

MINUTES OF THE MEETING OF THE NORTH PLATTE BOARD OF ADJUSTMENT HELD ON THE 28<sup>th</sup> DAY OF JUNE 2022 IN THE CITY HALL COUNCIL CHAMBERS.

MEMBERS PRESENT: Paul Pedersen, Greg Wilke, Marilyn McGahan, John Patterson, Jim Backenstose

MEMBERS ABSENT: None

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 Backenstose seconded the motion to approve the minutes of the May 24, 2022 Board of Adjustment meeting. Roll call vote: "Aye": Wilke, Pedersen, McGahan, Patterson, Backenstose. "Nay": None. Absent: None. Motion carried.
3. Public Hearing. File No. BA22-002 Discuss and consider action on an application by Foster McDaniel for a variance to North Platte City Code of Ordinances Section 156.084 (1)(a) Front yard. The 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 and Section 156.084(2)(a) Side yard. The minimum side yard setback shall be 7 feet for all lots 75 feet in width or more. The applicant is proposing a 3 foot side yard setback against the alley, a 0 foot side yard setback on the north, and a 10.5 foot front yard setback. The property is located in an R-1 Dwelling District located at 202 S Carr Avenue and is described as a tract of land situated in Lot 3 of Huffman Addition to North Platte, Lincoln County Nebraska and Tract F of the Suburban Canal property situated in North Platte, Lincoln County, Nebraska.

Chair Wilke opened the public hearing.

Judy explained that as stated by the applicant, due to shape of the property, the current regulations will not allow for increased square footage of a garage addition. Granting the variances will add to the residential character of the area. Planning Staff has reviewed the site plan and general characteristics of the area. The proposed addition to the garage would not cause a detriment to surrounding property owners. The shape of the property would allow clear vision at the intersection of the alley and Carr Avenue. The way the property is shaped they stay out of that clear vision triangle. The applicant actually has two lots, and the residential portion is currently built over the lot line and that solves the issue without forcing him to do a subdivision. The addition is the main concern.

There was some discussion about fence lines. Judy explained fences can be place on property lines, but the height of the fence depends on where it is located. There was also discussion about the direction garbage trucks go down the alley.

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

McGahan moved and Backenstose seconded the motion to find that the application for a variance to North Platte City Code of Ordinances Section 156.084 (1)(a) Front yard. The 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 and Section 156.084(2)(a) Side yard. The minimum side yard setback shall be 7 feet for all lots 75 feet in width or more to allow a 3 foot side yard setback against the alley, a 0 foot side yard setback on the north, and a 10.5 foot front

yard setback 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, Pedersen, McGahan, Patterson, Backenstose. "Nay": None. Absent: None. Motion carried.

4. Election of officers.

Backenstose moved and Pedersen seconded to keep the current officers. Roll call vote: "Aye": Wilke, Franzen, McGahan, Pedersen, Patterson. "Nay": None. Absent: None. Motion carried.

Officers remain:

Wilke – Chair

Patterson – Vice-Chair

5. Old Business. There was no old business to be discussed.

6. New Business. There was no new business to be discussed.

7. Adjourn. Chair Wilke adjourned the meeting at 8:41 a.m.

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Judy Clark, Planning Administrator