

## MEETING RECORD

*Advanced public notice of the County Board of Zoning Appeals meeting was posted on the County-City bulletin board and the Planning Department's website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Thursday, September 5, 2024.*

**NAME OF GROUP:** COUNTY BOARD OF ZONING APPEALS

**DATE, TIME AND PLACE OF MEETING:** Friday, September 13, 2024, 9:30 a.m., County-City Building, City Council Chambers, 555 S. 10<sup>th</sup> Street, Lincoln, Nebraska

**MEMBERS IN ATTENDANCE:** Tai Pleasant, Joe Shaw and Ed Woeppel attending.  
James Pinkerton, Matt Warner absent.

**OTHERS IN ATTENDANCE:** George Wesselhoft, Jennifer McDonald and Juan Carrasco of the Planning Department; Andrew Barness of County Attorney's Office; and other interested parties.

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

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

Woeppel then called for a motion approving the minutes of the regular meeting held August 11, 2023. Approval of minutes for the August 11<sup>th</sup>, 2023, hearing will be postponed until the next County Board of Zoning Appeals hearing due to a quorum not being met. (Pinkerton and Warner absent, Shaw abstained)

### **BOARD OF ZONING APPEALS 24002**

**REQUESTED BY VLADIMIR AND SVETLANA NETSVETAYEV, FOR A VARIANCE TO REAR YARD SETBACK FROM 100 FEET TO 50 FEET, ON PROPERTY GENERALLY LOCATED AT 3475 OLIVE CREEK ROAD.**

### **PUBLIC HEARING:**

**September 13, 2024**

Members present: Pleasant, Shaw and Woeppel. Pinkerton and Warner absent.

There were no ex parte communications disclosed.

**APPLICANT:**

**Vladimir Netsvetayev, 4120 W Thatcher Circle, Lincoln, NE 68528** stated that he inquired about the setbacks before he purchased the property. He was told that there was a 50-foot rear yard setback. With that information, Netsvetayev proceeded to purchase and to clear the lot to prepare for building. Netsvetayev stated when he submitted plans for approval, it was discovered that he was given the incorrect information. Netsvetayev stated that the regulation states 300 feet, it does not state an average of 300 feet. There is just a small portion of the property that does not meet the 300 feet requirement; therefore, a permit cannot be issued.

Pleasant asked if Netsvetayev started clearing the property before the permit was applied for. Netsvetayev stated that a permit is not needed to clear the land.

Shaw asked if the time, efforts and money spent was with the intention of building a house. Netsvetayev stated time, money and efforts was spent and now is in this predicament.

Woepfel asked approximately how much of money was spent. Netsvetayev stated he spent a lot of time and money but did not keep track of it. He did most of the work himself, countless days and hours and the rental of equipment. Woepfel asked what the timeline was for completion. Netsvetayev stated that he was hoping to be moved in before the school year started. Woepfel wanted to clarify that that there was an old structure there previously. Netsvetayev stated that there was an old barn that burned down years ago and it was cleared out, and a house currently there that is going to be demolished.

**STAFF QUESTIONS:**

**George Wesselhoft, Planning Department, 555 South 10<sup>th</sup> Street, Lincoln, NE** came forward and stated there is an exhibit that is consistent with what the applicant presented (Exhibit 1). Wesselhoft referenced 3 points where it is less than 300 feet and one point that it exceeds 300 feet. Because of this one unusual projection, this is what disqualifies the applicant from having the 50-foot required rear yard. Wesselhoft stated that this is not a frequently referenced provision, so it is unusual.

Shaw stated that there is a home adjacent to the property, and asked if the neighbors have any objection or anything to say. Wesselhoft stated that one property owner contacted him and did not have any objection.

Pleasant noted in the staff report it mentions saving of the matured trees for the state of proposal and is curious what this language means. Wesselhoft stated that is additional information that the applicant provided that explains the rationale with the future plans to apply for a future accessory dwelling unit.

Woepfel stated that this is a unique property line which complicates a lot of things. This is a unique situation, and the best use for the property is what is needed to be decided on.

**Svetlana Netsvetayev, 4120 W Thatcher Circle, Lincoln, NE 68528** came forward and stated that when they purchased the property, they were told that there was a 50-foot setback. Netsvetayev stated that they did their research and did what was recommended and a year later, they still are not building. This has been difficult for her family.

**SUPPORT:**

No one appeared in support.

**OPPOSITION:**

No one appeared in opposition.

Motion for approval with a variance to the rear yard setback to allow a building on the property, made by Shaw, seconded by Pleasant.

Motion carried 3-0: Pleasant, Shaw and Woepfel voting 'yes'; Pinkerton and Warner absent.

Motion to adjourn made by Pleasant seconded by Shaw.

Motion to adjourn 3-0. Pleasant, Shaw and Woepfel voting 'yes'; Pinkerton and Warner absent.

There being no further business, the meeting was adjourned at 9:52 p.m.

