

**CITY OF BROKEN BOW**  
**BOARD OF ADJUSTMENT AGENDA**  
**May 14<sup>th</sup>, 2018 @ 12:00 P.M.**  
**City Hall Council Chambers**  
**314 South 10<sup>th</sup> Avenue, Broken Bow, NE**

**A. Call to Order**

**B. Roll Call**

**C. Open Meeting Law:** A current copy of the Open Meetings Act is posted on the North wall in the rear of the Council Chambers and is available for review by all citizens in attendance

**D. Approval of April 23<sup>rd</sup>, 2018 meeting minutes**

**E. New Business:**

- a. Sally Olson-Jones Variance Request** – Consideration of approval of a variance for 942 North 11<sup>th</sup> Avenue. The request is to allow for building a garage that is only 15’ from the property line, and the setback requirement is 30’. [Hyperlink](#)

**F. Adjournment**

**Broken Bow Board of Adjustment  
Meeting Minutes  
April 23, 2018**

A meeting of the Broken Bow Board of Adjustment was called to order by Jim Duncan, at 12:01 p.m., April 23, 2018 in the City Council Chambers.

It was noted that the Open Meeting Laws were posted on the back wall.

Board members present were: Nicolle Bailey, Jim Duncan, Jason Baum, Gretchen Gallentine, and Tom Eacker. Absent: None.

Jason Baum moved, seconded by Nicolle Bailey, that the Minutes of the December 19, 2017 meeting be approved. Ayes: Gallentine, Eacker, Bailey, Duncan, and Baum. Nays: None. Motion carried.

The variance request from Martin Shafer, 1112 South 3<sup>rd</sup> Avenue, is to allow for a building that is larger than is allowed. The regulation allows for the size of an accessory building to be 720 square feet, or half the first floor area of the principal permitted dwelling, whichever is greater, and the second accessory building shall have a maximum floor area of 120 square feet. Martin Shafer explained that he wants to build a building that is 1,440 square feet. This will be the second accessory building. There was discussion by the Board, and there were two people present to protest. The protest letters are attached to these minutes. Jason Baum moved, seconded by Gretchen Gallentine, to approve the variance request to allow a building that is 1,440 square feet. The Board also finds that: The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district and is not created by an action or actions of the property owner or applicant. The granting of the permit for the variance will not be of substantial detriment to adjacent property, and the character of the district will not be changed by granting the variance. The strict application of the provisions of the Zoning Regulations of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application. The granting of the variance is based upon reasonable and demonstrable and exceptional hardship as distinguished from variation for the purposes of convenience, profit or caprice. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare and the granting of the variance will not be opposed to the general spirit and intent of the Zoning Regulations. Ayes: Eacker, Gallentine, and Baum. Nays: Duncan and Bailey. Motion carried.

The variance request from Todd Schipporeit, 840 North 7<sup>th</sup> Avenue, is to allow for building on the north property line and four feet from the east property line. Mr. Schipporeit presented his proposal. Jason Baum moved, seconded by Nicolle Bailey, to approve the variance request to allow building on the north property line and four feet from the east property line. The Board also finds that: The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district and is not created by an action or actions of the property owner or applicant. The granting of the permit


for the variance will not be of substantial detriment to adjacent property, and the character of the district will not be changed by granting the variance. The strict application of the provisions of the Zoning Regulations of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application. The granting of the variance is based upon reasonable and demonstrable and exceptional hardship as distinguished from variation for the purposes of convenience, profit or caprice. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare and the granting of the variance will not be opposed to the general spirit and intent of the Zoning Regulations. Ayes: Duncan, Bailey, Gallentine, and Baum. Nays: None. Abstain: Eacker. Motion carried.

Jim Duncan adjourned the meeting at 1:15 p.m.



Jim Duncan, Chairperson

ATTEST:



Stephanie M. Wright, City Clerk



APPLICATION FOR VARIANCE

Variance Instructions

- 1. Fill out this application.
2. Please provide a layout of the proposed variance request.
3. Please provide a layout of the property.
4. Please provide a copy of the deed for the current property.
5. File this completed application with the City of Broken Bow.
6. Submit a list of property owners within 300 feet of the boundaries, prepared by a certified abstractor.
7. Filing fee \$100.00. Make checks payable to the City of Broken Bow.

Variance Information (please print legibly or type)

Name: Sally Olson-Jones
Address: 924 North 11th
Phone Number: 872-5283
Legal Description: Railroad Add: Block 81 Lot 8 & S 1/2 Lot 9 (72' x 112') BB City
Have you applied for a variance prior on this property? Yes No (X)

Information Regarding Findings Required by the Board of Adjustment (please print legibly or type)

- 1. Please describe the type of variance you are requesting?
To add a garage to my home that would be the same distance from the street as my neighbor's homes
2. Please list why this property is unique and why this unique character is not ordinarily found in the same zone or district and is not created by an action or actions of the property owner or applicant.
It sits back further than the neighbors homes and has no garage
3. Please state how the granting of a variance will not be of substantial detriment to the adjacent property and how the granting of a variance will not change the character of the district.
It will bring all houses in line in the block and give it uniformity to the homes on my side of the street

4-24-18 \$100.00 CC 11457

4. Please state how the denial of the requested variance would be a hardship of the property owner requesting the variance.

Would not have a garage which would keep me out of harmes way in weather (ice) and make it safer to enter my home.

5. Please state with specificity how the granting of a variance would be based upon reasonable and demonstrable and exceptional hardship as opposed to being a variance granted for the purposes of being convenient, profitable or capricious.

It will make it safer to enter my home at all times and not being exposed to all weather conditions. most homes have garages.

6. Please state how the granting of a variance would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

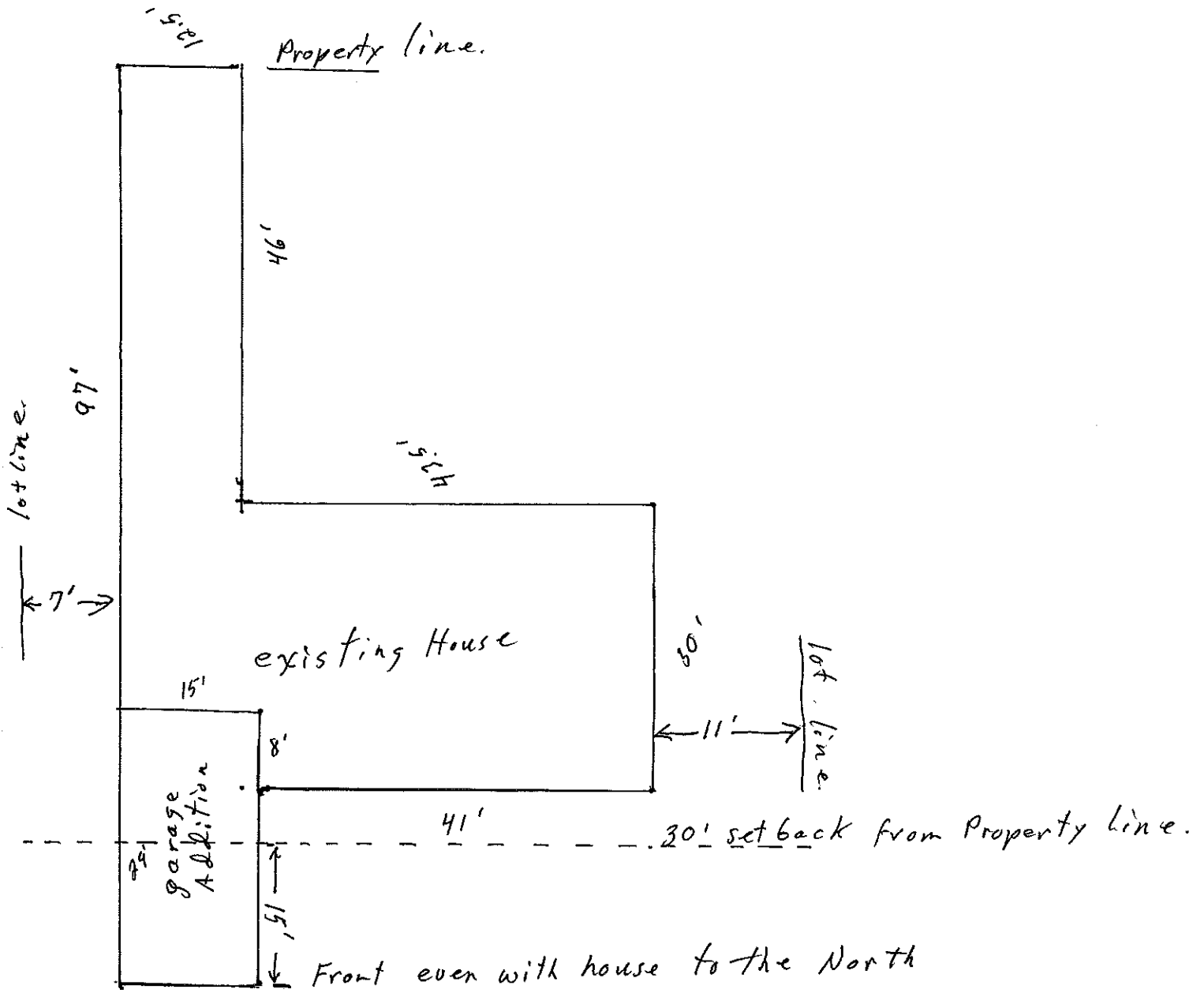
No effect upon adjoining properities, street or sidewalk use. and presents no health hazards.

7. Please state how the granting of a variance will not be in opposition to the general spirit and intent of the zoning regulations.

Would be in compliance with other homes in the block. Would be in compliance with a residential home.

Applicant Signature: Spelly Olson-Jones Date: April 24, 2018

924 N 11<sup>th</sup> Ave.



Front even with house to the North  
extend 15' into setback

Proposed variance request

# Olson-Jones Variance

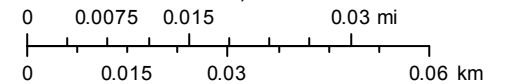


April 27, 2018  
09:37 AM

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

1:1,128

- Parcels
- Sections





924 N 11th Ave

N 11th Ave

N 10th Ave

N J St

© 2018 Google

Google Earth

1993

Imagery Date: 4/19/2017 41°24'46.61" N 99°38'31.81" W elev 2513 ft eye alt 2996 ft



929



Exit Street View



z



[Report a problem](#)

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Google Earth

41°24'47.02" N 99°38'33.02" W elev 2518 ft eye alt 2517 ft

WARRANTY DEED

Lyle L. Grant and Betty E. Grant, husband and wife, herein called the GRANTOR, in consideration of love and affection and other good and valuable consideration received from GRANTEE, does convey unto Sally E. Olson-Jones, the following-described real property and all appurtenances and hereditaments thereto in Custer County, Nebraska:

Lot Eight (8) and the South Half (S 1/2) of Lot Nine (9), Block Thirty-one (31), Railroad Addition to Broken Bow, Custer County, Nebraska.

GRANTOR covenants with the GRANTEE that GRANTOR:

1. is lawfully seised of the property and that it is free from encumbrance, except easements apparent and of record;
2. has legal right and lawful authority to convey the same;
3. warrants and will defend the title of the property against the lawful claims of all persons.

DATED this 29 day of November, 1991.

Lyle L. Grant  
Lyle L. Grant, GRANTOR

Betty E. Grant  
Betty E. Grant, GRANTOR

STATE OF NEBRASKA )  
                                  ) ss.  
COUNTY OF BOX BUTTE )

The foregoing instrument was acknowledged before me on the 29th day of November, 1991 by Lyle L. Grant and Betty E. Grant, husband and wife.



Vickie L. Hielscher  
Notary Public

STATE OF NEBRASKA } ss  
CUSTER COUNTY }  
This instrument was filed and recorded  
on December 9, 1991  
at 9:45 A.M.  
Book 198 Page 392  
Donald A. Callender  
Register of Deeds  
By Amy Clifford  
Deputy

NEBRASKA DOCUMENTARY  
STAMP TAX  
DEC 9, 1991  
\$ 4.00 BY DA