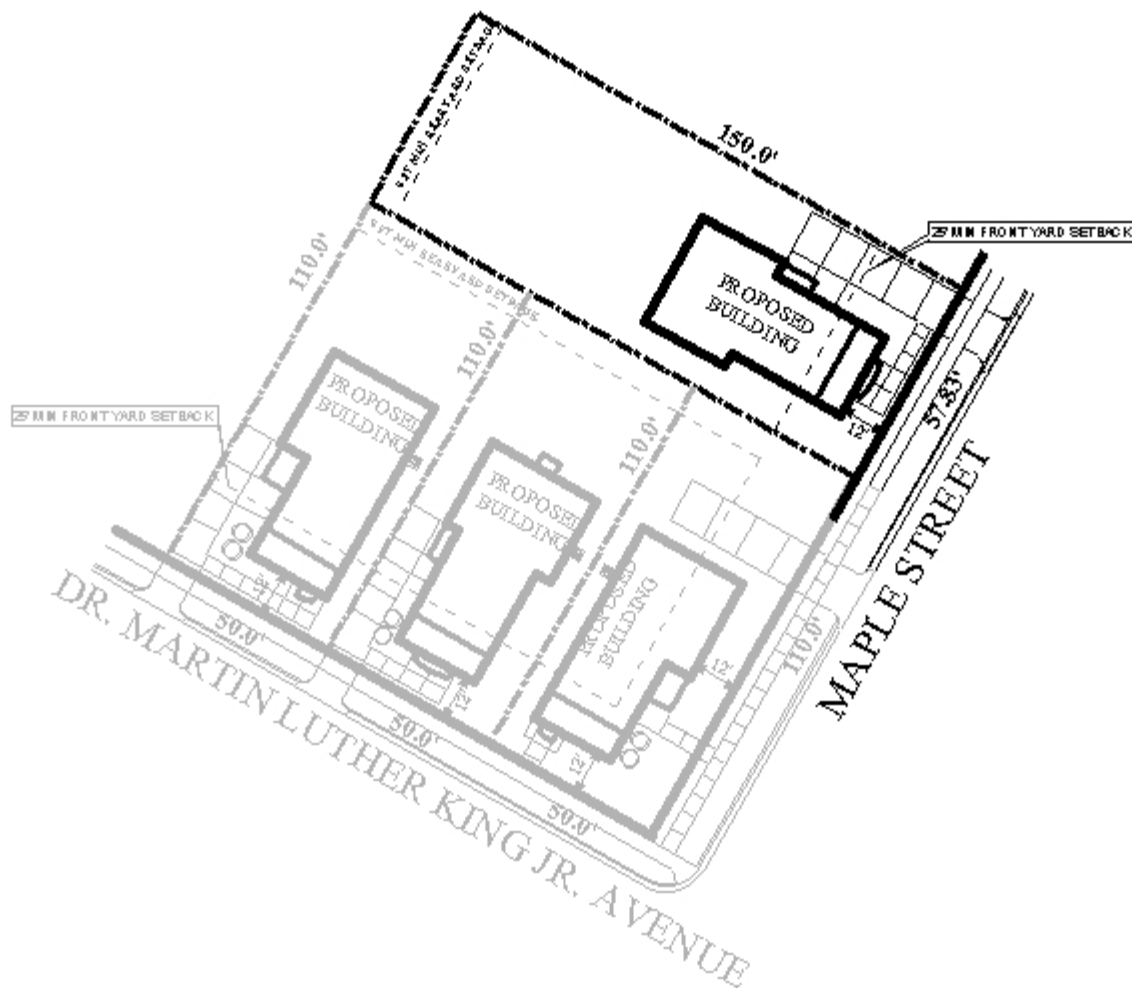
APPLICANT MLK Avenue Redevelopment Corporation

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LEGEND



SITE PLAN



The site is located on the West side of Maple Street, 110' North of Dr. Martin Luther King, Jr. Avenue. The plan illustrates the proposed structure and front yard setback.

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