

MINUTES OF THE MEETING OF THE NORTH PLATTE BOARD OF ADJUSTMENT HELD ON THE 23rd DAY OF AUGUST 2022 IN THE CITY HALL COUNCIL CHAMBERS.

MEMBERS PRESENT: Paul Pedersen, Greg Wilke, John Patterson, Robert Stefka

MEMBERS ABSENT: Jim Backenstose, Marilyn McGahan

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 Stefka seconded the motion to approve the minutes of the June 28, 2022 Board of Adjustment meeting. Roll call vote: "Aye": Wilke, Pedersen, Patterson, Stefka. "Nay": None. Absent: Backenstose, McGahan. Motion carried.
3. Public Hearing. File No. BA22-003 Discuss and consider action on an application by Larry and Glenda Boye for variances to North Platte City Code of Ordinances Section 156.065 (B) Rear Yard shall be 5 feet and Section 156.065 (C) Side Yard shall be 5 feet. The applicant is proposing a 3-foot rear yard setback against the alley and a 3 foot side yard setback on the north. The property is located in an R-1 Dwelling District at 3201 Ioke Street and is described as Block 1, Lot 15 Simpson's Subdivision, North Platte, Lincoln County Nebraska.

Chair Wilke opened the public hearing.

Judy explained that the applicant is proposing a 3-foot rear yard setback against the alley and a 3 foot side yard setback on the north. As stated by the applicant, he started the building before realizing there were regulations. Other property owners in the area have built in or close to the alley. The alley behind the property is inaccessible due to other structures already being built in or near the alley. Planning Staff has reviewed the site plan and general characteristics of the area. The proposed accessory structure would not cause a detriment to surrounding property owners. The alley is a dedicated alley; however, it has never been used or opened for use. The alley does contain electric lines, so the 8' alley easement will need to be maintained.

Larry Boye, 3201 Ioke Street, was present and stated he started on the building not realizing it. They were told it was a storage shed and didn't need a permit and received the letter after they started it. The alley is inaccessible and there are trees and a fence etc. in it.

Pederson asked about the others that have been built close to the alley.

Judy explained that to the north of this the alley has been vacated. This portion of the alley has never been vacated probably due to electrical lines through there. The fence is probably illegal, but they have not been asked to move it. Two neighbors called about the application but had no negative comments.

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

The Board discussed having Planning Commission look at this area due to the existing non-conformities.

Patterson moved and Stefka seconded the motion to find that the application for a variance to North Platte City Code of Ordinances Section 156.065 (B) Rear Yard shall be 5 feet and Section 156.065 (C) Side Yard shall be 5

feet to allow a 3 foot side yard setback against the alley and a 3 foot side yard setback on the north located at 3201 Ioke Street 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, Pedersen, Patterson, Stefka. "Nay": None. Absent: Backenstose, McGahan.
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 Wilke adjourned the meeting at 8:45 a.m.

Michelle Bain, Recording Secretary