

SARPY COUNTY PLANNING DEPARTMENT

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Sarpy County Board of Adjustment

Meeting Minutes
December 19, 2011

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Sarpy County Board of Commissioners
Sarpy County Courthouse
1210 Golden Gate Drive
Papillion, Nebraska 68046

Dear Commissioners:

The Sarpy County Board of Adjustment convened at the call of Chairperson, Sharon Hansen, on December 19, 2011 at 7:00 P.M. in the Sarpy County Board Room at the Sarpy County Courthouse, Papillion, NE. Chairperson Hansen called the meeting to order with the following members present: Donna Dostal, Gene Mackey, and Del Reibold. Also in attendance were Sarpy County Deputy Administrator, Scott Bovick, Deputy County Attorney, Nicole O'Keefe, and Recording Secretary, Cindy Gilbert.

Chairperson Hansen gave notice of the Open Meeting Law.

Chairperson Hansen asked for a motion to approve the minutes of the March 21, 2011, Board of Adjustment meeting.

Chairperson Hansen asked to have her name spelled correctly on page 2 of the minutes.

Dostal moved, seconded by Mackey to approve the minutes of the March 21, 2011 meeting as corrected. ***Ballot: Ayes – Dostal, Hansen, Mackey and Reibold. Nays - none. Abstain - none. Absent - Hill. Motion carried. (4-0)***

REGULAR AGENDA ITEMS:

- 1) Derek and Kerry Ahl, 9117 Valley View Drive, LaVista, NE, request a special exception to the Sarpy County Zoning Regulations for Lot 2, Hanson's Lake Replat 7 (1808 Platte River Drive, Bellevue, NE) to allow a 10' variance to the 25' front yard setback requirement in an RD-50 Zoning District.

Chairperson Hansen reminded everyone that it will take four "aye" votes to approve the request for the special exception.

Derek Ahl stated he had purchased the lot with the intent of building a new cabin. His hardship exists because the lot is shallow and drops off directly behind the current foundation. He would like to keep the foundation where it is located and use it as the foundation for his cabin. In order to use the current foundation, he needs a 10' variance to the front yard setback requirement.

Chairperson Hansen opened the Public Hearing at 7:06 p.m.
With no one coming forward to speak,
Chairperson Hansen closed the Public Hearing at 7:06 p.m.

Discussion among the Board included:

Mr. Ahl responded to a question about where he wants to locate his cabin. He stated he intends to put it basically where the foundation sits now, which is about 15' from the front lot line.

Donna Dostal asked Mr. Ahl if he had looked into the cost and effect of filling in the ground to eliminate the drop-off.

He indicated he had, but thought it would create more run-off onto the neighbors.

Chairperson Hansen feels there is an issue with recurring situations in the Hanson's/Chris Lake area as they have heard several requests for a special exception for essentially the same reasons over the last few years. She also noted she feels very strongly the County should consider creating an overlay district to eliminate some of the reasons for needing a special exception.

It was requested that the Board of Adjustment liaison representing the Planning Commission be asked to approach the Planning Commission with this recommendation.

Other discussion centered on the size of the lot, the drop-off, subdividing other lots into smaller ones such as this one, topography and the overall area of Hanson's Lakes and the means by which it was platted.

Reibold moved, seconded by Dostal, to approve the request for a special exception of a 10' variance on a front yard setback as the applicant meets, at least, one of the criteria as specified in the staff report that being the owner of the piece of property included in the petition, he has peculiar and exceptional practical difficulties to, or exceptional and undue hardship as a result of exceptional topographic conditions on the piece of property in question. I also find that each of the following requirements for authorizing the variance has been met and I agree with the Staff Analysis that: 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 Zoning Regulations; 2) The strict application of the requirements of the applicable County Zoning Regulations would produce and undue hardship upon the owner of the property included in the petition; 3)Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; 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; 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; 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 reasonable practicable the formulation of a general regulation to be adopted as an amendment to the applicable County Zoning Regulations. *Ballot: Ayes – Dostal, Hansen, Mackey and Reibold. Nays - none. Abstain - none. Absent - Hill. Motion carried. (4-0)*

With no further agenda or correspondence, Chairperson Hansen declared the meeting adjourned at 7:51 p.m.

Respectfully Submitted,

Sarpy County Board of Adjustment
Sharon Hansen, Chairman