

Meeting Minutes

MEETING RECORD

NAME OF GROUP: COUNTY BOARD OF ZONING APPEALS

DATE, TIME AND PLACE OF MEETING: Friday, August 14, 2020, 2:30 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: James Pinkerton, Herschel Staats, Matthew Warner and Ed Woepfel; Jeff Frack absent; Tom Cajka and Rhonda Haas of the Planning Department Ron Rehtus of Building and Safety; Jennifer Holloway of County Attorney's Office; 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 June 12, 2020. Motion for approval made by Staats, seconded by Warner and carried, 4-0: Pinkerton, Staats, Warner and Woepfel voting 'yes'; Frack absent.

BOARD OF ZONING APPEALS 20004, REQUESTED BY MIKE ELWOOD, TO REDUCE THE FRONT YARD SETBACK, ON PROPERTY GENERALLY LOCATED AT 6000 OLIVE CREEK ROAD
PUBLIC HEARING: **AUGUST 14, 2020**

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

There were no ex parte communications disclosed.

Mike Elwood, 330 South Harrison Street, Hallam, came forward and stated that they purchased this property on it May 14. He shared that he had contacted Building & Safety about the residential addition and remodel project located at 6000 Olive Creek Road. He shared that he previously applied and received a building permit from Building & Safety, but this time the permit is being denied because the home is too close to the property line. Elwood stated that he is requesting a permit to reduce the setback requirement on this property so that he can complete the renovation and expansion of the home. He explained that he had contacted Building & Safety and talked with staff about his intentions before purchasing the property and Building & Safety said that there was no

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obvious issues with his plans. Then, when he applied for the permit, it was denied with the explanation that the original permit was given to him in error in 2004.

No one in came forward in support or opposition

Pinkerton asked if Building & Safety approved the permit in the past with the current setback. **Tom Cajka, Planning Department**, came forward and stated that a building permit was issued at the current location, in the past.

Woepfel asked when it was approved. Cajka said it was approved in 2004.

Pinkerton asked what the setbacks were at that time. Cajka explained that they are same as what they are today, 50 feet. Pinkerton inquired how it was approve then. Cajka stated he did not know. Pinkerton asked if in the future something like this could get through. Cajka said he would hope not. He shared that in the county there are many times that people have ownership to the center of the road. If this would have been measured from the center of the road it would have been 50 feet. Pinkerton asked if the setback was from the road. Cajka said yes, but not from the center of the road.

Cajka stated that he was entering the County Regulations into the record for this item.

ACTION:

AUGUST 14, 2020

Warner made a motion to grant the variance to reduce the setback, seconded by Staats and carried, 4-0: Pinkerton, Staats, Warner and Woepfel voting 'yes'; Frack absent.

There being no further business, the meeting was adjourned at 2:42 p.m.

Please note: The Board will not approve these minutes until the next regular County Board of Zoning Appeals hearing.