

**Summary of Minutes  
Jacksonville Zoning Board of Appeals  
April 5, 2023**

Zoning Board of Appeals Member Casey Collins called the monthly meeting of the Jacksonville Zoning Board of Appeals to order at 6:11 p.m. The agenda and petition were published with the local media and by posting at the Municipal Building.

**ROLL CALL:** Answering present were: John Heyer – Secretary, Casey Collins, Kerris Osborn, Nick Little; City Attorney Dan Beard; City Clerk Skip Bradshaw. Absent from the meeting were members Michael Oldenettel – Chairman, Aaron Scott, Brad Cors. Also in attendance was Community Development Director Brian Nyberg. A quorum was declared.

**MINUTES:** Motion was made by Heyer, seconded by Little, to approve the February 1, 2023 Zoning Board of Appeals Meeting Minutes as presented in advance. **By voice vote, motion carried.**

Commissioner Collins read Item #3 on the Agenda. **Review petition for variance to property located at 201 West Morgan Street regarding a sign. Property is zoned B-2. Application by David Rain.** CC Bradshaw swore in David Rain to represent this petition. Mr. Rain stated that when he purchased the building his intent was to place three signs along the front of the building, which he feels would be more aesthetically pleasing. He is in need of a variance because the zoning ordinance only allows for two signs on the building. There is also lighting available for three signs. CDD Nyberg stated that there have been many businesses in this location that have had three signs but he was unable to find where a variation was ever granted. This request is to ensure that the property is in compliance and that the variation is recorded properly.

Commissioner Collins asked for further discussion, or if there was anyone in attendance to speak in favor of, or opposition to, this request and there were none. Motion was made by Little, seconded by Heyer, to approve this request based upon the findings of fact in Section 11.3-4 of the Zoning Ordinance, number 1-4, that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations of the district in which it is located provided, however, that granting of variations in respect to the classification, regulation and restriction of the location of trades and industries and the location of buildings designed for industrial, business, residential and other uses shall not be permitted, if such industrial, business, residential or other uses are not permitted in the district in question; that the plight of the owner is due to unique circumstances; that the variation, if granted, will not alter the essential character of the locality; and that the granting the variation desired will not violate the general spirit and intent of this ordinance.

**ROLL CALL: 4 Yeas; 0 Nays; 3 Absent (Oldenettel, Scott, Cors)**  
**Motion carried 4-0-3.**

Commissioner Collins read Item #4 on the Agenda. **Review petition for variance to property located at 1202 East Railroad Street regarding the height of a fence. Property is zoned R-3. Application by Paul Boyd.** There was no one in attendance to represent this petition. The Board decided, however, to vote on the request because Mr. Boyd is only asking for an increase to the height of the fence, not for any setback variations, and because it does not appear that the increased height would obstruct vision.

Commissioner Collins asked for further discussion, or if there was anyone in attendance to speak in favor of, or opposition to, this request and there were none. Motion was made by Heyer, seconded by Little, to approve this request based upon the findings of fact in Section 11.3-4 of the Zoning Ordinance, number 2-4, that the plight of the owner is due to unique circumstances; that the variation, if granted, will not alter the essential

character of the locality; and that the granting the variation desired will not violate the general spirit and intent of this ordinance.

**ROLL CALL: 4 Yeas; 0 Nays; 3 Absent (Oldenettel, Scott, Cors)**  
**Motion carried 4-0-3.**

**OTHER BUSINESS:** No discussion.

**PUBLIC COMMENT:** No discussion.

**ADJOURNMENT:** With no further discussion motion was made by Osborn, seconded by Heyer, to adjourn the meeting at 6:17 p.m.

Recorded by City Clerk Skip Bradshaw.