



ZONING BOARD OF ADJUSTMENT

Tuesday, September 11, 2018

1:30 p.m.

Conference Room #1

City Hall

AGENDA

1. Roll Call
2. Approval of Minutes
March 18, 2014
3. Election of Chairman and Vice-Chairman
4. Public Hearing 2018-1:
Request from Kadar Mohamed for a Variance from the Regulations Regarding Landscaping Requirements located at 113 S. Clay Street.
 - A. Introduction of Official Documents by the City Clerk
 - B. Presentation by the Building Inspector
 - C. Presentation by Applicant
 - D. Submission of Objections
 - E. Discussion and Decision of the Board
5. Adjournment

A handwritten signature in blue ink that reads "RaNae Edwards".

RaNae Edwards, City Clerk

A continuously current agenda is maintained in the office of the City Clerk. Inquiries and correspondence concerning the Board of Adjustment Agenda may be addressed to:

RaNae Edwards, City Clerk
P.O. Box 1968
Grand Island, Nebraska 68802-1968
(308)385-5444, Extension 111

CITY OF GRAND ISLAND
OFFICIAL PROCEEDINGS
MINUTES OF ZONING BOARD OF ADJUSTMENT
March 18, 2014

The City of Grand Island Zoning Board of Adjustments met on March 18, 2014, in Conference Room #1, City Hall, 100 East First Street. Notice of the meeting was published in the *Grand Island Daily Independent* on March 8, 2014.

Glen Murray, Chairman called the meeting to order at 1:30 p.m. The following members were present: Glen Murray, Al Avery, Karen Bredthauer, Mike Nolan, and Deb Trosper. John Schultz was absent. Also present was Building Department Director Craig Lewis, City Clerk RaNae Edwards, City Administrator Mary Lou Brown, and applicant Brian Grupe.

APPROVAL OF MINUTES:

Motion was made by Karen Bredthauer, second by Mike Nolan to approve the minutes of the July 9, 2013 Zoning Board of Adjustment meeting. Upon roll call vote, all voted aye. Motion carried.

PUBLIC HEARING 2014-1:

Request of Brian and Doreen Grupe, #23 Kuester Lake for a variance from the regulations regarding current setback requirements located at #23 Kuester Lake.

Introduction of Official Documents by City Clerk:

Exhibit 2014-1-A	Public Hearing Notice
Exhibit 2014-1-B	Application from Brian and Doreen Grupe
Exhibit 2014-1-C	Copy of Letter to Applicant
Exhibit 2014-1-D	Copy of Letter to Area Property Owners
Exhibit 2014-1-E	Copy of Map

Presentation by Building Inspector:

Craig Lewis, Building Department Director stated in 1985 the Planning and Building departments established a set of guidelines similar in nature to a planned unit development. The following guidelines were developed and had been enforced with regards to setbacks from the lake:

Setback from Lake

- A. Allow new structures or additions to match the more restrictive of setback from lake if both adjacent owners are closer to the lake as matter of right;

- B. If setback of adjacent owner on only one side is closer to the lake than a new structure or proposed addition then a variance is needed to permit a new structure or addition not to exceed the existing adjacent setback from the lake.

The proposed 14' x 25'6" addition to the lakeside of the home provided a setback from the lake of approximately 24 feet. Since the adjacent dwelling site to the west provided a greater setback from the lake a variance was required.

Presentation by Applicant: Brian Grupe stated both home owners on each side of his property had given verbal approval. The Kuester Lake Homeowners Association had also supported the variance. He was planning on constructing a 14' x 25'6" addition to the back of his home closest to the lake.

Submission of Objections: No objections were received.

Discussion and Decision of the Board: Mentioned was that this variance would not be a problem as other variances had been granted throughout Kuester Lake. Al Avery voiced concerns of allowing homes to move closer to the lake.

Motion was made by Karen Bredthauer, second by Deb Trosper to approve the variance from the regulations regarding current setback requirements located at #23 Kuester Lake. Upon roll call vote, Glen Murray, Mike Nolan, Karen Bredthauer and Deb Trosper voted aye. Al Avery voted no. Motion adopted.

Adjournment: The meeting was adjourned at 1:40 p.m.

RaNae Edwards
City Clerk

APPLICATION FOR VARIANCE

DO NOT WRITE IN THIS BOX	
Date Filed:	_____
Fee Paid:	_____
Receipt #	_____
Date Advertised:	_____
Hearing Date:	_____
Received By:	_____

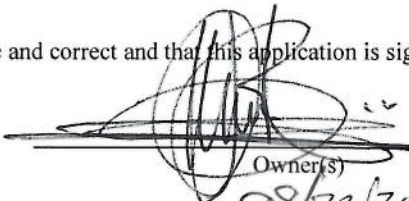
To: Zoning Board of Adjustment
City Of Grand Island, Nebraska

The undersigned hereby request(s) that a variance from the terms of the Grand Island City Code be granted and that the Chief Building Official be authorized to issue a permit therefor. In support of this application, the undersigned state(s):

- The specific variance requested is: Noncompliance with landscaping requirement in 36-102
- The owner(s) of the described property is/are: Kadar H. Mohamed
- The legal description of the property is: See attached
- The address of the property is: 113 S. Clay
- The proposed construction is: Concrete parking lot
- The zoning classification of the property is: _____
- Existing improvements on the property are: None now formerly part of motel
- The duration of the proposed use is: perpetual
- The character of the immediate neighborhood is: business on Second Street
- An undue hardship (as distinguished from a special privilege) will be crated upon the petitioner(s) by literal enforcement of the zoning ordinance for the following reasons: See Attached.

- The specific section of the Grand Island City Code under which it is believed the Zoning Board of Adjustment is empowered to grant this variance is: 36-142
- An Application for a Building Permit was submitted to the Chief Building Official and was denied on 8-28, 2018.

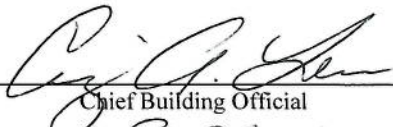
I/We do hereby certify that the above statements are true and correct and that this application is signed as an acknowledgment of that fact.


 Owner(s)
08/22/2018
 Date

I have examined the Application for a Building Permit referred to in this application and it has been denied for the following reasons: See Exhibit 73

2009 2nd St
GI 68803

Cell: 308-383-5697
Office: 308-382-7870
Cell: 308-370-0122


 Chief Building Official
8-28-18
 Date

Owner(s) of described property: Mohamed H. Kadar

Address of property: 113 S. Clay

Applications must meet one or more of the following:

1. Exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the zoning regulations;
2. Exceptional topographic conditions;
3. Other extraordinary and exceptional situation or condition of such piece of property;
4. Peculiar and exceptional practical difficulties;
5. Exceptional and undue hardships.

Statement by applicant(s) regarding meeting at least one of the above numbered 1 – 5:

We own lots 1-4 and operate a business on them. We purchased lot 5 to give us some room to expand but also to be better able to control access to our car lot. We have experienced many damaged cars due to people coming from the Conoco/Pam's Motel. These people have stolen gas, broken into vehicles and taken stereos and similar problems. Applying the zoning regulations to this lot will take space and make it difficult us to use the space. The remainder of the block facing Second Street will not be uniform with Lot 5 on Second Street

No variance shall be authorized by the Board unless it finds that:

- a. The strict application of the zoning regulations would produce undue hardship;
- b. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
- c. 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;
- d. The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purpose of convenience, profit, or caprice.

Statement by applicant(s) regarding fulfillment of all of the above numbered a – d:

a. The strict application of the zoning regulations will make the lot to narrow to make it useless for the purpose for which it was purchased. b. This is an expansion of our business. Other businesses near us already own the frontage they desire. We now own the whole half block. c. A variance will not be a substantial deterrent to adjacent property and the character of the immediate area will not be changed because other properties adjacent and nearby have the same or similar look as this property and do not conform to the regulations. See attached for d.

ORDER OF AGENDA FOR ZONING BOARD OF ADJUSTMENT MEETINGS (Applicant(s) must be present)

1. Roll Call and approval of Minutes of previous meeting.
2. Public Hearings.
 - a. Introduction of official documents by City Clerk.
 - b. Presentation by Building Inspector.
 - c. Presentation by Applicant(s).
 - d. Submission of objections.
 - e. Discussion and decision of Board.
3. Other matters as may come before the Board.
4. Adjournment.

ATTACHMENT TO APPLICATION FOR VARIANCE; KADAR H. MOHAMED

3. Legal Description of the Property is: Lot Five (5), Block Fifteen (15), Baker's Addition to the City of Grand Island Hall County, Nebraska EXCEPTING a certain tract more particularly described in Return of Appraisers recorded in the Register of Deeds Office as Document No. 200610814.

10. An undue hardship (as distinguished from a special privilege) will be crated upon the petitioner(s) by literal enforcement of the zoning ordinance for the following reason:

a. The strict application of the zoning regulations will make the lot to narrow to make it useless for the purpose for which it was purchased. b. This is an expansion of our business. Other businesses near us already own the frontage they desire. We now own the whole half block. c. A variance will not be a substantial determent to adjacent property and the character of the immediate area will not be changed because other properties adjacent and nearby have the same or similar look as this property and do not conform to the regulations. d. Demonstratable and exceptional hardships in: We expended considerable money to purchase the lot and to remove the building that was located on the lot. We need to be able to use as much of the lot as possible to recoup our expenses. Changing the Second Street look on Lot 5 will make it look odd and not uniform with the fronts of Lots 1-4. We also need to better control access to our business as we have had many instances of people entering the lot at night and damaging vehicles parked there.

Statement by applicant(s) regarding fulfillment of all of the above numbered a – d:

d. Demonstratable and exceptional hardships in: We expended considerable money to purchase the lot and to remove the building that was located on the lot. We need to be able to use as much of the lot as possible to recoup our expenses. Changing the Second Street look on Lot 5 will make it look odd and not uniform with the fronts of Lots 1-4. We also need to better control access to our business as we have had many instances of people entering the lot at night and damaging vehicles parked there.

APPLICATION FOR BUILDING/FIRE PERMIT

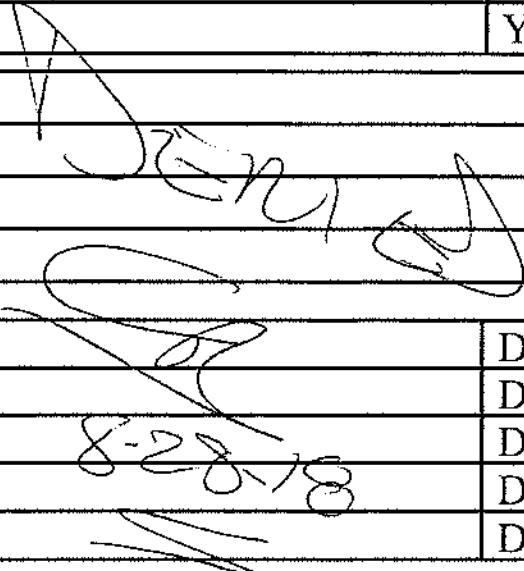
City of Grand Island

100 E 1st St, PO Box 1968
 Grand Island NE 68801
 (308) 385-5325 or Fax (308) 385-5423

DATE:8-29-18

Job Address:113 S CLAY		
Legal Description:		
Owner: KADAR MOHAMED	Address: 2009 W 2ND ST	Phone #: 383-5697
Email:		
Contractor: OWNER	Address:	Phone #:
Email:		
Use of Building:		
Describe Work: EXPAND PARKING LOT		
Residential Basement [] Finished [] Unfinished Fire Review Required –Yes [] No []		

Sub-Contractors	Plan submitted
Plumbing:	Yes [] No [] N/A []
Mechanical:	Yes [] No [] N/A []
Electrical:	Yes [] No [] N/A []
Fire Sprinkler:	Yes [] No [] N/A []
Fire Alarm:	Yes [] No [] N/A []

Special Conditions:	

Building Reviewed by:	Date:
Plumbing Reviewed by:	Date:
Mechanical Reviewed by:	Date:
Electrical Reviewed by:	Date:
Fire Review by:	Date:

Total Estimated Cost:	Building Permit Fee:
Plan Review Fee:	Total Fee:

Fire review fee equals 50% value of building permit fee	Fire Permit Fee:
---	------------------

The property is currently zoned B-2 General Business, as such City code section 36-102, Landscape requirements is applicable.

The proposal is to improve the currently vacant lot for parking and not provided any of the required street-yard landscaping.

§36-102. Landscaping Requirements

(A) Purpose: The landscaping and screening regulations are intended to improve the physical appearance of the community; to improve the environmental performance of new development by contributing to the abatement of heat, noise, glare, wind and dust; to promote natural percolation of storm water and improvement of air quality; to buffer potentially incompatible uses from one another; and, to protect and enhance the value of property and neighborhoods within the city.

(B) Applicability:

(1) The provisions of this section shall apply to the following zones: Medium Density Residential Zone, High Density Residential Zone, Residential Office Zone, Light Business Zone, General Business Zone, Arterial Commercial Overlay Zone, Heavy Business Zone, Industrial Estates Zone, Light Manufacturing Zone, Heavy Manufacturing Zone, Commercial Development Zone, Residential Development Zone and Travel Development Zone. Landscaping of lands within districts such as the Central Business District and Fourth Street Business District, as defined in this code, shall be subject to Streetscape Improvement Projects where applicable. In the absence of such projects, the provisions of this section shall apply.

(2) The provisions of this section shall apply to the Airport Overlay Zone with the exception that three shrubs may be substituted for each required shade or ornamental tree to conform to standards of wildlife management required near an airport.

(3) The provisions of this section shall apply to all new development, including surface parking, on each lot or site upon application for a building permit, except as follows:

(a) Reconstruction or replacement of a lawfully existing use or structure.


(b) Remodeling, rehabilitation or improvements to existing uses or structures which do not substantially change the location or building footprint of existing structures, or the location and design of parking facilities or other site improvements. However, additions or enlargements of existing uses or structures, which increase floor area or impervious coverage, shall be subject to the provisions of this section, which shall only apply to that portion of the lot or site where the new development or use occurs.

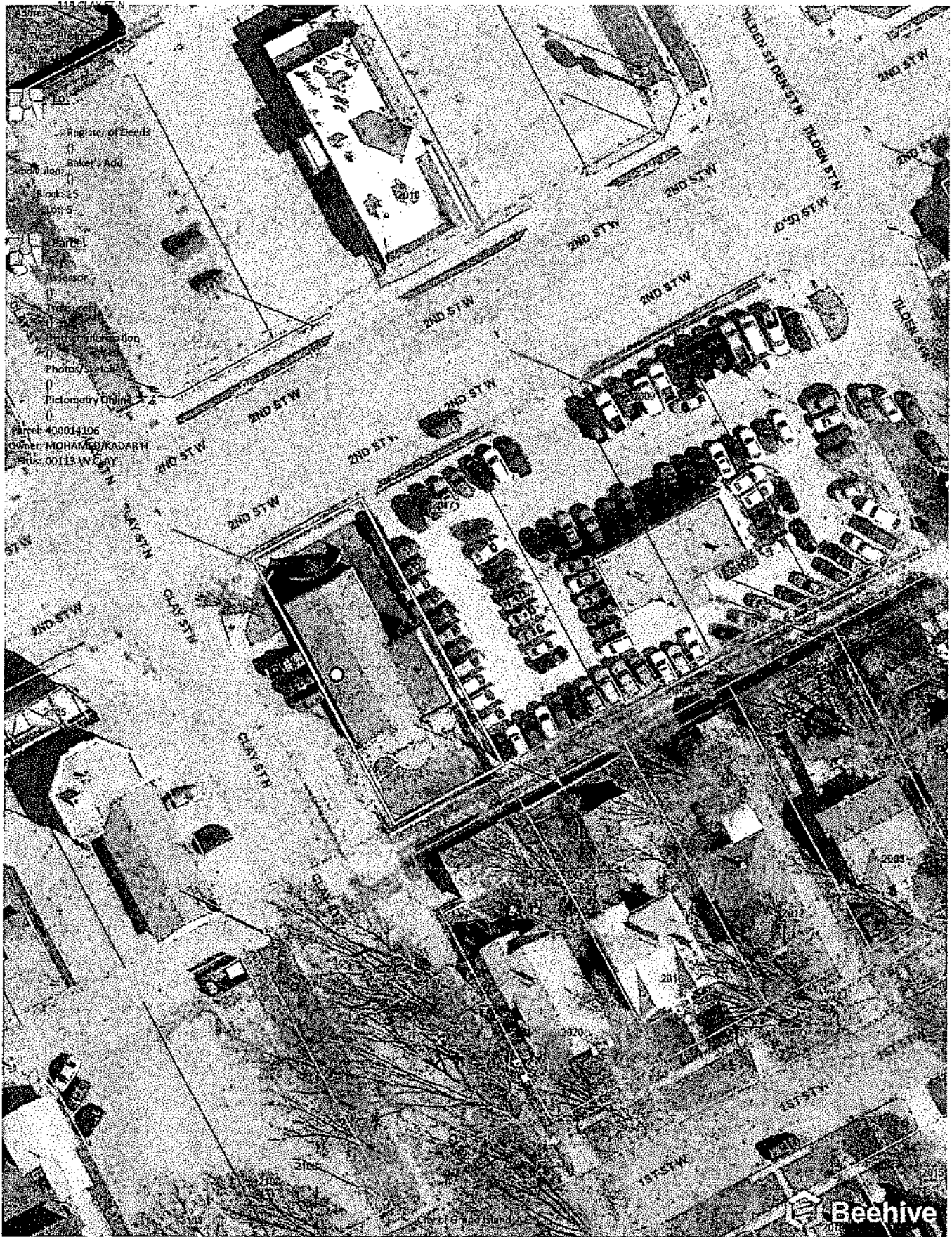
(c) Residential structures containing three dwelling units or less shall be exempt from the requirements of this section.

(Minimum Equivalent Street Landscaping Area)		
Zoning District	Percent of Street Yard (%)	Minimum Landscaping Depth of Street Yard*** (ft.)
R3	65	20
R4	60	10
RO	30	10
B1	25	10
B2	20*	10*
AC	20	20*
B3	20	10*
ME	20	20
M1	20	20
M2	20	10
M3	20	10
TD	30	30
CD	**	30
RD	**	10 or 30

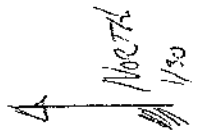
*Unless otherwise established in an approved Streetscape Improvement Project.

**As determined by approved plan

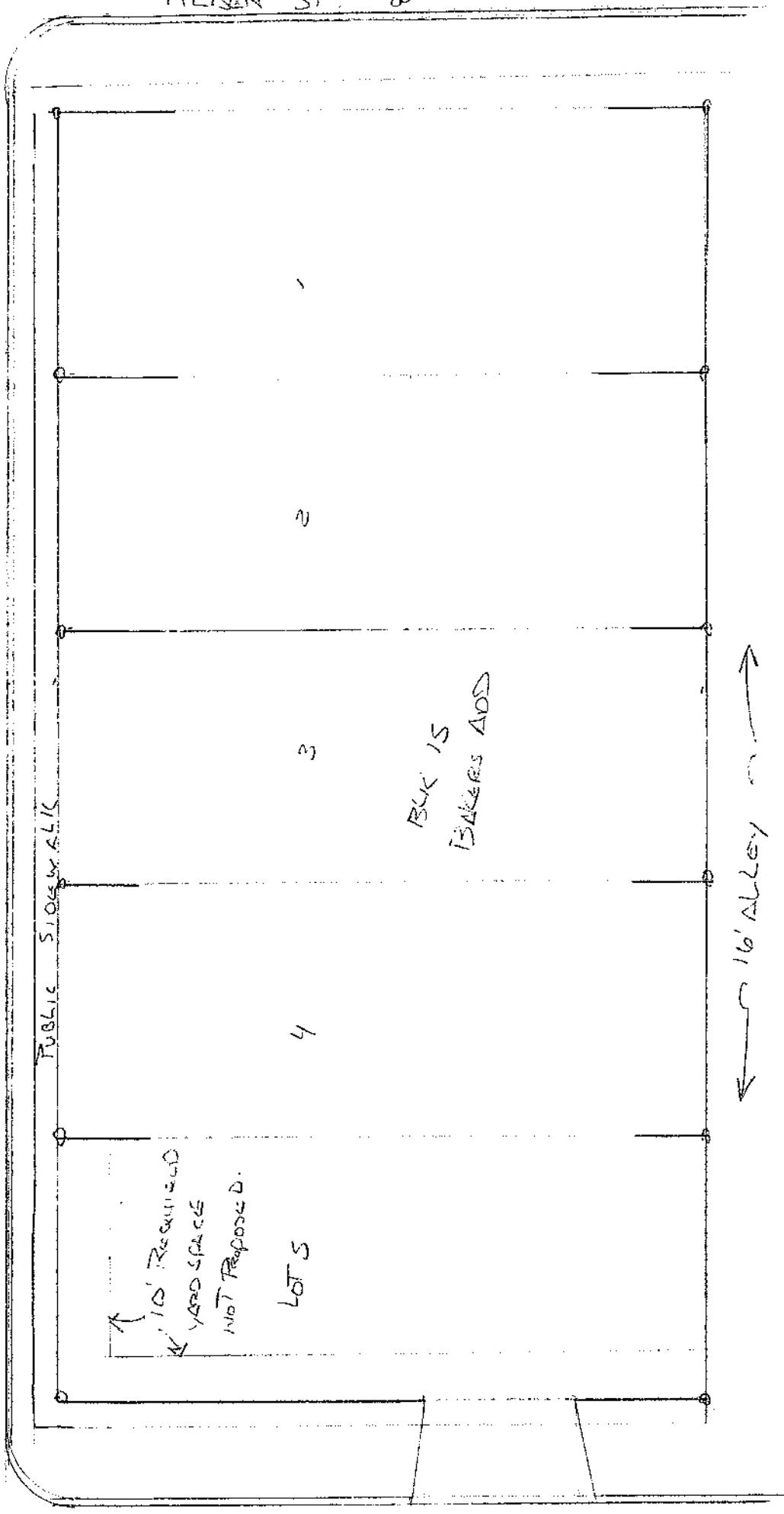
 Address



TILLEN ST. 80



2nd ST.
80' Row



PUBLIC SLOPEWALK

2

3

4

LOT 5

BLK 15
BIKERS ADD

10' REQUIRED
YARD SPACE
NOT PROPOSED.

16' ALLEY

2nd ST 80'

