

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 7:00 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 roll call: Sherry Hageman, Mark Sutton, Eric Thomalla, and Glen Wilcox. Absent: Chad Aldrich and alternate Paul Eddie. Also present was Travis Beavers, Zoning Administrator.

A motion was made by Thomalla, seconded by Wilcox, to approve agenda as presented. Roll call vote: Thomalla, yes; Wilcox, yes; Sutton, yes; and Hageman, yes. Absent and not voting: Eddie and Aldrich. Motion carried.

A motion was made by Thomalla, seconded by Sutton, to approve the minutes of the previous meeting as presented. Roll call vote: Thomalla, yes; Sutton, yes; Hageman, yes; and Wilcox, yes. Absent and not voting: Eddie and Aldrich. Motion carried.

Beavers reported that the removal of mobile homes at the Mobile Home Park located at 479 N Laurel has begun. Demolition is almost complete of nine trailers that were declared a public nuisance. Some of the homes are being relocated to the mobile home park located at 2201 N Hwy 77.

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.

Scott Else was present and wanted to proceed with the public hearing.

A motion was made by Hageman, seconded by Thomalla, to open the public hearing at 7:05 p.m. upon application for variance to allow for the construction of a new home on existing foundation with less than required setbacks in an R-2 Residential District on property described as lot 9 Block 2, Barry's Addition to the City of Wahoo, Saunders County, Nebraska, better known as 1035 W 9th, as filed by Scott Else. Roll call vote: Hageman, yes; Thomalla, yes; Sutton, yes; and Wilcox, yes. Absent and not voting: Aldrich, and Eddie. Motion carried.

Scott Else spoke regarding the application. Else stated that there was a fire on March 15, 2015 that destroyed the house at 1035 W 9th therefore they would like to utilize the existing foundation to construct a new home with the same square footage. Contractors have looked at the foundation and feel that it is structurally sound but he understands that if it does not meet code, adjustments might have to be made. Else also stated that the fire did not damage the neighbor's house but some damage to the garage occurred because of the privacy fence between the properties catching on fire. Beavers stated that the house is a nonconforming structure and if a nonconforming structure is damaged or destroyed, by any means, to the extent of more than 50 percent of its structural value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located. The side yard setback requirement for R-2 Residential is five feet including the roof overhang. The North East corner of the foundation on the property currently is 4.5 feet and the South East corner is 3.4 feet from the East property line, therefore a variance is required to reconstruct the house on existing foundation. Beavers also stated that there are some additional fire resistance requirements within the 2009 International Residential Code that will have to be met if the variance is granted which will be addressed with the building permit. A motion was made by Thomalla, seconded by

Sutton, to close public hearing at 7:14 p.m. Roll call vote: Thomalla, yes; Sutton, yes; Wilcox, yes; and Hageman, yes. Absent and not voting: Aldrich and Eddie. Motion carried.

Discussion was held on the variance request. Members reviewed the R-2 zoning regulations, nonconforming structures regulations, the 2009 International Residential Code separation requirements and survey showing the existing structure that was provided. Requirements for granting a variance within the Board of Adjustment bylaws were also reviewed. A motion was made by Sutton, seconded by Thomalla, to grant the variance request by allowing for the construction of a new house with a max overhang of one foot, and meeting 2009 International Residential Code fire separation requirements, on existing foundation with less than required setback from the East property line, as presented within the survey, in an R-2 zoning district on property described above. If the existing foundation is not structurally sound or cannot be made structurally sound, a new foundation meeting all setback requirements will have to be installed. Motion based on Section 7, SPECIFIC REQUIREMENTS IN APPROVAL OF A VARIANCE, A-3 The strict application of any applicable provision of the City Zoning Regulations would, in each specific variance petition, result in 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 with each of the requirements B1-6 of Section 7 being met. Roll call vote: Sutton, yes; Thomalla, yes; Wilcox, yes; and Hageman, yes. Absent and not voting: Aldrich and Eddie. Motion carried.

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.

Mike Campbell, shareholder in the company, was present and wanted to proceed with the public hearing.

A motion was made by Hageman, seconded by Thomalla, to open the public hearing at 7:39 p.m. upon application for variance to allow the alteration/enlargement of a nonconforming pole sign in the NRC Neighborhood Residential Commercial District on property described as lots 1 and 2, Block 8, Original Town of Wahoo, Saunders County, Nebraska, better known as 809 N Chestnut, as filed by Debora Carpenter. Roll call vote: Hageman, yes; Thomalla, yes; Sutton, yes; and Wilcox, yes. Absent and not voting: Aldrich, and Eddie. Motion carried.

Mike Campbell spoke regarding the application. Campbell stated that when the Subway located at 809 N Chestnut was tore down and rebuilt they decided to add a drive thru. Less than fifty percent of Subways have a drive thru therefore the sign is needed to inform customers that an additional way to serve guests is offered. The sign is eighteen inches tall by ninety six inches wide and would be placed between the subway logo sign and the reader board sign on the pole. Several Competitors have similar signs. Campbell also stated that the sign is a requirement of the franchise and by not being able to obtain a permit for the placement of the drive thru sign they would not be in compliance with the franchise agreement. Beavers stated that pole signs are not allowed in the NRC zoning district therefore it is a nonconforming sign. No such sign may be enlarged or altered in a way which increases its nonconformity. Beavers also stated that a nonconforming sign shall either be removed or brought into compliance with the City's Zoning Regulations when a substantial alteration to the sign is made. A substantial alteration is defined as repair or refurbishing of any sign that alters its physical dimensions or height, or replaces any integral component of the sign including but not limited to, alterations to exterior cabinets, bases or poles. Therefore a permit could not be issued. A motion was made by Thomalla, seconded by Hageman, to close public hearing at 7:46 p.m. Roll call vote: Thomalla, yes; Hageman, yes; Wilcox, yes; and Sutton, yes. Absent and not voting: Eddie and Aldrich. Motion carried.

Discussion was held on the variance request. Members reviewed the sign regulations and requirements for signs in the NRC zoning district. Other options to meet Subway's corporate standards were discussed. A motion was made by Thomalla, seconded by Sutton, to grant the variance request by allowing the alteration/enlargement of a nonconforming pole sign with the addition of an 18 inch by 96 inch drive thru sign between the Subway logo and reader board as presented in the NRC zoning district on property described above. Motion based on Section 7, SPECIFIC REQUIREMENTS IN APPROVAL OF A VARIANCE, A-3 The strict application of any applicable provision of the City Zoning Regulations would, in each specific variance petition, result in 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 with each of the requirements B1-6 of Section 7 being met. Roll call vote: Thomalla, yes; Sutton, yes; Wilcox, yes; and Hageman, yes. Absent and not voting: Aldrich and Eddie. Motion carried.

A motion was made by Hageman, seconded by Sutton, to adjourn the meeting at 7:56 p.m. Roll call vote: Hageman, yes; Sutton, yes; Wilcox, yes; and Thomalla, yes. Motion carried.

Travis Beavers, Zoning Administrator

Approved: