

MINUTES OF THE MEETING OF THE NORTH PLATTE BOARD OF ADJUSTMENT HELD ON THE 28<sup>th</sup> DAY OF SEPTEMBER 2021 IN THE CITY HALL COUNCIL CHAMBERS.

MEMBERS PRESENT: Greg Wilke, Marilyn McGahan, John Patterson, Jim Backenstose, Robert Stefka

MEMBERS ABSENT: Paul Pedersen

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 Wilke 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. Patterson moved and McGahan seconded the motion to approve the minutes of the June 22, 2021 Board of Adjustment meeting. Roll call vote: "Aye": Wilke, McGahan, Patterson, Backenstose, Stefka. "Nay": None. Absent: Pedersen. Motion carried.
3. Public Hearing. File No. BA21-004 Discuss and consider action on an application by M. Doughty, LLC for variances to the North Platte City Code of Ordinances Section 156.124(1)(a) Front yard setback shall be 25 feet or in direct conformity with the majority of similar buildings on the same street in the same block. Section 156.124 (2)(c) the minimum side yard setback for all corner lots adjoining a side street shall be 25 feet except in cases of lot width of less than 66 feet, the side yard shall be 15 feet. Section 156.124 (3) the minimum rear yard is 25 feet. Section 156.124 (B)(3) the minimum area for a multiple-family dwelling is 1,500 square feet per family, provided that, no lot shall contain an area of less than 8,000 square feet and Section 156.125(A) parking requirements are 1 ½ spaces for each dwelling unit. The applicant is proposing a 12 foot front yard setback from Willow Street, a 6 foot side yard setback from F Street, a 10 foot rear yard setback from the alley, allowing a lot size of 6,300 square feet and to allow only on street parking. The property is located in an R-2 Dwelling District (currently requesting to be rezoned to an R-3 Dwelling District) located at 404 and 406 W F Street and is described as Lot 1, Block 20 Residence Park Subdivision, North Platte, Lincoln County, Nebraska.

Chair Wilke opened the public hearing.

Judy stated that the applicant is proposing a 12 foot front yard setback from Willow Street, a 6 foot side yard setback from F Street, or in direct conformity with the majority of similar buildings on the same street in the same block, a 10 foot rear yard setback from the alley, allowing a lot size of 6,300 square feet and adding about 4 parking stalls on site (this has changed in conversation with the applicant). The property is located in an R-2 Dwelling District (currently requesting to be rezoned to an R-3 Dwelling District) located at 404 and 406 W F Street and is described as Lot 1, Block 20 Residence Park Subdivision, North Platte, Lincoln County, Nebraska. In order to move the development forward in a timely fashion, the Board of Adjustment is being asked to make a decision based on R-3 zoning, if the property is not rezoned to R-3 tonight, the variances will be null and void. The applicant states that they are making the request for the variances because the east lot of the property is too small to subdivide and would be an unattractive lot for development. The property is restricted by size in all directions and with the current costs of construction, building a single dwelling unit would not be financially feasible. Adding a duplex addition to make the property a 4-Plex would help with costs. With the current housing shortage in North Platte, construction of new multi-family dwelling would be a benefit to the community. Without the variances the land would be left undeveloped with poor curb appeal. Dave Hahn, City Building Inspector, states that off-street parking is critical for this site as parking is not available along Willow Street. If the duplex is doubled it will require a two hour wall with no penetration where they connect or all units would be required to be fully sprinkled. Planning Staff agrees, parking may be an issue in this situation. North Platte City Code of Ordinances Section 156-125(A) requires 1 ½ parking spaces for each dwelling unit,

the site currently has 2 off-street parking stalls provided and the applicant has stated they will be able to add another 2 off-street parking stalls. Additionally, Planning Staff is in communication with the applicant, and the applicant will explain what he is suggesting.

Marcus Doughty, 2002 Birchwood Road, was present and stated he has been working closely with Judy and they have come up with a plan to provide 4 parking stalls on the site. The current request is to have 4 off-street parking spots at that location. That would allow them to build in conformity with the current house. This will provide mid-town housing.

There was discussion regarding where trash pick-up would be for the proposed dwellings.

Tildon Baker, 514 S. Willow, was present and asked questions about current non-conforming structures.

Judy explained she received a receipt from the school and they don't have objection to the building but their concern is about people parking in their parking lot north and east of this. Also, Marilyn McGahan asked about accidents on that corner in the last 10 years. There has been one accident since 2015. It was in 2019.

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

Judy explained that this unit would be considered one structure. There are 80' rights-of-way on F Street and Willow Street which makes it difficult to build on a lot. Property lines are 3' behind the sidewalk. Most streets have only 66' rights-of-way.

Backenstose asked if the applicant considered a single unit.

Chair Wilke allowed the applicant to speak.

Mr. Doughty stated he priced a single unit but financially it didn't make sense to put up a single unit in that area. By doing this, he is able to improve the whole lot. There won't be a significant change from other structures in the area.

There was some discussion about the best way to park the cars, side-by-side or two deep.

Patterson is concerned about the safety factor backing out onto Willow.

Judy stated when the applicant brings in plans for construction they will work with the Engineering Department to determine what the best option would be.

David Mashek, 18 S. Willow, asked to speak and was recognized by the Chair. He questioned the location of the power pole on the alley.

McGahan moved and Backenstose seconded the motion to find that the application for a variance to the North Platte City Code of Ordinances Section 156.124(1)(a) Front yard setback shall be 25 feet or in direct conformity with the majority of similar buildings on the same street in the same block. Section 156.124 (2)(c) the minimum side yard setback for all corner lots adjoining a side street shall be 25 feet except in cases of lot width of less than 66 feet, the side yard shall be 15 feet. Section 156.124 (3) the minimum rear yard is 25 feet. Section 156.124 (B)(3) the minimum area for a multiple-family dwelling is 1,500 square feet per family, provided that, no lot shall contain an area of less than 8,000 square feet and Section 156.125(A) parking requirements are 1 ½ spaces for each dwelling unit to allow a 12 foot front yard setback from Willow Street, a 6 foot side yard setback from F Street, a 10 foot rear yard setback from the alley lot size of 6,300 square feet and 4 on-site parking stalls be approved and granted forthwith because of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the zoning regulations, 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": Wilke, McGahan, Patterson, Backenstose, Stefka. "Nay": None. Absent: Pedersen.  
Motion carried.

Judy stated the application has been approved contingent on rezoning from Planning Commission.

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 Wilke adjourned the meeting at 9:00 a.m.

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Michelle Bain, Recording Secretary