

MEETING RECORD

Advanced public notice of the County 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, February 2, 2022.

NAME OF GROUP: COUNTY BOARD OF ZONING APPEALS

DATE, TIME AND PLACE OF MEETING: Friday, February 10, 2023, 2:30 p.m., County-City Building, City Council Chambers, 555 S. 10th Street, Lincoln, NE.

MEMBERS IN ATTENDANCE: Jeff Frack, Jim Pinkerton, and Ed Woepfel; Matt Warner Absent.

OTHERS IN ATTENDANCE: Tom Cajka and Alexis Longstreet of the Planning Dept.; Ron Rehtus of Building & Safety; John Ward of County Attorney's Office; Chris Roth; and other interested parties.

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

Chair Woepfel opened the meeting and acknowledged the posting of the Open Meetings Act in the room.

Woepfel called for a motion approving the minutes of the regular meeting held December 09, 2022. Motion for approval made by Frack, seconded by Pinkerton and carried 3-0: Frack, Pinkerton, and Woepfel voting ' yes ' ; Warner absent.

COUNTY BOARD OF ZONING APPEALS NO. 23001, REQUESTED BY CHRIS ROTH FOR A VARIANCE TO REDUCE THE REQUIRED REAR YARD SETBACK FROM 100 FEET TO 60 FEET, ON PROPERTY GENERALLY LOCATED AT 7601 WEST WAVERLY ROAD.

PUBLIC HEARING:

February 10, 2023

Members present: Frack, Pinkerton, and Woepfel; Warner absent.

There were no ex parte communications disclosed.

APPLICANT

Chris Roth, 311 Crestview Drive, Deshler, NE, approached and gave history on the property. The applicant has had the home since 2016. The home was previously occupied by a hoarder. Roth stated that material from salvage yards was used as fencing. About 5 acres of the property was covered in various weeds. The home isn't suitable for permanent living. Roth stated that the HVAC system does not work. He has had multiple HVAC technicians work on it. It is an old modular type of home on a trailer. The plan was to relocate the home and place another home on the property and move it south. The southern portion is elevated so it provides a scenic view. The property currently has a circular drive. The driveway has been extended further south. There is an existing well. Hydrants were put in on the east side of the property. The electrical can be ran from Norris. No additional electric or water services have been done other than existing. Roth stated the property neighboring is 450 feet south from where the home would sit and the closest property to the east is about 700 feet away. Roth stated that they have good relationships with the neighbors, and they appreciate the clean-up of the property.

Frack asked if Roth was moving the current house or building a new home.

Roth stated that he is moving a house on the property. He had an inspector from Lincoln inspect the home he plans to move onto the property in September. Roth stated he serves on the Thayer County Economic Development Board and the county received a grant to build four houses. This house sits on a small lot about 100 x 150 that isn't suitable to put a house on. Roth stated he purchased the two smaller lots next to the current lot. He reiterated his plans to remove the home from the larger lot and combining all three lots to create a corner lot that he will donate to the county so that they can utilize the housing grant they received from Southeast Development Nebraska. He stated that it has also been inspected by the city.

Frack expressed his confusion. There are 9 acres, and 100 feet is needed for easement. Frack asked Roth why does he need 60 feet?

Roth stated there was confusion with seeing that the regulation was either 100 feet or 60 feet. He reiterated that there is 9 acres but where the house sits to the west, from north to south is a low area, kind of like a valley. A driveway can't be placed there. All the electricity and water are located on the east side. There is only a small area for the house to be placed. If the home is moved further north, where excavation work has been done, another tree will have to be removed in order to route water from the home.

STAFF QUESTIONS

Tom Cajka, Planning Dept, 555 South 10th Street, approached to be sworn in.

Frack expressed his confusion regarding the easement. Frack asked if the applicant was told different requirements by the Planning Department or someone else.

Cajka stated that he doesn't recall discussing easement measurements regarding this property. He is unsure where the confusion came from. AG zoning district has a 100 rear setback and 60-foot side yard. Cajka stated that the applicant could be confusing AG with AGR zoning which has rear yard setback of 50 feet.

Pinkerton reiterated that the applicant mentioned an inspector visiting the site, was that from the staff?

Cajka stated that Building and Safety received a complaint about a hole being dug on the property for the basement which was accurate. He stated that the permit was applied and denied by Building and Safety because it failed to meet the 100-foot lot line requirement.

SUPPORT

No one appeared in support.

OPPOSITION

No one appeared in opposition.

APPLICANT REBUTTAL

Applicant did not appear in rebuttal.

APPEAL NO. 23001

ACTION BY THE COUNTY BOARD OF ZONING APPEALS:

February 10, 2023

Woepfel closed public hearing.

Frack motioned to deny, seconded by Pinkerton. Motion for denial carried 3-0: Frack, Pinkerton, and Woepfel voting ' yes'; Warner absent.

There being no further business, the meeting was adjourned at 2:50 p.m.