

MINUTES
BOARD OF ADJUSTMENT
JUNE 27, 2023

A meeting of the Board of Adjustment of the City of York, Nebraska, was held on Tuesday, June 27, 2023, at 5:00 o'clock pm. in the Council Chambers.

QUORUM

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

MINUTES

Montgomery moved and McGregor seconded that the minutes of the July 28, 2020 meeting be approved. Roll call: Ayes: Minert, Hammer, Montgomery, McGregor and Heskett. Nays: None. Motion carried.

APPROVE APPLICATION

At 5:00 o'clock p.m., Heskett announced that this was the time and place set for a public hearing on an application filed by Jeff and Jamie L'Heureux to continue building an 8 x 10 playhouse (accessory building) on a parcel of ground that doesn't have a primary residence on it. Mr. L'Heureux stated that the playhouse is being built on a 15/16 acre parcel of ground they own behind their residence in a shelter belt. He said it was not permanently affixed to the ground. It was noted that the two lots are on two separate loans with two separate banks. They have no desire to combine and refinance given that interest rates are significantly higher at this time, therefore a hardship exists. Dan Aude, Planning Director for the City, shared the City's zoning and building regulations with the Board.

Following discussion, Minert moved and Montgomery 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 27th day of June, 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 an 8 x 10 playhouse (accessory building) be approved.

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

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned, the time being 5:11 o'clock p.m.

Amanda Ring
Amanda Ring, City Clerk

AGENDA
BOARD OF ADJUSTMENT
JUNE 27, 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 June 20, 2023
3. Roll Call
4. Minutes of July 28, 2020
5. Public Hearing:
 - a. Consider an application filed by Jeff and Jamie L'Heureux
6. Adjournment