



### CITY COUNCIL AGENDA ITEM

**To:** Mayor Graham and City Council  
**From:** Ted Shekell, Planning Director  
Walter Denton, City Administrator  
**Date:** January 19, 2010  
**Subject:** A **MOTION** to affirm the decision of the Zoning Hearing Officer to deny Zoning Variance to allow rock driveways instead of concrete or asphalt driveways in an SR-3 zone district at 302 East Jefferson

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**List of committees that have reviewed:** The Community Development Committee reviewed and unanimously concurred to affirm the decision by Steve Wiggington, the City's Zoning Hearing Officer, to deny her request for Zoning Variance at the CD Committee meeting on January 11, 2010 with the following amendment:

*"The petitioner will be required to pave the driveway off of Penn Street within 6 months and to pave the driveway off of the alley within 12 months."*

As a point of clarification, the deadline to pave the driveway off of Penn Street would be July 1, 2010, and the deadline to pave the driveway off of the alley would be January 1, 2011.

**Background:** The applicant, Annette Hughes, owner of 302 E. Jefferson, is requesting a variance to allow her two new driveways to her newly constructed 1,300 sq. ft metal pole barn to be left gravel rather than pave them as the City's ordinance requires for new driveways (existing gravel driveways are grandfathered). She also stated on her permit that she would demolish the existing garage. The City's ZHO denied the Zoning Variance to allow rock driveways instead of concrete or asphalt driveways in an SR-3 zone district at 302 East Jefferson on January 5, 2010.

The applicant has provided additional information in the Council packet regarding four other garages that have been built in recent years which she claims do not have paved driveways. Two of these accessory buildings are workshops and not used for vehicle parking, therefore they don't require paved driveways. One was an existing gravel driveway, and the City believed there was clear justification for the enclosing of her existing carport off the existing gravel driveway and coordinated an acceptable resolution of this with the homeowner. The fourth was a new garage that directly accessed an existing alley, and the driveway was approximately 10' in length. In hindsight, we probably should have required that short section to be paved.

The City Council has 21 days right-of-review on the decision, which would end on January 26, 2010. The findings of fact and decision are attached for your review.

**Legal Considerations:** None

**Staff Recommendation:** Staff recommends affirming the Zoning Hearing Officer's decision to deny the variance, as amended above. The applicant would be granted 6 months to pave the main driveway to Penn Street and 12 months to pave the driveway to the alley, with the applicant required to fully comply with the requirements of her permit application and all other applicable building and code enforcement ordinances.