MEETING RECORD

NAME OF GROUP:	City Board of Zoning Appeals	
DATE, TIME AND PLACE OF MEETING:	Friday, January 25, 2008, 1:30 p.m., Hearing Chambers, County-City Building, 555 South 10th Street, Lincoln, Nebraska	
MEMBERS AND OTHERS IN ATTENDANCE:	**Members:**	Gene Carroll, Tim Francis, George Hancock and Gerry Krieser. Bob Kuzelka absent.
	Others:	Terry Kathe (Building & Safety); Rick Peo (Law Department); Brian Will and Michele Abendroth (Planning Dept.); applicants and other interested parties.
STATED PURPOSE OF THE MEETING:	Regular Meeting of the City Board of Zoning Appeals	

Chair Gene Carroll called the meeting to order at 1:30 p.m.

Approval of the minutes of the December 14, 2007 meeting

Francis moved approval of the December 14, 2007 meeting minutes, seconded by Hancock. Motion carried 4-0. Carroll, Francis, Hancock and Krieser voting 'yes'. Kuzelka absent.

Appeal No. 07008 by L.W. Hoffman for variances to the required front and side yard setbacks on property generally located at 5500 Cornhusker Highway.

HEARING **January 25, 2008**

L.W. Hoffman, 1344 Garber Ave., stated that huge trucks back in to the business at 5500 Cornhusker Highway. They are a locally-owned business in competition with some large stores. Havelock Avenue is essentially an alley and serves three properties. The building in question is 5 feet from the north property line and eight feet from the other property line. It is a metal building with two overhead doors and stores products. The products were outside prior to the construction of this building and were subject to damage, so they would like to have them inside. He believes it should be approved because Havelock Avenue is basically an alley and only trucks enter the area.

Carroll asked if a building permit was issued for the building. Hoffman stated that he paid for a building permit.

Robert Gade, 5500 Cornhusker Highway, has been in the wholesale plumbing and heating business many years. Several years ago, they put up three carports, and they did not have permits on them at the time of construction. Building permits have since been issued. There are five docks at the back of the building, which are used often. Trucks enter the gate from the east, make a 90 degree turn and pull up to the dock. With a 20 foot setback for the storage building, they are unable to do that. The building has been erected for two years. There is no water or electricity in the building. They feel the street behind the building should be designated as an alley. They are requesting a variance to allow trucks to enter and have the appropriate clearance to make the required turn to the dock. He presented a video showing a truck pulling up to the dock.

Glenn Whitney, attorney, stated that he feels Havelock has had an excellent relationship with the City. The City has had a good history of adapting older environments to the modern trends. He believes this is a good use of the land, and they hope the Board agrees that this is an effective and good use of the land.

Carroll asked if there was further testimony in favor of or against this application. With no one appearing, Carroll closed the public hearing.

ACTION **January 25, 2008**

Carroll asked about the staff report stating that a building permit had not been issued. Kathe stated that in 2003, the carports were built and they were notified they needed permits. Permits were issued in 2007. When Building and Safety performed the final inspection on the carports, they discovered the building in question. The applicant subsequently applied for a permit for the building, but it has not been issued.

Hancock asked what would happen if Havelock Avenue was declared an alley. Kathe stated that Havelock would be a rear yard, which means that accessory buildings can be located there. However, prior discussions with Public Works staff indicated that they did not feel vacating the street was a viable option.

Krieser moved to deny the application, seconded by Francis. Krieser stated that there are no peculiar or unusual circumstances with the land. Hancock feels that this does not meet the unusual or exceptional circumstances. All of this could have been avoided if a building permit had been applied for. Carroll stated that they are bound by the ordinance, and the issue was caused by not applying for a building permit. In addition, there are no peculiar or unusual circumstances with the land.

Motion to deny carried 4-0. Carroll, Francis, Hancock and Krieser voting 'yes'. Kuzelka absent.

The meeting was adjourned at 1:56 p.m.

***Please note that these minutes will not be formally approved until the next meeting of the Board of Zoning Appeals. ***

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