MEETING RECORD

NAME OF GROUP:	COUNTY BOARD OF ZONING APPEALS
DATE, TIME AND PLACE OF MEETING:	Friday, August 8, 2008, 2:30 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska
MEMBERS IN ATTENDANCE:	Lynette Nelson, Tom Thurber, Matthew Warner and Ed Woeppel; (Steve Hollman absent). Michelle Williamson of Building and Safety; Tom Fox of County Attorney's office; Mike DeKalb and Teresa McKinstry of the Planning Dept. and other interested citizens.
STATED PURPOSE OF MEETING:	Regular County Board of Zoning Appeals Meeting

Chair Ed Woeppel called the meeting to order and requested a motion approving the minutes for the regular meeting held July 11, 2008. Motion for approval made by Thurber with a correction to page 4 *"Motion failed 2-2; Hollman and Nelson voting 'yes'; Thurber and Woeppel voting 'no'"*, seconded by Woeppel. Motion for approval of minutes as corrected carried 4-0: Nelson, Thurber , Warner and Woeppel voting 'yes'; Hollman absent.

COUNTY BOARD OF ZONING APPEALS NO. 08002
FOR A VARIANCE OF THE ZONING RESOLUTION TO ALLOW AT 5' X 10' SIGN, 14' TALL, WITHIN THE REQUIRED FRONT YARD, ON PROPERTY LOCATED AT 24005 S. 12TH STREET, PRINCETON, NEBRASKA
CONTINUED PUBLIC HEARING: **August 8, 2008**

Members present: Nelson, Thurber, Warner and Woeppel; Hollman absent.

Mike DeKalb stated that there is no additional information to present on this application. This is a continued public hearing from last month. The church would like a reduction in front yard setback for their sign.

Tom Fox stated that the regulations state this is a variance. The power of the board is to the extent that a variance is necessary for a reasonable use of the land due to peculiar, exceptional or unusual circumstances.

Nate Reckling is the Pastor of the church. They are looking to install a sign. They feel the zoning is difficult to deal with. They contacted the neighbors. There was concern at the last meeting that the neighbors had not been contacted. He has not heard any opposition from the neighbors.

Curtis Schwaninger stated that the neighbors indicated to him that they didn't have any objection. He does not think this would set any precedent. There is no one else in the county that would have their sign in the public right-of-way.

DeKalb clarified that Item 1 on the staff finding talks about a one foot electronic message center. The drawing shows one line of messages and Mr. Reckling indicated that it was going to be moveable letters, not electronic. Mr. Reckling concurred.

ACTION: August 8, 2008

Motion for denial made by Thurber, died for lack of a second.

Motion for approval made by Warner, seconded by Nelson. Motion failed 2-2: Nelson and Warner voting 'yes'; Thurber and Woeppel voting 'no'; Hollman absent.

DeKalb stated that the northern portion of this property is Residential, the southern is zoned B Business. There is a front yard setback that signs are not allowed in. Either district requires a waiver.

Warner would like to know why the other members do not approve. DeKalb stated that according to statute, he believes the other members do not feel that this is a unique circumstance to justify approval. He further noted that this will be a recommendation to the County Board.

Thurber stated that he does not see any unusual circumstances or hardship. He does not feel anyone will mistake this church for any other type of business.

Woeppel believes that this sign could be located in the southeast corner of the property within the allowable guidelines. He does not believe it to be a hardship either.

Schwaninger stated that locating the sign in the business zone would put the sign close to the lot line. There must be 100 foot separation between signs and then the car lot next door would have a hard time placing their sign.

Warner believes part of the property is unique that the building is split in half with the zoning line. DeKalb believes it is unusual but there are many others in the same situation. There are lots with split zoning.

DeKalb believes that this application as proposed, does not meet the intent of the code. Nelson inquired if a change of zone application would be an option for the applicant. DeKalb replied that if the applicant wants the sign to be in the business zoning, they would have to reapply with a new application fee. Reckling stated that the western part is zoned business. He does not feel it is very neighborly for them to put a sign in the business area. It would make it harder for them to live with their neighbors. He questioned how hard it

would be to change the entire property to business zoning. Woeppel replied that it is a more costly, involved process. DeKalb noted that a change of zone to commercial would be an option and it still wouldn't deal with the front yard setback. Another option would be a change of zone to the zoning text that would change the language for signs. Either one of those applications would have to appear before Planning Commission.

Nelson does not have a problem with locating the sign where the applicant wants to. She feels she made her position clear at the last meeting.

Thurber moved to reconsider approval, seconded by Nelson. Motion carried 3-1: Nelson, Thurber and Woeppel voting 'yes'; Warner voting 'no'; Hollman absent.

Fox clarified that the board is reconsidering the original motion by Warner and Nelson to approve the variance. He believes the board must state their reasons that the application meets the statutory requirements of unusual circumstances.

DeKalb stated that if this property was all business zoning, the applicant could not put the sign within the front yard setback. In residential zoning, the sign would have to be smaller.

Warner understands that the sign can be located in the business area if it is installed 14 feet from the building. He wondered where a sign can be located if the applicant is within the current requirements. It would appear to locate the sign in the middle of the parking. He feels there is somewhat of a hardship. He believes where the applicant is requesting the sign, makes sense. The movement of Highway 77 has created problems. He thinks this is a unique situation.

Motion for approval failed 1-3: Warner voting 'yes'; Nelson, Thurber and Woeppel voting 'no'; Hollman absent.

Thurber moved denial, seconded by Nelson.

Nelson stated that she will vote for denial to move this application onto the County Board. She does not want to hold up the final decision on this application any longer.

Motion for denial carried 3-1: Nelson, Thurber and Woeppel voting 'yes'; Warner voting 'no'; Hollman absent.

There being no further business, the meeting was adjourned at 3:15 p.m.