

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 7:03 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, Paul Eddie, Mark Sutton, Chad Aldrich, and Glen Wilcox. Absent: Eric Thomalla. Also present was Jovan Lausterer, City Attorney and Travis Beavers, Zoning Administrator.

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

A motion was made by Aldrich, seconded by Hageman, to approve the minutes of the August 15<sup>th</sup> 2017 meeting as presented. Roll call vote: Aldrich, yes; Hageman, yes; Eddie, yes; Wilcox, yes; and Sutton, yes. 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.

Notice of hearing dated June 8, 2018 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 and entered into record by the Chair serving as the hearing officer. It was made clear to all those in attendance that Exhibits #1 through #5 were intended to be used as common exhibits for both hearings.

Public hearing was opened at 7:07 p.m. upon application for variance to allow for the attachment of an accessory structure to the primary structure with less than required setbacks in an NRC Neighborhood Residential Commercial District on property described as lot 3 and 4, Kennedy College Subdivision, City of Wahoo, Saunders County, Nebraska, better known as 559 W 15th, as filed by Threehab Real Estate Company, LLC. The Zoning Administrator previously confirmed that the lots were joined and are owned by Threehab Real Estate Company, LLC. The packet of information provided by the applicant was then entered into the hearing record by the Chair as exhibit #6. Mark Hunzecker, attorney for owner, was present and spoke on behalf of Threehab Real Estate Company. Hunzecker stated that the strict application of the Zoning Regulations would produce undue hardship; in that: The clinic is a commercial enterprise which serves many people with various types of mobility issues. Many are in wheelchairs, on crutches, using walkers, canes or just moving slowly as they recover from injury or surgery. The storm shelter is not connected to the clinic building. While not a long distance away, in the midst of severe weather it would present a serious challenge for many patients. If the variance is not granted, they would not be able to connect the shelter to the building and the safety of the public could be jeopardized in the event of severe weather. Such hardship is not shared generally by other properties in the same Zoning District and the same vicinity; in 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 the granting of the variance; in that: there are not other commercial properties in the same zoning district or vicinity that have an existing storm shelter that would be similarly affected by the setback requirement. The circumstances of a physical therapy clinic and the need to protect the safety of the public with limited mobility is unique in this zoning district and vicinity. 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 adjacent property will not be adversely affected as it will be virtually invisible between the two structures. Moreover, the nearest building on the property to the south (presently vacant) is over 200 feet away from the property line. The character of the district will remain the same. Neither the connecting structure nor storm shelter are visible from the 15<sup>th</sup> street frontage of the district so no material change will be noticeable by observers passing by the district. Hunzecker also stated there is no profit to be made by this addition. It is simply a safety improvement. A motion was

made by Sutton, seconded by Eddie, to close public hearing at 7:17 p.m. Roll call vote: Sutton, yes; Eddie, yes; Hageman, yes; Aldrich, yes; and Wilcox, yes; Motion carried.

Discussion was held on the variance request. Beavers explained the setback requirements for NRC zoned areas. NRC zoning regulations require a rear yard setback of 10 feet for commercial uses and a 5 foot setback for accessory uses. The storm shelter was permitted in 2012 and was presented and constructed as a detached structure with a setback of 5 feet. Members reviewed the NRC zoning regulations and site plan showing existing and proposed structures 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 Eddie, to grant the variance request by allowing for the attachment of an accessory structure to the primary structure with less than required setbacks 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: Sutton, yes; Eddie, yes; Hageman, yes; Wilcox, yes; and Aldrich, yes. 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.

Public hearing opened at 7:25 p.m. upon application for variance to allow the erection of a nonconforming pole sign and larger than allowed message board in the C-2 Highway Commercial District, on property described as 42.89 acres in the E ½ SW ¼ 9-14-7, Wahoo Nebraska, better known as 1760 County Road J, as filed by Saunders Medical Center. The packet of information provided by the applicant was then entered into the hearing record by the Chair as exhibit #6. Tyler Toline, CEO of Saunders Medical Center, spoke on behalf of Saunders Medical Center. Toline stated, after discussions with Jovan Lausterer, Saunders Medical Center would like to request that the agenda item be tabled. Saunders Medical Center has decided to pursue an amendment to the sign regulations to allow for a larger ground monument sign within the Gateway Corridor District. If the amendment proposal is denied, Saunders Medical Center will then move forward with the variance request to erect the pole sign. A motion was made by Hageman, seconded by Eddie, to close the public hearing at 7:31 p.m. Roll call: Hageman, yes; Eddie, yes; Sutton, yes; Aldrich, yes; and Wilcox, yes. Motion carried. Discussion was held on the variance request. A motion was made by Sutton, seconded by Eddie, to table the variance request in order for the applicant to pursue other options. Roll call: Sutton, yes; Eddie, yes; Hageman, yes; Wilcox, yes; and Aldrich, yes. Motion carried.

A motion was made by Aldrich, seconded by Sutton, to adjourn the meeting at 7:38 p.m. Roll call vote: Aldrich, yes; Sutton, yes; Eddie, yes; Wilcox, yes; and Hageman, yes. Motion carried.

Travis Beavers, Zoning Administrator

Approved: