



SARPY COUNTY, NE  
BOARD OF ADJUSTMENT  
**STAFF REPORT**

VARIANCE REQUEST FROM  
SANTA FE INDUSTRIAL, INC.

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**BOARD OF ADJUSTMENT MEETING  
MAY 14, 2015**

**SUBJECT:**

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Variance of Section 10, Minimum Design Standards, Table 10-1 of the Sarpy County Subdivision Regulations; Requesting for a variance of the Maximum 600 foot length of a cul-de-sac street.

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**PROPERTY INFORMATION**

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**APPLICANT / PROPERTY OWNER:**

Santa Fe Industrial, LLC / Clara V Plambeck Family Trust  
(Represented by Melvin Sudbeck)

**MAILING ADDRESS:**

16255 Woodland Drive  
Omaha, NE 68136

**SUBJECT PROPERTY LOCATION / LEGAL DESCRIPTION:**

1500 feet north of Giles Road on 180<sup>th</sup> Street  
Tax Lot 2 in Sec 16, Twp. 14N, Rng. 11E of the 6<sup>th</sup> P.M. Sarpy County, Nebraska

**ZONING DESIGNATION:**

AG, Agricultural District

**COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION:**

Light Industrial / Storage

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**APPLICABLE DEFINITIONS**  
(from Section 3 of Subdivision Regulations)

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**CUL-DE-SAC** shall mean a short public way which has only one outlet for vehicular traffic and does not terminate in a vehicular turn-around.

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**BACKGROUND**

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**DESCRIPTION OF DEVELOPMENT:**

The applicant wishes to develop this parcel into an industrial park development with 21 lots ranging from .60 acres up to 13.70 acres. The original preliminary plat was submitted to the Sarpy County Planning Department in June 2014 and, as recommended by staff, the Planning Commission requested that the applicant seek an additional access to the property from the abutting industrial development to the north.

The applicant was able to find a willing seller to sell him a lot that could allow for a connection to the private road in the Lite Limited Condo Park to the north known as Storage Road. When he requested permission to connect to the road from the Property Owners Association, they voted to deny him any connection due to possible deterioration of their road with additional truck traffic.

Without permission to connect to the street to the north, an existing residential subdivision to the east, and railroad and flood plain issues to the south, the only access to this property is from 180<sup>th</sup> Street on the west.

The applicant has filed an application requesting a variance of the regulations to allow for a cul-de-sac length of 1,720 feet. They state that the hardship for the property is no access to the south because of the creek and railroad, no access to the east due to a developed subdivision, rejection to connect to the street to the north and the property is too narrow to allow two accesses to 180<sup>th</sup> Street.

**APPLICABLE SUBDIVISION REGULATIONS:**

**SECTION 10 – MINIMUM DESIGN STANDARDS**

No Subdivision plat shall be approved unless it conforms to the minimum requirements as noted in Section 10 of the Sarpy County Subdivision Regulations.

10.1 General:

Land which the Planning Commission and the County Board have found to be unsuitable for subdividing due to flooding, bad drainage, steep slopes, rock formation, or other features likely to be harmful to the safety, welfare or health of the future residents, shall not be subdivided unless adequate methods for subdivision are formulated by the developer and approved by the Planning Commission and County Board.

10.2 Streets and Alleys:

10.2.1 The arrangements, classification, extent, width, grade and location of all streets and roads shall conform to the Comprehensive Plan and shall be designated in relation to existing and planned streets, topographic conditions, public convenience and safety, and the proposed uses of the land to be served by such streets.

- 10.2.2 Where such is not shown in the Comprehensive Plan, the arrangement of streets in a subdivision shall either:
- 10.2.2.1 Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
  - 10.2.2.2 Conform to a plan for the neighborhood approved or adopted by the Board to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.
- 10.2.3 Minor streets shall be so laid out that their use by through traffic will be discouraged.
- 10.2.4 Where a subdivision abuts or contains an existing or proposed major street or highway, the Board may require reverse frontage lots with rear service alleys abutting the major street or highway, or such other treatment as may be necessary for adequate protection of residential properties and for separation of through and local traffic.
- 10.2.5 Where a subdivision borders on or contains a railroad right-of-way, the Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such land would be approximately used for park purposes in residential districts, or for commercial or industrial purposes in nonresidential districts. Such distances shall be determined with due regard for the requirements of approach grades or future grade separations.
- 10.2.6 Reserve strips in private ownership controlling access to streets shall be prohibited.
- 10.2.7 Intersections with centerline offsets of less than one hundred and fifty (150) feet shall be avoided.
- 10.2.8 A tangent of at least one hundred (100) feet long shall be introduced between reverse curves on major and collector streets.
- 10.2.9 When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than four hundred (400) feet for collector streets, and of such greater or lesser radius as the Planning Commission shall determine for special cases.
- 10.2.10 Streets and roads shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty (60) degrees.
- 10.2.11 Curb radius on all block corners shall be sixteen (16) feet and a ten (10) foot radius shall be used at intersections of driveways and alleys.
- 10.2.12 Half streets shall be approved only by Board.

10.2.13 The right-of-way widths, pavement widths (back to back of curb), street grades, and the sight-distances for streets and alleys in any subdivision shall not be less than the minimum dimensions nor more than the maximum grades as on the minimum design standard table at the end of this section (Table 10-1).

10.2.14 The horizontal alignment on all streets except in unusual cases shall be as follows:

Other Arterial Streets	700 ft. minimum
Collector Streets	300 ft. minimum
Local Streets	100 ft. minimum
Cul-de-sacs	100 ft. minimum

10.2.15 No road or street grade shall be less than one-half ( $\frac{1}{2}$ ) of one (1) percent.

10.2.16 Flatter grades are preferred from fifty (50) to one hundred (100) feet from an intersection, but in no case shall grades exceed four (4) percent for a distance of at least fifty (50) feet from an intersection.

10.2.17 Dead-end roads and streets as permanent features shall be prohibited.

10.2.18 General Considerations:

10.2.18.1 Intersection of more than two (2) roads or streets at a point shall not be permitted.

10.2.18.2 Alleys shall be discouraged in residential districts but may be provided in commercial and industrial districts.

10.2.19 Other rights-of-way easements:

10.2.19.1 Easements for utility rights-of-way shall be not less than ten (10) feet in width and wherever possible shall be provided along the rear and side property lines.

10.2.19.2 Pedestrian walks shall be at grades no greater than the adjacent street grades.

10.2.19.3 Where a subdivision is traversed by a water course, coulee, drainage way, channel, or stream, there shall be provided a minimum storm water easement or drainage right-of-way of one hundred (100) feet, conforming substantially with the lines of such water course, and such further width for construction and water flow or both that will be adequate for such purpose. Parallel streets, parkways, walkways, culverts, or bridges may be required in connection with such drainage easement.

10.3 Blocks:

- 10.3.1 Block length shall not exceed 800 feet. The length of blocks shall be considered to be the distance from street centerline to opposite street centerline and shall be measured through adjacent back lot lines or through the center of the block. In cases of irregular-shaped blocks, the requirements shown herein may be waived by the Planning Commission. This standard may be waived for rural/acreage subdivisions.
- 10.3.2 Pedestrian crosswalks not less than ten (10) feet wide may be required in blocks longer than five hundred (500) feet where such crosswalks are deemed by the Board to be essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation or other community facilities.
- 10.3.3 The width of blocks shall generally be sufficient to allow two (2) tiers of lots and be at least two hundred forty (240) feet in width. In cases of irregular-shaped blocks, the minimum width may be waived by the Board.
- 10.3.4 Blocks intended for business and industrial use should be specifically designated for such purposes with adequate space set aside for off-street parking and delivery facilities. The Board may require service drives or frontage access roads along major streets for business or industry.
- 10.3.5 Where frontage is on a major or collector street, the long dimensions of the block should front thereon.

10.4 Lots:

- 10.4.1 Lot dimensions and area for lots shall conform to the requirements of the Zoning Regulations.
- 10.4.2 The platting of lots for commercial and industrial purposes should include adequate space for off-street parking and service areas.
- 10.4.3 Satisfactory access from a public street shall be provided for all lots.
- 10.4.4 Double frontage and reverse frontage lots shall be avoided where possible.
- 10.4.5 Corner lots shall be of extra width sufficient to maintain building lines on both streets.
- 10.4.6 Side lot lines shall be approximately at right angles or radial to street lines.
- 10.4.7 Excessive depth in relation to width of lots over a ratio of three-to-one shall be avoided.
- 10.4.8 Every lot shall abut and have access to a public street.

**Table 10-1**

MINIMUM DESIGN STANDARDS FOR RURAL ROADS AND HIGHWAYS (All streets and roads will meet State of Nebraska, Board of Public Roads standards)									
Roadway Classification	Design Year ADT	Design Year DHV	Design Speed (MPH) min.	Max Curve (Deg.)	Max Grade (%)	No. of Lanes Min	Lane Width Ft. – Min	Right-of-Way (feet)	Surfacing Type Min
Interstate			75	3.0	3	4 Divided	12	300'	Hard
Expressway			75	3.0	3	4 Divided	12	300'	Hard
Major Arterial		Over 750	70	3.5	4	4 Divided	12	150'	Hard
Major Arterial		350 -750	70	3.5	4	2	12		Hard
Major Arterial		180-350	70	3.5	4	2	12		Hard
Major Arterial	Over 800	Under 180	70	3.5	4	2	12		Hard
Major Arterial	400-800		65	4.5	5	2	12		Hard
Major Arterial	250-400		65	4.5	6	2	12		Hard
Major Arterial	180-250		50	7.5	7	2	11		Hard
Major Arterial	Under 180		40	7.5	7	2	11		Hard

Other Arterial		Current ADT	Design Speed (MPH) min.	Max Curve (Deg.)	Max Grade (%)	No. of Lanes Min	Lane Width Ft. – Min	Right-of-Way (feet)	Surfacing Type Min
Other Arterial		401-750	50	7.5	7	2	12	100'	Agg.
Other Arterial		251-400	50	7.5	7	2	11		Agg.
Other Arterial		51-250	50	7.5	7	2	10		Agg.
Other Arterial		0-50	40	8.0	8	2	10		Agg.
Other Arterial		251-400	50	7.5	7	2	11	70'	Agg.
Other Arterial		51-250	50	7.5	7	2	10		Agg.
Other Arterial		0-50	40	10.0	9	2	10		Agg.
Other Arterial		251-400	50	7.5	7	2	11	66'	Agg.
Other Arterial		51-250	50	7.5	7	2	10		Agg.
Other Arterial		0-50	30	23.0	10	2	10		Agg.

**Table 10-1 Continued**

MINIMUM DESIGN STANDARDS FOR URBAN STREETS (All streets and roads will meet State of Nebraska, Board of Public Roads standards)									
Roadway Classification	Design Year ADT	Design Speed (MPH) Min.	Max Curve (Deg)	Max Grade (%)	No. of Lanes Min	Lane Width Ft. Min	Right-of Way (feet) Min	Should Width (feet) Min	Surfacing Type Min
Major Arterial *	***	50	7	7	2	12	100'	8'	Hard
Other Arterial (including all section line roads)	*** 3,000 +	30	15	8	4	11	70'	8'	Concrete w/curb & gutters
Collector *	500-2,000	25	20	10	3	12.5	70'	6'	Concrete w/curb & gutters
Local	200-500	25	30	10	2	12.5	50'	6'	Concrete w/curb & gutters
Alleys	N/A	15	30	15	1	10	20'	6'	Concrete w/curb & gutters
Cul-de-sac Street **	0-200	15	30	10	2	25	110'	4'	Concrete w/curb & gutters

\* Streets in these classifications shall be designed and graded to full right-of-way widths stated.

\*\* Cul-de-sac streets shall have a right-of-way diameter of 110 feet at their terminal end, 80 foot diameter pavement turn around, and a maximum length of 600 feet.

\*\*\* Design should be based on 1200 V.P.H. per lane in design year, or 250-500 V.P.H. per lane in design year where cross and turning traffic is sufficiently great to require signal control. "Design Year" shall be year of initial construction plus 20 years.

Note: "Design Year" shall be year of initial construction plus 20 years.

Source: Minimum Design Standards of the State of Nebraska Board of Public Roads.

*The applicant has applied for a variance to allow them to extend the length of the proposed cul-de-sac to 1,750 feet.*

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## SPECIFIC REQUIREMENTS IN APPROVAL OF A VARIANCE FINDINGS / ANALYSIS

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In any action to approve a variance, the Board shall make findings which shall be recorded in the minutes of the Board that are in conformance with the requirements of **Nebraska Revised Statute 23-168.03**. More specifically the Board shall find that:

A. The strict application of any applicable provision of the applicable County Subdivision regulation would, in each specific variance petition, result in **at least one** of the following:

1. *Peculiar and exceptional practical difficulties to or undue hardship upon the owner of the piece of property included in the petition due to exceptional narrowness, shallowness or shape of the piece of property in question;*

**Staff Analysis:** This property is 692 feet in width along the only dedicated roadway available to serve as access to the property. The property appears to have peculiar and exceptional difficulties due to exceptional narrowness, shallowness or shape, however this property could be developed with a 600 foot cul-de-sac and a larger parcel at the east end of the development. Staff does not feel this results in a hardship.

**Resulting Hardship:** Yes / No

2. *Peculiar and exceptional practical difficulties to or undue hardship upon the owner of the piece of property included in the petition due to exceptional topographic conditions on the piece of property in question;*

**Staff Analysis:** The subject property is bounded by existing development on both sides and flood plain and railroad on the third side. The property appears to have peculiar and exceptional difficulties due to topographic conditions, however this property could be developed with a 600 foot cul-de-sac and a larger parcel at the east end of the development. Staff does not feel this results in a hardship.

**Resulting Hardship:** Yes / No

3. *Peculiar and exceptional practical difficulties to or undue hardship upon the owner of the piece of property included in the petition due to other extraordinary and exceptional situation or condition of the piece of property in question.*

**Staff Analysis:** The applicant has tried to purchase additional property to make a “thru” connection to Storage Road on the north but was denied a connection to the private roadway. This property could be developed with a 600 foot cul-de-sac and a larger parcel at the east end of the development. Staff does not feel this results in a hardship.

**Resulting Hardship:** Yes / No

B. In authorizing any variance the Board shall also make findings, which shall be recorded in the minutes of the Board, that **EACH** of the following requirements for authorizing a variance can be met:

1. *Such variance may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the applicable County Subdivision regulations;*

**Staff Analysis:** The purpose of the maximum cul-de-sac length is for the health safety and welfare of the public. Longer cul-de-sac streets create issues for emergency responders. Staff does not feel this specific requirement can be met.

**Specific requirement:** satisfied / not satisfied

2. *The strict application of the requirements of the applicable County Subdivision regulations would produce an undue hardship upon the owner of the property included in the petition;*

**Staff Analysis:** The strict application of the code would not produce an undue hardship on the owner as the property could be developed by a large single user that would develop a private roadway system. Staff does not feel this specific requirement can be met.

**Specific requirement:** satisfied / not satisfied

3. *Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;*

**Staff Analysis:** The hardship is created by the desire of the applicant to subdivide the property into multiple lots. The property could be developed with a 600 foot cul-de-sac with a smaller number of lots. Staff does not feel this specific requirement can be met.

**Specific requirement:** satisfied / not satisfied

4. *The authorization of such variance will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the variance;*

**Staff Analysis:** Staff does not believe that this request would be a substantial detriment to adjacent properties or that the character of the IL zoning district will be changed. Staff does feel that if such variance is granted, it will set a precedence for future development.

**Specific requirement:** satisfied / not satisfied

5. *The granting of such variance is based upon reasons of demonstrable and exceptional hardship stemming from characteristics of the property involved in the petition and not for reasons of convenience, profit or desire of the property owner;*

**Staff Analysis:** The variance request is not considered to be a hardship as the property could be developed with a 600 foot cul-de-sac with a smaller number of lots. Staff does not feel this specific requirement can be met.

**Specific requirement:** satisfied / not satisfied

6. *The condition or situation of the property included in such petition or the intended use of such 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 the applicable County subdivision regulations.*

**Staff Analysis:** The condition or situation of this property and its intended use does not make it practical to make amendments to the regulations. Staff does not feel this specific requirement can be met.

**Specific requirement:** satisfied / not satisfied

**SUMMARY OF STAFF ANALYSIS:** Staff believes this variance application is not in conformance with the requirements of **Nebraska Revised Statute 23-168.03** as outlined under each specific requirement above.

Respectfully submitted,

Donna Lynam  
Assistant Director, Planning & Building Department

Attachments:

- Santa Fe Industrial, Inc. Variance Application
- Proposed preliminary plat showing proposed lot layout and dimensions
- Copy of letter from Condo Owner Association Counsel denying access to Storage Road
- GIS Maps of Subject Property and Area including: Future Land Use Map and Zoning Map

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**DECISION AND ORDER**

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**Motion to Approve Variance Application for Santa Fe Industrial Inc.**

I find that the following hardship exists \_\_\_\_\_(list hardships)\_\_\_\_\_, and I find that the following requirements have been met: \_\_\_\_\_(list the requirements) \_\_\_\_\_ therefore I move to approve the Santa Fe Industrial, Inc. variance request, as proposed and presented to the Sarpy County Board of Adjustment, finding that at least one hardship has been created by the strict application of the Zoning Ordinance and finding that each specific requirement has been satisfied.

Seconded: \_\_\_\_\_

Vote: Ayes\_\_\_\_\_ Nays\_\_\_\_\_ Abstain \_\_\_\_\_

Members Present:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**OR**

**Motion to Deny Variance Application for Santa Fe Industrial Inc.**

I move to deny the Santa Fe Industrial, Inc. variance request, as proposed and presented to the Sarpy County Board of Adjustment based on the following findings of fact:

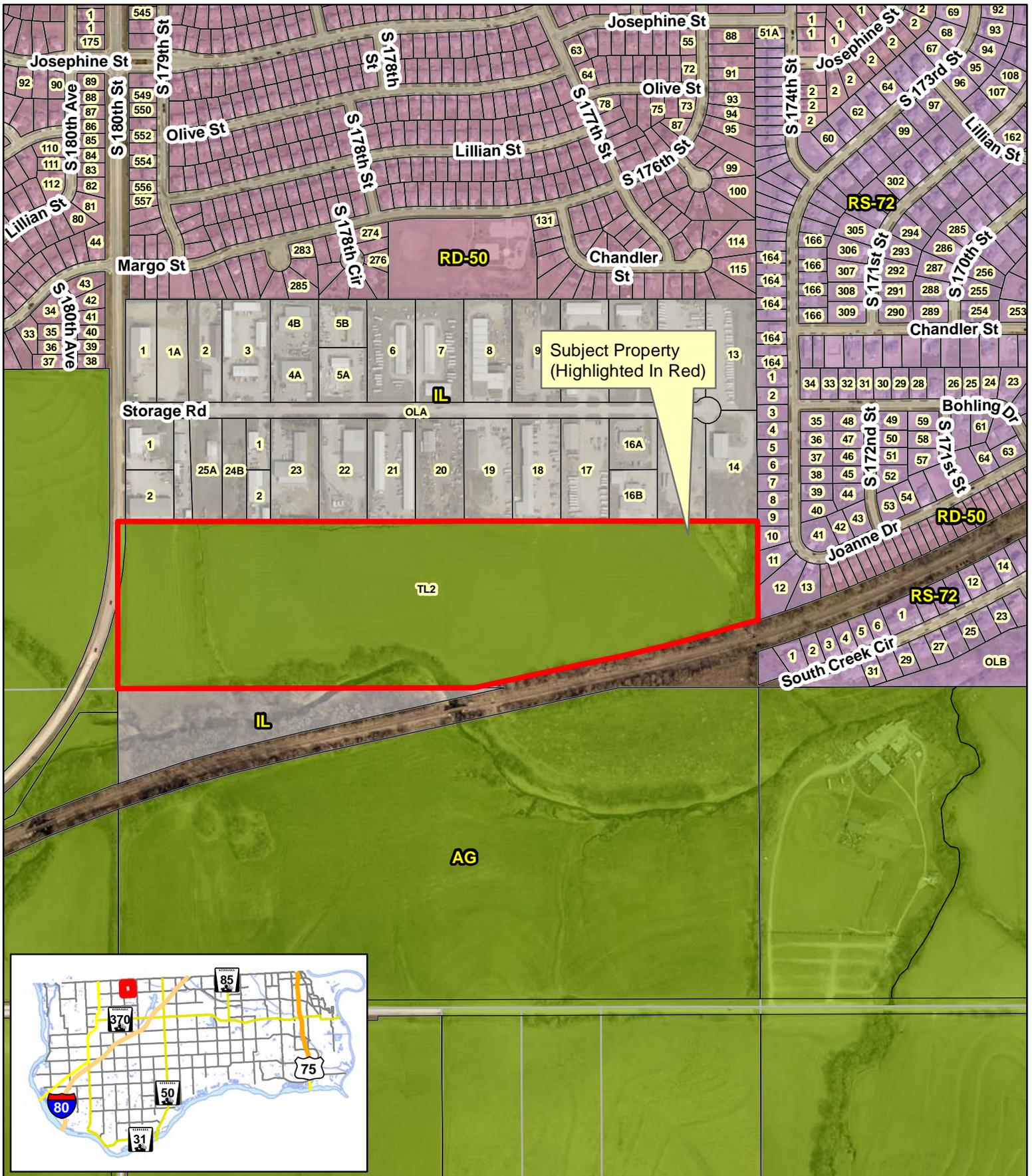
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Seconded: \_\_\_\_\_

Vote: Ayes\_\_\_\_\_ Nays\_\_\_\_\_ Abstain \_\_\_\_\_

Members Present:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



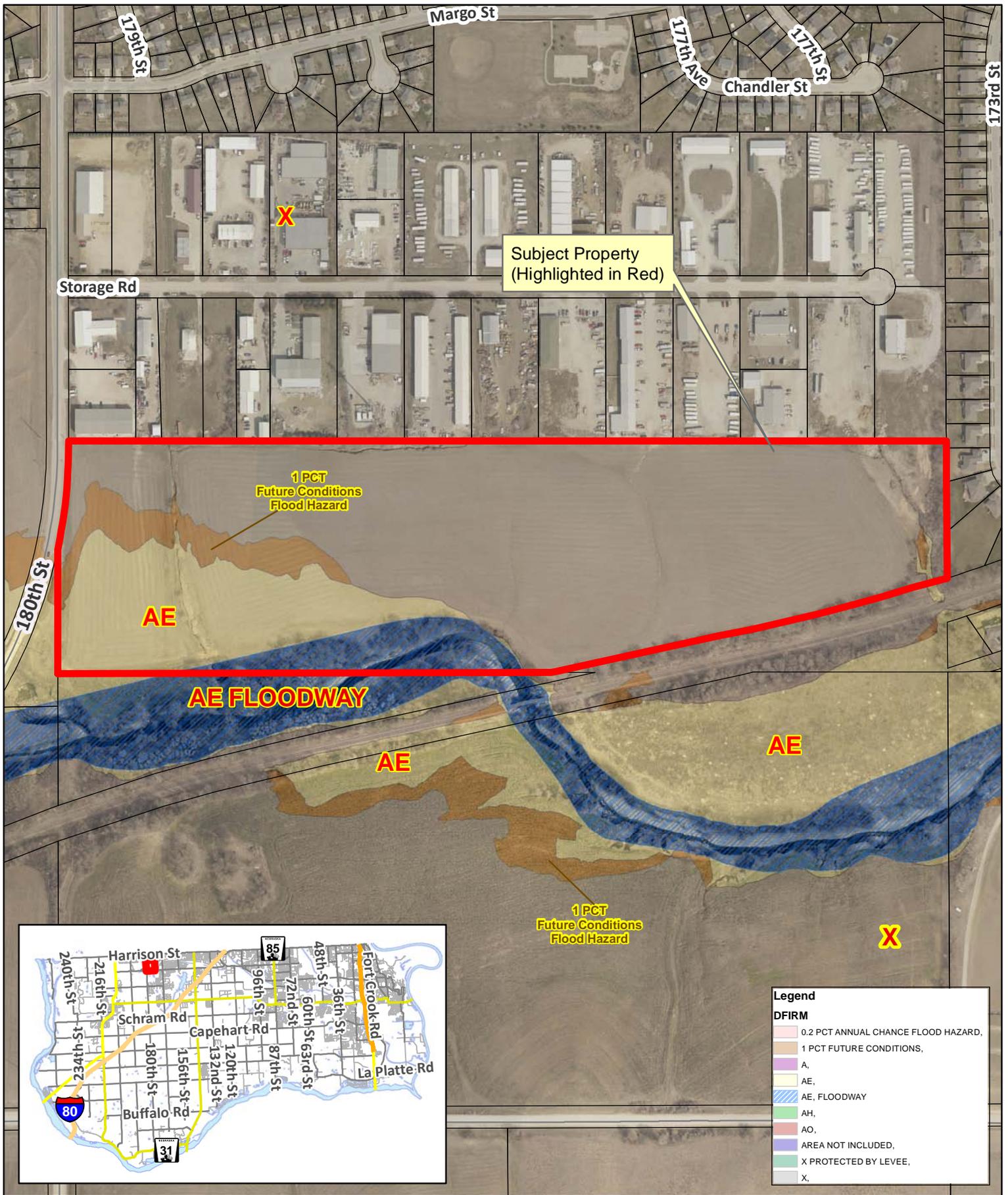
# Vicinity Map - Current Zoning

Tax Lot 2, 16-14-11

Santa Fe Industrial Park







# Vicinity Map - Flood Zones

Tax Lot 2, 16-14-11

Santa Fe Industrial Park





# SARPY COUNTY PLANNING & BUILDING DEPT.

1210 GOLDEN GATE DRIVE, #1240

PAPILLION, NE 68046

PHONE: 402-593-1555 FAX: 402-593-1558 E-MAIL: [PLANNING@SARPY.COM](mailto:PLANNING@SARPY.COM)

## BOARD OF ADJUSTMENT APPLICATION

In order for your application to be considered **COMPLETE**, please answer all applicable questions and provide the following:

1. Completed Board of Adjustment Application
2. Non-Refundable Fee of **\$300** made payable to Sarpy County (an additional fee of **\$25.00** is also be required to cover cost of mailing of public notifications)
3. Mailing list labels certified by a Title Company of all property owners within 300 ft. of the subject property.
4. Copy of Deed on file with Register of Deeds or other acceptable proof of ownership
5. Two (2) site plan drawings (folded)
6. One (1) reduced size site plan drawing (8.5 x 11)
7. One (1) electronic copy of site plan drawing in PDF form
8. Site plan drawing should include the following (as applicable)
  - a. Legal description with site layout (1"=20') including lot size
  - b. Floodplain/floodway boundaries
  - c. Existing easements
  - d. General location map (2 mile radius)
  - e. Elevations or other supporting materials
9. Detailed operational plans (if applicable)
10. **Please review Section 42 of the Sarpy County Zoning Regulations for details of the Board of Adjustment process and submittal requirements.**

### PLANNING STAFF USE ONLY:

APPLICATION #: BOA 15-001

DATE RECEIVED: 12-31-2014

CP DESIGNATION: Light Industrial-Storage

CURRENT ZONING DESIGNATION: AG, portions in the floodplain

PROPOSED ZONING DESIGNATION: IL

APPLICATION FEE: \$ 300 RECEIPT NO. 2704

PUBLIC NOTIFICATION  
PROCESSING FEE: \$25.00 RECEIPT NO. 2704

RECEIVED BY: \_\_\_\_\_

NOTES: \_\_\_\_\_

APPROVED       DENIED      DATE: \_\_\_\_\_

AUTHORIZED SIGNATURE: \_\_\_\_\_

### APPLICANT INFORMATION:

NAME: Santa Fe Industrial, Inc. E-MAIL: jsudbeck@sudbeckcompanies.com

ADDRESS: 16255 Woodland Dr. CITY/STATE/ZIP: Omaha, NE 68136

MAILING ADDRESS: \_\_\_\_\_ CITY/STATE/ZIP: \_\_\_\_\_  
(IF DIFFERENT)

PHONE: 402-895-3288 FAX: 402-895-5357

### PROPERTY OWNER INFORMATION: (If multiple owners, please attach separate sheet)

NAME: Clara V. Plambeck Family Trust E-MAIL: \_\_\_\_\_

ADDRESS: 5212 S 185<sup>th</sup> St. CITY/STATE/ZIP: Omaha, NE 68135

MAILING ADDRESS: \_\_\_\_\_ CITY/STATE/ZIP: \_\_\_\_\_  
(IF DIFFERENT)

PHONE: 402-895-4812 FAX: \_\_\_\_\_

### ENGINEERING/SURVEYING OR OTHER CONSULTING PROFESSIONAL'S INFORMATION:

NAME: Thompson, Dreessen & Dorner, Inc. E-MAIL: dkellner@td2co.com

ADDRESS: 10836 Old Mill Rd CITY/STATE/ZIP: Omaha, NE 68154

MAILING ADDRESS: \_\_\_\_\_ CITY/STATE/ZIP: \_\_\_\_\_  
(IF DIFFERENT)

PHONE: 402-330-8860 FAX: 402-330-5866

**PROJECT SITE INFORMATION:**

SUBDIVISION NAME: Santa Fe Industrial Park

GENERAL LOCATION: 1,500 feet N of Giles Rd on 180th Street  
(example 189<sup>th</sup> & Giles Rd)

ASSESSOR'S PARCEL NUMBER: 010431918 ADDITIONAL PARCEL NUMBERS \_\_\_\_\_

LEGAL DESCRIPTION: (Describe property to wit:) Tax Lot 2, 16-14-11

SIZE OF PROPERTY: 38 acres CURRENT ZONING: AG PROPOSED ZONING (if applicable): IL

**REQUEST INFORMATION**

This is a request for (check one):

- An appeal of a determination of the Planning & Building Director
- Interpretation of a zoning map
- Variance of the zoning or subdivision regulations to relieve a hardship

Please describe the reason for the request (attach additional pages if necessary):

We are requesting a waiver of the Sarpy County Subdivision Regulations, Section 10 – Minimum Design Standards, Table 10-1 "Cul-de-sac streets shall have a maximum length of 600 ft." We are requesting a waiver to extend the cul-de-sac length to 1,720 ft. The hardship for this property is that there is no access to the south because of the creek and the railroad tracks and no access to the east and because of a developed subdivision. We have looked at extending a street to the north however the property owners have rejected the request (see attached). The property is too narrow to allow two access to 180<sup>th</sup> Street.

**PLEASE NOTE THE FOLLOWING PROCEDURES:**

1. The Planning Department and other appropriate departments and/or agencies will review the application material and provide a staff report to the Board of Adjustment outlining the reasoning for their determination.
2. The Board of Adjustment will hold a public hearing and make a determination on the application.
3. Appeals: Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any officer, department, board, or bureau of the County, may present to the district court for the County a petition, duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be presented to the court within fifteen days after the filing of the decision in the office of the County Clerk.

The applicant (or authorized agent) has prepared this application and certifies that the facts stated herein and exhibits attached hereto are true and correct.

[Signature]  
Applicant/Property Owner Signature

1-13-15  
Date

I, the undersigned, fully understand that a sign will be posted on my property and must remain on my property (in the location posted by County staff) until County staff retrieves the sign. I further understand the Board of Adjustment process as stated in Section 42 of the Sarpy County Zoning Regulations and I authorize Sarpy County staff to enter the property for inspection related to the specific request during this process.

[Signature]  
Property Owner Signature

1-13-15  
Date

Property Owner Signature

Date

**VARIANCE APPLICATION ONLY (please attach separate sheet to fully answer if needed :**

Please describe the proposed use related to the variance:

The proposed request for a variance is to allow the property to be developed into an industrial subdivision

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Please list the sections of the Sarpy County Zoning or Subdivision Regulations from which you seek a variance:

Sarpy County Subdivision Regulations, Section 10 – Minimum Design Standards, Table 10-1 “Cul-de-sac streets shall have a maximum length of 600 ft.”

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Please explain how strict application of the zoning or subdivision regulations will produce undue hardship:

We are requesting a waiver to extend the cul-de-sac length to 1,720 ft. The hardship for this property is that there is no access to the south because of the creek and the railroad tracks and no access to the east and because of a developed subdivision. We have looked at extending a street to the north however the property owners have rejected the request (see attached). The property is too narrow to allow two access to 180th Street.

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Please explain how the hardship is not shared generally by other properties in the same zoning district and in the same vicinity:

This property is unique because it is the last piece of property to be developed in this immediate area and has been obstructed by existing development and the existing topography.

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Please explain how the authorization of this 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:

This property is scheduled to be industrial development by the County’s Comprehensive Land Use Plan. The proposed development use would be in compliance with that plan.

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Please explain how the granting of this variance is based upon demonstrable and exceptional hardship as distinguished from variations of the regulations for purposes of convenience, profit or caprice:

Do to the existing site conditions this property cannot be developed for its intended use as set forth in the County’s master use plan

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Please explain how 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 reasonable practicable a general regulation to be adopted as an amendment to the zoning or subdivision regulations:

This property is unique in its topography, shape, location and access that it is unlikely to find another occurrence in the County with the same conditions. The unique shape of the property makes the property undesirable for a single user therefore making the property nearly undevelopable.

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Please explain how the granting of the variance will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of any zoning or subdivision regulation:

Granting the variance will allow the property to be developed as the County intended and allow a more contiguous development of the County so that individual packets of property are not left undeveloped.

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FULLENKAMP,  
DOYLE &  
JOBEUN, LLP

JOHN H. FULLENKAMP  
LARRY A. JOBEUN  
BRIAN C. DOYLE  
MARK B. JOHNSON

December 29, 2014

VIA U.S. MAIL AND  
ELECTRONIC MAIL

Mr. Bob Peterson  
Laughlin, Peterson and Lang  
11718 Nicholas Street  
Omaha, NE 68154  
mpete@lnlaw.com

RE: Ballot Results re Late Industrial Limited Condo Park Owners Association, Inc.  
(the "Association").

Dear Mr. Peterson:

As you are aware, on December 16, 2014, as counsel to the Association, I sent the members of the Association a letter outlining your client's request for an easement across Storage Road, along with a proposed resolution and ballot. Over the past few weeks I have had numerous phone conversations with property owners within the Association regarding the request and most of the property owners that I spoke with voiced their concerns with the request and indicated that they were not willing to support the request as proposed. In addition, as of today, out of the thirty-one (31) total ballots, I have received twenty-two (22) ballots. Six (6) ballots were returned in favor of the request and sixteen (16) were returned against the request. As you are aware, the request requires the *affirmative approval* of twenty-four (24) members. As such, the request did not receive the required support by an overwhelming margin. In addition, I have been informed by Alan Haney, the President of the Association, that neither he nor, to his knowledge, the Executive Board, wishes to call a special meeting to discuss this matter further.

I have enjoyed working with you in connection with this matter. Please feel free to contact me with any questions. Thank you.

Sincerely,

Mark B. Johnson

cc: Alan Haney (via electronic mail)  
Pam Jackson (via electronic mail)