

MINUTES OF THE MEETING OF THE NORTH PLATTE BOARD OF ADJUSTMENT HELD ON THE 24<sup>th</sup> DAY OF NOVEMBER 2020 IN THE CITY HALL COUNCIL CHAMBERS.

MEMBERS PRESENT: Marcene Franzen, Pete Volz, Paul Pedersen, Marilyn McGahan, Terri Burchell

MEMBERS ABSENT: John Patterson

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 June 23, 2020 Board of Adjustment meeting. Roll call vote: "Aye": Volz, Burchell, Franzen, McGahan, Pedersen. "Nay": None. Absent: Patterson. Motion carried.
3. Public Hearing. File No. BA20-002 Discuss and consider action on an application by Lord Elite Group, LLC for variances to the following sections of the North Platte City Code of Ordinances: Section 156.124 Setback, Area and Height Regulations (A)(1)(a) Front yard, Section 156.124 (A)(2) (c) Side yard, Section 156.124 (A)(3) Rear yard, and Section 156.124 (B)(1) and (3) Minimum lot area and depth Single-family dwellings and Multiple-family dwellings. The applicant is proposing to separate two structures on one lot into two separate lots and is asking for an 12 foot front yard setback, a 3 foot rear yard setback, a 3 foot and 12 foot side yard setback, and to allow 3,122 sq. ft., and 4,782.90 sq. ft. lots. The property is located in an R-3 Dwelling District located at 309 East E Street and is described as Lot 8, Block 14, Peniston's Addition to North Platte, Lincoln County, Nebraska.

Chair Franzen opened the public hearing.

Judy stated that the applicant is proposing to separate a single-family dwelling from a multiple-family dwelling unit and is asking for variances to front yard, side yard, rear, yard and minimum lot area to allow each structure to be on separate lots. In order to allow approval of the subdivision the following variances to the North Platte City Code of Ordinances will need to be granted; Section 156.124 Setback, Area and Height Regulations (A)(1)(a) Front yard to allow a 12 foot front yard setback, Section 156.124 (A)(2) (c) Side yard to allow a 3 foot and an 8 ½ foot side yard setback, Section 156.124 (A)(3) Rear yard to allow a 3 foot rear yard setback, and Section 156.124 (B)(1) and (3) Minimum lot area and depth Single-family dwellings and Multiple-family dwellings to allow a 3,122 square foot lot for a single family dwelling and a 4,782.90 square foot lot for a multiple-family dwelling. In an R-3 Dwelling District, city code requires a 25 foot front yard setback, 15 foot side yard setback where the side yard adjoins a street and a 25 foot rear yard setback. Additionally, the minimum lot size for single family dwellings is 5,000 sq. ft. and 8,000 sq. ft. for multi-family dwellings. The applicant states in the attached justification that allowing the variance would provide them with a more reasonable opportunity to sell the properties individually. With the properties currently together, the only way to finance the properties is with a commercial loan, meaning the single family home would never be able to be purchased for individual home ownership and would have to remain as a rental. Allowing the separation of the lots would be a benefit to the area because an individual or family could purchase the home and have a vested interest in the neighborhood. Planning Staff suggests that the Board of Adjustment consider City Code which requires 1½ parking stalls per dwelling unit to ensure enough parking will be available on the multi-family dwelling lot. These properties are existing and are currently non-conforming; splitting the properties will not increase the non-conformity and may be a better option for both the property owner and future possible owners of the property. Planning Staff wants to be sure the property owner realizes that a multi-family dwelling unit does require an annual multiple dwelling inspection and the owner will need to comply with those regulations. Additionally, the owner will need to ensure that each structure has separate water and sewer hook ups prior to subdividing the property if the variances are granted.

Shirley Kissinger was present on behalf of Lord Properties, North Platte. She stated there are 2 basement apartments and 3 upper level one bedroom studio apartments in the multi-family unit. There is off-street parking on East E and Vine Street.

There was some discussion about parking and it was determined the only change is splitting the property.

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

There was some discussion about whether this would be setting a precedence of smaller lots.

Judy stated communities are shifting towards smaller sized lots.

Volz commented that these are existing buildings the setbacks are not new. This is only being addressed because of separating the lots.

Volz moved and Pedersen seconded the motion to find that the application for variances to the following sections of the North Platte City Code of Ordinances: Section 156.124 Setback, Area and Height Regulations (A)(1)(a) Front yard, Section 156.124 (A)(2) (c) Side yard, Section 156.124 (A)(3) Rear yard, and Section 156.124 (B)(1) and (3) Minimum lot area and depth Single-family dwellings and Multiple-family dwellings to allow a 12 foot front yard setback, 3 foot rear yard setback, a 3 foot and 8 ½ foot side yard setback, and to allow 3,122 sq. ft., and 4,782.90 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, Burchell, Franzen, McGahan, Pedersen. "Nay": None. Absent: Patterson. Motion carried.

4. Old Business. There was no old business to be discussed.
5. New Business. There was no new business to be discussed.
6. Adjourn. Chair Franzen adjourned the meeting at 8:49.

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Michelle Bain, Recording Secretary