

MINUTES
BOARD OF ADJUSTMENT
APRIL 22, 2025

A meeting of the Board of Adjustment of the City of York, Nebraska, was held on Tuesday, April 22, 2025, at 5:00 o'clock pm. in the Council Chambers. Notice of this meeting was published in the York News Times on April 15, 2025.

QUORUM

Brogan called the meeting to order and the City Clerk recorded the minutes. Present were: Melby, Hansen, Brogan, Hammer and Montgomery. Absent: none.

MINUTES

Montgomery moved and Hammer seconded that the minutes of the January 28, 2025 meeting be approved. Roll call: Ayes: Melby, Hansen, Brogan, Hammer and Montgomery. Nays: None. Motion carried.

APPROVAL OF APPLICATION

At 5:00 o'clock p.m., Brogan announced that this was the time and place set for a public hearing on an application filed by Richard and Laura McDougall to allow for a variance on the rear yard setback in the residential zoning R2.

Dan Aude, Planning Director for the City, spoke on behalf of the City stating that the City received a variance request for a house addition at 5 Country Club Terrace. There is a minimum setback of 25' in the R2 zoning district. This addition would put the house within 10' of the rear setback. The setback regulations are applicable to a house, not out buildings. Laura McDougall, 5 Country Club Terrace, addressed the Board. She stated her and her husband have lived at the residence for 24 years. Her husband has a spinal cord injury and stairs are becoming increasingly challenging for him. This addition would allow for them to remain living in their residence into retirement, and make all necessities main level living for him. Tyler Bukaske, 2730 Enterprise Ave., explained the drawing of the addition. There was discussion held regarding the roof line, egress windows, runoff from roof if addition is built, potential drainage issues, and the possibility of the addition being redrawn.

Following discussion, Brogan moved and Hansen seconded that the application filed by the Richard and Laura McDougall for the requested variance on rear yard setback be approved and that the following resolution be adopted:

BE IT RESOLVED:

That the Board of Adjustment of the City of York, Nebraska, has held a public hearing on the 22nd day of April, 2025 pursuant to Article XXVIII Sections 7 and 8; and

That the notice of the time and place of hearing herein has been given as provided by said Section 7; and

That the Board of Adjustment in the hearing conducted here have considered the conditions necessary to grant a variance, pursuant to Section 10 of said Article XXVIII, and find:

- 1) The strict application of the ordinance 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 the character of the district will not be changed by the granting of the variance.
- 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.

NOW, THEREFORE, be it resolved by the Board of Adjustment that it is the finding of this body that the application for a variance to allow for a variance on the rear yard setback in residential zoning R2 be approved.

Roll call: Ayes: Melby, Hansen, Hammer and Montgomery. Nays: Brogan. **Motion passes.**

ADJOURNMENT

There being no further business to come before the Board, Brogan adjourned the meeting, that time being 5:30 p.m.



Amanda Ring, City Clerk

AGENDA
BOARD OF ADJUSTMENT
APRIL 22, 2025
5:00 O'CLOCK P.M.

THE OPEN MEETINGS ACT IS POSTED ON THE EAST WALL OF THE COUNCIL
CHAMBERS

1. The Open Meetings Act is posted on the East Wall of the Council Chambers
2. Notice of this meeting was published in the York News Times on April 15, 2025
3. Roll Call
4. Minutes of January 28, 2025 meeting
5. Public Hearing:
 - a. Consider an application filed by Richard and Laura McDougall for variance on rear yard setback in the R2 district
6. Adjournment