



### CITY COUNCIL AGENDA ITEM

**To:** Mayor Graham and City Council  
**From:** Ted Shekell, Planning Director  
Walter Denton, City Administrator  
**Date:** December 17, 2007  
**Subject:** A **MOTION** to confirm the decision of the Zoning Hearing Officer to approve four variances to the parking & landscaping requirements for a real estate office in the B-1 District for the subject property at 622 S. Lincoln.

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**List of committees that have reviewed:** The Community Development Committee reviewed and unanimously concurred with the Zoning Hearing Officer's decision to approve variances to the parking & landscaping requirements for a real estate office in the B-1 District for the subject property at 622 S. Lincoln. The City Council has 21 days right-of-review of the ZHO's decision, which would end on December 28, 2007. If the full Council is in agreement with the decision, then it could decide to not vote on the matter at the Council meeting, and in doing so the ZHO's decision becomes automatically effective on Dec 28, 2007.

**Background:** The Zoning Hearing Officer ruled to approve ZHO2007-33, a petition requesting variances to the parking & landscaping requirements for a real estate office. The subject property is zoned "B-1" Community Business District, although the current use is residential. The subject property is a legal non-conforming use because it was a residence before it was zoned for commercial and it continues to be a residence. The petitioner wishes to operate a real estate office on the site, and therefore a parking lot must be installed. The subject property is too small to construct a parking lot that meets the City's requirements for off-street parking. Also, the petitioner cannot meet the landscape buffer requirements between the adjacent residential-zoned property to the east. The ZHO granted the four variances with the following conditions:

1. Request 4 parking spaces instead of 5 spaces;
2. Provide between 2 ft and 5 ft landscaped buffer around the parking lot per the plans submitted to the City instead of a 7 ft minimum grassy as is required between where the parking lot ends and the property line ends;
3. Provide between 2 ft and 6 ft separation between the street right-of-way and the parking stalls per the plans submitted to the City instead of the require 20 ft; and,
4. Provide 3 ft "Class A" Structural Buffer to the east of the property instead of the 10 ft as is normally required between B-1 and SR-3 zone districts.

**Legal Considerations, if any:** None

**Budget Impact:** None

**Staff Recommendation:** Staff recommends the Council take no vote and allow the ZHO's decision to become effective on Dec 28, 2007. Otherwise, if the Council wants to formally reconsider the ZHO's decision, the Council's options would be as outlined in the recommendations for the 719 South Vine kennel variance.