

APPLICATION NUMBER

**5193**

A REQUEST FOR

**USE, OFF-SITE PARKING AND PARKING SURFACE  
VARIANCES TO ALLOW A BED AND BREAKFAST IN AN  
R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT WITH  
AN OFF-SITE, AGGREGATE SURFACE PARKING LOT IN  
A B-1, BUFFER BUSINESS DISTRICT; A BED AND  
BREAKFAST IS ALLOWED BY RIGHT IN A B-1, BUFFER  
BUSINESS DISTRICT, THE ZONING ORDINANCE  
REQUIRES ALL PARKING TO BE LOCATED ON-SITE  
AND THE PARKING SURFACES TO BE ASPHALT,  
CONCRETE OR AN APPROVED ALTERNATIVE PAVING  
SURFACE**

LOCATED AT

**115 PROVIDENCE STREET**

(West side of Providence Street, 230'+ South of Spring Hill Avenue, extending to North  
Catherine Street)

APPLICANT

**B & L ENTERPRISES, LLC**

OWNER

**BARON & LAURIE BENJAMIN**

**BOARD OF ZONING ADJUSTMENT**

AUGUST 2003

The applicant is requesting Use, Off-Site Parking and Parking Surface Variances to allow a bed and breakfast in an R-1, Single-Family Residential District with an off-site, aggregate surface parking lot in a B-1, Buffer Business District; a bed and breakfast is allowed by right in a B-1, Buffer Business District, the Zoning Ordinance requires all parking to be located on-site and the parking surfaces to be asphalt, concrete or an approved alternative paving surface.

The applicant states the dwelling will be used as a Bed & Breakfast facility and to make this facility work they would need at least three guest rooms.

The applicant states that there will be sufficient parking for the three guest rooms plus the required parking spaces for the applicant's vehicles as illustrated on the submitted site plan. Additionally, the applicant states that the owners, will be the only employees, and the hours of operation would be approximately 6:00 PM to 7:00 PM for check in; check out would be around 11:00 AM.

The applicant states that there will not be any negative impacts to the neighborhood as the three vehicles would be arriving periodically and not during school hours or peak travel time in the area.

The applicants submitted subdivision and rezoning application to combine several parcels into one lot and to rezone the site B-1, Buffer Business to allow a Bed and Breakfast facility. At its June 19<sup>th</sup>, 2003 meeting the Commission denied the subdivision and recommended denial of the rezoning application.

As the site is located in the Old Dauphin Way Historic District; any exterior improvements will require Architectural Review Board approval.

Apart from the aesthetic, environmental and drainage concerns of non-paved surface parking lots, there are a number of disadvantages to such surfaces. First, paving allows the striping of the lot, and thus the ability to encourage proper parking and access/maneuvering (i.e. not taking up multiple spaces or aisles). Additionally, paving ensures the provision of adequate parking spaces and maneuvering area as required by the Zoning Ordinance. Moreover, crushed limestone tends to shift and spill beyond the intended boundaries of the lot. The Zoning Ordinance currently requires parking and access/maneuvering areas to be constructed with asphalt, concrete or an approved alternative-paving surface. For the reasons outlined above, aggregate is not an approved alternative parking surface.

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.

In terms of the proposed use, the applicant did not submit any evidence to illustrate a hardship associated with the property that would preclude the structure from being occupied as a single-family residence.

A Bed and Breakfast facility realistically needs two parking spaces to accommodate the residents of the dwelling and one per guest room ; however, if the Use Variance was approved, there is no hardship for the applicant to construct the parking and maneuvering area to the requirements of the Zoning Ordinance.

**RECOMMENDATION 5193****Date: August 4, 2003**

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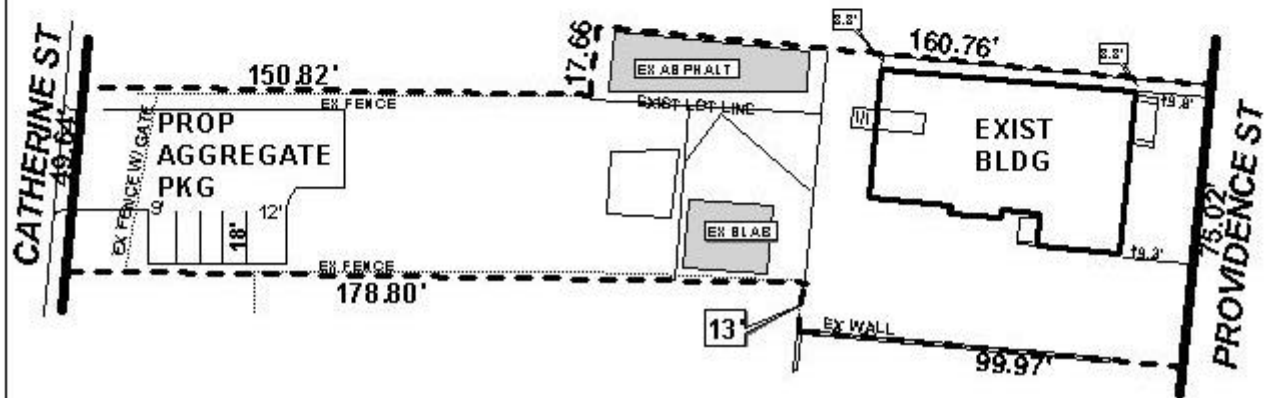
Based on the preceding, it is recommended that this application be denied.

APPLICATION NUMBER 5193 DATE August 4, 2003  
 APPLICANT B & L Enterprises, LLC, (Baron & Laurie Benjamin, Owners)  
 REQUEST Use, Off-Site Parking, and Parking Surface Variance

NTS



## SITE PLAN



West side of Providence Street, 230' South of Spring Hill Avenue, extending to the east side of North Catherine Street, 230' South of Spring Hill Avenue, the site plan illustrates the existing building, pavement, setbacks, proposed parking, and proposed lot subdivision

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NTS