

MINUTES
BOARD OF ADJUSTMENT
AUGUST 15, 2023

A meeting of the Board of Adjustment of the City of York, Nebraska, was held on Tuesday, August 15, 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: Heskett, Brogan, Minert and Hammer. Absent: McGregor.

MINUTES

Minert moved and Brogan seconded that the minutes of the July 18, 2023 meeting be approved. Roll call: Ayes: Heskett, Brogan, Minert and Hammer. Nays: None. Absent and not voting: McGregor. 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 Rocky Bondegard and Linda Lou Larson to not construct a sidewalk on the west side of their house/property.

Dan Aude, Planning Director for the City, shared the City's sidewalk regulations with the Board regarding the requested variance. He stated that he believed there to be extraordinary circumstances that create a hardship. Bondegard and Larson spoke regarding their property. They stated the sidewalk would be hard to maintain with its location being in the ditch to the west of the house. They also didn't like the idea of putting a sidewalk in that led to a cornfield.

Following discussion, Brogan moved and Heskett seconded that based on the location of the applicant's property, as it lies on the southeast corner of the intersection of Nobes Road and Country Club Avenue, and given the fact that the portion of Country Club Avenue that lies south of Nobes Road is NOT under the jurisdiction of the City of York, but instead is considered to be the responsibility of York County, and given the fact that the west side of applicant's property consists of a ditch which runs parallel to Country Club Avenue, it's believed these conditions constitute a unique hardship and warrant the granting of applicant's request for a variance. Therefore, moved to grant the variance requested by the applicants, Bondegard and Larson, and contrary to city code, they should not be required to install a sidewalk along the west side of their property at this time. However, this motion includes an exception, so that in the event Country Club Avenue, at some time in the future, is annexed into the City of York, within one year after said annexation, applicant and/or any future owner of said property, shall be required to install a sidewalk that meets the regulations of the City of York, all at the expense of either the applicant and/or any future owner of said property, and this variance stipulation shall be filed with the Register of Deeds office at the Courthouse against this legal description so all future owners will be aware of the requirements 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 15th day of August, 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 not construct/maintain a sidewalk on the west side of the property be granted with the stipulations outlined earlier for Rocky Bondegard and Linda Lou Larson.

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

ADJOURNMENT

There being no further business to come before the Board, Minert motioned to adjourn the meeting with a second from Hammer, the time being 5:16 o'clock p.m.

Amanda Ring

Amanda Ring, City Clerk

AGENDA
BOARD OF ADJUSTMENT
AUGUST 15, 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 August 8, 2023
3. Roll Call
4. Minutes of July 18, 2023
5. Public Hearing:
 - a. Consider an application filed by Rocky Bondegard and Linda Lou Larson
6. Adjournment