

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 Chad Aldrich at 7:01 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: Chad Aldrich, Sherry Hageman, Eric Thomalla, Glen Wilcox, and Mark Sutton. Absent: Paul Eddie (alternate). Also present was Travis Beavers, Zoning Administrator and Jovan Lausterer, Wahoo City Attorney.

The chair opened the floor for nominations of Chairperson and Vice-Chairperson. A motion was made by Wilcox, seconded by Thomalla, to nominate Wilcox as Chairperson and Aldrich as Vice-Chairperson. Roll call vote: Wilcox, yes; Thomalla, yes; Aldrich, yes; Hageman, yes; and Sutton, yes. Motion carried.

Public hearing was opened at 7:04 p.m. on application for variance to allow for a land condominium regime in a TA-Transitional Agricultural District, creating parcels with less than required lot area, on property described as: a parcel of land located in the Southeast Quarter of Section 34, Township 15 North, Range 7, East of the 6th P.M., in Saunders County, Nebraska, as filed by Mountain Tower and Land, LLC. Derek Zimmerman, attorney for applicant, spoke in favor of the variance. Zimmerman stated that the parcel of land would be divided into two units, unit A and unit B, under separate ownership. Mountain Tower and Land will be investing a significant amount of money on the one-acre parcel, unit A, and by allowing a land condominium regime the parcel can be taxed fairly while allowing for the different uses that have already been approved. Zimmerman also stated that with a land condominium regime the parcel is not changed, it remains a ten acre parcel zoned as a whole. Jovan Lausterer stated that zoning regulations in the TA zoning jurisdiction specifically disallow condominiums, however, the City of Wahoo does not stand in opposition to their application because we believe it to be for a public benefit as well as acknowledge Viaero's inability to find other suitable locations for the tower. A motion was made by Hageman, seconded by Sutton, to close public hearing at 7:17 p.m. Roll call vote: Hageman, yes; Sutton, yes; Aldrich, yes; Thomalla, yes; and Wilcox, yes. Motion carried.

Discussion was held on the variance request. Members noted that the tower has already been approved through conditional use permit for that location and it was demonstrated that this is the only location that was suitable for tower placement therefore strict application would produce undue hardship. Members also agreed that approval of the variance request would not be of substantial detriment to adjacent property owners or public good and that the hardship is not shared generally by other properties due to the unique tower requirements. A motion was made by Hageman, seconded by Aldrich, to approve the land condominium regime per request due to the undue hardship that would be created by prohibiting a tower to be constructed that has a use and location that has already been approved. Roll call vote: Hageman, yes; Aldrich, yes; Wilcox, yes; Thomalla, yes; and Sutton, yes. Motion carried, variance request approved.

Public hearing on application for variance to allow for a ground monument sign and message board to be larger than maximum sign area allowed in the C-2 Highway Commercial District, on property described as Lot 10 and 11, Wahoo Industries Airpark, Wahoo Nebraska, better known as 1320 East 31st Street, as filed by Lake Wanahoo Medical Clinic, was declared open at 7:25 p.m. Brett Richmond of Fremont Health Medical Center spoke in favor of the variance. Richmond stated that Lake Wanahoo Medical Clinic is trying to strike a balance between a sign that is large enough to see yet not compromise safety issues while utilizing a message board that

will be used solely for clinic advertizing, to better display hours of operation, physician schedules and events that are going on within the facility. Richmond also stated that because of the location of the clinic from the intersecting highways a larger than allowed ground monument sign with message board is needed to be visible. Wilcox questioned how the lack of a message board impacts the business and how it is different than the impact it would have on other businesses or property owners. Richmond stated that the message board would help communicate and inform the public more effectively because of alternating schedules and the number of physicians on staff, compared to other businesses that may only have one occupant to advertise at a time. A motion was made by Aldrich, seconded by Sutton, to close the public hearing at 7:36 p.m. Roll call vote: Aldrich, yes; Sutton, yes; Hageman, yes; Thomalla, yes; and Wilcox, yes. Motion carried.

Discussion was held on the variance request. Members questioned if there is a hardship or if the variance request is more for convenience. Wilcox stated that the hardship is shared by other properties in the same zoning district and the same vicinity but the owners were able to meet the requirements that are clearly listed within the regulations. Aldrich stated that the sign is under the ten foot ground monument height requirement and if the sign was smaller it could be more of a safety concern because of drivers not being able to read it clearly. A motion was made by Aldrich, seconded by Sutton, to allow for a ground monument sign and message board to be larger than maximum sign area allowed. Roll call vote: Aldrich, yes; Sutton, yes; Thomalla, no; Hageman, no; and Wilcox, no. Motion failed, variance denied.

A motion was made by Hageman, seconded by Thomalla, to approve the minutes of the October 22, 2014 meeting. Roll call vote: Hageman, yes; Thomalla, yes; Aldrich, yes; Sutton, yes; and Wilcox, yes. Motion carried.

Beavers talked about the NPZA conference March 11-13, 2015 that takes place every year. The conference is being held in Kearney and members are encouraged to attend.

Lausterer reported they are waiting on the ruling from District Court regarding the appeal of the Board of Adjustment and Wahoo MHP2, LLC.

Wilcox thanked Aldrich for serving as Chairperson.

A motion was made by Hageman, seconded by Thomalla, to adjourn the meeting at 8:06 p.m. Roll call vote: All yes.

Travis Beavers, Zoning Administrator

Approved: