

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 7:00 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 to roll call: Sherry Hageman, Mark Sutton, Chad Aldrich, Eric Thomalla, and Glen Wilcox. Absent: Paul Eddie. Also present was Jovan Lausterer, City Attorney and Travis Beavers, Zoning Administrator.

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

A motion was made by Thomalla, seconded by Aldrich, to approve the minutes of the June 27<sup>th</sup> 2018 meeting as presented. Roll call vote: Thomalla, yes; Aldrich, yes; Hageman, yes; Wilcox, yes; and Sutton, yes. Motion carried.

Proof of notification of public hearing was provided per Chairman's request. 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.

Public hearing was opened at 7:03 p.m. upon application for variance to allow for the construction of a larger than allowed pole shed within the LLR-Large Lot Residential District on property described as lot 5, The Ridge Subdivision, Saunders County, Nebraska, better known as 1839 Paul Avenue, as filed by Peter and Allissa Steiner. Notice of hearing dated January 11, 2019, the meeting agenda, City of Wahoo Zoning Rules and Regulations, City of Wahoo Board of Adjustments Hearing Rules and Procedures, Bylaws of the City of Wahoo Board of Adjustments, application for hearing, packet of information provided by the applicant, Board of Adjustment minutes dated November 27, 2000, Wahoo Planning Commission minutes dated March 1, 2001 and April 5, 2001, and the City Council minutes dated April 26, 2001 were entered into the record by the Chair serving as the hearing officer. Steiner stated that the strict application of the Zoning Regulations would produce undue hardship; in that: The 40' x 60' x 12' pole shed has already been re-designed to meet height regulations, dirt work has been done and paid for twice to satisfy the setback requirements of 75'. Additional expense has been incurred to survey lot lines due to city utilities being placed over lot pin. Property taxes for the past ten years have been based on the County Assessor's determined square footage that exceeds actual residence square footage. Steiner also stated that since he was not aware that accessory structures could not exceed the footprint of the primary structure until the contractor requested a permit to build, all of the building material, including custom trusses, have already been ordered, assembled, and are ready for delivery. Such hardship is not shared generally by other properties in the same Zoning District and the same vicinity; in that: Several accessory structures within the same zoning district currently do not meet setback requirements and exceed height and square footage requirements. A variance has already been granted for a larger than allowed accessory structure on the neighboring property to the west of them. 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; in that: The purchased accessory building has been designed and ordered to match the color of siding, trim, windows, doors and front brick of the primary structure. The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice; in that: The character of the district will remain the same. Steiner also stated there is no profit to be made by constructing the accessory structure. It is simply an improvement that matches what everyone else in the area already has. A motion was made by Hageman, seconded by Aldrich, to close public hearing at 7:09 p.m. Roll call vote: Hageman, yes; Aldrich, yes; Sutton, yes; Thomalla, yes; and Wilcox, yes; Motion carried.

Discussion was held on the variance request. Beavers explained the requirements for accessory structures within LLR zoned areas and shared the minutes from the above mentioned variance regarding a neighboring oversized accessory structure. Beavers stated that the variance request was denied but the applicant was instructed to pursue an amendment to the regulation to increase the maximum size of

accessory structure allowed within the LLR zoning district. The applicant went through the process to amend the regulations and the size limitation was changed from 1200 square feet to 2400 square feet, but in no case shall exceed the footprint of the primary structure. Members reviewed the LLR zoning regulations and site plan showing existing and proposed structures that was provided. Requirements for granting a variance within the Board of Adjustment bylaws were also reviewed. Sutton stated that a lot of work has already went into amending the regulations to accommodate the size of accessory structure that property owners want and if it is allowed to be exceeded again where will it stop. A motion was made by Aldrich, seconded by Wilcox, to deny the variance request to construct an accessory structure that exceeds the footprint of the primary structure on property described above based on Section 7, SPECIFIC REQUIREMENTS IN APPROVAL OF A VARIANCE, with each of the requirements B1-6 of Section 7 not being met. Roll call vote: Aldrich, yes; Wilcox, yes; Hageman, yes; Sutton, yes; and Thomalla, no. Motion carried. Variance request denied.

Lausterer updated members regarding the tabled variance request filed by Saunders Medical Center to allow the installation of another pole sign which exceeds the number allowed within the C-2 Highway Commercial District. Lausterer reported that SMC has hired an attorney and are still pursuing the installation of the proposed pole sign.

A motion was made by Aldrich, seconded by Sutton, to adjourn the meeting at 7:29 p.m. Roll call vote: Aldrich, yes; Sutton, yes; Thomalla, yes; Wilcox, yes; and Hageman, yes. Motion carried.

Travis Beavers, Zoning Administrator

Approved: