

MINUTES OF BOARD OF ADJUSTMENT
JUNE 14, 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 June 14, 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, Sharon Martin, Lloyd Wilke and alternate Barb Pemberton Riege. Absent: Dennis Farrell and Marlin Heiden. Also present were Buffalo County Deputy Attorney Andrew Hoffmeister, Deputy Attorney Melodie Bellamy and Tim Sorensen. Zoning Administrator LeAnn Klein was absent.

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 Charles L. Wright and Carol J. Foster-Wright for Lot 114 except the North 22 feet thereof, and all of Lots 112 and 113, and the East 7 feet of Webb Street, all in Odessa, Buffalo County, Nebraska. Thereafter, Board heard testimony regarding application for variance from Tim Sorensen, contractor, representing Charles L. Wright and Carol J. Foster-Wright concerning property in the Village of Odessa, Buffalo County Nebraska.

Sorensen told the Board they are asking for a variance to build an addition to the existing home on the west side of the existing residence. This addition would still be farther back than some of the existing residences. Some of these lots are only 50' and there is not a house in Odessa that could comply with the 50' setback.

Hoffmeister asked if this would change the character of the neighborhood of which Sorensen replied no. Sorensen stated Wright owns 2 ½ lots.

Riege asked about the placement of the existing well and septic. Sorensen replied they are east of the existing residence and would not interfere with the addition.

The addition will have a bathroom which would be hooked into the existing septic system. The addition would be harmonious with the rest of the home.

Hoffmeister asked the following questions:

1. Would the strict application of the regulation produce undue hardship?
2. Is this shared generally by other properties in the same vicinity?
3. Would this variance be a substantial detriment to adjacent property?
4. Is this variance for convenience?

Sorensen replied as follows:

1. This would cause undue hardship.
2. All of the lots in Odessa have the same problem because of the size of the lots.
3. This variance would not be a detriment to other properties.
4. This variance is not for convenience.

Martin asked Hoffmeister if this applies to all the lots in Odessa. Hoffmeister responded the Planning & Zoning Commission thought each case should be reviewed on a case by case basis because there are problems with the sanitary services in Odessa. This is a hardship shared by everyone in Odessa.

No one spoke in opposition. The hearing closed at 4:10 P.M.

Moved by Riege, seconded by Martin to relax the setback for the proposed addition on the west side of the existing house on the property because:

- 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.
- e. The area of existing encroachment and nonconformity is on the south and west sides of residence now on the property. The granting of this variance does not increase areas of the structure now encroaching on road situated to west of the subject property.
- f. The area of the proposed encroachment is similar to encroachments in the neighborhood and does not harm surrounding properties.

Per zoning regulation Sec. 9.32 this Board finds the hardship is these lots are non-conforming lots that have improvements on these lots and there are other buildings that are closer to the road than this structure.

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

Moved by Wilke, seconded by Martin to approve the minutes of March 8, 2007 meeting of the Board of Adjustment as mailed. Voting yes were Wilke, Martin, Bosshamer and Riege. Voting no: none. Absent: Farrell and Heiden. Motion carried.

Moved to adjourn at 4:12 P.M. until which time the Board of Adjustment is called into session again.