

**MINUTES OF MEETING  
SARPY COUNTY BOARD OF ADJUSTMENT**

Monday, October 5, 2009

Sarpy County Courthouse, Sarpy County Board Room

The location of the posted Nebraska Open Meetings Act was given and the meeting of the Board of Adjustment was convened in open and public session by Sarpy County Board of Adjustment Chairman Sharon Hansen at 7:00 P.M. in the County Board Room in the Administrative Office Building in Papillion, Nebraska.

Notice of the meeting was given in advance thereto by publication in the Midlands Newspapers, Inc. dba Bellevue Leader, Papillion Times, Gretna Breeze and Springfield Monitor on September 23, 2009. A copy of the Proof of Publication is on file in the Department of Planning office. Notice of the meeting was simultaneously given to all members of the Sarpy County Board of Adjustment. Availability of the agenda was communicated in the published notice and in the notice to members of the Board of Adjustment of this meeting.

**Roll Call**

Present: Sharon Hansen, Gene Mackey, Gene Benash, Alan Wear, Del Reibold

Absent: Alan Berns

Others Present: Planning Department Assistant Cindy Gilbert  
Planning and Building Director Rebecca Horner

**Motion to Approve or Correct minutes from 5/30/2007.**

**MOTION:** Mackey moved, seconded by Benash, to approve the minutes of May 30, 2007 as presented. Ayes: Benash, Hansen, Mackey and Reibold. Nays: None. Abstain: Wear. Absent: Berns. Motion carried.

**Motion to Approve or Correct minutes from 7/17/2008.**

**MOTION:** Benash moved, seconded by Mackey, to approve the minutes of July 17, 2008 as presented. Ayes – Benash, Hansen, Mackey and Reibold. Nays: None. Abstain – Wear. Absent: Berns. Motion carried.

**A. Public Hearing and Vote on Application of Troy and Jill Roll:**

**17602 South 180<sup>th</sup> Street, Tax Lot 5A in Sec 32, Twp13N, Rng 11E  
Front Yard Setback Variance from 100' to 19'  
Front Yard Setback Variance from 100' to 30'  
Sarpy County Zoning Regulations Section 9.4.1 of the AG Zoning District.**

Jill Roll requested an addition to an existing attached garage alongside the road near the tree.

It shouldn't be any closer to the road than what is already there. Jill Roll stated the hardship on this property is a creek running through the middle that makes it impossible to reach setback requirements. Jill Roll indicated none of the present buildings on the property meet those requirements. Jill Roll also requested a variance for the house as it currently sits 19' feet from the road and the variance would bring the home into compliance with the zoning regulations.

Closed public hearing @ 7:10 p.m.

Discussion topics included:

Sharon Hansen asked if there was an alternate site for the garage. Hansen indicated she would rather them build a detached garage that sits back further than the current garage. Hansen noted that the County will probably need that right-of-way at some point in time for road improvements.

Troy Roll stated that on the map they provided the Board of Adjustment, they have an alternate site. Troy Roll said the building would actually sit back too far to meet setbacks for the creek if they set it back 50' from the road. The Rolls' would like the Board to consider letting them put the a detached building 30' from the road.

Gene Benash asked when the house was built and how far it sits off the road.

Jill Roll stated the house is 19' from the road and the house was built n 1916.

Sharon Hansen agrees the lot has a challenge with a stream running through it, but would rather see a garage built separate from the existing garage.

**MOTION:** Hansen moved, seconded by Wear, to approve the variance for the front yard setback from 100' to 19' for the home based on the following facts of finding: 1) The strict application of the zoning regulation 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; and, 4) The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations of the regulations for the purpose of convenience, profit or caprice. Ayes: Benash, Hansen, Mackey, Reibold and Wear. Nays: None. Abstain: None. Absent: Berns. Motion carried.

**MOTION:** Hansen moved, seconded by Wear, to approve the variance for the front yard setback from 100' to 30' for a detached garage, which will cause the garage to be farther from the road than the current structure, based on the following facts of finding: 1) The strict application of the zoning regulation 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; and, 4) The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations of the regulations for the purpose of convenience, profit or caprice. Ayes: Benash, Hansen, Mackey, Reibold and Wear. Nays: None. Abstain: None. Absent: Berns. Motion carried.

## **B. Motion on changes to the Board of Adjustment Rules and Procedures.**

Rebecca Horner stated the Deputy County Attorney was not present and wasn't sure if she had any revisions. Horner indicated she would pass the comments along to the Deputy County Attorney to revise the rules and procedures.

Sharon Hansen asked that some revision be made for meeting dates, time limits and who may testify.

**MOTION: Wear moved, seconded by Benash to table the changes to the Board of Adjustment Rules and Regulations until the next scheduled meeting. Ayes: Benash, Hansen, Mackey, Reibold and Wear. Nays: None. Abstain: None. Absent: Berns. Motion carried.**

**MOTION: Sharon Hansen moved, seconded by Mackey, to amend the agenda to hold election of officers. Ayes: Benash, Hansen, Mackey, Reibold and Wear. Nays: None. Abstain: None. Absent: Berns. Motion carried.**

## **C. Election of Officers**

### **For the Office of Chairman;**

Gene Benash nominated Sharon Hansen.  
Alan Wear closed the nomination.

By a unanimous oral vote, Sharon Hansen was elected Chairman of the Board of Adjustment.

### **For the Office of Vice-Chairman;**

Mackey nominated Gene Benash.  
Alan Wear closed the nomination.

By a unanimous oral vote, Gene Benash was elected Vice-Chairman of the Board of Adjustment.

### **Adjournment:**

By a unanimous oral vote, Chairman Hansen declared the meeting adjourned at 7:36 p.m.

---

Sharon Hansen, Chairman  
Sarpy County Board of Adjustment

---

Cindy Gilbert, Recording Secretary  
Sarpy County Planning Department

