

MINUTES OF BOARD OF ADJUSTMENT
MARCH 8, 2007
BUFFALO COUNTY COURTHOUSE BOARDROOM
4:00 P.M.

Chairperson Bosshamer called the meeting to order at 4:00 o'clock P.M. with a quorum present on March 8, 2007 at the Buffalo County Board of Supervisors room in the Buffalo County Courthouse, Kearney, Nebraska.

Agenda for such meeting was regularly posted as required by law. Present were: Chairperson Ann Bosshamer, Dennis Farrell, Marlin Heiden, Sharon Martin and Lloyd Wilke. Also present were Buffalo County Deputy Attorney Andrew Hoffmeister, Deputy Attorney Melodie Bellamy, Buffalo County Zoning Administrator LeAnn Klein and Gary W. Day.

Chairperson Bosshamer announced we do abide by the open meeting act and there is a copy posted in the County Board room and copies are available for anyone wanting to see it. The public forum was opened at 4:00 P.M. No one was present. The public forum closed at 4:00 P.M.

Chairperson Bosshamer opened the hearing at 4:01 P.M. for the variance filed by Gary W. Day for Lot 86, Village of Odessa, Buffalo County, Nebraska. Thereafter, Board heard testimony regarding application for variance submitted by Mr. Day, concerning property described as Lot 86, Village of Odessa, Buffalo County Nebraska.

Deputy County Attorney Hoffmeister asked the following questions:

1. Who owns the property?
2. If he owns additional property in this area.
3. Location of property.
4. Are other buildings in area the same distance from highway right-of-way?
5. If this would be consistent with other buildings in lot size.
6. What is the lot size?
7. What other use can this lot be used for?
8. Would this lot be economically worthless without relaxing setbacks?
9. Will it change the character of the neighborhood?

Day responded as follows:

1. He owns property.
2. He also owns cabinet business to west of this property.
3. It is located on the north side of Highway 30 and west of Webb St.
4. Other buildings are also about the same distance from highway in area.
5. This also would be consistent with other buildings.
6. The lot size is approximately 140' x 40' on west and 63' on east property line.
7. About the only other use for this lot would be for parking.
8. Day agreed that the lot would be worthless.
9. It will improve the character of the neighborhood since the old building will be torn down and replaced with a new building.

Day told the Board this building has not been occupied for about nine years. Day purchased the property in 2005 and he originally wanted to use the building for storage but the building is not feasible to repair the building.

Day said he is asking for the relaxation of the setbacks to be 5' to the south, 10' from the east, 10' from the west and 15' to the north.

Wilke questioned where the access would be and what size units he would have. Day responded the access would be from the north. There would be six 10' x 20' units on the west and ten 10' x 32' units on the east.

Heiden asked if the entire building would be demolished, after which Day said it would.

Wilke also asked if the buildings would be connected. Day said the buildings would be connected.

Klein asked if he could complete construction in the 2-year time frame and Day thought that would not be a problem.

Heiden asked again where access would be from and Day said the access would be from the south of Highway 30, not the north as he previously stated. They discussed the footage from the highway and Day said vehicles would be turning from Highway 30 directly into the units. He thought the units would not be built large enough to accommodate large campers.

Martin said this is a viable business and the new building will clean up the area.

Farrell commented nothing else would fit on this small lot without relaxing the setbacks. He questioned how tall the building would be and asked what type of storage would be placed in the structure. They also discussed the height of the door openings and the appearance of the structure.

Day said the building would be aesthetically pleasing to the surrounding properties. Day said the septic system was no longer usable since the neighbor to the north had put in a new well and the septic would be filled in.

No one spoke in opposition. The hearing closed at 4:35 P.M.

Motion was made by Heiden, seconded by Martin to relax the setbacks to 15' on the north, 5' on the south, 10' to the west and 10' on the east with openings on the south side of the structure and the height of the building/buildings not to exceed twenty feet for the variance as requested by Gary W. Day for property described as: Lot 86, Village of Odessa, Buffalo County, Nebraska because the factors were met as per the Buffalo County Zoning Regulations 9.3, subsection #3:

3. Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of adoption of the Zoning Resolution, or by reason of exceptional topographic conditions or other extraordinary and exceptional

situation or condition of such piece of property, the strict application of any enacted regulation under this act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon the owner of such property, to authorize, upon appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardships, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of these zoning regulations, but no such variance shall be authorized unless the Board finds that:

- a. The strict application of the regulation would produce undue hardship;
- b. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
- c. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and
- d. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.

Voting yes were Heiden, Martin, Bosshamer, Farrell and Wilke. Voting no: none. Absent: none. Motion carried.

Klein stated this resolution would be filed in the Register of Deed's office against the property and a copy would be sent to Day. Commencement will need to begin within 120 days and completion should be finished within 2 years of this date.

Moved by Wilke, seconded by Farrell to approve the minutes of March 23, 2006 meeting of the Board of Adjustment as mailed. Voting yes were Wilke, Farrell, Bosshamer, Martin and Heiden. Absent: none. Voting no: none: Motion carried.

Moved to adjourn at 4:40 P.M. until which time the Board of Adjustment is called into session again.