

MINUTES OF THE MEETING OF THE NORTH PLATTE BOARD OF ADJUSTMENT HELD ON THE 28<sup>th</sup> DAY OF FEBRUARY 2023 IN THE CITY HALL COUNCIL CHAMBERS.

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

MEMBERS ABSENT: Paul Pedersen, David Fudge

STAFF MEMBERS PRESENT: Judy Clark, Planning Administrator. Michelle Bain, Recording Secretary. Bill Troshynski, City Attorney

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 December 27, 2022 Board of Adjustment meeting. Roll call vote: "Aye": Backenstose, Wilke, Patterson, Stefka. "Nay": None. Absent: Pedersen, Fudge. Motion carried.
3. Public Hearing. File No. BA23-001 Discuss and consider action on an application by MRN Properties, LLC for a variance to North Platte City Code of Ordinances Section 156.145 Height and Lot Requirements on property located at 4004 West 14th Street in an RM Mobile Home Park District and described as Part of Lot 15 and all of Lot 18, Lincoln Highway Third Addition, North Platte, Lincoln County, Nebraska.

Chair Wilke opened the public hearing.

Judy stated that the applicant is proposing to split the current existing 4-acre lot into two separate lots of less than 4 acres each. Proposed Lot 1 will be 1.35 acres and proposed Lot 2 will be 2.53 acres. The existing site is currently home to a mobile home park, which will remain in place. The existing property needs to be split into two separate lots so the owner can comply with an order from the Nebraska Department of Environment and Energy to provide separate water supplies to the mobile home park. The applicant states that the strict application of the zoning ordinance would produce an undue hardship on the owner as they would then not be able to comply with the order from the Nebraska Department of Environment and Energy. Planning Staff has reviewed the variance request. This appears to be a hardship in that the current well is contaminated, and in order to comply with state regulations new wells will need to be put in place to meet current state standards.

Al Fugate, representing MRN, was present. He explained that this mobile home park ran into a problem with a contaminated well and getting that issue settle with NDEE they need to have less than 15 connections and in order to do that they need to split the property. Each side of the park will be serviced by a well. More than 15 hookups would make it a public water supply, less than 15 makes it private.

Patterson asked why they are not on city water.

Judy explained water is a number of blocks away and it would be extremely expensive to get it there.

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

Attorney Troshynski stated he feels this application is what a variance should be used for.

Stefka moved and Backenstose seconded the motion to find that the application for a variance to North Platte City Code of Ordinances Section 156.145 to allow a lot split creating two lots smaller than 4 acres located at 4004 West 14<sup>th</sup> 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": Backenstose, Wilke, Patterson, Stefka. "Nay": None. Absent: Pedersen, Fudge.  
Motion carried.

4. Old Business. There was no old business to be discussed.
5. New Business. There was no old business to be discussed.
6. Adjourn. Chair Wilke adjourned the meeting at 8:40 a.m.

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Michelle Bain, Recording Secretary