

**MINUTES
ZONING BOARD OF ADJUSTMENT
DECEMBER 6, 2011
5:30 P.M.
CITY HALL COUNCIL CHAMBERS**

Present: George Fisher, Larry Wolf, and Jane Reischauer.

Excused: Rochelle Conway and Jim Edgmond.

Staff Present: Steve Boka, Director of Community Development
Stephanie Oien, Office Coordinator, Community Development.

Chairperson Fisher called the meeting to order at 5:35 p.m. Fisher read the Mission Statement. He informed the appellants that there were only three members present and they could choose to table their case until January when more members may be present.

Appeal Case No. 888, filed by Beth A. Nietzel, to continue operating a small beauty salon at 205 East 8th Street without a residency requirement. Jon and Beth Nietzel, 203 East 8th Street, were present to discuss their request. At the request of Fisher, Boka provided some history on the property. In November 2000, the Nietzels petitioned the Zoning Board of Adjustment to convert the residence at 205 East 8th Street to a salon (Conditional Use Case No. 223). The Board approved their request provided that their lots at 203 and 205 East 8th Street were tied together. In May 2001, the Nietzels came before the Board again. While remodeling at 205 East 8th Street they found the house to have severe termite damage and had to demolish the structure. They appealed the setback requirements to use the existing foundation for a new structure (Appeal Case No. 812). At the meeting it was determined that if they could meet setback requirements they could construct a single family residence without the need for a variance. They opted to withdraw their request for a variance and built a new structure on a new foundation that met the setback requirements. Fisher asked to clarify that the structure is a residence that is being used as a salon. Beth Nietzel responded that they had built a single family dwelling that is used as a salon and could be switched back to a dwelling. Fisher stated that he was conflicted with establishing a precedence of a spot business zone within a residential zone. He wanted some sort of assurance that the structure would become a residence again. Beth replied that the only thing changing would be her residence. Upon her retirement, the salon will be returned to a residence. Jon Nietzel stated that they would be comfortable putting this condition in writing if needed. He added that the salon is centrally located for her clients. Wolf asked Boka how important the prior decision was. Boka answered that the Board struggled with the decision. The original condition was that the properties be tied together and sold together. He continued that now there will be a remote owner operating a business in a residential area. Tressa Townsend, 201 East 8th Street, stated that one large advantage of having the salon was an increase in safety in the neighborhood. Beth's daily presence seems to deter mischief. She added that they have had property stolen from their home at night and feels Beth being at the salon during the day has added some security. Richard Townsend, 201 East 8th Street, noted the salon had brought a better clientele to the neighborhood. Nona Jarrett, 803 Sycamore Street, told the Board that the Nietzels were great neighbors and very helpful. Jon noted that they plan to stay at their residence for an additional 2-3 years before they

build a new home. Reischauer asked if the City would be able to enforce the agreement. Boka replied that the minutes would reflect the agreement made and it would be enforceable from there. Beth noted that they have improved the neighborhood by building the new structure and remodeling their current residence. Fisher made a motion to approve the request provided that once the business is closed and Beth retires, it will revert back to a single family residence. Second by Wolf. All ayes, motion carried.

Minutes: Reischauer motioned to approve the minutes from the November 1, 2011, meeting; seconded by Wolf. All ayes, motion carried.

Adjourned.

Respectfully Submitted,

Steve Boka, Secretary
Director of Community Development

ATTEST:

George Fisher
Chairperson