

MINUTES  
BOARD OF ADJUSTMENT  
JULY 23, 2024

A meeting of the Board of Adjustment of the City of York, Nebraska, was held on Tuesday, July 23, 2024, at 5:00 o'clock pm. in the Council Chambers. Notice of this meeting was published in the York News Times on July 16, 2024.

QUORUM

Brogan called the meeting to order and the City Clerk recorded the minutes. Present were: McGregor, Heskett, Hammer and Brogan. Absent: Beins.

MINUTES

Hammer moved and Brogan seconded that the minutes of the August 15, 2023 meeting be approved. Roll call: Ayes: McGregor, Heskett, Hammer and Brogan. Nays: None. Absent and not voting: Beins. Motion carried.

APPROVE 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 the City of York to allow for a variance on the setbacks per City Code and allow the fire station to be built as designed.

Dan Aude, Planning Director for the City, spoke on behalf of the City stating that the City was requesting a variance for the setbacks for the new fire station to be built on the west half of that parking lot at 1714 N. Lincoln Ave. North side there is a 15-foot setback because it's residential and it's approximately 11 foot request, west side is a 25-foot setback and there is approximately six foot request, south side is a 25-foot setback and it's approximately nine foot request. The new building does not impede on the safety sight triangle guidelines at the stop sign. Brogan questioned the zoning on the rest of the block and if C2 has an allowable use for the fire station. There is a sewer main that runs down the center of that block and nothing can be built over top of it, so the building cannot be shifted east. The alley will be vacated with a permanent utility easement. Questions were raised as to why not move the building north and build right on the property line with there being no setback because of it being C2 zoning. Cornerstone Bank had concerns about it being built right on the property line. Brogan brought up the sight visibility when a person approaches the corner of 17<sup>th</sup> Street and Lincoln Ave. Vicki Northrop, 1301 N. Delaware Ave., stated concern regarding that same corner. She questioned if there will be something visible to alert drivers to look twice for traffic on Lincoln Ave.

Following discussion, McGregor moved and Heskett seconded that the application filed by the City for the requested variance on setbacks 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 23<sup>rd</sup> day of July, 2024 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 the new fire station as engineered without meeting the required setbacks be approved.

Roll call: Ayes: McGregor, Heskett, Hammer and Brogan. Nays: None. Absent and not voting: Beins. Motion carried.

#### ADJOURNMENT

There being no further business to come before the Board, Brogan adjourned the meeting, that time being 5:28 o'clock p.m.

  
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Amanda Ring, City Clerk

AGENDA  
BOARD OF ADJUSTMENT  
JULY 23, 2024  
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 16, 2024
3. Roll Call
4. Minutes of August 15, 2023
5. Public Hearing:
  - a. Consider an application filed by the City of York for variance on required setbacks
6. Adjournment