

**SARPY COUNTY PLANNING DEPARTMENT**

1210 Golden Gate Drive  
Papillion, Nebraska 68046  
Phone (402) 593-1555  
Fax (402) 593-1558  
**Rebecca Horner, AICP, Director**

**Sarpy County Board of Adjustment**  
**Meeting Minutes**  
**February 14, 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 February 14, 2011 at 7:04 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. Absent was Doug Hill and Alternate member, Susie Bliss. Also in attendance were Sarpy County Planning Director Rebecca Horner, Planner, Todd Swirczek 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 October 5, 2009 Board of Adjustment meeting.

***Dostal moved, seconded by Reibold*** to approve the minutes of the October 5, 2009 meeting as submitted. ***Ballot: Ayes – Dostal, Hansen, Mackey and Reibold. Nays - none. Abstain - none. Absent - Hill. Motion carried.***

**REGULAR AGENDA ITEMS:**

**A. Election of Chairperson and Vice-Chairperson.**

Chairperson Hansen called for nominations for 2011 Board of Adjustment Chairperson.

Gene Mackey nominated Sharon Hansen for Chairperson, seconded by Del Reibold.

With no other nominations, a written ballot was taken. With 4 of 4 votes, Sharon Hansen was declared the 2011 Chairperson.

Chairperson Hansen called for nominations for 2011 Board of Adjust Vice-Chairperson.

Sharon Hansen nominated Gene Mackey to serve as the Vice-Chairperson for 2011.

With no other nominations, a written ballot was taken. With 4 of 4 votes, Gene Mackey was declared the 2011 Vice-Chairperson.

**B. Elite Builders Inc., on behalf of Alan and Jane Langpaul, owners, for the appeal of a front yard setback for an accessory building on Lot 159, Hanson's Lakes, also known as 2011 Annabelle Drive, located in the SW ¼ of Section 27, T13N, R13E, Sarpy County, Nebraska.**

Brian Torczon, Elite Builders, represented Alan and Jane Langpaul. He stated the neighbors had a fire that spread to the Langpaul's garage, burning it down. The garage sets back from the property line 19'. The accessory building setback is 50'. They would like to re-build the garage where it was.

\*Chairperson Hansen open the public hearing at 7:16 p.m.\*

\*Chairperson Hansen closed the public hearing at 7:17 p.m.\*

Sharon Hansen asked how far he could go back to re-build?

Mr. Torczon said right behind the garage is a retaining wall. The ground drops several feet there and drops again towards the lake.

Ms. Hansen indicated he needed to provide the reasons why this creates a hardship.

Mr. Torczon noted there is a large tree behind the garage, a drop of ground and moving the garage back would potentially put it in the lake as several feet of their property extends into the lake. He also indicated this is a corner lot, which causes the lot to be shorter in depth than other lots in the subdivision.

When asked by Ms. Hansen if there was any other place on the lot he could put the garage, Mr. Torczon responded by saying he had not really given it much thought because the garage had been there a long time and it sits next to the boat ramp. He went on to say there wasn't anywhere on the lot the building could be moved back 50' because of the topography.

Ms. Hansen stated she had been to the property and agreed it was an unusual lot because of the topography and shallowness of the lot.

Donna Dostal asked if there was anywhere else on the lot the garage go could?

Mr. Torczon indicated there was not.

Chairperson Hansen asked for a motion.

*Gene Mackey moved, seconded by Reibold to approve the reduction of the front yard setback from 50' to 19' due to the fact that 1) the strict application of the resolution 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; 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. **Ballot: Ayes – Dostal, Hansen, Mackey and Reibold. Nays - none. Abstain - none. Absent - Hill. Motion carried.***

**C. Dowd Grain Company, Inc., Duane J. Dowd, Trustee, Grand Prix, Inc., Duane J. Dowd and Lawrence W. Dowd, for the appeal of the October 10, 2010 decision and determination of the Sarpy County Planning and Building Department to issue Building Permit #31704 to Morton Buildings for the construction of a commercial/industrial building on Lot 1, Commerce Business Centre Replat 3, Sarpy County, Nebraska.**

Nicole O'Keefe, Deputy County Attorney, stated she would be speaking on behalf of the Sarpy County Planning Department.

Duane Dowd, as a technical matter, would ask to table the application until a full Board of Adjustment can be present.

Nicole O'Keefe stated that she had no objection on tabling the application. She also stated that the Board had the ability to hear the matter with the members present, but the decision to table the matter was ultimately up to the Board.

After some discussion on procedure,

Gene Mackey moved, seconded by Del Reibold to table the applicants appeal until Monday, March 21, 2011. **Ballot: Ayes – Dostal, Hansen, Mackey and Reibold. Nays - none. Abstain - none. Absent - Hill. Motion carried.**

**D. Discussion of Rules and Procedures of the Board of Adjustment.**

Rebecca Horner, Planning Director, stated these had been discussed at the last meeting.

Ms. O'Keefe noted she had made some minor changes such as the dates and times of meetings can be changed and administrative changes such as voting on the rules need only require a majority of the vote instead of a super majority. She also noted that a vote could not take place at this meeting as these changes require the Board of Adjustment members to have a 30 day notice of change. The "Rules and Procedures" will be on the agenda for a vote at the March 21, 2011 meeting.

After Sharon Hansen asked, Ms. O'Keefe agreed to add all statutory duties of the Board to the rules.

Chairperson Hansen welcomed the new members of the Board and encouraged them to visit the sites prior to the meeting.

Respectfully Submitted,

