

MEETING RECORD

Advanced public notice of the City Board of Zoning Appeals meeting was posted on the County-City bulletin board and the Planning Department's website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Thursday, May 19, 2022.

NAME OF GROUP: CITY BOARD OF ZONING APPEALS

DATE, TIME AND PLACE OF MEETING: Friday, May 27, 1:30 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Tracy Edgerton, Vickie McDonald, Annette McRoy, and Steve Miller; David Johnson absent. Tim Sieh of the Law Department; Ron Rehtus of the Building and Safety Department; Brian Will and Alexis Longstreet of the Planning Department.

STATED PURPOSE OF MEETING: Regular City Board of Zoning Appeals meeting.

Chair McRoy called the meeting to order and acknowledged the Open Meetings Act posted at the back of the room.

McRoy called for a motion approving the minutes of the City Board of Zoning Appeals hearing of November 19, 2021.

Motion for approval made by Miller, seconded by McDonald and carried 4-0: Edgerton, McDonald, Miller and McRoy voting 'yes'; Johnson absent.

BOARD OF ZONING APPEALS 22002
REQUESTED BY MIKE AND CASSANDRA REMMENGA, FOR A VARIANCE TO THE MINIMUM FRONTAGE AND AVERAGE LOT WIDTH REQUIREMENTS FOR THE AG ZONING DISTRICT, ON PROPERTY GENERALLY LOCATED AT 3900 NORTH 112TH STREET.
PUBLIC HEARING: May 27, 2022

There were no ex parte communications disclosed.

Applicant:

Mike and Cassandra Remmenga, 18414 Farnam Street, ELKHORN, NE 68022, appeared and discussed the intended use for the property. The Remmenga's discussed the neighboring

properties and stated the conditions of the land. They stated that they have communicated with the neighboring property owners and shared their plans.

Miller asked if the applicant had any other intentions on the use of the land. Mike Remmenga stated that they are planning to do some hobby farming on the property.

Edgerton asked for clarification about the lot being created in 2013 and purchased in 2019 by the applicant, did they know the history of the land. Cassandra Remmenga stated that they were both owned by "Mr. Christiansen" but they are unsure on how it was lotted off.

Edgerton reiterated that the applicants have been in contact with the neighbors. Mike stated that they have had various conversations with neighbors located east.

There was no public testimony in support or opposition.

Staff questions:

Edgerton reiterated her question regarding the lot being sold in 2013.

Brian Will, Planning Department, 555 South 10th Street, came forward and stated in the 1979 update in agriculture zone district became 20 acres. Will stated that it was deeded to one of the children of the family when the minimum lot area was 20 acres. Will stated that state subdivision law stated any lot less than 10 acres is subject to subdivision law, if it more than 10 acres but less than ag district requirement of 20 acres, it is not buildable.

Edgerton asked for clarification that it is 20 acres and meets frontage and average lot width that is not in compliance.

Will answered yes and stated that this is not an uncommon occurrence.

Edgerton asked for clarification that there is land located north that is a smaller example which could have been before the regulations were in place.

Steve Henrichsen, 555 South 10th Street, Planning Department, stated that it could have been a Farmstead Split legally created.

Miller asked if any complications were anticipated as the land developed in the future. Will stated that it is possible that developing the property at this time without considering urban density in the future, it could cause land allocation for future development to be an issue.

McRoy asked how a 40-foot easement factor into that. Will stated that there is a preexisting

easement therefore the 40-foot easement doesn't "factor" in per say.

Applicant Rebuttal

Cassandra addressed the question regarding the easement and stated that it was given for access to the road.

APPEAL NO. 22002

ACTION BY THE CITY BOARD OF ZONING APPEALS:

May 27, 2022

Edgerton moved to grant the variance for a reduction of the minimum lot width from 40 feet to 39.9 feet, seconded by Miller.

Miller expressed his support of the variance.

Edgerton expressed her support for the variance and agreed with Miller.

Motion carried 4-0: Edgerton, McDonald, Miller and McRoy voting 'yes'; Johnson absent.

There being no further business, the meeting was adjourned at 1:52 p.m.

Note: These minutes will not be formally approved by the City Board of Zoning Appeals until their next regular meeting.