

ADAMS COUNTY BOARD OF ADJUSTMENT
500 N. DENVER AVENUE
HASTINGS, NEBRASKA 68901

MINUTES

The Area Board of Adjustment met on Thursday, June 8, 2017, at 6:00 P.M. in the Board of Supervisors Room, Adams County Courthouse, 500 W. 4th St, Hastings, NE 68901

A Notice for this meeting was advertised in the Hastings Daily Tribune legal notices on May 26, 2017 and mailed to each Board of Adjustment member, as well as the Applicants and the Deputy County Attorney, Dave Bergin.

1. Chairperson, Joynt, called the meeting to order at 6:05.
2. Chairperson, Joynt, announced that the “Open Meetings Law” information was posted on the wall of the Board Room.

3. Roll Call:

Mr. Joynt	(P)	Staff Present:
Mr. Rader	(P)	Judy Mignery (P)
Mr. Schulz	(P)	Legal Counsel:
Mr. Hansen	(P)	Dave Bergin (P)
Ms. Knott	(A)	

A quorum was present.

4. Pledge of Allegiance was led by Chairperson, Joynt.
5. No special order of business.
6. Conflicts of Interest – None
7. Reorganization- Joynt requested nominations for Chairman, Rader nominated Doug Joynt, seconded by Hansen. Roll call vote: All ayes
Chairman Joynt took over and requested nominations for Vice-chairman. Rader nominated Hansen, seconded by Schulz. All ayes
Joynt made a motion to appointed Planning Director Mignery Secretary, Hansen seconded. All Ayes
8. Approval of minutes from April 21, 2015 meeting. Motion to approve minutes as presented by Rader, 2nd by Joynt. Roll call vote: Rader – yes, Joynt –Yes, Schulz – yes, Hansen – yes.
9. Public comments or communications, none.
10. Old Business: None
11. New Business:

a/ Case # BA17-06.1 – Setback Variance ub Lot 989, Village of Juniata

Mignery read the directors comments into the record.

Joynt opened the Public hearing, seconded by Rader. All ayes

Raymond Bernt, 102 Walnut Street, Primrose, NE was present to discuss the case. Bernt stated he would like to tear down one car garage and build a 24’x24’ two car garage. He thought he would spend as much on fixing old as to just build new one that would have more value. Joynt asked if there was a reason that he could not move the proposed garage back. Bernt stated that he wanted the rear of house and garage in line with each other. Rader asked about distance from north property line. Bernt stated 12’. Hansen asked if it was only one lot that he owned. Bernt stated that he only owned the one lot. He bought the lot for \$1500 and has put \$18,000 into it. His estimate to build garage is \$7000. He is planning on concrete floor and concrete drive. Rader asked if the building at back was on his property. Bernt stated that the chicken house is on the property line would like to fix up for chickens or dog house.

The building is structurally sound and that one reason can't move garage back. Hansen asked if it could be a 22' garage instead of 24' garage. Bernt thought the resale would be better for a 24' garage. Hansen asked if the garage could be placed on west side of property and enter from alley. Bernt stated that would take up back yard and didn't want to do that. Joynt made a motion to close the public hearing, Rader seconded. All Ayes.

Joynt stated that the criteria is based on the property. Is the property such that the building can't be built anywhere else on the property. Is there a hardship that will not allow the garage to be built anywhere else on property. Rader stated that when he went and looked at property the house already encroaches into setback. There must not be utilities along the area, Could probably justify based on narrowness of property. Hansen asked about what percentage of non-conforming building can be rebuilt before it needs to be tore down. Mignery stated that if 75% destroyed or 75% to repair then it cannot exist. Schulz asked about width of ROW of 5th Street. Mignery stated a 70' street. The house is 8' from property line. Schulz stated the garage would improve the property. Joynt asked can the structure be built to be in compliance on property. Joynt read the statute to consider. Rader made a motion to approve applicant based on the hardship of narrowness of property, Schulz seconded.

Joynt read through findings of fact. 1. The strict application of the applicable provisions of the zoning regulations of Adams County would produce undue difficulty or hardship. Radar stated yes the exceptional narrowness of the property, setbacks on such narrow lot doesn't leave much room. The house is already in setback.

2. Such difficulty or hardship is not generally shared by other properties in the same zoning district or same vicinity because:

Hansen asked if the property had been surveyed. Mignery stated no, measurements were taken for pin in center of intersection.

Board of adjustments could not find justification of reason 2. Mignery stated that a majority of the lots in Juniata are 44' wide. Most people have more than one lot.

3. The authorization of this Variance shall not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by authorization of a variance because:

Rader stated the exceptional narrowness of the property. The proposal will conform with the nature of the neighborhood.

4. The authorization of this variance is based upon reasons of demonstrable and exceptional difficulty or hardship, instead purposes of the property owners convenience, profit or caprice as shown by.

Joynt stated this is the tough one and based on property it could meet setback in another location.

Joynt called for vote on motion to approve.

Roll Call: Hansen yes, Schulz yes, Joynt No, Rader Yes. Joynt stated not a super majority so it failed.

Rader made a motion to deny the request for Variance setback in Lot 989, Hansen seconded.

Roll Call: Schulz yes, Joynt yes, Rader yes, Hansen yes.

Joynt stated the motion was denied.

Rader made motion to adjourn, seconded by Schulz. Adjourn at 7:12 pm