

APPLICATION NUMBER

**5338**

A REQUEST FOR

**USE, PARKING SURFACE AND ACCESS/MANEUVERING  
VARIANCES TO ALLOW A BED AND BREAKFAST IN A  
R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT WITH  
AN AGGREGATE SURFACE PARKING LOT AND TWO  
13' WIDE ONE-WAY DRIVES; THE ZONING  
ORDINANCE REQUIRES B-1, BUFFER BUSINESS WITH  
PLANNING APPROVAL, PARKING SURFACES TO BE  
ASPHALT, CONCRETE OR AN APPROVED  
ALTERNATIVE PAVING SURFACE AND A 24' WIDE  
DRIVE FOR TWO-WAY TRAFFIC**

LOCATED AT

**57 SOUTH CATHERINE STREET**

(East side of South Catherine Street, 107'± North of Brown Street)

APPLICANT/OWNER

**KEN HEYL**

**BOARD OF ZONING ADJUSTMENT**

DECEMBER 2005

The applicant is requesting Use, Parking Surface and Access/Maneuvering Variances to allow a bed and breakfast in an R-1, Single-Family Residential District with an aggregate surface parking lot and two 13' wide one-way drives; the Zoning Ordinance requires B-1, Buffer Business with Planning Approval, parking surfaces to be asphalt, concrete or an approved alternative paving surface and a 24' wide drive for two-way traffic.

The applicant proposes a Bed and Breakfast facility to allow four bedrooms to be used for rental purposes. The applicant proposes to utilize the existing driveway entrance to the site with aggregate parking to accommodate seven vehicles.

The applicant states the dwelling has been used as a private residence for many years and the applicant wishes to open a Bed and Breakfast.

A Bed and Breakfast requires two parking spaces for the dwelling and seven parking spaces per ten guest rooms; therefore, the proposed number of spaces would be adequate and would comply with the Zoning Ordinance requirement of three parking spaces dedicated for the four guest rooms and two spaces for the residents. Traffic Engineering recommends that the driveway width for commercial sites (as measured behind the sidewalk) is 24' with a 20' radius. A 20' radius for typical passenger vehicles.

As stated by the applicant, the dwelling has been used as a residence for many years, and the applicant proposes to live at the site, which would indicate there is nothing unique about the property that prohibits it from being used as a single-family residence.

In regard to the parking surface variance request, 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.

Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

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. It is simply the applicant's desire to have a Bed and Breakfast facility in an R-1, Single-Family Residential district.

**RECOMMENDATION 5338****Date: December 5, 2005**

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

## LOCATOR MAP



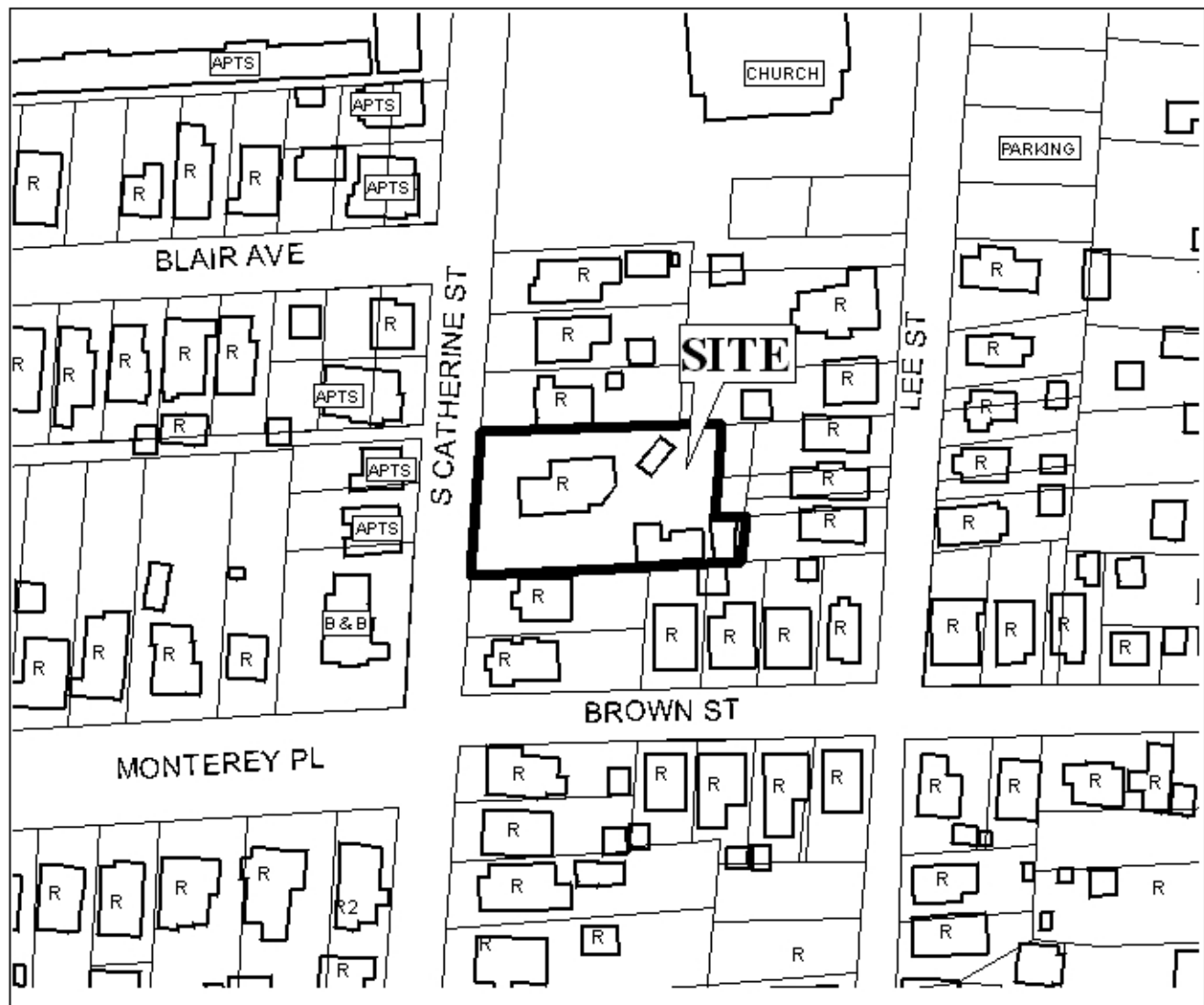
APPLICATION NUMBER 5338 DATE December 5, 2005

APPLICANT Ken Heyl

REQUEST Use, Parking Surface and Access/Maneuvering Variances



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



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

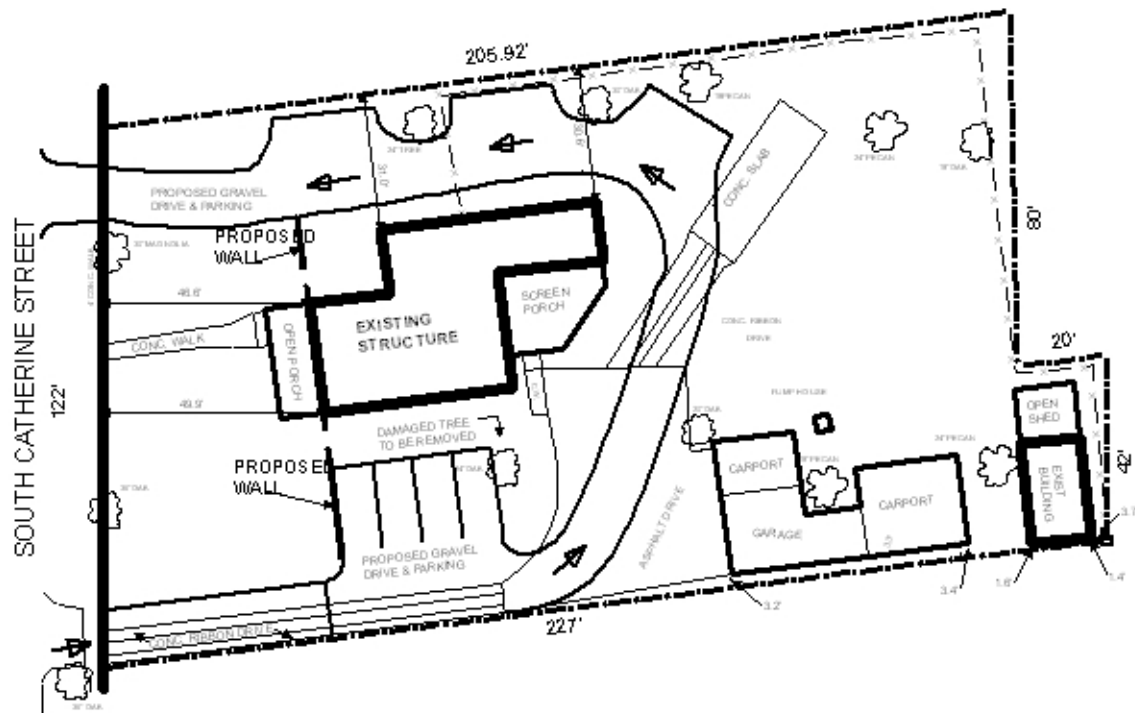
APPLICATION NUMBER 5338 DATE December 5, 2005  
 APPLICANT Ken Heyl  
 REQUEST Use, Parking Surface and Access/Maneuvering Variances

LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2

N  
  
 NTS

# SITE PLAN



The site is located on the East side of South Catherine Street 107' North of Brown Street. The plan illustrates the existing structures along with the proposed drive and parking.

APPLICATION NUMBER 5338 DATE December 5, 2005  
 APPLICANT Ken Heyl  
 REQUEST Use, Parking Surface and Access/Maneuvering Variances

