

MINUTES OF THE MEETING OF THE NORTH PLATTE BOARD OF ADJUSTMENT HELD ON THE 24th DAY OF MAY 2022 IN THE CITY HALL COUNCIL CHAMBERS.

MEMBERS PRESENT: Marilyn McGahan, John Patterson, Rob Stefka, Jim Backenstose

MEMBERS ABSENT: Paul Pedersen, Greg Wilke (arrived at 8:34 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.

Vice-Chair Patterson 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. McGahan moved and Stefka seconded the motion to approve the minutes of the February 22, 2022 Board of Adjustment meeting. Roll call vote: "Aye": McGahan, Patterson, Stefka, Backenstose. "Nay": None. Absent: Wilke, Pedersen. Motion carried.
3. Public Hearing. File No. BA22-001 Discuss and consider action on an application by Janette Earl for variances to North Platte City Code of Ordinances Section 156.104(2)(A) Side yard. The minimum side yard setback shall be 7 feet for all lots 75 feet in width or more and Section 156.104(3) Rear yard. The minimum rear yard setback is 5 feet. The applicant is proposing a 0 foot side yard setback and a 0 foot rear yard setback. The property is located in an R-2 Dwelling District located at 3414 W 2nd Street and is described as Haws Subdivision Part of Lot 4 Neville's Acreage, North Platte, Lincoln County, Nebraska.

Vice-Chair Patterson opened the public hearing.

Judy stated that the applicant is proposing a 0 foot side yard setback and a 0 foot rear yard setback for a small 8'x10' garden shed so they don't have to do yard maintenance. They want to put it right up against the fence. There is not enough room for the shed if it is required to meet the current required setbacks. There is a windmill in the middle of the yard that is cemented into the ground. Planning Staff has reviewed the site plan and general characteristics of the area. Placing a small garden shed on the side and rear property line would not cause a detriment to surrounding property owners. Additionally, there are neighboring properties to the east that have accessory buildings constructed on the property lines, this building should not cause a detriment to the area.

Chair Wilke arrived at 8:34 a.m.

Judy stated she received a phone call from Sam Sweeley, neighbor, who had no problems with what they want to do.

Backenstose stated he is concerned is going right up against the neighbor's fence.

Paula Karas (applicant's daughter), 3414 W. 2nd Street, was present to represent the application. She stated the neighbors are aware and have no problems with this. They are looking at an 8' x 10' shed with a peak.

Chair Wilke was concerned about setting a precedent.

Judy explained she spoke with the Building Inspector about the provision setting back the structure as long as the majority of the properties are the same setback. There is at least one that is on the property line. It is the Board of Adjustment's job to consider if the application will fit in the area. An 8' x 10' shed is not required to

get a permit but they are required to follow the setback rules. Other individuals may have just put it in and not followed the rules.

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

McGahan moved and Stefka seconded the motion to find that the application for a variance to the North Platte City Code of Ordinances Section 156.104(2)(A) Side yard. The minimum side yard setback shall be 7 feet for all lots 75 feet in width or more and Section 156.104 (3) Rear yard. The minimum rear yard setback is 5 feet to allow 0 foot side yard setback and a 0 foot rear yard setback 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": Wilke, McGahan, Patterson, Stefka, Backenstose. "Nay": None. Absent: Pedersen. Motion carried.

4. Old Business. There was no old business to be discussed.
5. New Business. Judy stated there will be a meeting June 28th at 8:30.
6. Adjourn. Chair Wilke adjourned the meeting at 8:45 a.m.

Judy Clark, Planning Administrator