

DEWITT CITY COUNCIL SPECIAL MEETING
DEWITT COMMUNITY CENTER
August 20, 2020

A special meeting of the DeWitt City Council was held on August, 20, 2020 at 6:00 p.m. at the DeWitt Community Center. Mayor Donald J. Thiltgen presiding. Council members present Ketelsen, Hasenmiller, Chrones, Smith, Marcus. Other staff in attendance City Administrator Steve Lindner, Building Official TJ Appleby, City Clerk Catherine Benthin and Attorney Bob McGee attended over the phone.

Per section 50.08 of the DeWitt City Code of Ordinances:

Any person ordered to abate a nuisance may have a hearing with the Council as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the Clerk within the time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. The hearing will be before the Council at a time and place fixed by the Council. The findings of the council shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.

Mr. Marchant was found by the City of DeWitt staff to be in violation at 118 14th Avenue of Chapter 165.65.130 (C) "LOCATION OF OFF-STREET PARKING – side or rear yard" which requires parking spaces in a side or rear yard to be installed a minimum of 5-feet from the side or rear lot line. Mr. Marchant, at 118 14th Avenue installed a parking area, using pavers, up to the side lot line.

Mr. Marchant has requested a hearing with the Council per DeWitt City Code Section 50.08.

1. Hearing: To consider the violation of City of DeWitt Zoning Regulation 165.65.130 (C) at 118 14th Avenue. City Administrator Steve Lindner handed out a packet of information with copies of letters from TJ Appleby, Mr. Marchant's attorney W. Matthew Hays, Steve Lindner, sections from the City of DeWitt zoning regulations book and photographs of where the property is located and the pavers that were put in place showing equipment parked on them.

Mr. Marchant provided photographs of other areas in DeWitt that have extra parking along their driveways. Lindner stated to him that some of those may have been done by variance or may have been done before the Code was in place. Attorney McGee suggested that this be brought before the Zoning Board of Adjustment.

2. Findings of the Council pertaining to the enforcement of Chapter 165.65.130 (C) of the DeWitt Zoning Regulations at 118 14th Avenue. Ketelsen moved and Chrones seconded to have Mr. Marchant fill out a variance form and take this issue to the Zoning Board of Adjustment, with the suggestion to Mr. Marchant to scale the pavers back from the property line in his request for a variance. Motion carried with Ketelsen, Chrones, Marcus, Smith, Hasenmiller voting yes.

Chrones moved to adjourn at 6:25 p.m.

Donald J. Thiltgen, Mayor

Catherine M. Benthin, City Clerk