

The Wahoo Board of Adjustment met in regular session and in accordance with published Notice of Public Hearing and with agenda posted at City Hall, Post Office, and First Bank of Nebraska, with each board member being notified of the agenda prior to the meeting. Meeting was called to order by Chair Glen Wilcox at 7:03 p.m. The public was advised of the posted information regarding State Open Meetings Act and Title VI. The following members were present and answering roll call: Sherry Hageman, Paul Eddie, Mark Sutton, Eric Thomalla, Chad Aldrich, and Glen Wilcox. Also present was Travis Beavers, Zoning Administrator and Jovan Lausterer, City Attorney.

A motion was made by Thomalla, seconded by Sutton to nominate Wilcox as Chairman. Roll call vote: Thomalla, yes; Sutton, yes; Aldrich, yes; Hageman, yes; and Wilcox, yes. Motion carried.

A motion was made by Thomalla, seconded by Wilcox to nominate Sutton as Vice Chair. Roll call vote: Thomalla, yes; Wilcox, yes; Hageman, yes; Aldrich, yes; and Sutton, yes. Motion carried.

A motion was made by Hageman, seconded by Thomalla, to approve agenda as presented. Roll call vote: Hageman, yes; Thomalla, yes; Wilcox, yes; Sutton, yes; and Aldrich, yes. Motion carried. Lausterer marked the agenda as exhibit #1.

A motion was made by Sutton, seconded by Thomalla, to approve the minutes of the previous meeting as presented. Roll call vote: Sutton, yes; Thomalla, yes; Wilcox, yes; Hageman, yes; and Aldrich, yes. Motion carried.

The bylaws and rules of procedure of the City of Wahoo Board of Adjustments were reviewed and marked as exhibit #2.

Proof of notification of public hearing was provided per Chairman's request and marked as exhibit #3. Verification of a complete application was provided by city staff per Chairman's request. It was determined by the Chair that the Board had the authority to act on the application filed with the board.

Lausterer marked article 2 definitions section 2.03.500 variance of the Wahoo Zoning Ordinance as exhibit #4.

Public hearing was opened at 7:12 p.m. upon application for variance to allow for the construction of a garage addition on existing house with less than required setbacks in an R-2 Residential District on property described as lot 12 and balance of lot 11 Block 74, County Addition to the City of Wahoo, Saunders County, Nebraska, better known as 1419 N Elm, as filed by Mike Maly. Michael and Lesley Maly were present to speak in favor of the request and answer questions. The Maly's explained that the garage is not big enough to accommodate their vehicles which they would like to have parked inside. The house is unique compared to the other houses in the neighborhood due to the house setting at an angle on the property. The Maly's also stated that the addition would not interfere with any utilities, neighbors, or pose as a safety concern regarding the sight triangle. Eddie questioned the setback requirements along the alley to the North of structure. The R-2 Residential regulations were reviewed and marked as exhibit # 5. Items also reviewed were the site plan drawings marked exhibit # 6 and #7 as well as the application that was marked exhibit # 8. Wilcox questioned how long the Maly's have owned the property. Maly stated that they have owned the property for 4 years and the Saunders County

assessor records were noted as exhibit # 9. Exhibits #1 through 9 were formally entered into the record by the Chairman and there was no additional testimony or exhibits presented. A motion was made by Thomalla, seconded by Aldrich to close the public hearing at 7:25 p.m. Roll call vote: Thomalla, yes; Aldrich, yes; Sutton, yes; Wilcox, yes; and Hageman, yes. Motion carried.

Discussion was held on the variance request. No such variance shall be authorized by the Board unless it finds that: 1. The strict application of the Ordinance would produce undue hardship; 2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; 3. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and 4. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this Ordinance. Members stated that different plans could be looked at in order to meet setbacks and the regulations have not changed since the property was purchased therefore the application of the Ordinance does not produce undue hardship. The hardship is shared by other properties in the vicinity because the house is in line with the other houses on that block and there are corner lots that require the same setbacks all over the city. Members also stated that the request is for convenience rather than exceptional hardship. A motion was made by Aldrich, seconded by Sutton, to deny the variance request based on the findings that the request does not meet requirements #1 thru #4. Roll call vote: Aldrich, yes; Sutton, yes; Thomalla, yes; Hageman, no; and Wilcox, yes. Motion carried.

A motion was made by Aldrich, seconded by Sutton, to adjourn the meeting at 7:57 p.m. Roll call vote: Aldrich, yes; Sutton, yes; Hageman, yes; Wilcox, yes; and Thomalla, yes. Motion carried.

Travis Beavers, Zoning Administrator

Approved: