

MINUTES  
BOARD OF ADJUSTMENT  
JANUARY 28, 2025

A meeting of the Board of Adjustment of the City of York, Nebraska, was held on Tuesday, January 28, 2025, at 5:00 o'clock pm. in the Council Chambers. Notice of this meeting was published in the York News Times on January 21, 2025.

QUORUM

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

MINUTES

Montgomery moved and McGregor seconded that the minutes of the July 23, 2024 meeting be approved. Roll call: Ayes: Montgomery, McGregor, Brogan, Beins and Hammer. Nays: None. Motion carried.

DENIAL OF APPLICATION

At 5:02 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 building height regulations in residential zoning R3.

Dan Aude, Planning Director for the City, spoke on behalf of the City stating that the City received a building permit for a detached garage for Timothy Cradick, 401 E. 19<sup>th</sup> Street, York. The house is located in R3 zoning and is not in a flood plain. The garage height request of 22 foot exceeds the zoning code height of 18 feet. Dan explained the structures around where to garage request is to be located. There are two story houses and then Edison Avenue runs on the east of the property which are all ranch style homes. Timothy Cradick, applicant, 401 E. 19<sup>th</sup>, addressed the Board. He shared he would like the extra height for an attic and storage purposes above the garage. The extra height would allow a staircase that doesn't drop from the ceiling to be located within the garage and make access to the attic safer. Brogan stated she was concerned with the height of the garage due to Edison Avenue being single story structures. Discussion was had around the four requirements to grant a variance. After conversation Brogan stated she didn't believe all of the criteria was met to be able to grant the variance. More discussion ensued about how the zoning regulations are written and what the requirements are to possibly grant the variance.

Following discussion, McGregor moved and Beins seconded that the application filed by the Timothy Cradick for the requested variance on height regulations 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 28<sup>th</sup> day of January, 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 building height regulations in residential zoning R3 be approved.

Roll call: Ayes: Montgomery, McGregor and Beins. Nays: Brogan and Hammer. **Motion failed.**

#### ADJOURNMENT

There being no further business to come before the Board, Brogan adjourned the meeting, that time being 5:29 o'clock p.m.

  
Amanda Ring, City Clerk

AGENDA  
BOARD OF ADJUSTMENT  
JANUARY 28, 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 December 20, 2024
3. Roll Call
4. Minutes of July 23, 2024 meeting
5. Public Hearing:
  - a. Consider an application filed by the Timothy Cradick for variance on building height regulations
6. Adjournment