

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 6:30 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: Louis Austin Mark Sutton, Chad Aldrich, Glen Wilcox, and Paul Eddie. Absent: Erik Thomalla. Also present was Loren Lindahl, acting City Attorney and Travis Beavers, Zoning Administrator.

A motion was made by Eddie, seconded by Aldrich to reappoint Wilcox as Chairman and Sutton as Vice Chairman. Roll call vote: Eddie, yes; Aldrich, yes; Sutton, yes; Austin, yes; and Wilcox, yes. Motion carried.

Discussion was held regarding the duties and responsibilities of the Board of Adjustment. Members reviewed the bylaws and rules of procedure of the City of Wahoo Board of Adjustment.

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

A motion was made by Eddie, seconded by Sutton, to approve the minutes of the January 31st 2019 meeting as presented. Roll call vote: Eddie, yes; Sutton, yes; Austin, abstain; Aldrich, yes; and Wilcox, yes. Motion carried.

Notice of hearing dated June 7, 2019 was marked as exhibit #1, the meeting agenda was marked as exhibit #2, City of Wahoo Zoning Rules and Regulations was marked as exhibit #3, City of Wahoo Board of Adjustments Hearing Rules and Procedures was marked as exhibit #4, Bylaws of the City of Wahoo Board of Adjustments was marked as exhibit #5, checklist for request for variance was marked as exhibit #6 and entered into record by the Chair serving as the hearing officer.

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.

A motion was made by Austin, seconded by Eddie, to open public hearing at 6:38 p.m. upon application for variance to allow for the erection of a nonconforming pole sign in the NRC Neighborhood Residential Commercial District on property described as lots 1 thru 12, Block 8, Stocking Addition to Wahoo, Saunders County, Nebraska, better known as 257 West A Street, as filed by Sid Dillon Ford Inc. Roll call vote: Austin, yes; Eddie, yes; Sutton, yes; Aldrich, yes; and Wilcox, yes. Motion carried. The packet of information provided by the applicant was then entered into the hearing record by the Chair as exhibit #7. Dan Fagervik stated that the strict application of the Zoning Regulations would produce undue hardship; in that: The pole sign is a requirement of Ford Motor Company in order to achieve ultimate visibility for a successful business. Sid Dillon Ford was granted conditional approval to relocate from 305 S Second, Ceresco, NE, to the existing facility in Wahoo. The condition for the relocation approval is that the dealer must be able to relocate the existing Ford Oval pylon sign from the old location to a prominent location on the new property. Such hardship is not shared generally by other properties in the same Zoning District and the same vicinity; in that: Several other businesses, within the same zoning district, currently have pole signs that are nonconforming signs. Also, none of the other adjacent properties display/sell large vehicles which will hide a monument sign since a truck is the same height as a monument sign. 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: A pole sign at the Ford store will look aesthetically pleasing in the area considering the number of pole signs already existing while a monument sign will look out of place. Moving the Ford store to Wahoo will only increase business in the area. 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: Ford Motor Company requires a Ford Oval brand pylon sign with ultimate visibility. According to the agreement with

Ford, we are required to display a sign that is highly visible. When Ford allowed the move to Wahoo, one of the requirements was to move the existing Ford sign to the new location. Fagervik also stated that since they are located in a small town, and with all of the competition located only 30 miles away, it is important to be as visible as possible. Austin questioned why the existing pole signs that were on the property were removed even though they were told that once it was taken down a new pole sign could not be installed. Austin provided 3 pictures showing the existing signs. The pictures were entered into the record as exhibit #8, 9 and 10. Fagervik explained that it was a requirement to relocate the signs when the Chevy Dealership moved by the expressway. Tom Klein spoke in favor of the variance and wanted to show support for the relocating of the Ford store to Wahoo. Beavers spoke on behalf of the city stating that there are other options of signage available for the business to be visible that comply with the regulations. Beavers shared information regarding Ford retail look and style signage standards which includes monument sign options approved by Ford and images of monument signs at other Ford Dealerships. The information was entered into the hearing record as exhibit #11 and 12. A motion was made by Aldrich, seconded by Eddie, to close public hearing at 6:59 p.m. Roll call vote: Aldrich, yes; Eddie, yes; Sutton, yes; Austin, yes; and Wilcox, yes; Motion carried.

Discussion was held on the variance request. Members reviewed the sign regulations and the NRC-Neighborhood Residential Commercial zoning regulations. Requirements for granting a variance within the Board of Adjustment bylaws were also reviewed. Austin stated that the regulations are specific in that once a nonconforming sign is destroyed or removed every future sign at the same location must be in conformance with the provisions of the regulations. The sign was removed knowing that it couldn't be replaced. Wilcox stated that Sid Dillon did apply for an amendment to the NRC regulation to allow for pole signs within the zoning district and explained what the Planning Commission discussed during the amendment process. Wilcox stated that 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 granting the variance since the location is commercial in character already and pole signs already exist in the area. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity due to the type of business that Sid Dillon operates and merchandise that they display making it difficult to gain visibility. 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 location has been an auto dealership location for 30 plus years and is not currently zoned properly, and finally the strict application of the Ordinance would produce undue hardship in that uncontrollable visibility constraints have been placed on the property. It has been an auto dealership for 30 plus years that is no longer located on a highway because of the expressway going around Wahoo and due to corporate requirements, the existing pole sign had to be removed and relocated to the new Chevy Dealership. Members discussed the option of a possible rezone the property and surrounding area to better fit the dealerships needs and overall characteristics of the area. A motion was made by Eddie, seconded by Wilcox, to approve the variance request to construct a pole sign 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 being met. Roll call vote: Eddie, yes; Wilcox, yes; Austin, no; Sutton, no; and Aldrich, no. Motion failed. No additional motions were made by the floor so the variance request is deemed denied per the rules and regulations of the Board of Adjustments.

Mayor Jerry Johnson asked that the Planning Commission and City Council review the zoning along Chestnut Street affecting the Sid Dillon Ford location.

Beavers updated members regarding the previous variance request filed by Peter Steiner. Beavers reported that Steiner submitted a building permit application and constructed a smaller pole shed that conformed to the LLR regulations.

A motion was made by Aldrich, seconded by Sutton, to adjourn the meeting at 7:41 p.m. Roll call vote: Aldrich, yes; Sutton, yes; Austin, yes; Wilcox, yes; and Eddie, yes. Motion carried.

Travis Beavers, Zoning Administrator

Approved: