

APPLICATION NUMBER

5179

A REQUEST FOR

**FRONT YARD SETBACK VARIANCE TO ALLOW A 16' X
38' (608 SQUARE FEET) DECORATING ROOM
ADDITION TO AN EXISTING BAKERY TO WITHIN 5' OF
THE FRONT PROPERTY LINE ALONG SOUTH BROAD
STREET; A MINIMUM FRONT YARD SETBACK OF 25' IS
REQUIRED IN A B-2, NEIGHBORHOOD-BUSINESS
DISTRICT.**

LOCATED AT

750 SOUTH BROAD STREET

(Southwest corner of South Broad Street and Virginia Street)

APPLICANT

MARSTON & ASSOCIATES, INC.

OWNER

FRED J. POLLMAN

BOARD OF ZONING ADJUSTMENT

MAY 2003

The applicant is requesting a Front Yard Setback Variance to allow a 16' x 38' (608 square feet) decorating room addition to an existing bakery to within 5' of the front property line along South Broad Street; a minimum front yard setback of 25' is required in a B-2, Neighborhood Business District.

The applicant states the addition is needed to allow for a decorating room.

The Zoning Ordinance states that any new construction must meet the required minimum 25' building setback. The applicant has not stated why the addition can not be built to meet the setback or that a hardship exists for the property. As there is sufficient room for the building to meet the minimum setback requirement, the addition can be constructed to meet the minimum setback.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Additionally, no variance shall be granted 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.

The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to build the addition five feet from the front property line.

RECOMMENDATION 5179**Date: May 5, 2003**

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

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single- family residential units.
A church and motor pool are located to the east of the
site. A church, nursery, and a salon are located to the
north of the site.

APPLICATION NUMBER 5179 DATE May 5, 2003

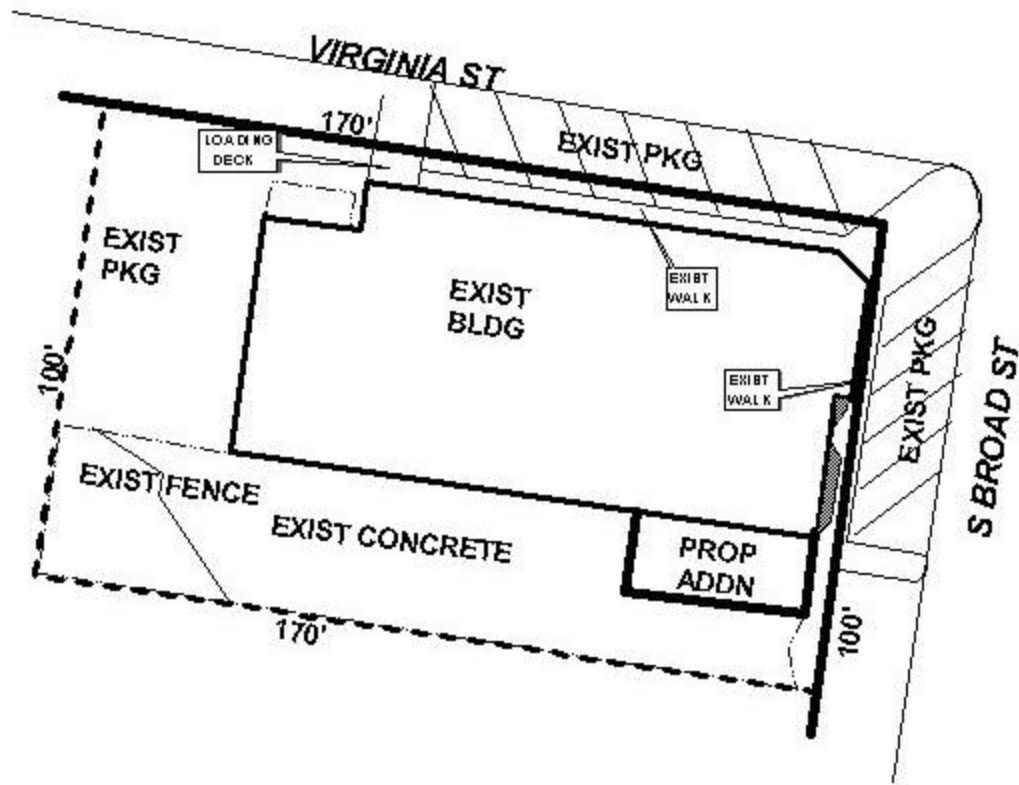
APPLICANT Marston & Associates, Inc. (Fred J. Pollman, Owner)

REQUEST Front Yard Setback Variance

LEGEND



SITE PLAN



Southwest corner of South Broad Street and Virginia Street, the site plan illustrates the existing building, parking, and proposed building addition

APPLICATION NUMBER 5179 DATE May 5, 2003

APPLICANT Marston & Associates, Inc. (Fred J. Pollman, Owner)

USE/REQUEST Front Yard Setback Variance



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