

MINUTES OF THE MEETING OF THE NORTH PLATTE BOARD OF ADJUSTMENT HELD ON THE 23rd DAY OF JUNE 2020 IN THE CITY HALL COUNCIL CHAMBERS.

MEMBERS PRESENT: Marcene Franzen, Pete Volz

MEMBERS PRESENT VIA ZOOM: John Patterson, Terri Burchell

MEMBERS ABSENT: Paul Pedersen, Greg Wilke (arrived at 8:32 a.m.)

STAFF MEMBERS PRESENT: Judy Clark, Planning Administrator; Michelle Bain, Recording Secretary

Notice of the meeting was given in advance thereof, by posting in at least three places in the City as follows: North Platte Public Library, Lincoln County Courthouse, and City Hall offices.

Notice of the meeting was given to the Chairman and all members of the Board of Adjustment. Availability of the agenda was communicated in the advance notice and in the notice to the Chairman and members of the Board. All proceedings thereafter shown were taken while the convened meeting was open to the attendance of the public.

Chair Franzen called the meeting to order at 8:30 a.m. and stated a current copy of the open meetings act of Nebraska is posted at the back of the Council Chambers.

2. Volz moved and Burchell seconded the motion to approve the minutes of the October 22, 2019 Board of Adjustment meeting. Roll call vote: "Aye": Volz, Patterson, Franzen, Burchell. "Nay": None. Absent: Pedersen, Wilke. Motion carried.
3. Public Hearing. File No. BA 20-001 application by Ken and Linda Hosmer for variances to the following sections of the North Platte City Code of Ordinances: Section 156.104 Setback, Area and Height Regulations (A)(1)(a) Front yard, Section 156.104 (A)(2)(b) and (c) Side yard, Section 156.104 (A)(3) Rear yard, and Section 156.104 (B)(1) Minimum lot area and depth Single-family dwellings. The applicant is proposing to separate two houses on one lot into two separate lots and is asking for a 1 foot front yard setback, 5 foot and 7 foot rear yard setbacks, a 4 foot side yard setback, and to allow 2,822.87 sq. ft., and 2,988.62 sq. ft. lots. The property is located in an R-2 Dwelling District located at 1503 W. 6th St. and 614 N. Madison Ave. and is described as Lot 12, Block 1, Rudy's Addition, North Platte, Lincoln County, Nebraska.

Wilke arrived at 8:32 a.m.

Judy stated that the applicant is proposing to separate two houses on one lot into two separate lots and is asking for a 1 foot front yard setback, 5 foot and 7 foot rear yard setbacks, a 4 foot side yard setback, and to allow 2,822.87 sq. ft., and 2,988.62 sq. ft. lots. LeRoy Kramer, Municipal Light and Water, states that 1503 W 6th will require an easement for sanitary sewer to 614 N Madison. Additionally, 614 N Madison will need a water service on its own property. The easement has been shown on the subdivision plat that will go to Planning Commission tonight if this is approved. Boyd Geisler, Municipal Light and Water, states a 10' utility easement is needed for overhead power lines.

Ken Hosmer, 2302 N. Anna Avenue, was present to represent the application. He is aware of the requirements for water and easements. They are basically asking to insert a property line between one of the houses and the garage.

Volz Moved and Wilke seconded the motion to close the public hearing. Roll call vote: "Aye": Volz, Patterson, Franzen, Wilke, Burchell. "Nay": None. Absent: Pedersen. Motion carried.

Volz moved and Franzen seconded the motion to find that the application for a variance to North Platte City Code of Ordinances Section 156.104 Setback, Area and Height Regulations (A)(1)(a) Front yard, Section 156.104 (A)(2)(b) and (c) Side yard, Section 156.104 (A)(3) Rear yard, and Section 156.104 (B)(1) Minimum lot area and depth Single-family dwellings to allow a 1 foot front yard setback, 5 foot and 7 foot rear yard setbacks, a 4 foot side yard setback, and to allow 2,822.87 sq. ft., and 2,988.62 sq. ft. lots be approved and granted forthwith because the strict application of any enacted regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the owner of such property, and such relief may be granted without substantial detriment to the public good and without substantially impairing

the intent and purpose of any ordinance or resolution and the applicant does conform with the following five findings necessary for the board to grant the variance.

- a. The strict application of the zoning regulation would produce undue hardship,
- b. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity,
- c. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance,
- d. The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variance for purposes of convenience, profit or caprice.
- e. The board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the zoning regulation.

Roll call vote: "Aye": Volz, Patterson, Franzen, Wilke, Burchell. "Nay": None. Absent: Pedersen. Motion carried.

4. Old Business. There was no old business to be discussed.
5. New Business. Judy introduced the new City Administrator, Matt Kibbon.
6. Adjourn. Chair Franzen adjourned the meeting at 8:42.

Michelle Bain, Recording Secretary