

## **Special use permit approved despite protest**

Written by Elizabeth Barrett  
Thursday, 28 February 2013 14:43 -

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### **Business allowed in residential neighborhood**

About 12 residents in an area around Avenue G and 20th Street don't want a business in their neighborhood.

So when the co-owner of Just The Little Things, Inc., a body repair shop, asked for a special use permit to operate the car body repair shop in a building in the neighborhood, residents signed a petition against granting the request.

They also voiced their concerns to Gothenburg City Council members at a Feb. 19 meeting.

After a half-hour public hearing and a half-hour discussion by the council, members approved the permit for a home occupation for Sean Sabin.

Sabin plans to buy a home, at 705 20th St., and have the business in the building adjacent to the home.

Special permits are needed to operate businesses in residential-zoned areas although Sabin has said that much of the business is away from the shop site as he travels to vehicles that need repair.

Increased traffic a concern

From residents who testified, the biggest concern seemed to be increased traffic in the area of 20th Street and Avenue G and the safety of children in the area.

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Dallas Coder, who lives at 1913 Ave. G., said children are in the alley behind the business and that 20th Street is already a major thoroughfare.

Other concerns shared at the meeting or in writing included that:

the business would bring about increased noise and odor although Sabin said painting is done inside a portable tent inside the building.

the appearance of the neighborhood could be changed with increased parking and vehicles needing repair left outside

the storage of vehicle parts and equipment outside the building would be unsightly

increased traffic and parked vehicles could affect the safety of neighborhood children and people walking or biking along 20th Street

businesses in a residential area might devalue other properties

'Man cave' could be result

However Ken Christensen, who is building a home near the business, said someone could buy the property and operate a "man-cave," or a specially equipped building without regard to restrictions or a special use permit.

By filing a special use permit, which some people don't do, Sabin said "you're getting the best chance in controlling someone."

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Sabin showed documentation from neighbors near where his business is located now, in a residential area at 1125 Ave. F, that discounted any complaints of extra traffic and loud noise.

“As for concerns about kids, there’s a day care to the north, a school around the corner and we’ve never had a complaint,” he said.

Co-owner Randy Sabin, Sean’s father, said car lots are their biggest customer and “we go there.”

Businesses have operated in the building next to the home in the past. The most recent was Fyr-Tek, Inc. which relocated elsewhere in 2009.

First permit cancelled

Because the business moved from the residential area more than two years ago, city officials said the special use permit was discontinued.

Sabin bought property next to TimeSaver in a commercial area for the business but said it was too costly to construct a building there now.

Council members said they struggled with the decision.

Jeff Kennedy, council president, said he doesn’t generally favor businesses in residential areas but by not allowing one, the value of the commercial building would decrease and create a hardship.

The planning and zoning commission approved the permit with stipulations, Kennedy pointed out.

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“So the risk is on him because there’s good motivation that the rules be followed,” he said.

Jeff Whiting, who lives on the same block where Sabin’s business is now, said he’s only seen improvement of the property.

“I’ve never seen it as a detriment to the neighborhood,” Whiting said.

The newest council member, Duane Oliver, said he respects the Sabins, residents with concerns and the recommendations of the planning and zoning commission which approved the permit.

Oliver noted that the building was used for a commercial business long before the current property owners moved into the neighborhood.

Council member Tim Strauser said he’d like Sabin to use the 20th Street entrance to move cars in and out to avoid the alley.

Sabin said he would do his best to comply.

### Permit has stipulations

The council approved the permit with stipulations—that vehicles waiting to be repaired, or in the process of repair, and equipment and parts, not be left outside the building, that the special use permit is terminated when the property sells and that the size of signs advertising the business be restricted.

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Clymer said the house property and building property, which are separate, also need to be joined which can be done through an administrative replat.

In related business, the council approved a special use permit for an addition to an existing garage at 519 Sixth Street.

Joe Payne requested the permit to build a shop and storage onto a residence in a commercially zoned district.

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