

MEETING RECORD

NAME OF GROUP: COUNTY BOARD OF ZONING APPEALS

DATE, TIME AND PLACE OF MEETING: Friday, July 11, 2008, 2:30 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Steve Hollman, Lynette Nelson, Tom Thurber and Ed Woeppel; (Matthew Warner absent). Terry Kathe of Building and Safety; Mike DeKalb and Teresa McKinstry of the Planning Dept. and other interested citizens.

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

Chair Ed Woeppel called the meeting to order and requested a motion approving the minutes for the regular meeting held October 12, 2007. Motion for approval made by Thurber, seconded by Woeppel. Motion for approval carried 4-0: Hollman, Nelson, Thurber and Woeppel voting 'yes'; Warner absent.

COUNTY BOARD OF ZONING APPEALS NO. 08002
FOR A VARIANCE OF THE ZONING RESOLUTION TO ALLOW A 5' X 10' SIGN, 14'
TALL, WITHIN THE REQUIRED FRONT YARD, ON PROPERTY LOCATED AT 24005
S. 12TH STREET, PRINCETON, NEBRASKA

PUBLIC HEARING: July 11, 2008

Members present: Hollman, Nelson, Thurber and Woeppel; Warner absent.

Nate Reckling appeared as applicant. This application is for a sign. They have some unique opportunities to serve the county. They have county and regional entities that use the church. These would be enhanced by better signage. Highway 77 used to be where the access road is now. The existing sign is small. With the movement of Highway 77, he believes they need more adequate signage.

Thurber inquired if a sign can be legally established on a business zone. Mike DeKalb indicated on a map where the present sign is located and where the sign could legally be located now. Reckling thinks a bigger sign next to the car lot would impact the neighbors. He believes the proposed location would make them better neighbors.

Woeppel asked the applicant to show him on a map the location of the car lot. He inquired how far the church building is from the car lot. Reckling believes it is 26 feet from their property line to the edge of the building.

Nelson wondered what is located to the north of the church. Reckling replied there is a residence across the street. That property is large with evergreen trees that hide the property from view.

Nelson inquired if the village has covenants of any type. DeKalb replied that Princeton is an unincorporated village completely under Lancaster County jurisdiction.

Thurber doesn't comprehend why a sign can't be installed where it is legal to have one. The sign as proposed would be just north of the drive into the church. He questioned if this would be a hazard for the members coming out of the church. Reckling replied that currently the driveway has large metal posts. He anticipates some kind of landscaping around the sign.

Woepfel inquired about the house to the north of the church. That property would be looking at the sign. Reckling doesn't anticipate an electronic message board on the sign. The sign as proposed would be internally lit with manually movable text.

Woepfel is still concerned that the neighbor would be staring at the sign. Reckling replied that the house's dining room would be looking at the sign. They have not talked to the neighbors about this request.

Thurber wondered if there would be a hardship since the sign can be erected where it would be required due to normal zoning. Reckling replied that there is no hardship. He doesn't believe the location of the sign under the existing zoning setbacks would make the sign as visible as the proposed location.

Woepfel wanted the 30 foot setback clarified. DeKalb stated that the current zoning would allow for a sign outside the front yard. The setback is 30 feet on both street sides. The sign cannot be located within the 30 foot setback. The side yard is 5 feet unless you abut a residence, in which case this setback is zero.

Reckling stated that they are asking for a variance of the setback, a variance of the size and a variance of the height.

Reckling stated that they would like the sign face to be 5' x 10' and 14' tall to the top of the sign from the ground.

DeKalb clarified that the zoning code talks about a 6' bulletin board, but no height limit. The height of the district applies. The sign could go up to 35' tall without a variance. The 14' height is not an issue.

Woepfel wondered if the applicant would consider having the sign within the proper setbacks if the height of the sign was taller. Reckling believes that 14' is about as high as they can afford.

Thurber stated it seems logical to for the sign to be zero feet from the front property line. The size is already established for the business area of up to 100 square feet. He understands why a sign is wanted. He doesn't see where moving it farther back is a problem.

Nelson asked if the sign will be on poles or a brick foundation. Reckling replied it would be a solid steel wrapped base.

DeKalb stated that this was legally advertised for front yard adjustment siting Article 6 and Article 16. There is a reference to the residential zoning which if this is moved to the business district, the legal advertisement might be wrong. There is a question if this needs to be readvertised.

Hollman asked if there has been any opposition to this application. DeKalb replied there were some inquiries asking further information, but no one indicated their opposition.

Tom Fox with County Attorney appeared. The application filed indicated the proposed location of the sign. It would not be appropriate to amend the application at the hearing. Another way would be to hold over the application for one month, have the applicant amend the appeal and propose a new application for the sign in the business area. If the applicant does not want to do that, the Board can act on the application for the sign in the residential area as proposed. The car lot might have a problem with a sign that close to his property.

Woepfel believes the business area would be the most appropriate location for the sign. He thinks the Commission needs to be cautious about granting something that is not in the policy of the County.

Curtis Schwaninger stated that they would like to have action on the application as submitted. Reckling stated that it would be up to the church board to determine if they would like to amend their application or not.

Terry Kathe of Building and Safety stated that if the application is revised, there is not another application fee. If the current application is denied and another application is submitted for a new location, that would be a new application fee.

Thurber would support a sign in the business area.

Kathe wondered if there is a sign at the auto dealership. There must be a 100' sign separation. Reckling replied that he does not believe the auto dealership has a sign.

DeKalb clarified that in B Business district, on premise signs must be located at least 100 feet away from each other.

DeKalb stated that the code could be interpreted another way. Reckling would be concerned about intruding on the possibility of the car lot having a sign. He would prefer the Commission vote on the application as submitted and they will weigh their options when it is all said and done.

Schwaninger believes things are a little different in the County. He hopes the Commission can see this would be a benefit to the community. He believes the proposed location would also be the most visible.

Woepfel appreciates the forethought.

ACTION:

July 11, 2008

Hollman moved approval, seconded by Nelson. Motion failed 2-2: Hollman and Nelson voting 'yes'; Thurber and Woepfel voting 'no'; Warner absent.

DeKalb stated that final action of the board rules state that an application not receiving a majority of three votes gets held to the next meeting until it receives three votes one way or the other.

Woepfel is concerned about the housing to the north, things change over time. This would set a precedent for a sign that is not currently in county zoning. He doesn't see this as a hardship. This seems to be more of a wish on the applicant's part.

This application will appear before the County Board of Zoning Appeals at their next regularly scheduled meeting on August 8, 2009.

There being no further business, the meeting was adjourned at 3:45 p.m.