

MEETING RECORD

NAME OF GROUP: CITY BOARD OF ZONING APPEALS

DATE, TIME AND PLACE OF MEETING: Friday, June 15, 2018, 1:30 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Vicki McDonald Annette McRoy, Steve Miller, and Scott Sandquist; Chris Hove absent. Tim Sieh of the Law Department; Ron Rehtus of the Building and Safety Department; Brian Will, Dessie Redmond, and Amy Huffman of the Planning Department.

STATED PURPOSE OF MEETING: Regular City Board of Zoning Appeals meeting.

Acting Chair McRoy called the meeting to order and acknowledged the Open Meetings Act posted at the back of the room.

Will came forward to announce that due to a clerical error, Commissioners arrived early for an expected commencement time of 1:00 p.m.; however, the legal ad and official start time of the hearing is 1:30 p.m.

McRoy called for a motion approving the minutes of the City Board of Zoning Appeals hearing of April 27, 2018. Motion for approval made by Miller, seconded by McDonald and carried 4-0: McDonald, Miller, Sandquist and McRoy voting 'yes'; Hove absent.

APPEAL NO. 18001, REQUESTED BY CHIK-FIL-A, FOR A WAIVERS TO THE FRONT YARD SETBACK, ON PROPERTY GENERALLY LOCATED AT 121 N. 48TH STREET.

PUBLIC HEARING:

June 15, 2018

There were no ex parte communications disclosed.

Tim Sieh, City Attorney, stated that this hearing is unique. The same variance was approved in March of 2018. There is a provision that a certified copy of the resolution shall be filed by the City Clerk and with the Lancaster County Register of Deeds within 60 days. After such time, if the resolution has not been recorded, it becomes null and void. The previously approved resolution was not recorded within that timeframe so it is as if it never existed. The Board's roll today is to take a fresh look at this appeal and to not consider the outcome of the hearing that took place in March. Sieh asked the Board if there were any procedural questions. There were none.

Joe Vavrina, HR Green, Inc. 420 N. Front Street, McHenry, Illinois, came forward for the applicant to state this is a unique situation. Everything was approved at a hearing in March. No part of the plan has changed. The variance was requested to accommodate signal equipment located on the southeast corner of the site. This feature is unique to this site, and if it were not there, there would be no need for the request for setback waivers. They hope to reaffirm the original approval made in March, to start construction in July.

There was no public testimony on this item.

Miller asked for confirmation that there has been no change to the site plan since the last hearing date. Vavrina said that is correct.

APPEAL NO. 18006

ACTION BY THE CITY BOARD OF ZONING APPEALS:

June 15, 2018

Miller moved to grant the variance to the front setback based on the evidence presented and the existing site plan; seconded by Sandquist and carried, 4-0: McDonald, Miller, Sandquist, and McRoy voting 'yes'; Hove absent.

There being no further business, the meeting was adjourned at 1:39 p.m.

Note: These minutes will not be formally approved by the City Board of Zoning Appeals until their next regular meeting.