

1 Minutes of the Centerville **Board of Adjustments** meeting held Monday, April 13, 2026 at 5:30
2 p.m. with participants present at Centerville City Hall, 250 North Main Street.

3
4 **MEMBERS PRESENT**

5 Brian Hulse, Chair
6 David Hirschi
7 Paula Tew
8 Scott Sappenfield
9 Daniel Ditto

10
11 **STAFF PRESENT**

12 Mike Eggett, Community Development Director
13 Lisa Romney, City Attorney
14 Sydney DeWees, Planner

15
16 **VISITORS**

17 Gary Hainsworth
18 Tate Phillips

19
20 **CONSIDERATION OF NONCONFORMING STRUCTURES (3) REQUEST TO**
21 **RECOGNIZE THE EXISTENCE AND CONTINUATION OF THREE ACCESSORY BUILDINGS**
22 **CURRENTLY ON PROPERTY – GARY HAINSWORTH – 45 EAST PARRISH LANE AND 420**
23 **NORTH MAIN STREET**

24
25 City Planner Sydney DeWees presented a request from applicant Gary Hainsworth to
26 recognize three existing nonconforming structures on Residential-Low zone properties at 45 East
27 Parrish Lane and 420 North Main Street. She explained that establishing these structures as
28 legally existing nonconforming uses was necessary to proceed with a boundary line adjustment
29 involving multiple parcels. The request stems from an effort to clean up property lines within the
30 family and properly align structures with parcel ownership, rather than having them partially
31 located on trust land or across boundaries. Staff determined that all three structures met the
32 criteria for nonconforming status under city code.

33
34 City Attorney Lisa Romney outlined the legal framework, emphasizing that the board must
35 strictly follow code language to ensure consistent treatment. She explained that the boundary line
36 adjustment serves as the “triggering event” for review, and while the proposal would improve one
37 structure’s compliance by removing a property line running through it, approval is limited strictly
38 to the adjustments presented. Any future changes would require new review. There were no
39 additional comments or questions from the applicant. The Board expressed appreciation for the
40 thorough staff work.

41
42 Board member Tew **moved** to approve the request for recognition of the existence and
43 continuation of the three nonconforming structures located on Residential-Low zoned properties
44 as located at approximately 45 East Parrish Lane, known as parcel 02-096-0082, and 420 North
45 Main Street, known as parcel 02-096-0260, with the following conditions:

46
47 **Conditions:**

- 48
49 1. Recognition of the existence and approval of the continuation of the three nonconforming
50 structures on Parcel Nos. 02-096-0082 and 02-096-0260 is subject to and conditioned
51 upon compliance with the provisions of CZC 12.22.060 (Nonconforming Structure), as
52 more particularly set forth below.
53

- 1 2. Modification of boundary lines for Parcel Nos. 02-096-0082 and 02-096-0260 to the extent
2 specifically represented in the Proposed Boundary Adjustment Survey attached to the
3 Staff Report is determined by the Board of Adjustment not to adjust or expand the
4 nonconformity of the setback of the structure on Parcel Nos. 02-096-0082 and 02-096-
5 0260 and such boundary adjustment may be approved by the City without affecting the
6 nonconforming rights acknowledged herein.
7
- 8 3. The provisions of CZC 12.22.060 (Nonconforming Structure) provide as follows:
9
 - 10 a. Continuation. A nonconforming structure may be continued so long as no additions
11 or enlargements are made thereto and no structural alterations are made therein,
12 except as permitted by this Section or as may be required by law. If a
13 nonconforming structure is removed from the lot or parcel where it was located,
14 each future structure on such lot or parcel shall conform to the provisions of this
15 Title.
16
 - 17 b. Maintenance and Repair. A nonconforming structure may be maintained. Repairs
18 and structural alterations may be made to a nonconforming structure within the
19 existing footprint thereof provided the degree of nonconformity is not increased.
20
 - 21 c. Enlargement and Expansion. Any expansion or enlargement of a nonconforming
22 structure that increases the degree of nonconformance is prohibited except as
23 provided in this Subsection.
24
 - 25 (1) The initial determination of whether a proposed expansion increases the
26 degree of nonconformity shall be made by the Zoning Administrator.
 - 27 (2) A structure which is nonconforming as to height, area, or yard
28 requirements may be enlarged upon authorization by the Board of
29 Adjustment provided the Board, after notice and a hearing, finds the
30 enlargement to be compatible with adjoining property and not detrimental
31 to the community, as determined by the effect of the enlargement on
32 traffic, value of adjacent and nearby properties, and the availability of
33 adequate public facilities and services.
34
 - 35 d. Relocation. If a nonconforming structure is relocated within the City, it shall be
36 placed only in a location where it fully conforms with the requirements of this Title.
37
 - 38 e. Restoration. A nonconforming structure damaged by fire, wind, earthquake, or
39 other calamity or act of God or the public enemy may be restored as it existed
40 previously, and its use may be continued so long as restoration is started within
41 six months from the date the damage occurred and is diligently pursued to
42 completion.
43

44 Findings:

- 45
- 46 a. The Board finds that the applicant has provided adequate evidence to support the
47 existence and continuation of the three nonconforming structures in accordance with
48 applicable ordinance requirements and standards;
- 49 b. Verification of the existence and continuation of the three nonconforming structures will
50 not injure or negatively impact the intended use of the property, the residents of
51 Centerville, the neighboring properties, or the public infrastructure serving the area; and

- 1 c. Verification of the existence of the three nonconforming structures will allow for the
2 continuation of use and not prohibit the property development as permitted in the City
3 Code.

4
5 Board member Ditto seconded the motion, which passed unanimously (5-0).
6

7 **CONSIDERATION OF NONCONFORMING STRUCTURE REQUEST TO RECOGNIZE**
8 **THE EXISTENCE AND CONTINUATION OF AN ACCESSORY BUILDING CURRENTLY ON**
9 **PROPERTY – TATE PHILLIPS – 77 WEST LUND LANE**

10
11 City Planner Sydney DeWees presented a request from applicant Tate Phillips to
12 recognize and continue a single nonconforming accessory agricultural structure on property
13 located at 77 West Lund Lane. She explained the request was necessary to allow a boundary line
14 adjustment involving multiple parcels, similar to the previous application. In this case, staff located
15 an original building permit approving the structure, which helped confirm its legal status. Further
16 review verified that no boundary line adjustments had occurred after the permit was issued,
17 meaning the structure was originally approved in its current location, even though it no longer
18 meets present-day setback requirements.
19

20 Board members had no questions for either staff or the applicant. The Board
21 acknowledged the careful preparation by staff and legal counsel in ensuring the request met
22 ordinance requirements.
23

24 Board member Hirschi **moved** to approve the request for recognition of the existence and
25 continuation of the nonconforming structure located on Agricultural-Low zoned property as
26 located at approximately 77 West Lund Lane, known as parcel 07-070-0149, with the following
27 conditions:
28

29 Conditions:
30

- 31 1. Recognition of the existence and approval of the continuation of the nonconforming
32 structure on Parcel No. 07-070-0149 is subject to and conditioned upon compliance with
33 the provisions of CZC 12.22.060 (Nonconforming Structure), as more particularly set forth
34 below.
35
36 2. Modification of boundary lines for Parcel No. 07-070-0149 to the extent specifically
37 represented in the Proposed Boundary Adjustment Survey attached to the Staff Report is
38 determined by the Board of Adjustment not to adjust or expand the nonconformity of the
39 setback of the structure on Parcel No. 07-070-0149 and such boundary adjustment may
40 be approved by the City without affecting the nonconforming rights acknowledged herein.
41
42 3. The provisions of CZC 12.22.060 (Nonconforming Structure) provide as follows:
43
44 a. Continuation. A nonconforming structure may be continued so long as no additions
45 or enlargements are made thereto and no structural alterations are made therein,
46 except as permitted by this Section or as may be required by law. If a
47 nonconforming structure is removed from the lot or parcel where it was located,
48 each future structure on such lot or parcel shall conform to the provisions of this
49 Title.
50
51 b. Maintenance and Repair. A nonconforming structure may be maintained. Repairs
52 and structural alterations may be made to a nonconforming structure within the
53 existing footprint thereof provided the degree of nonconformity is not increased.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

- c. Enlargement and Expansion. Any expansion or enlargement of a nonconforming structure that increases the degree of nonconformance is prohibited except as provided in this Subsection.
 - (1) The initial determination of whether a proposed expansion increases the degree of nonconformity shall be made by the Zoning Administrator.
 - (2) A structure which is nonconforming as to height, area, or yard requirements may be enlarged upon authorization by the Board of Adjustment provided the Board, after notice and a hearing, finds the enlargement to be compatible with adjoining property and not detrimental to the community, as determined by the effect of the enlargement on traffic, value of adjacent and nearby properties, and the availability of adequate public facilities and services.
- d. Relocation. If a nonconforming structure is relocated within the City, it shall be placed only in a location where it fully conforms with the requirements of this Title.
- e. Restoration. A nonconforming structure damaged by fire, wind, earthquake, or other calamity or act of God or the public enemy may be restored as it existed previously, and its use may be continued so long as restoration is started within six months from the date the damage occurred and is diligently pursued to completion.

Findings:

- a. The Board finds that the applicant has provided adequate evidence to support the existence and continuation of the nonconforming structure in accordance with applicable ordinance requirements and standards;
- b. Verification of the existence and continuation of the nonconforming structure will not injure or negatively impact the intended use of the property, the residents of Centerville, the neighboring properties, or the public infrastructure serving the area; and
- c. Verification of the existence of the nonconforming structure will allow for the continuation of use and not prohibit the property development as permitted in the City Code.

Board member Scott Sappenfield seconded the motion which passed unanimously (5-0)

ADJOURNMENT

At 5:54 pm, Board member Tew **moved** to adjourn the meeting. Board member Sappenfield seconded the motion, which passed by unanimous vote (5-0).

Jennifer Robison

Jennifer Robison, City Recorder



05/05/2026

Date Approved