

58 [RLH CO 14-3](#)**Appeal of Mary Montgomery to a Correction Order at 898 LINWOOD AVENUE.**

Legislative Hearing Officer Marcia Moermond gave a staff report on the appeal of a correction order for a driveway. She displayed a photograph of the driveway, said the two issues being appealed were the gravel surface and a front yard parking surface. She recommended allowing the gravel service but disallowing front yard parking, which would require modification of the existing driveway.

In opposition:

Property owner Mary Montgomery acknowledged Ms. Moermond for her good work, but said she disagreed that there was front yard parking on her property. She said the zoning code defined front yard parking as a measured space 9 feet wide by 18 feet long and set back 4' from the front property line. She said hers was curved and specially designed with a laser, and opened up wide at the beginning, narrowed down, and opened up wide again. She said it was 16' 7" wide at the apron and only 16' 5" long in the area being called front yard parking. She cited zoning code stating that parking was allowed on an approved driveway in a front or side yard provided the driveway lead to a legal parking space, and she said her parking space was designed to allow someone to drive straight to the back of property. She said the narrow part of the driveway was 10' wide and the remaining 6' was not a legal parking width. She said he driveway was designed before the 2009 code addressing driveway width, and there was nothing in the code that supported not being able to park on a driveway that lead to a legal parking space. She said the curb cut put in as part of the RSVP served as a permit, and at the time the driveway was put in there was no moratorium on width or driveways. She asked that the Council not take away her right to park on her legal driveway. She distributed photographs of the property.

John Hardwick (1901 W. 155th Street, Burnsville), former zoning staff member, said Ms. Montgomery's driveway was legally nonconforming at the time he worked in the department and the curb cut provided by the Public Works department was consistent with the standards and procedures developed for the RSVP. He urged the Council to consider the fact that it was a legal driveway, and said the code allowed parking on a legal driveway as long as it lead to a legal parking space, which in this case was a garage. He showed photographs of the property and said it was attractive and well-kept. He said the gravel and parking in the front yard were no different from what many people throughout the City did and certainly didn't affect the appearance or aesthetics of the property. He urged the Council to grant the appeal.

Councilmember Thune moved to close the public hearing. Yeas - 7 Nays - 0

Councilmember Thune said she was sympathetic because aesthetically it looked very nice, but he felt it extended just a shade too much in the front yard. He moved to adopt Ms. Moermond's recommendation.

Adopted (variance granted for gravel driveway conditioned on no front yard parking)

Yea: 7 - Councilmember Bostrom, Councilmember Brendmoen, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune and Councilmember Tolbert

Nay: 0