

MINUTES OF THE MEETING OF THE NORTH PLATTE BOARD OF ADJUSTMENT HELD ON THE 25th DAY OF APRIL 2023 IN THE CITY HALL COUNCIL CHAMBERS.

MEMBERS PRESENT: Paul Pedersen, David Fudge, Jim Backenstose, Greg Wilke, John Patterson

MEMBERS ABSENT: None

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. Fudge moved and Patterson seconded the motion to approve the minutes of the February 28, 2023 Board of Adjustment meeting. Roll call vote: "Aye": Pedersen, Fudge, Backenstose, Wilke, Patterson. "Nay": None. Absent: None. Motion carried.
3. Public Hearing. File No. BA23-002 Discuss and consider action on an application by Micheal Streeter for a variance to North Platte City Code of Ordinances Section 156.238(c) Side yard. A 10-foot side yard is required, except where the side yard abuts a residential district, where the side yard shall be 25 feet with screening from residential districts. The applicant is requesting a 5' east side yard setback with screening and a 19' west side yard setback from Oak Street.

Chair Wilke opened the public hearing.

Judy stated that the applicant is proposing to build a contractor's office and indoor storage for supplies and equipment. The property is located at 720 W Front Street in an I-1 Light Industrial District and is surrounded by residentially owned properties which requires larger setbacks. The applicant has spoken with the neighbors directly to the east, Kevin and Vickie Curtis. They would be the most affected by the reduced setbacks and they have provided a letter regarding the request. Planning Staff has reviewed the variance request. The hardship in this case appears to be regarding the size of the lot and required setbacks. The lot is 66' wide by 132' deep. With the required 25' side yard setbacks from both the east and west lot line, construction of a building would be limited to 16' in width.

Micheal Streeter, applicant, was present and stated he would like more room to build a wider building to store parts and equipment.

Answering a question from the Board, Judy stated that Mr. Streeter purchased the property a few years ago and requested a zone change with the intent of doing what he is doing now.

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

Chair Wilke asked why there is a 25' setback.

Judy explained any time a property abuts a residential property it forces a 25' side yard setback. The front yard is determined by the narrowest portion of the lot that abuts a street.

There were some questions from the Board about screening and driveways.

Judy explained when the applicant submits building plans, he will have to meet all the regulations and codes for a building permit at that time.

Mr. Streeter asked if a fence is only required when things are stored outside.

Judy explained that screening is required because of being by residential zoned properties and defined screening.

Pedersen moved and Fudge seconded the motion to find that the application for a variance to North Platte City Code of Ordinances Section 156.238(c) to allow a 5' east side yard setback and a 19' west side yard setback located at 720 W Front Street 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.

Chair Fudge stated that this is still a residential neighborhood and he received calls from a couple neighbors about the condition of the property.

Roll call vote: "Aye": Pedersen, Fudge, Backenstose, Wilke, Patterson. "Nay": None. Absent: None. 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 8:51 a.m.

Michelle Bain, Recording Secretary