

APPLICATION NUMBER

5094/4412

A REQUEST FOR

**USE AND PARKING SURFACE VARIANCES TO ALLOW
THE OPERATION OF A RESTAURANT, CONTINUED USE
AS A BED AND BREAKFAST AND TO ALLOW A
LIMESTONE PARKING SURFACE IN AN R-1, SINGLE-
FAMILY RESIDENTIAL DISTRICT; A RESTAURANT
AND BED AND BREAKFAST ARE ALLOWED BY RIGHT
IN A B-2, NEIGHBORHOOD BUSINESS DISTRICT AND
PARKING SURFACES MUST BE ASPHALT, CONCRETE
OR AN ALTERNATIVE PAVING SURFACE.**

LOCATED AT

1306 DAUPHIN STREET

(North side of Dauphin Street, 175' ± West of North Ann Street)

APPLICANT

JUSTINE'S COURTYARD AND CARRIAGEWAY, INC.

BOARD OF ZONING ADJUSTMENT

FEBRUARY 2002

The applicant is requesting Use and Parking Surface Variances to allow the operation of a restaurant, continued use as a bed and breakfast, and to allow a limestone parking surface in an R-1, Single-Family Residential District; a restaurant and bed breakfast are allowed by right in a B-2, Neighborhood Business District and parking surfaces must be asphalt, concrete or an alternative paving surface.

The applicant states that the purpose of this application is to use the first floor of the building as a restaurant and continue to use the second floor as a bed and breakfast. The first floor restaurant would consist of approximately 3,903 square feet of dining area and a 994 square foot detached building to be used as the kitchen for the restaurant.

The applicant states that the hours of operation for the restaurant will be Sunday through Friday for lunch from 11:00 AM to 2:00 PM and dinner on Sunday through Saturday from 5:00-10:00 PM. They will have approximately 30 employees and estimate to serve approximately 100 customers per day.

The applicant goes on to state that having a restaurant at this location will further enhance the smart growth that Midtown has experienced over the last ten years and add to the neighborhood services that are vital to retaining a strong neighborhood community.

The site was granted a variance to operate a bed and breakfast in November 1993, with the following conditions: 1) that the residential character be maintained; 2) that the dining facilities be available only to guests of the bed and breakfast, and not open to the public; and 3) that four live oaks (2" DBH) be planted in the neutral ground between the sidewalk and the street, exact location to be determined by the Urban Forester. The applicant proposes to maintain the bed and breakfast, but only on the second floor. As this property is developed with a historic home, the residential character of the primary structure should be maintained, and it should be noted that the required four live oaks were planted.

Regarding parking, the applicant proposes to remove the existing 1,500 square foot building, and fill in the swimming pool to make way for a limestone parking lot. The proposed number of parking spaces would comply with the requirements of the Ordinance. Furthermore, historic district review boards have shown a preference for gravel parking areas. However, there are problems associated with these types of parking lots such as gravel "creeping out" of the designated parking area, and no delineation of parking stalls. Therefore, if gravel parking is approved, the gravel parking area (including the driveway) should be contained with a concrete curb and individual parking stalls should be delineated with bumper stops.

The site is located in the Old Dauphin Way Historic District and any improvements would require Architectural Review Board approval. The Old Dauphin Way Association

has submitted a letter stating that they are in favor of the restaurant and bed and breakfast. The letter also states that they have polled residents in the neighborhood, as well as other historic districts, and all have been favor.

Although a restaurant would be a more intensive use of the property, the property was occupied with a restaurant/boarding house (prior to the bed and breakfast variance), which served meals to the public. Additionally the use of large homes as restaurants and bed and breakfasts are typical in older cities. With the provision of buffering, in compliance with Section IV.D.1.a-d, any negative impacts to the neighborhood should be reduced.

Traffic Engineering conducted a site plan review and determined that the provision of cul-de-sac should be incorporated into the parking plan. The reason is that as parking spaces are occupied, and incoming traffic reaches the end of the parking lot, they would not have a place to turn around and exit.

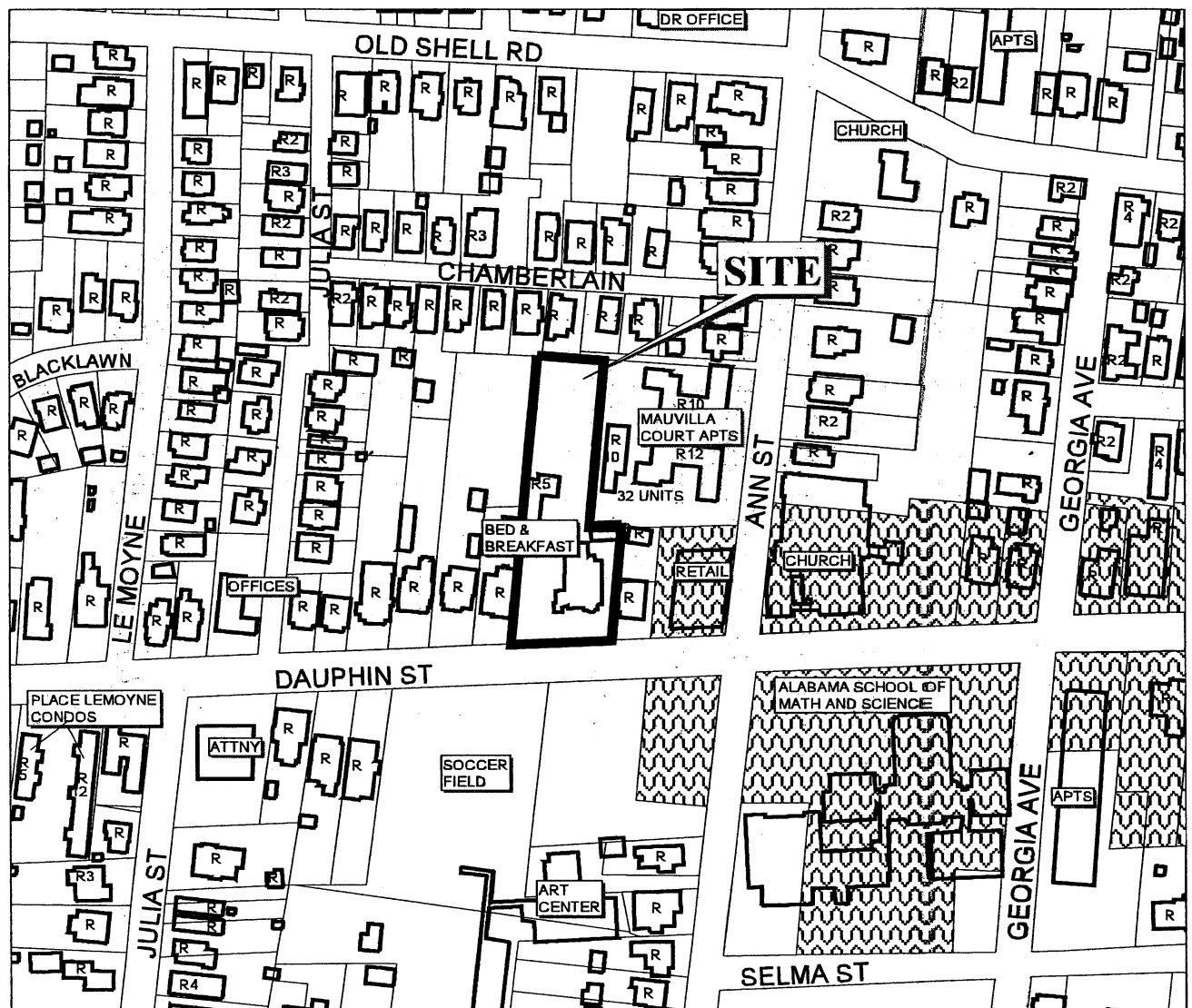
The Zoning Ordinance states that when lighting facilities are used for parking areas, they shall be so arranged that the source of light does not shine directly onto adjacent residential properties or into traffic.

Another concern is the emptying of the dumpster; this activity should be limited to 8a.m. to 8 p.m. during the weekdays, so as not to disturb the residential neighborhood.

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.

Based upon the preceding, this application is recommended for approval subject to the following conditions: 1) that the residential character of the primary structure be maintained; 2) that the proposed gravel parking area (including driveways) be curbed and contain bumper stops to delineate parking stalls; 3) the provision of buffering, in compliance with Section IV.D.1.a-d.along the West, North and East property lines; 4) the approval of the Old Dauphin Way Review Board for all external modifications; 5) the provision of a cul-de-sac at the end of the parking lot with the design to be approved by the Traffic Engineering Department; 6) the lighting facilities for the parking lot be arranged so they do not shine onto adjacent residential property or into traffic in accordance with Section IV.A.1 of the Zoning Ordinance; and 7) the emptying of the dumpster to be between the hours of 8 a.m. to 8 p.m. during the weekdays.

BOARD OF ZONING ADJUSTMENT VICINITY MAP - EXISTING ZONING



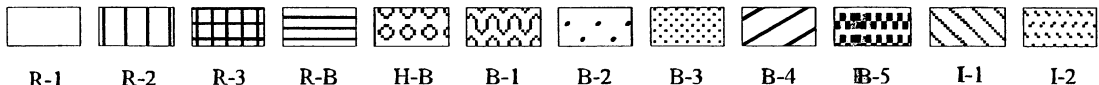
Located to the North and West of the site are single and multiple family residential dwellings; to the East is an apartment complex and single family residential dwellings. Located to the South of the site is a soccer field.

APPLICATION NUMBER 5094/4637/4412 DATE February 4, 2002

APPLICANT Justine's Courtyard and Carriageway, Inc.

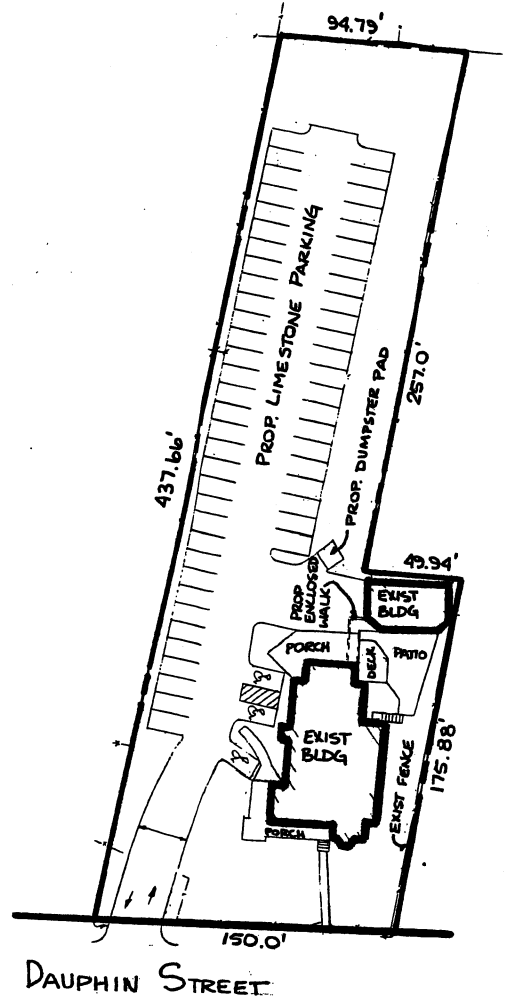
REQUEST Use and Parking Surface Variances

LEGEND



NTS

SITE PLAN



The site is located on the North side of Dauphin Street, 175' West of North Ann Street. The plan illustrates the existing structures along with a proposed limestone parking area.

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 USE/REQUEST Use and Parking Surface Variances

