

MINUTES  
BOARD OF ADJUSTMENT  
JULY 18, 2023

A meeting of the Board of Adjustment of the City of York, Nebraska, was held on Tuesday, July 18, 2023, at 5:00 o'clock pm. in the Council Chambers.

QUORUM

Brogan called the meeting to order and the City Clerk recorded the minutes. Present were: Hammer, Heskett, McGregor, Brogan and Minert. Absent: None.

MINUTES

Heskett moved and Minert seconded that the minutes of the June 27, 2023 meeting be approved. Roll call: Ayes: Hammer, Heskett, McGregor and Minert. Nays: None. Abstained: Brogan. Motion carried.

APPROVE APPLICATIONS

At 5:00 o'clock p.m., Brogan announced that this was the time and place set for a public hearing on applications filed by Ross Ronne and Trevor and Mindy Roth to put accessory buildings closer than the setback guidelines.

Dan Aude, Planning Director for the City, shared the City's zoning and building regulations with the Board regarding the Ronne variance. He stated that he believed there to be extraordinary circumstances that create a hardship. Ross Ronne stated the property was located at 1512 Road 12 and that he had purchased a used 50'x60' building for his property. After the purchase he realized it wouldn't meet the setback requirements.

Following discussion, Brogan moved and Minert seconded 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 18<sup>th</sup> day of July, 2023 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 erect a 50'x60' building between the grain bin and property line be approved for Ross Ronne.

Roll call: Ayes: Hammer, Heskett, McGregor Brogan and Minert. Nays: None. Motion carried.

Dan Aude, again, shared the City's zoning and building regulations with the Board regarding the Roth variance. He stated that he did not believe there to be extraordinary circumstances that create a hardship due to the fact there was space on the west side of the property. Trevor Roth spoke on the reasoning for the placement of the garage with the building on the east side of the property. He stated the west side of the property is to be utilized for another purpose and that electricity is already on the east side of the property.

Following discussion, McGregor moved and Hammer seconded 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 18<sup>th</sup> day of July, 2023 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 build a 32'x52' garage approximately seven foot from the property line be approved for Trevor and Mindy Roth.

Roll call: Ayes: Hammer, Heskett, McGregor Brogan and Minert. Nays: None. Motion carried.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned, the time being 5:24 o'clock p.m.

*Amanda Ring*  
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Amanda Ring, City Clerk

AGENDA  
BOARD OF ADJUSTMENT  
JULY 18, 2023  
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 July 11, 2023
3. Roll Call
4. Minutes of June 27, 2023
5. Public Hearing:
  - a. Consider an application filed by Ross Ronne
  - b. Consider an application filed by Trevor and Mindy Roth
6. Adjournment