

MEETING RECORD

NAME OF GROUP: COUNTY BOARD OF ZONING APPEALS

DATE, TIME AND PLACE OF MEETING: Friday, August 12, 2016, 2:30 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Jeff Frack, Jennifer Hiatt, Herschel Staats, Ed Woepfel; Matthew Warner absent. Terry Kathe of Building and Safety; Doug Cyr of County Attorney's Office; Tom Cajka, Steve Henrichsen and Amy Huffman of the Planning Department.

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

Chair Ed Woepfel opened the meeting and acknowledged the posting of the Open Meetings Act in the room.

Election of Officers:

Woepfel called for a nomination for Chair. Staats nominated Woepfel; seconded by Frack and carried 3-0: Frack, Hiatt, and Staats, voting 'yes'; Woepfel abstaining; Warner absent.

Woepfel called for a nomination for Vice Chair. Hiatt nominated Frack; seconded by Staats and carried 3-0: Hiatt, Staats, and Woepfel voting 'yes'; Frack abstaining; Warner absent.

Woepfel then called for a motion to correct a clerical error on the agenda. Frack moved to correct the date under "Item 2" from "May 12, 2013" to "April 12, 2013". Seconded by Staats and carried 4-0: Frack, Hiatt, Staats, and Woepfel voting 'yes'; Warner absent.

Woepfel called for a motion approving the minutes of the regular meeting held April 12, 2013. Motion for approval made by Staats, seconded by Frack and carried 4-0: Frack, Hiatt, Staats, and Woepfel voting 'yes'; Warner absent.

COUNTY BOARD OF ZONING APPEALS NO. 16002
REQUESTED BY JIM & BILLI JACOBSEN, FOR A VARIANCE TO THE LOT AREA
TO ALLOW LOTS 24 AND 25 TO BE COMBINED INTO A 19.48 ACRE PARCEL FOR
A BUILDABLE LOT ON PROPERTY GENERALLY LOCATED
AT 20400 NW 12TH STREET.
PUBLIC HEARING: August 12, 2016

Members present: Frack, Hiatt, Staats, Woeppel; Warner absent.

Jim Jacobsen said he went in for a building permit and there were red flags regarding his property. There are 8 acres of green belt. When he bought the place in 2004, he thought they had 19.7 acres. The sale was done privately with the Swanson family and a title company was hired at that time. Until he applied for the building permit to add a sunroom, he had no idea the property was not properly zoned for the house. There could have been confusion when the property changed hands in the past. They want to do upgrades to the house and cannot. They may not be able to sell the house in the future since it is not supposed to be there. His goal is to establish this as one lot so it is legal.

Woeppel asked if he had anything to add to his testimony. Jacobsen said his family loves the property and just wants to make the house legal. Their daughter is close to school. He has taken all the steps necessary to follow the rules.

Staats asked for confirmation that he is seeking to combine two lots. Jacobsen said yes. When he went for the building permit, he learned there is a line 10 feet east of the house where there is still farm ground. The spring after the property was purchased, he was informed that the tax for the area still includes the green belt. They paid for the acreage and got it deeded to their names but never combined the lots.

Woeppel asked if both lots were purchased at the same time. Jacobsen said yes. They thought they purchased 19.7 acres. They also had an issue with a neighbor who would not grant an easement for an existing driveway and as a result, they installed 650 feet of new drive. There have been a few surprises with this property.

Frack asked how many acres were noted on the deed. Jacobsen said he thought it was 19.7. Building and Safety staff did some research and thought there could have been some questionable activity during this transfer. His family was shocked to hear that and are now stuck with it. Many people might have built on the property without saying anything.

Woeppel said he is glad to hear that Jacobsen made the choice to follow the rules.

Jacobsen concluded by stating that the home needs upgrades, especially before cold weather hits. They would like to have the sunroom and more room in general so they can continue to stay in the home. They want to follow the rules and do it right. If this is approved today, things are ready to go.

There was no testimony in opposition.

ACTION:

August 12, 2016

Staats asked what the appropriate motion would be.

Doug Cyr, County Attorney, answered that this board could move to approve or deny the variance. The resolutions for both choices have been provided for review.

Staats moved approval of the variance, seconded by Hiatt and carried 4-0: Frack, Hiatt, Staats, and Woeppel voting 'yes'; Warner absent.

Other Business:

Chair Woeppel noted that the minutes for May 17, 2013 still need to be approved. He called for a motion approving the minutes of the regular meeting held May 17, 2013. Motion for approval made by Hiatt, seconded by Staats and carried 4-0: Frack, Hiatt, Staats, and Woeppel voting 'yes'; Warner absent.

There being no further business, the meeting was adjourned at 2:52 p.m.

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