

CITY OF HASTINGS, NEBRASKA
MINUTES OF BOARD OF
ADJUSTMENT
THURSDAY, OCTOBER 24, 2024

Pursuant to due call and notice thereof, a meeting of the Hastings Board of Adjustment was conducted in the Hastings Municipal Airport, 3300 W 12th Street, Hastings, Nebraska on October 24, 2024.

The meeting was called to order at 4:00 p.m. in Regular Session by Chair Byron Jorgensen, with the following members present Ann Hinton, Byron Jorgensen, Dan Schwartzkopf, and Nic Dowling.

City Officials present were Chad Bunger, Director of Development Services, Ember Batelaan, City Planner, Kevin Kubo, Chief Building Inspector and Melissa Woodard, Administrative Assistant.

Chair Jorgensen led the Commission in the recital of the Pledge of Allegiance to the United States of America.

Chair Jorgensen called for a motion to adopt the current agenda for the October 24, 2024, meeting. Moved by Dowling, seconded by Schwartzkopf, to adopt the current agenda. Voice Roll Call: Ayes: Jorgensen, Schwartzkopf, Hinton and Dowling. Nays: None. Motion carried: 4-0.

PUBLIC NOTICE - Official Notice of the Regular Meeting was published in the Hastings Tribune on Saturday, October 12, 2024. Pursuant to Nebraska Revised Statute Section 84-1412, the public is advised that a copy of today's agenda and all reproducible written material, which will be discussed at today's meeting is available for public review. Also, a current copy of the Nebraska Open Meetings Act is posted and accessible to members of the public.

APPROVAL OF MINUTES

Meeting of July 25, 2024

Chair Jorgensen called for a motion to approve the July 25, 2024, minutes. Moved by Schwartzkopf to approve the July 25, 2024, minutes. Seconded by Hinton. Voice Roll Call: Ayes: Jorgensen, Schwartzkopf, Hinton and Dowling. Nays: None. Motion Carried: 4-0.

Chair Jorgensen read the Public Hearing Notice

Chair Jorgensen opened the Public Hearing

Public Hearing

- a. **A Variance request, filed by Andrew and Abigail Vrbas, to allow a garage to be constructed on the site that reduces the rear yard setbacks on the south side of the property from 10.2 feet to 4 feet. Additionally, the setback on the east side of the property would be reduced from 10 feet to 4 feet. The Variance is for property at 500 E 9th Street, City of Hastings, Adams County, Nebraska.** Batelaan provided a summary of the Staff Report, for this project completed by Lily Teeple, summer planning intern. Staff

recommended approval of the Variance by the Board of Adjustment with two conditions:

1. All applicable permits shall be applied for and issued.
2. The Variance request is valid for 180 days. A building permit must be issued within the validation period.

Andrew Vrbas, 500 E 9th Street, Hastings. They bought the property in 2013. The home was built in 1890. The lot straight south had been a part of their property before they acquired it. Had that property still been a part of theirs, they would not have needed a variance, they could have built a garage within that space. Since that was split out and sold, they have looked at it over the last eleven years to figure out how to add a garage. The garage they proposed snakes in and around and fits two cars, but it's not great. First, the approach of buying the neighbor's land didn't work. A garage would improve the value of the property. They would appreciate the Board's consideration to approve this variance.

Jorgensen asked when the property was split. Vrbas said he thought it was in the 80's or 90's, maybe before that. They have tried to acquire that property to the south for years. It has an old carriage house before garages were used.

Jorgensen asked if it was one of the original homes. Vrbas replied he believed it was one of the first in that area.

Jorgensen asked if it would be aesthetically built to blend into the home. Vrbas said yes, that's important to them and why they picked the location so it wouldn't obstruct Cedar or 9th Street. The house is Victorian-style, and the attached garage will be intended to blend with the house.

Vrbas asked about the 180-day validation period and what would happen if the project was not done by then. Kubo responded that the intent is to have an application for the building permit completed by then.

Hinton had a problem with the setback to four feet and knows there is no house right now, but variance approval could be taking away the right of someone building within their rightful distance. She did not feel it had met all the criteria for the Variance. She is sure they have done their due diligence in figuring out where to put the garage. She asked if there was a way to rotate the addition so it would not encroach into the setback.

Vrbas stated they did look at that. The architectural integrity is that it has beautiful, old windows with nice molding from the 1890s that is still original, and if they put a garage on that other side, that takes away all the windows on the main floor and basement, which are mirrored and would fundamentally change that house.

The other thing it would affect is they don't have a driveway coming in from 9th Street, it comes in from Cedar. Hinton said they could still have it coming in from Cedar. Vrbas explained how they took his vehicle to see if it would make the curve and they would have to be a professional driver to make it around that side. It would be unusable. Hinton said you will still have to snake

around from the other side. Vrbas replied for the second car, yes. That would be a car you could store in the garage if you needed to. They drove it with two cars to show it could be with two cars. He said they will most likely, along with anyone purchasing it use it as a one-car garage, they just wanted to show it's possible. They won't use it as a two-car, to your point it's unusable. Hinton replied so, if they are not intending to use it as a two-car garage, it wouldn't need to be that deep? Vrbas said they wanted to make it a two-car and have it that deep, most people want that option of having two cars when improving the property.

Chair Jorgensen closed the Public Hearing.

Hinton discussed her concerns already.

Dowling agreed with the aesthetic improvement and other homes have done that in the same neighborhood and felt it met the criteria.

Schwartzkopf asked if the neighbor to the south would build, what would the setbacks be?

Kubo said there are different setbacks for each structure.

Schwartzkopf asked if there is no principal building on that lot, would the setbacks be 10 percent from the sides?

Kubo, Bunger, and the Board Members continued discussing setback possibilities of the empty lot, should they build.

Jorgensen asked if the age of the property constitutes a hardship.

Batelaan replied with the house in the center of the parcel of land, it is a hardship not to allow them to have a garage when everyone else does due to the age of the house.

Hinton said that was the best argument she had heard yet, as this side of town has large lots and the fact that the home sits in the center of the lot is what creates the hardship, the house is already there, and they didn't have garages when it was built.

Jorgensen asked since the carriage house had horses, and still sits there, are there any historical requirements to keep it aesthetically balanced?

They discussed the home not having any historical standards.

Jorgensen questioned the 180-day limit. Bunger responded that the Board could eliminate the recommended condition or approve another timeline. The reason the staff proposed a validation period was to ensure that the approval was not open-ended and that the project would proceed.

Hinton said 180 days is six months. They need to apply for a building permit. They do not need the project completed in 180 days, right? Bunger said that is correct. Hinton said they should have their building permit and be ready to go. We can't require them to be done in six months. It was to make sure they can get started and from that standpoint, 180 days is ample time.

Jorgensen called for a motion to approve the Variance as presented, by Andrew and Abigail Vrbas, 500 E 9th Street, with the conditions: 1. All applicable permits shall be applied for and issued. 2. The Variance request is valid for 180 days. A building permit must be issued within the validation period. Moved by Dowling. Seconded by Schwartzkopf. Voice Roll Call: Ayes: Jorgensen, Schwartzkopf, Hinton and Dowling. Nays: None. Motion Carried: 4-0.

Jorgensen said before adjournment, he wanted to say something based on the last meeting. Bunger and Jorgensen had talked about Small Town Famous, and he wanted it known that their variance approved for the business was for the projecting wall sign. The Board did not review or approve the large sidewalk sign.

Bunger said for information purposes, the sign was approved as a Use of Right of Way Permit through the City Engineering Department, an allowance in the City's Code of Ordinance. The Use of Right of Way application was reviewed and approved after several months of scrutiny, to make sure it passed all accessibility requirements.

Jorgensen mentioned he had received comments about the Board of Adjustment's approval. Bunger said our zoning regulations do not apply as they largely end at the property line. It was an administrative permit the City Ordinance allowed.

Adjourn

Chair Jorgensen called for a motion to adjourn at 4:37 p.m. Moved by Schwartzkopf to adjourn, seconded by Dowling. Voice Roll Call: Ayes: Hinton, Jorgensen, Schwartzkopf and Dowling. Nays: None. Motion carried: 4-0.

Chair Byron Jorgensen