MEETING RECORD

NAME OF GROUP:	**CITY BOARD OF ZONING APPEALS**
DATE, TIME AND PLACE OF MEETING:	Friday, September 29, 2017, 1:30 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska
MEMBERS IN ATTENDANCE:	Andrew Budell, Chris Hove, Annette McRoy Scott Sandquist; Vicki McDonald absent. Tim Sieh of the Law Department; Ron Rehtus of the Building and Safety Department; Brian Will, Steve Henrichsen, and Amy Huffman of the Planning Department.
STATED PURPOSE OF MEETING:	Regular Board of Zoning Appeals meeting

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

Hove called for a motion approving the minutes of the City Board of Zoning Appeals hearing of August 25, 2017. Motion for approval made by McRoy, seconded by Budell and carried 4-0: Budell, McRoy, Sandquist and Hove voting 'yes'; McDonald absent.

APPEAL NO. 17012, REQUESTED BY CLAUDE AND NADINE FRERICHS, FOR A VARIANCE TO THE FRONG SETBACK FROM 50 FEET TO 42 FEET, ON PROPERTY GENERALLY LOCATED AT 5100 W. SUMNER CIRCLE.
PUBLIC HEARING: September 29, 2017

There were no ex parte communications disclosed.

Claude Frerichs, 5100 W. Sumner, stated he and his wife have lived in the house for 40 years. Now that he is retired, he would like to build a wood shop garage. The property is a pie-shaped acreage. There are two easements including a 30-foot water drainage easement and a 100-foot diesel pipeline easement on the east side of the property. There are limited areas on the property where this building can be built. To the front is the water well and the back has the septic system that are all laterals, like all of the neighbors. Others in the neighborhood have all gone to lagoon systems, but we do not want to do that and the laterals function just fine for them at this time.

Another reason building to the north will not work is that, along with the easement, the water drains off of the west neighbor's property. It would not work to raise the area and put a pad there to build because it would block the water flow. That drainage flows through a culvert by the front drive and takes a sharp turn to the east before turning north again. That has protected the house and worked well for 40 years.
Those are the reasons the shed is proposed where it is. A survey was plotted to avoid

the easement. In the meantime, he had dirt hauled in to raise the sloped area behind where the water turns east. He thought he was dealing with a 30-foot setback because that is what the plat showed, so he put the dirt at 40 feet, thinking he had a 10-foot buffer. When he went for the building permit, he learned that since he was zoned AG, he needed the 50-foot setback. He considered pushing the garage to the north, but then he ran into the problem of blocking of the area for the septic truck, or a pickup or trailer to get to the back of the lot. There is also a steep grade to the east of the garage. The area is landscaped with mature trees that shade the house. He does not want to remove those because they are a shield from the wind. There is also a railroad crossing to the northwest of the property.

The building site would not be seen from the road. There is a lilac hedge to hold the soil behind the area, and mature trees. They have also been an Audubon facility for years and everyone in the area thinks are property is nice, and they work hard to keep it that way. He intends to build a very nice building with Hardy panels and metal trim to mathc the house. He knows all of his neighbors and has spoken with them. This is his first choice for a location. If he has to, he will downsize, but he has been told not to make it too small because a wood shop needs space for cords and equipment. He appreciates the Board for listening to his request.

Sandquist asked if the dark lines north of the house are the laterals. Frerichs said yes. They are short and have not been touched. The cannot be moved east sinc ethey can't be too close to the drainage easement. If a big family moves into the house someday, they will have to be replaced, but they are fine for he and his wife.

Sandquist asked if the overhead doors would be on the side. Frerichs said yes, just on the west side. Sandquist asked if the reason to keep the garage in the proposed location is because moving it would deny access to the laterals. Frerichs said that is correct. There is also a steep grade that would have to be dealt with. Sandquist noted that in his mind, that is the biggest issue.

There was no public testimony on this item.

APPEAL NO. 17012
ACTION BY THE CITY BOARD OF ZONING APPEALS: September 29, 2017

Sandquist moved for approval of the variance; seconded by McRoy.

Tim Sieh, Law Department, came forward to state that board members need to articulate the factual basis for approving the motion.

Sandquist stated that in his opinion, the applicant could move the garage to meet the setback; however, based on the layout of the lot and the fact that the owner is saying the laterals are in good shape for them and they will not be replacing them, moving the garage would create a situation where there would be no access to install an updated septic system for the next owners of the property. This is a unique circumstance based

on this particular property and it is certainly logical and rational to leave the proposed garage at the site where the owner has requested.

Motion carried, 4-0: Budell, McRoy, Sandquist, and Hove voting ‘yes’; McDonald absent.

There being no further business, the meeting was adjourned at 1:47 p.m.

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

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