



ZONING BOARD OF ADJUSTMENT

Wednesday, September 27, 2023


1:30 p.m.

Conference Room #1

City Hall

AGENDA

1. Roll Call
2. Approval of Minutes
September 27, 2022
3. Public Hearing 2023-1:
Request from Jim and Kelli Jeffries for a Variance from the Regulations Regarding
Setback Requirements located at #40 Kuesters Lake.
 - 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



Jill Granere, Deputy 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
September 27, 2022

The City of Grand Island Zoning Board of Adjustments met on September 27, 2022, in Conference Room #1, City Hall, 100 East First Street. Notice of the meeting was published in the *Grand Island Daily Independent* on September 21, 2022.

Chairman John Schultz called the meeting to order at 1:25 p.m. The following members were present: John Schultz, Susan Bullinton, Lisa Thayer, Robin Hendricksen, and Tom Bares. Also present was Building Department Director Craig Lewis, City Clerk RaNae Edwards, Plans Examiner Ed Klimek, City Attorney Laura McAloon, and the applicant Danny Houssler.

APPROVAL OF MINUTES:

Motion was made by Susan Bullinton, second by Lisa Thayer to approve the minutes of the June 28, 2022 Zoning Board of Adjustment meeting. Upon roll call vote, all voted aye. Motion carried.

PUBLIC HEARING 2022-1:

Request of Danny and Alicia Houssler, for a variance from the regulations regarding setback requirements located at #31 Kuesters Lake.

Introduction of Official Documents by City Clerk:

Exhibit 2022-1-A	Public Hearing Notice
Exhibit 2022-1-B	Application from Todd & Kelly Enck
Exhibit 2022-1-C	Copy of Letter to Applicant
Exhibit 2022-1-D	Copy of Letter to Area Property Owners

Presentation by Building Inspector:

Building Department Director Craig Lewis gave a brief history of the setbacks in the Kuester Lake area. He stated this property was zoned LLR Large Lot Residential. The setback requested was for an open covered patio to match the setback of the neighbor to the east (Lot 32). The Building Department had denied the building permit application on September 12, 2022.

Presentation by Applicant: Danny Housser stated they wanted a setback from the lake for an open covered patio to match their neighbor on the east side. He stated the house was in disrepair when they bought it and would be replaced with a new home.

Submission of Objections: No objections were received.

Discussion and Decision of the Board:

Motion was made by Susan Bullinton, second by Lisa Thayer to approve the variance from the regulations regarding setback requirements located at #31 Kuesters Lake. Upon roll call vote, all voted aye. Motion adopted.

Discussion was held concerning the requests from Kuester's Lake and if there was anything that could be done so they wouldn't have to come before the Board of Adjustments every time for a variance. The consensus of the board was that these should be looked at on a case-by-case basis.

Adjournment: The meeting was adjourned at 1:50 p.m.

RaNae Edwards
City Clerk

ATTN: TERRI/LEGAL NOTICES
381-9422

CITY OF GRAND ISLAND
NOTICE OF PUBLIC HEARING

The following Public Hearing of the Zoning Board of Adjustment of Grand Island, Nebraska, will be held on Tuesday, September 27, 2023 at 1:30 p.m. City Hall Conference Room #1, City Hall, 100 East First Street, Grand Island, Nebraska.

Public Hearing on Request from Jim & Kelli Jeffries for a Variance from the Regulations Regarding Setbacks located at #40 Kuesters Lake.

The hearing will be open to the public, and citizens and interested persons will be heard.

RaNae Edwards
City Clerk

Please run one time -- September 16, 2023

*e-mailed
8-25-2023*

ATTN: LEGAL NOTICES
381-9422

**NOTICE OF ZONING BOARD OF
ADJUSTMENT MEETING**

Notice is hereby given that the Zoning Board of Adjustment of Grand Island will hold a meeting on Wednesday, September 27, 2023 at 1:30 p.m. in Conference Room #1 at City Hall, 100 East First Street, Grand Island, Nebraska. The meeting will be open to the public, and citizens and interested persons will be heard.

RaNae Edwards
City Clerk

Please run one time -- September 21, 2023.

*e-mailed
8-25-2023*

APPLICATION FOR VARIANCE

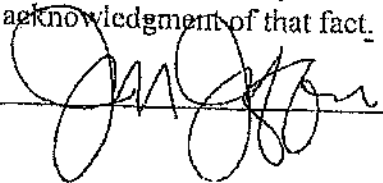
To: Zoning Board of Adjustment
City Of Grand Island, Nebraska

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

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: EXTENSION OF ROOFLINE TO COVER PATIO
- The owner(s) of the described property is/are: JAMES / KELLI JEFFRIES
- The legal description of the property is: _____
- The address of the property is: #40 KUESTER LAKE, GRAND ISLAND, NE 68801
- The proposed construction is: NEW PATIO COVER TO NORTH
- The zoning classification of the property is: LARGE LOT RESIDENTIAL
- Existing improvements on the property are: HOUSE AND DETACHED GARAGE
- The duration of the proposed use is: LIFETIME
- The character of the immediate neighborhood is: FAMILY RESIDENTIAL
- 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: DUE TO AFTERNOON SUN PATIO IS UNUSABLE DURING SUMMER MONTHS.
- 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: BUILDING RECOMMENDATIONS FOR BUILDING AT KUESTERS LAKE.
- An Application for a Building Permit was submitted to the Chief Building Official and was denied on August 23, 2023.

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.



JAMES JEFFRIES
Owner(s)

8-23-23
Date

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

APPLICATION FOR VARIANCE - Page 2

Owner(s) of described property: JAMES / KELLI JEFFRIES

Address of property: # 40 KUESTER LAKE, GRAND ISLAND, NE 68801

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:

OUR LOT IS NARROWER AND BUILDINGS ARE
LOCATED CLOSER TO SHORELINE,

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:

PATIO COVER ADDITION WILL NOT HAVE
ADVERSE CONDITION ON EITHER NEIGHBOR
"BOTH NEIGHBORS AND KUESTER LAKE BOARD HAVE
GIVEN THEIR APPROVAL"

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

An application for a permit shall be deemed to have been abandoned 180 days after the date of filing unless a permit has been issued. All documents will be discarded if abandoned.

Application Date:	8-21-23
Anticipated Construction Start Date:	FALL 2023
Anticipated Construction Completion Date:	FALL 2023

Job Address: 40 KUESTER LAKE, GRAND ISLAND, NE 68801

Legal Description:

Owner: JAMES JEFFRIES	Address: 40 Kuester Lake Grand Island, NE 68801	Phone #: 308-379-5634
Email: jimmyk'jeff@gmail.com		
Contractor: SHADA CONSTRUCTION	Address:	Phone #:
Email:		

Use of Building: RESIDENTIAL

Describe Work: ADDING PATIO COVER

Residential Basement Finished Unfinished Fire Review Required - Yes No

Sub-Contractors	Plan submitted
Electrical: ✓	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
Plumbing: ✓	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
Mechanical: ✓	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
Fire Sprinkler: ✓	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
Fire Alarm: ✓	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>

Special Conditions:
Denied See letter dated 8-23-23

Building Reviewed by: <i>Saleh Al-Jalal</i>	Date: 8-23-22
Plumbing Reviewed by:	Date:
Mechanical Reviewed by:	Date:
Electrical Reviewed by:	Date:
Fire Review by:	Date:

Total Estimated Cost: 8,000.00	Building Permit Fee:
Plan Review Fee:	Total Building Fee:
Fire review fee equals 50% value of building permit fee	Total Fire Permit Fee: \$
Investigation Fee:	Combined Building and Fire Permit Fees: \$ 0.00

Hello neighbors-We are planning to extend our roofline 15 feet to cover our patio. We would like your approval to send to the Kuester Lake board.

Thank you!

Jim & Kelli Joffe

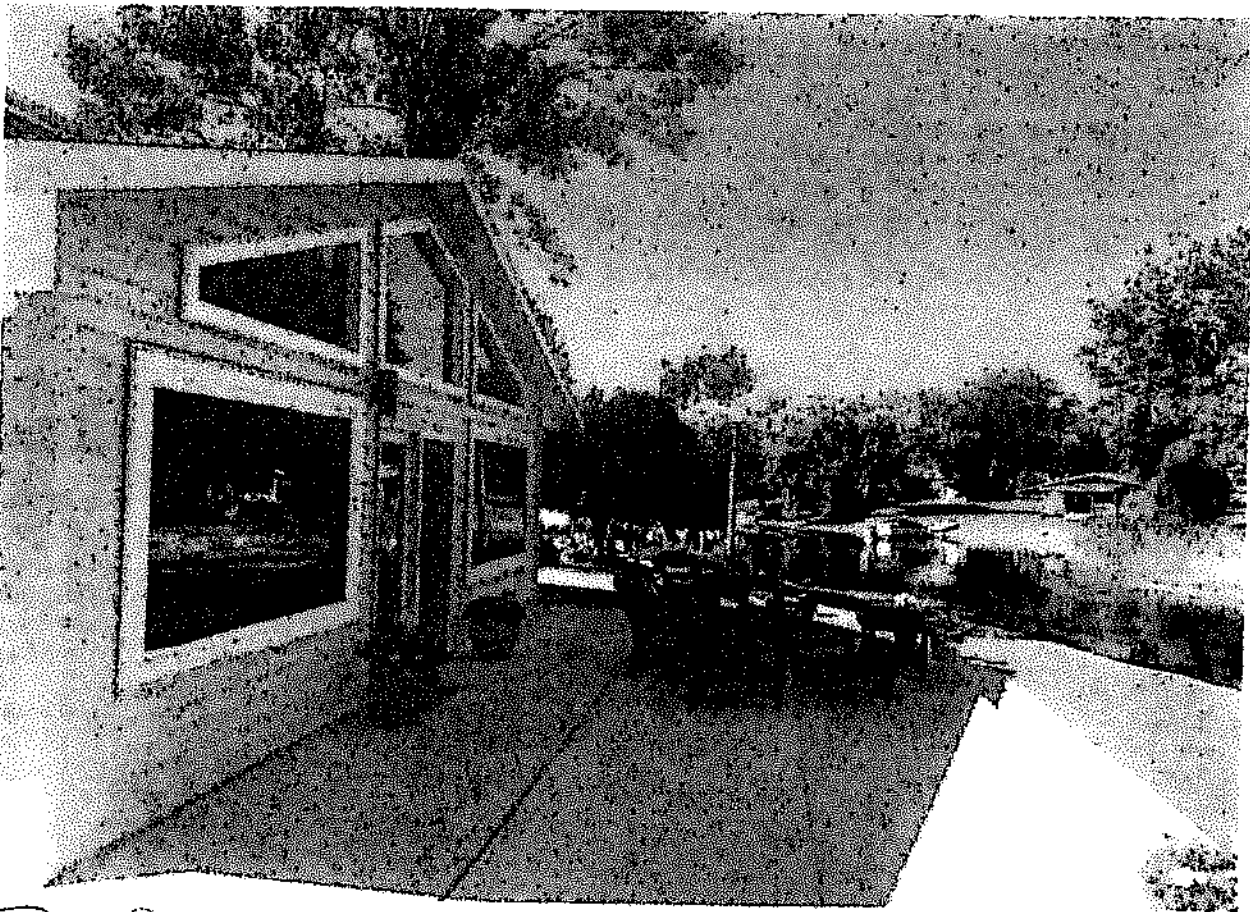
#39

Judy Nieminen

BOARD MEMBER (1)

#41

Jim & Kelli Joffe



Paul Joffe - BOARD MEMBER (2)

Deanne Joffe - BOARD MEMBER (3)

Roger Pitz - BOARD MEMBER (4)

Chuck Pifer for BOARD MEMBER (5)

City of Grand Island
DEPARTMENTAL CORRESPONDENCE

DATE May 17, 1985

SUBJECT Kuester Lake Development

TO Craig Lewis

DEPT Chief Building Official

FROM Nelson Helm

DEPT Director of Planning

It seems that consideration of building permits for the Kuester Lake properties has been a troublesome issue for many years. The lack of property line determinations and of defined building location policies has caused a problem somewhat like trying to administer a planned residential development without a plan. As we discussed, it would be in both the public and private interests if some guidelines could be provided for review of building permits for new structures or additions. Side yard minimums provide for adequate light, air, open space and prevention of the spread of fire. Front yard setbacks from the edge of the private road will aid safety measures for traffic flow and additional parking capacity. Setbacks from the lake edge will protect the privacy and view amenity that has drawn many residents to the area.

LLR LARGE LOT RESIDENTIAL
Kuester Lake is within an existing TA-(~~Transitional Agriculture~~) Zone. It is obvious that the requirements of the zone is difficult to apply to new permit applications without constant variance actions. It may be possible to develop some guidelines similar to a planned residential district that could be used to speed-up and simplify the review process for new permit applications. These guidelines would have to be more flexible than current zoning requirements especially in light of the existing development. Input from the Kuester Lake Homeowners Association would certainly be desirable and helpful in determining the guidelines. Use of the guidelines by the Building Department would not eliminate any review procedures of the Association that they may have for new buildings or additions.

The following is suggested as an initial effort to develop some standards for permit consideration:

Suggested Guidelines for Review of Building Permits at Kuester Lake

- (1) Side Yard Setbacks - Maintain a minimum separation of 10 feet between buildings of adjacent property owners.
- (2) Setback from Road -
 - (a) allow new structure or addition to minimum of 20 foot setback from roadway edge as matter of right;
 - (b) allow new structure or addition to match the more restrictive of both adjacent sides if both setbacks are less than 20 feet from the roadway edge as matter of right;
 - (c) if setback of an adjacent owner on only one side is less than 20 feet from roadway edge then a variance is required to permit a new structure or addition not to exceed the existing adjacent setback from the roadway edge.
- (3) Setback from Lake -
 - (a) allow new structure or addition to match the more restrictive of setback from lake if both adjacent owners are closer to the lake.



*Working Together for a
Better Tomorrow. Today.*

August 23, 2023

Jim Jeffries
40 Kuester Lk
Grand Island, NE 68801

RE: 40 Kuesters Lake ~ Building Permit

Dear Jim,

I have reviewed the plans construct a covered patio on the residence located at 40 Kuester Lake. Unfortunately, the covered patio will encroach past the established setbacks for this location. Per City of Grand Island Departmental Correspondence dated May 17, 1995, Kester Lake building setbacks from the lake are as follows:

- a. Allow new structures or addition to match the more restrictive of setback from lake if both adjacent owners are closer to the lake as a matter of right;
- b. If setback of an 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 approximant setback form the shore line of the neighboring houses are north house 1'-0" and south house 58'-0". Your proposed covered patio will have an approximate setback of 12'-0". Since your proposed setback exceeds the established adjacent setback your building permit has been disapproved. If you would like to proceed with the current plan, you will need to apply for a variance with zoning board of adjustment.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed Klimek".

Ed Klimek
Chief Building Official
(308) 385-5325
edwardk@grand-island.com

CITY OF
GRAND ISLAND

*Working Together for a
Better Tomorrow Today*

August 25, 2023

Jim and Kelli Jeffries
#40 Kuesters Lake
Grand Island, NE 68801

Dear Mr. & Mrs. Jeffries:

A Public Hearing on your request for a variance relative to the specified setback located at #40 Kuesters Lake has been scheduled to be held on **Wednesday, September 27, 2023 at 1:30 p.m.** City Hall, 100 East First Street, Conference Room #1. Your presence is requested.

Sincerely yours,

CITY OF GRAND ISLAND



Jill Granere
Deputy City Clerk

cc: Board of Adjustment Members
Ed Klimek, Chief Building Official

CITY OF
GRAND ISLAND

*Working Together for a
Better Tomorrow Today.*

August 25, 2023

**Kuester Lake Inc.
#41 Kuester Lake
Grand Island, NE 68801**

Dear Property Owner:

An Application for a Variance has been submitted by Jim & Kelli Jeffries for a variance from the regulations pertaining to setback requirements located at #40 Kuesters Lake, Grand Island, Nebraska.

The Board of Adjustment has scheduled the Public Hearing on the request for **Wednesday, September 27, 2023** at 1:30 p.m. in Conference Room #1, City Hall, 100 East First Street, Grand Island, Nebraska.

It is the policy of the Board to advise property owners within 200 feet should they desire to comment.

Sincerely yours,

CITY OF GRAND ISLAND



Jill Granerc
Deputy City Clerk

cc: Board of Adjustment Members
Ed Klimek, Chief Building Operator
Stacy Nonhof, Assistant City Attorney