

## MEETING RECORD

**NAME OF GROUP:** COUNTY BOARD OF ZONING APPEALS

**DATE, TIME AND PLACE OF MEETING:** Friday, April 13, 2012, 2:30 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

**MEMBERS IN ATTENDANCE:** Jeff Frack, Lynette Nelson, Tom Thurber, Matthew Warner and Ed Woeppel absent. Terry Kathe of Building and Safety; Brittany Behrens of County Attorney's office; Sara Hartzell, Steve Henrichsen and Teresa McKinstry of the Planning Dept. and other interested citizens.

**STATED PURPOSE OF MEETING:** Regular County Board of Zoning Appeals Meeting

Sara Hartzell opened the meeting and acknowledged the posting of the Open Meetings Act in the room. Due to the fact that this group has not met since April of 2010 and the term of Chair and Vice-Chair only run for one year, Hartzell called for nominations for Chair.

Thurber nominated Woeppel for Chair, seconded by Nelson and carried 5-0: Frack, Nelson, Thurber, Warner and Woeppel voting 'yes'.

Woeppel then called for nominations for Vice-Chair. Nelson nominated Thurber, seconded by Frack and carried 5-0: Frack, Nelson, Thurber, Warner and Woeppel voting 'yes'.

Woeppel called for a motion approving the minutes of the regular meeting held April 9, 2010. Motion for approval made by Thurber, seconded by Warner and carried 5-0: Frack, Nelson, Thurber, Warner and Woeppel voting 'yes'.

### **REVIEW AND APPROVAL OF LANCASTER COUNTY BOARD OF ZONING APPEALS BYLAWS**

Hartzell explained that about a year and a half ago, County Board of Zoning Appeals applications were made final action. These no longer go onto County Board for their decision. An application can still be appealed to the County Board and further to the District Court.

Warner is glad to see the change.

Warner moved approval of the bylaws, seconded by Thurber and carried 5-0: Frack, Nelson, Thurber, Warner and Woeppel voting 'yes'.

**COUNTY BOARD OF ZONING APPEALS NO. 12001**  
**REQUESTED BY GARY KING TO REDUCE THE SIDE YARD SETBACK FROM 30 FEET**  
**TO 15 FEET ALONG THE WEST LOT LINE OF PROPERTY LOCATED AT 15200**  
**MARTELL RD.**

**PUBLIC HEARING:**

**April 13, 2012**

Members present: Frack, Nelson, Thurber, Warner and Woepfel

Gary King lives at 15200 Martell Rd. He handed out a map. He noted it is not to scale. He is asking for a variance to 15 feet north of the current astro building. He had two sheds that are in very bad shape. He wants to put up a pole shed. He has one mature tree left after the 2004 tornado. He does not want to take it down. The shed would be approximately 30 feet wide. He has an existing wind break. There is electricity in one shed that is being torn down. It will be approximately 190 feet off the road. A new building will bring more tax dollars to Lancaster County.

Nelson inquired about the size of the existing metal building to the south. King replied that it is approximately 30 feet by 40 feet.

Nelson asked about the size of the proposed building. King believes it to be about 30 feet by 40 feet, depending on what type of building he goes with. He hasn't looked at builders yet.

Woepfel questioned the sheds to the north. It looks like they are angled a bit. What is the distance from those sheds to the property line? King replied about 15 feet. The shed directly north of the astro building is 19 feet.

Frack inquired if these buildings will remain. King replied in the affirmative.

Nelson wondered if the furthest building north is a cow lot. Frack replied yes. It is a small herd.

Nelson asked how much room is between the mature tree and the building now, or the furthest tree line, the wind break. King replied if the current shed was replaced where it sits now, it would replace the tree. If he can gain four feet, he can still get a 30 foot shed and not interfere with the tree.

Frack inquired if the roadway to the back is the only access. King replied yes, but there is another roadway off his father's property.

Thurber doesn't view this as a particularly unusual circumstance, but the neighbors are all in support.

**ACTION:**

Thurber moved approval, seconded by Warner.

Arthur Hutt owns the property to the south. He is the applicant's brother-in-law. He thinks the old buildings are in need of replacement and this would be a big improvement. He is in full support.

Hartzell commented that the proposed Resolution will grant a 15 foot setback along the current length of the lot line.

King is requesting the setback reduction from the north side of the astro building to the lot line. He just needs the setback reduction where the proposed new building would go.

Brittany Behrens stated that the Resolution can be drafted to reflect the reduced setback on the west side of the property just where the building will be built.

Nelson inquired if the trees past the corral are deciduous trees. King replied yes, then it is pasture.

Hartzell stated that the current motion would reduce the entire setback along the entire length of the lot.

Warner noted if this property ever gets developed, that proposed setback would affect the entire lot. He isn't sure that is good.

Behrens noted that the setback can be designated for just the new building or just from the new building to the north.

Warner is concerned about any future development and the setbacks. Behrens replied that a new subdivision would change many things. The existing buildings may have been built when the setback was much different.

Thurber withdrew his motion, Warner agreed as second.

Warner doesn't want to set a precedent or have something he can't live with in the future.

Hartzell would suggest a setback of 190 feet north of the south property line to a point 290 feet north of the south property line.

Woepfel would like to see the setback to at least to the corner of the existing buildings

Warner would suggest 390 feet from the road.

Warner moved approval of a variance from 190 feet north of the south property line to a point 390 feet north of the south property line, seconded by Nelson.

Motion for conditional approval carried 5-0: Frack, Nelson, Thurber, Warner and Woeppel voting 'yes'.

There being no further business, the meeting was adjourned at 3:15 p.m.