

CITY OF LA VISTA
BOARD OF ADJUSTMENT
SEPTEMBER 2, 2020
6:00 P.M.



The City of La Vista Board of Adjustment held a meeting on Wednesday, September 2nd, in the La Vista Community Center Gymnasium. Chairman Stritmater called the meeting to order at 6:00 p.m. with the following members present: Stritmater, Malmquist, Carlisle and Donaghue. Absent: None. Also in attendance were Chris Solberg; Deputy Community Development Director, Cale Brodersen; Assistant Planner, Bruce Fountain; Community Development Director, Pat Dowse; City Engineer, and Meghan Engberg; Permit Technician.

Legal notice of the public meeting and hearing were posted, distributed and published according to Nebraska law. Notice was simultaneously given to all members of the Board of Adjustment and to those persons who had requests pending before the Board. All proceedings shown were taken while the convened meeting was open to the attendance of the public.

1. Call to Order and Roll Call

The meeting was called to order by Stritmater at 6:00 p.m. and roll call was taken. Copies of the agenda and staff reports were made available to the public.

2. Approval of Meeting Minutes – July 10, 2017

Malmquist moved, seconded by *Carlisle* to approve the July 10th minutes. **Ayes:** Carlisle, Malmquist, and Stritmater. **Nays:** None. **Abstain:** Donaghue. **Motion Carried.** (3-0-1)

3. Old Business

Solberg thanked the board for adjusting to the new format for which this meeting was taking place. He let them know they can take their masks off to speak in the microphone. Solberg introduced staff that have joined the City of La Vista since the last meeting.

4. New Business

A. Election of Officers (Chairperson, Vice-Chairperson, Secretary):

Malmquist moved, seconded by *Donaghue* to elect Stritmater as Chair, Carlisle as Vice-Chair, and Malmquist as Secretary. **Ayes:** Donaghue, Stritmater, Carlisle, and Malmquist. **Nays:** None. **Motion Carried.** (4-0-0)

B. Variance request filed by Dorwill, LLC

- i. **Staff Report:** Solberg stated that the applicant, Dorwill, LLC, is requesting a set of variances for Lot 1, I-80 Business Park 2nd Addition in order to construct a 3,183 square foot contractor's office on the lot. The specific requests are to allow for a reduction in the proposed front yard setback along 108th St. from 35 to 30 feet, to

remove the 60-foot setback requirement for front yards with parking in the front, and to reduce the side yard setback along the west side lot line from 30 feet to 15 feet.

Solberg said that according to the applicant, the hardship is stated as, "Even with the lots combined, the small lot size and a utility easement that runs through the lot result in an inability to meet some of the building setback requirements."

Solberg said that the staff report specifically states the statutes that the Board of Adjustment needs to meet in order to grant the variances listed within the staff report.

ii. **Public Hearing:** Stritmatter opened the public hearing.

The applicant, Richard Essi, came up and introduced himself. He said that it is a unique lot and he bought it to use as a light storage warehouse for his tools and to park his trucks and trailers inside the building that he would like to build.

No members of the public come forward. **Stritmatter closed the Public Hearing.**

Donaghue mentioned that one of the requirements is that the hardship is not generally shared by other properties in the same vicinity, and that she drove around the area and didn't see any other properties that had a similar footprint, unique to this lot.

Carlisle said that she didn't see it in the report but wanted to confirm that there wouldn't be any sight-related issued for drivers after the building is constructed.

Dowse said that with the way the lot is being constructed, there is only going to be access from a side street, and not from Harry Anderson, so there will be no sight-triangle issues.

Solberg noted that there is an existing sign on the property that is much closer to the intersection than the building will be, and that it does not block visibility. Stritmatter asked if this sign is for the subdivision, and if it will be remaining on-site once the building is constructed. Richard Essi noted that he was approached by a representative of the subdivision about the sign being relocated across the street, but that since the property across the street is not his, the decision is not ultimately up to him.

iii. **Motion:** Malmquist moved "to grant the variances as the Board of Adjustment finds that the strict application of the Ordinance would produce undue hardship due to the irregular shape of the lot and the relationship of the right-of-way and the utility easement, and that peculiar and exceptional practical difficulties to or undue hardship upon the owner of the piece of property included in this petition is due to topographical conditions specific to this property and therefore there is a resulting hardship. The peculiar and exceptional practical difficulties to or under hardship upon the owner of the piece of property included in the petition due to exceptional situation or condition of this piece of property in question exists and is due to the

utility easement and irregular size and shape of the property as it limits the size of the building envelope available, and that it is further constricted by the streets on two of its three sides as the Zoning ordinance requires these areas to be considered front yards with greater setbacks than other yard designations and that it is even further constricted by the utility easement that cuts across the southern third of the property, and that with parking in a front yard increasing the setback requirement to 60 feet the site constraints make the potential building envelope extraordinarily small resulting in a hardship; and in authorizing any variance the board shall also make findings which shall be recorded in the minutes of the board, that each of the following requirements for authorizing a variance can be met: 1) such variance may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the applicable City Zoning Regulations. The applicant has satisfied this requirement; and 2) The strict application of the requirements of the City Zoning Regulations would produce an undue hardship upon the owner of the property included in the petition, and that due to the size and configuration of the lot, limitations due to floodplain and utility easement constraints and the front yard setback requirements, the buildable area of the lot is extremely limited, therefore we find that this specific requirement has been satisfied; and 3) such hardship is not shared generally by other properties in the same zoning district and the same vicinity and it was mentioned earlier that other I-1 uses in La Vista do not have similar irregular lot shape and size issues significantly restricting the buildable area of their lots, therefore this specific requirement has been satisfied; and 4) the authorization of such variance will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by such variance, and that no substantial detriment will occur on adjacent properties, therefor this requirement has been satisfied; and that 5) the authorization of a variance is based upon reasons of demonstrable and exceptional hardship stemming from characteristics of the property involved in the petition and not for reasons of convenience, profit or desire of the property owner, and that the applicant has made the effort to make this building work and that this requirement is satisfied; and finally 6) the condition or situation of the property included in such petition or the intended use of such property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the applicable City Zoning Regulations and it is not felt that an amendment to the zoning regulations for an irregularly shaped and undersized property is appropriate as this property is not similar to others in the City and therefor this requirement has been satisfied. So I move to approve the variance requests as proposed and presented to this City of La Vista Board of Adjustment, finding that at least one hardship has been created by the strict application of the Zoning Ordinance and finding that each specific requirement has been satisfied."

Stritmatter clarified that this motion was for the approval of three separate variances.

iv. **Decision:** Malmquist moved, seconded by Donaghue **Ayes:** Donaghue, Stritmatter, Carlisle, and Malmquist. **Nays:** None. **Motion Carried. (4-0)**

5. Comments from the Floor

None.

6. Comments from the Board of Adjustment

None.

7. Comments from Staff

Solberg said that the board is still short two members and asked the members to pass on the words that if they knew of anyone who would be interested, to have them get in touch with the City Clerk.

8. Adjournment

Chairman Stritmatter adjourned the meeting at 6:25 p.m.

Reviewed by Board of Appeals:

Secretary

Chairman

Approval Date