

APPLICATION NUMBER

5228

A REQUEST FOR

**USE AND SUBSTANDARD ACCESS VARIANCES TO
ALLOW A BED AND BREAKFAST, A 12' WIDE
DRIVEWAY, AND AGGREGATE PARKING SURFACE IN
AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT; THE
ZONING ORDINANCE REQUIRES A MINIMUM OF B-1,
BUFFER BUSINESS WITH PLANNING APPROVAL, AND
A 24' WIDE DRIVEWAY**

LOCATED AT

1118 GOVERNMENT STREET

(North side of Government Street, 476' ± West of South Hallett Street)

APPLICANT/OWNER

ENOCH AGUILERA

AGENT

M. DON WILLIAMS, III

BOARD OF ZONING ADJUSTMENT

FEBRUARY 2004

The applicant is requesting Use and Substandard Access Variances to allow a bed and breakfast, and a 12' wide driveway in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum of a B-1, Buffer Business with Planning Approval, and a 24' wide driveway.

The applicant proposes a Bed and Breakfast facility to allow four bedrooms to be used for rental purposes. The applicant proposes to construct a new sidewalk along Government Street, driveway entrance to the site, and asphalt parking to accommodate 6 vehicles. The applicant states that the close proximity of the commercial buildings weigh against the continued use as a single-family dwelling.

A Bed and Breakfast facility realistically needs at least two parking spaces to accommodate the residents of the dwelling and one per guest room available; therefore, the proposed number of spaces would be adequate. Traffic Engineering recommends that the front yard parking/turn-around be moved to the rear of the building, and the driveway width for commercial sites (as measured behind the sidewalk) is 24' with a 20' radius. A 20' radius for typical passenger vehicles and 30' radius for larger trucks are typically desirable and required.

The 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 Zoning Ordinance would result in an unnecessary hardship. A Bed and Breakfast facility is allowed with Planning Commission approval in a B-1 district, and the site is adjacent to B-1, the use is more a zoning issue and not for the board to decide.

RECOMMENDATION 5228

Date: February 2, 2004

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

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Single and multi family residential units are located to the north and south of the site. Various commercial sites are located to the east, west, and south of the site.

APPLICATION NUMBER 5228 DATE February 2, 2004

APPLICANT Enoch Aguilera (Don Williams, Agent)

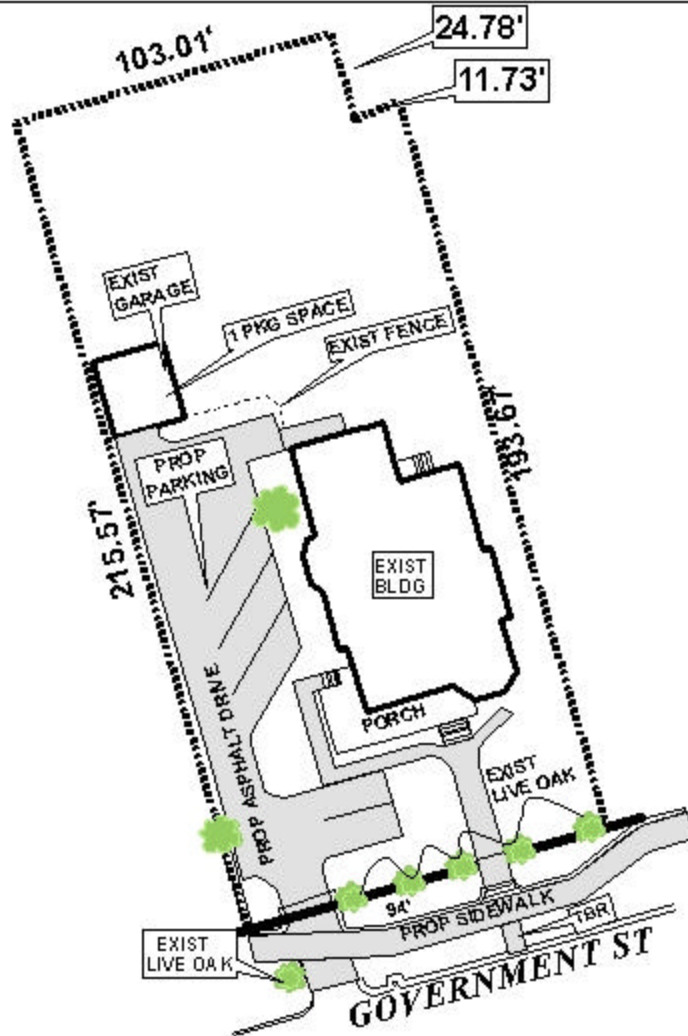
REQUEST Use, Substandard Access, Aggregate Parking Surface Variance

LEGEND



NTS

SITE PLAN



The site plan illustrates the existing buildings, concrete, and landscaping along with the proposed asphalt drive, parking, and proposed sidewalk.

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REQUEST Use, Substandard Access, Aggregate Parking Surface Variance



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