

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 Friday, July 14, 2023.

NAME OF GROUP:

CITY BOARD OF ZONING APPEALS

DATE, TIME AND PLACE OF MEETING:

Friday, July 28, 1:30 p.m., City Council Chambers,
First Floor, County-City Building, 555 S. 10th Street, Lincoln,
Nebraska

MEMBERS IN

Annette McRoy, Tracy Edgerton, and David Johnson; Vickie McDonald and Steve Miller absent. Abby Littrell of the Law Department; Ron Rehtus of the Building and Safety Department; Brian will and Clara McCully of the Planning Department.

ATTENDANCE

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 October 7, 2022.

Motion for approval made by Edgerton, seconded by Johnson and carried 3-0: McRoy, Egerton and Johnson voting 'yes'; McDonald and Miller absent.

BOARD OF ZONING APPEALS 23004, BY MICHELLE BADE FOR A VARIANCE TO THE FRONT YARD SETBACK FROM 20' TO 13', ON PROPERTY GENERALLY LOCATED AT 2121 WEST O STREET.

PUBLIC HEARING:

July 28, 2023

There were no ex parte communications disclosed.

Applicant:

Don Schleining, 857 South 48th Street, appeared on behalf of applicant Michelle Bade. Schleining was the main architect for the building in the 2000s. He asked the Board to approve this variance so the structure is legal.

Staff questions:

Tracy Egerton asked, this building has been in place for two decades— it appears the setback issue was in error by both the applicant and the city in issuing the permit?

Brian Will, Planning Department, 555 South 10th Street, came forward and stated it appears the application for the Building Permit misinterpreted the required setback, and the approved Building Permit also listed the same setback. Mistakes were apparently made by both the applicant and the city. The options are granting a variance, or the alternative is bringing the building into compliance.

Egerton asked to clarify that the options are to either tear down the building or a portion of the building, or approve a variance?

Will confirmed that it will require major surgery to bring the building into compliance, and that either removal or chopping off a significant portion of the building or a variance to the setback were the only options at this point.

Ron Rehtus, Building and Safety, 555 South 10th Street stated, regarding the use of the building, in 2019 he had an individual ask about car sales, which would have special conditions for the zoning. His understanding is the building was occupied for auto detailing, but it had been partly occupied by auto sales and a company called American Drywall. Neither had Building Permits. The only permit was auto dealing, which is different from auto sales. A Building Permit was applied for but was denied due to the reason we are here today. He does not know if the whole building is occupied. There has been a complaint since 2019 for Lewing Motors, but American Drywall has vacated. Lewing Motors wants to occupy the whole building.

Applicant Rebuttal:

No rebuttal

APPEAL NO. 23004

ACTION BY THE CITY BOARD OF ZONING APPEALS:

July 28, 2023

Johnson moved to grant the variance to the front yard setback from 20' to 13', seconded by Egerton.

Egerton: The case is clear that literal enforcement would result in unnecessary hardship. No public interest is at play, it would be an undue hardship to make the required changes, and she sees no adverse effects in granting a variance.

Motion carried 3-0: McRoy, Egerton, and Johnson voting 'yes'; McDonald and Miller absent.

There being no further business, the meeting was adjourned at 1:41 p.m.

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