

**CITY OF GRETNA, NEBRASKA
BOARD OF ADJUSTMENTS
May 11, 2021**

A meeting of the Board of Adjustments was held at 6:30 p.m. on Tuesday, May 11, 2021. Chairman Pat Phelan called the meeting to order and announced that the open meetings laws are available in the meeting room. Roll call was taken. Present at the meeting were Chairman Pat Phelan, Vice Chairman Michael Gilligan, and Board Members Charles Cunningham and Larry Rippe. Member Lauren Liebenritt was absent. Also in attendance were City Attorney Jeff Miller, Development Services Director Dan Giittinger, and Permit Tech Shelley Naber.

APPROVAL OF CONSENT AGENDA

Motion by Cunningham, second by Rippe, to approve the Consent Agenda consisting of the Agenda for the meeting and the December 8, 2020 Board of Adjustments meeting minutes as presented. All voted in favor and the motion carried.

PUBLIC HEARINGS

- A)** To consider a request for a variance to allow a 1:12 pitch on an accessory structure located in the RE-A Residential Estates Animals Zoning District, which is located at 22202 Fairview Road, Gretna, NE 68028.

Dan Giittinger, Development Services Director, reviewed the variance application and the relevant Zoning Regulations regarding accessory structures and pitch, as required in Section 4.14.7 of the Zoning Code. The Zoning Code states that a minimum of a 3:12 pitch is required in residential districts.

The applicant David Mattes presented information for consideration and explained how the new building would not be a detriment to the neighboring properties based on the I-1 Light Industrial and TA Trans Ag. Zonings adjacent to his property. Additionally, he presented information on issues with the pandemic, conversations with City Staff and lack of face-to-face meetings, and all steel buildings as compared to common wood structures and the language in the Code which discusses materials customarily used in residential construction.

Chairman Phelan opened the public hearing. Michael Hanna, Bob Huber, Pat Hansen and Tim Huber spoke in favor of allowing the 1:12 pitch on the proposed accessory structure. The Board then questioned staff and the applicant about the request.

Motion by Gilligan, second by Cunningham, to close the public hearing. All voted in favor and the motion carried.

City Attorney Jeff Miller addressed the Board on the requirements for a variance per State Law and how such applied to the subject lot. He explained to the Board that the variance application needed to show that the proposed non-compliant building roof pitch was required due to exceptional narrowness, shallowness or shape of the subject property, or due to exceptional topographic conditions on the subject property, or due to other extraordinary and exceptional situations or conditions of the subject property. He further discussed how the 3:12 pitch does not show up in other community codes that he has worked with and suggested that this Section along with the other Code provisions regulating accessory structures could be evaluated for possible changes by the Planning Commission and City Council.

Motion by Cunningham, second by Gilligan, to deny the request for the variance of the 1:12 pitch for the accessory structure because the requirements for a variance per State Law were not met.

Voting Aye: Phelan, Rippe, Cunningham and Gilligan. Voting Nay: None. Motion carried to deny the variance.

Motion by Cunningham, second by Rippe, to recommend that City Staff evaluate amendments to the Code regarding accessory buildings and for larger accessory buildings in the RE and RE-A Zoning Districts to allow for all steel structures with less than a 3:12 pitch. All voted in favor and the motion carried.

ADJOURNMENT

Motion by Rippe, second by Cunningham, to adjourn at 7:30 p.m. All voted in favor and the motion carried.

Pat Phelan, Chairman

Shelley Naber, Permit Tech