



**CITY OF LA VISTA
BOARD OF ADJUSTMENT
SEPTEMBER 28, 2011
6:30 P.M.**

The City of La Vista Board of Adjustment held a meeting on Wednesday, September 28, 2011, in the Harold "Andy" Anderson Council Chamber at La Vista City Hall, 8116 Park View Boulevard. Vice Chairman Jordan called the meeting to order at 6:30 p.m. with the following members present: Jordan, Malmquist, Brown and Strittmatter. Also in attendance was Christopher Solberg, City Planner.

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 Planning Commission. All proceedings shown were taken while the convened meeting was open to the attendance of the public.

1. Call to Order

- a. The meeting was called to order by Vice Chairman Jordan at 6:30 p.m. Copies of the agenda and staff reports were made available to the public.

2. Approval of Meeting Minutes – March 24, 2011

- a. Malmquist moved, seconded by Brown to approve the March 24, 2011 minutes adding Jordan seconded on #2, Brown seconded on item #3, #6 the adjournment. **Ayes:** Jordan, Malmquist, Brown and Strittmatter. **Nays:** None. **Abstain:** None. **Absent:** Paulsen. **Motion Carried.** (4-0)

3. Old Business

None.

4. New Business

A. Election of Officers.

- i. **Staff Report:** Solberg stated due to the passing of Ms. McEneaney a new Secretary must be elected.

Commissioner Jordan asked for nominations and then nominated Gayle Malmquist. Brown seconded the nomination.

iii. **Recommendation:** Jordan moved, seconded by Brown to elect Malmquist as Board of Adjustment Secretary. **Ayes:** Jordan, Malmquist, Brown and Strittmatter. **Nays:** *None*. **Abstain:** *None*. **Absent:** Paulsen. **Motion Carried.** (4-0)

B. Variance Request for Reduced Setback for a Single Family Residential House.

i. **Applicant Report:** John Taylor came forward and discussed Habitat for Humanity of Sarpy County. He stated Habitat for Humanity would not be able to build on the property without the setback variance. Mr. Taylor requested approval of the variance.

ii. **Public Hearing Opened:** Malmquist moved, seconded by Strittmatter to open the public hearing. **Ayes:** Jordan, Malmquist, Brown and Strittmatter. **Nays:** *None*. **Abstain:** *None*. **Absent:** Paulsen. **Motion Carried.** (4-0)

Julie Roland came forward and questioned how far are they wanting to go toward Park View Blvd.

Solberg stated that the current zoning allowed for the building to be set back twenty-five feet from Park View Blvd which would match the set-backs for the rest of the houses on Park View Blvd. It is not going to come out toward Park View. It will match the old house that was there, fifteen feet from Lillian Avenue. This house was in non-conformance with the code and was supposed to be setback thirty feet from Lillian. This request is to set it back fifteen feet from Lillian, which would be the only portion that would be in non-conformance with the code.

Ms. Roland stated as long as it was not allowing the building toward Park View Blvd she was okay with the request.

Ms. Roland questioned if the Habitat for Humanity home would be held to the same codes and standards as other homes. She questioned if they would have jobs.

Mr. Taylor came forward and stated that Habitat for Humanity has a family selection committee that goes through the stringent process for example they can't have declared bankruptcy within the past fifteen years; you have to have a job and be able to afford it. The Habitat for Humanity doesn't give the house to the family; they have to pay for it. They are responsible to keep it up and there is a maintenance committee that checks to make sure they are maintained properly.

iv. **Public Hearing Closed:** Malmquist moved, seconded by Strittmatter to close the public hearing. **Ayes:** Jordan, Malmquist, Brown and Strittmatter. **Nays:** *None*. **Abstain:** *None*. **Absent:** Paulsen. **Motion Carried.** (4-0)

v. **Recommendation:** Brown moved, seconded by Strittmatter to grant a variance, as proposed, 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. **Ayes:** Jordan, Malmquist, Brown and Strittmatter. **Nays:** None. **Abstain:** None. **Absent:** Paulsen. **Motion Carried.** (4-0)

5. **Adjournment**

Malmquist moved, seconded by Strittmatter, to adjourn. **Ayes:** Jordan, Malmquist, Brown and Strittmatter. **Nays:** None. **Abstain:** None. **Absent:** Paulsen. **Motion Carried.** (4-0)

Reviewed by Board of Adjustment:

Recorder

Board of Adjustment Chair

Approval Date