

## **Bellevue Board of Adjustment Meeting**

Monday, October 21, 2019 7:00 PM

Bellevue City Hall

1500 Wall Street

Bellevue, NE 68005

### **1. CALL TO ORDER:**

- a. Roll Call
- b. The Open Meetings Act location
- c. Approve Minutes of April 17, 2019 Regular Meeting
- d. Accept into the record all staff reports, attachments, memos, and handouts regarding each application.

### **2. PUBLIC HEARINGS:**

- a. Request for a variance of Section 5.10.05, City of Bellevue Zoning Ordinance, regarding the minimum 35 foot front yard setback for Lot 237, Willow Springs. The applicant is requesting the minimum 35 foot front yard setback be reduced to 25 feet for the purpose of a third car garage addition. Applicant: Charles Crinklaw. Location: 10609 South 18th Circle. Case #: BOA- 1909-02.

### **3. CURRENT BUSINESS**

- a. Election of Officers
- b. Approval of the 2020 Board of Adjustment Uniform Review Schedule

### **4. ADJOURNMENT**

Bellevue Board of Adjustment, April 17, 2019, Page 1

The Bellevue Board of Adjustment held a regular meeting on Wednesday, April 17, 2019 at 7:00 p.m. in the Bellevue City Council Chambers. Upon roll call, present were Board Members Anderson, Conte, Valenta, Hawkins, Smith, and Petersen. Also present was Tammi Palm, Land Use Planner.

Notice of this meeting was given in advance thereof by publication in the Bellevue Leader and posting in two public places, and was also given to the Chairperson and members prior to the meeting. These minutes were written and available for public inspection within ten days of the meeting.

Chairman Conte announced a copy of the Open Meetings Act was posted in the entry to the City Council Chambers.

Motion was made by Smith, seconded by Valenta, to approve the minutes of the November 16, 2016 regular meeting as provided. Upon roll call, Anderson, Conte, Valenta, and Smith voted yes. Hawkins abstained. Motion carried.

MOTION was made by Valenta, seconded by Hawkins, to accept into record all staff reports, attachments, memos, and handouts regarding each application. Upon roll call, all present voted yes. Motion carried unanimously.

Chairman Conte explained the public hearing procedures.

PUBLIC HEARING was held on a request for a variance of Section 7.04.03, Table 7D, City of Bellevue Zoning Ordinance, regarding freestanding signs for Tax Lots 13A, 13B, 20A, and 20B, all located in the Southwest ¼ of Section 17, T14N, R13D of the 6<sup>th</sup> P.M., Sarpy County, Nebraska. The applicant is requesting a variance to allow for an increase in the number of allowed freestanding signs. Applicant: Holland Basham Architects. Location: 8210 South 42<sup>nd</sup> Street. Case #: BOA-1903-01.

There was no one present to speak in favor of, or in opposition to this request. Subsequently, Conte closed the public hearing.

Conte summarized the applicant's request. Several Board Members indicated they had visited the site.

Petersen inquired if Bryan Middle School intended to remove either of their existing pole signs. Palm stated Bryan Middle School has two existing pole signs, which are allowed under the ordinance based on the type of sign and street frontage. She indicated this variance request is for a third freestanding sign. Palm directed the Board Members to Exhibit C, as provided by the applicant, which showed the proposed single-sided monument sign for the Boys and Girls Club facility. Petersen clarified if one of the existing pole signs were removed by the school, the proposed monument sign could be erected under the ordinance. Palm stated that was correct. Conte stated she believed the school had two pole signs because of the two street frontages, but also because of the topography of the school site. Petersen inquired if Signs C and D shown on Exhibit C were the existing pole signs. Palm stated yes.

Using the exhibits provided by the applicant, Conte summarized the existing and proposed signage for the site. Palm pointed out the proposed location for the Boys and Girls Club monument sign. Conte inquired if there was enough room for the sign given the green space on site. Palm stated there was adequate space.

Anderson initiated conversation regarding the applicant's description of their hardship for this request. He stated per the applicant's letter dated April 4, 2019, the hardship was due to visibility. Anderson pointed out he did not believe visibility would be considered a hardship under Section 19-910 of the Nebraska State Statutes. He mentioned hardship is typically defined under the State Statutes as being linked to a topographic issue, or a peculiar shaped lot. Anderson advised this was a fairly straight-forward issue, which he did not believe qualified for a variance under the statutory guidelines. Smith agreed with Anderson. She indicated while an extremely worthy project, she did not feel it met the qualifications under the statute to be granted a variance. Smith went on to state while she understood why the Boys and Girls Club would want as much visibility as possible, she did not feel a commercial project would be given as much consideration under similar circumstances. She concluded by reiterating she did not believe the request met the requirements of the statute regarding undue hardship. Conte agreed with Anderson and Smith. She mentioned that although the applicant tied the hardship to a visibility issue, she believed the Boys and Girls Club will have a lot of visibility with the proposed signage they are able to erect under the Zoning Ordinance. Conte pointed out the proposed wall signage is large, and will be very visible. Anderson pointed out visibility can be a hardship. He mentioned there have been applications over the years which dealt with signs and topography issues. Discussion ensued on this topic. Anderson stated in this case there is no topographic issue in combination with the visibility issue, which would potentially qualify for a variance.

Hawkins stated the Boys and Girls Club is a great thing. He stated the proximity of the proposed wall

sign to the proposed monument sign struck him. Hawkins mentions the close proximity of the two signs almost negates the reason for needing the monument sign. He stated the sign serves the purpose of allowing the donor's name in another location; however, the wall sign provides the Boys and Girls Club the visibility they are desiring.

Conte explained the Board makes the motion in the affirmative for the purposes of being clear and consistent.

MOTION made by Anderson, seconded by Smith, to APPROVE a request for a variance of Section 7.04.03, Table 7D, City of Bellevue Zoning Ordinance, regarding freestanding signs for Tax Lots 13A, 13B, 20A, and 20B, all located in the Southwest ¼ of Section 17, T14N, R13D of the 6<sup>th</sup> P.M., Sarpy County, Nebraska. Variance to allow for an increase in the number of allowed freestanding signs. Applicant: Holland Basham Architects. Location: 8210 South 42<sup>nd</sup> Street. Case #: BOA-1903-01.

Conte clarified the motion.

Upon roll call, all present voted no. Motion failed.

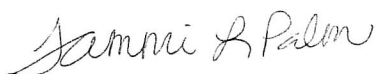
Conte explained the applicant had 15 days in which to appeal the Board's decision to District Court.

Motion made by Anderson, seconded by Smith, to elect Valenta as Chair. Upon roll call, Anderson, Conte, Hawkins, and Smith voted yes. Valenta abstained. Motion carried.

Motion made by Anderson, seconded Valenta, to elect Conte as Vice Chair. Upon roll call, all present voted yes. Motion carried unanimously.

Motion made by Valenta, seconded by Anderson, to approve the 2019 Uniform Review Schedule as presented. Upon roll call, all present voted yes. Motion carried unanimously.

Meeting adjourned at 7:29 p.m.



Tammi L. Palm  
Land Use Planner

**2.a.**

**CITY OF BELLEVUE  
BOARD OF ADJUSTMENT REPORT**

**CASE NUMBER:** BOA-1909-02

**FOR HEARING OF:**

**REPORT #1:**

October 21, 2019

**I. GENERAL INFORMATION**

**A. APPLICANT:**

Charles Crinklaw  
10609 South 18<sup>th</sup> Circle  
Bellevue, NE 68005

**B. PROPERTY OWNER:**

Charles Crinklaw  
10609 South 18<sup>th</sup> Circle  
Bellevue, NE 68005

**C. LOCATION:**

10609 South 18<sup>th</sup> Circle

**D. LEGAL DESCRIPTION:**

Lot 237, Willow Springs

**E. REQUESTED ACTION:**

Variance of Section 5.10.05, City of Bellevue Zoning Ordinance, regarding height and lot requirements for Lot 237, Willow Springs

**F. EXISTING ZONING AND LAND USE:**

RS-72, Single-Family Residential



**G. PURPOSE OF REQUEST:**

The applicant is requesting a variance to allow for a 25 foot front yard setback in an area currently requiring a 35 foot front yard setback, to allow for a third car garage addition.

**H. SIZE OF SITE:**

The site is approximately 0.386 acres

**II. BACKGROUND INFORMATION**

**A. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**

- 1. North:** Single Family Residential, RS-72
- 2. East:** Single Family Residential, RS-72
- 3. South:** Single Family Residential, RS-72
- 4. West:** Single Family Residential, RS-72

**B. GENERAL COMMENTS:**

1. Section 19-910 of the Nebraska State Statutes requires the Board of Adjustment to make four (4) findings prior to granting a variance. If the Board finds the following present, the applicant is entitled to a variance. If the Board finds the following not present, it is suggested the variance be denied.

- i. Does the strict application of the zoning regulation produce undue hardship? Section 19-910 (a) Yes or No?
- ii. The hardship created is not shared by other properties in the same zoning district or vicinity. Section 19-910 (b) Yes or No?
- iii. Granting of this variance will not be of substantial detriment to adjacent property or the character of the zoning district. Section 19-910 (c) Yes or No?
- iv. Is this a demonstrable and exceptional hardship as distinguished from a variance for convenience, profit or caprice? Section 19-910 (d) Yes or No?

The applicant should be prepared to address these statements.

2. The applicant has submitted a request for a variance of Section 5.10.05, to allow for a 25 foot front yard setback in an area requiring a 35 foot front yard setback, for the purpose of a third car garage addition.
3. Lot 237, Willow Springs, was platted in August 1992. Section 5.10.05, Zoning Ordinance, states for lots platted prior to August 8, 2011, the front yard setback in the RS-72 zoning district shall be 35', regardless of subsequent replats.

**III. ATTACHMENTS TO REPORT**

1. Vicinity Map/Zoning Map
2. 2018 GIS aerial photo of the property
3. Justification letter from Joseph Foley, FoleyShald Engineering receive September 11, 2019
4. Plot plan/construction plan received September 11, 2019
5. Signed statements of support from neighboring homeowners received September 11, 2019

**VII. COPIES OF REPORT TO:**

1. Charles Crinklaw
2. FoleyShald Engineering
3. Public Upon Request

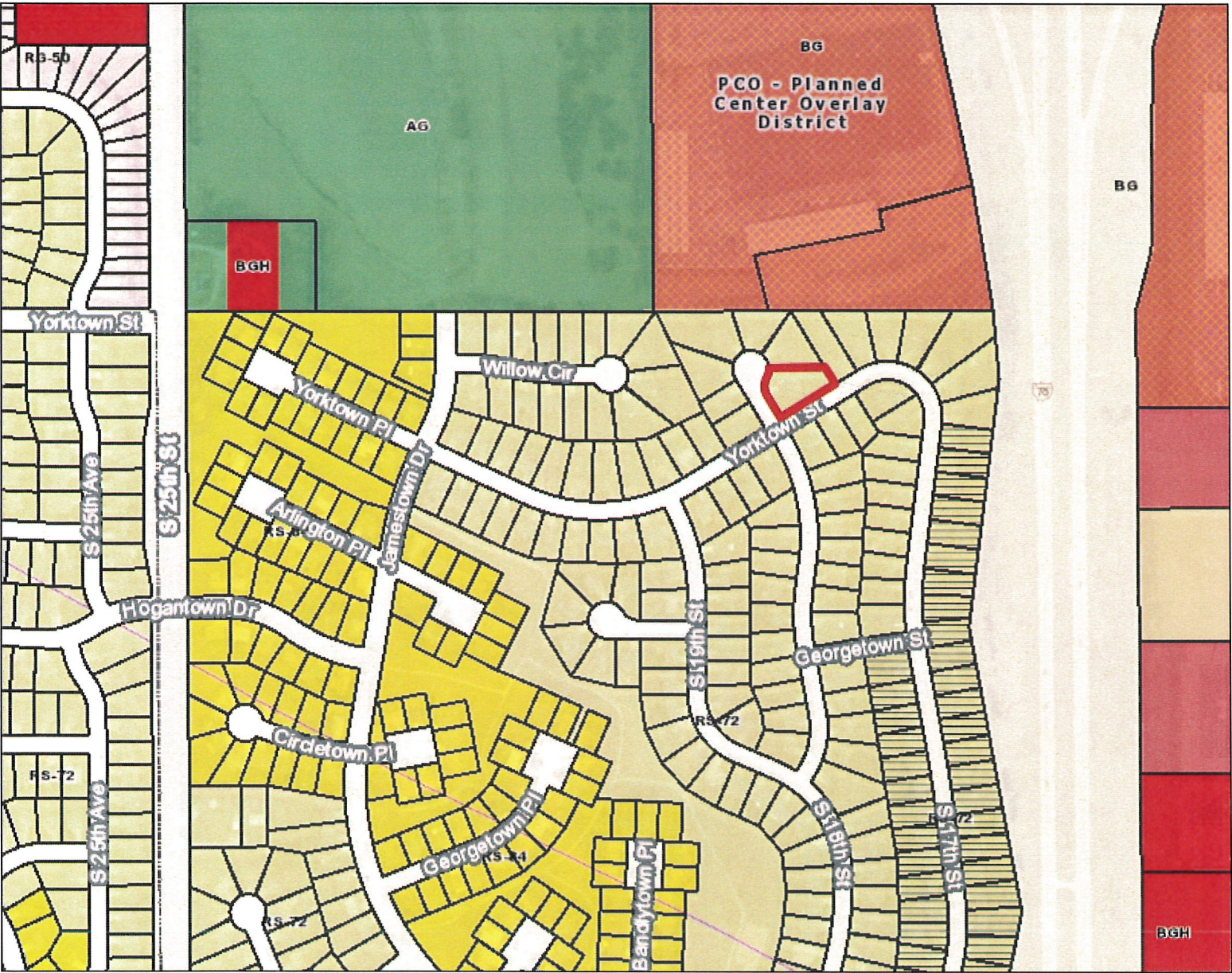
 10/10/19

Prepared by:

Date:



Zoning Map

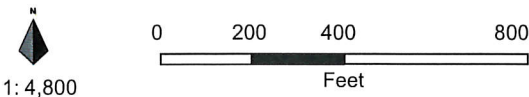


Location



Legend

- Road Centerlines
- 2018 Aerial Photo
- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3



This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the source records and information sources to ascertain the usability of the information.

**Sarpy County GIS**  
 1210 Golden Gate Dr.  
 Suite 1130  
 Papillion, NE 68046  
[maps.sarpy.com](http://maps.sarpy.com)



# Aerial Map

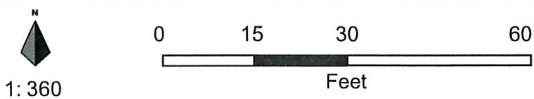


## Location



## Legend

- Road Centerlines  
2018 Aerial Photo
- Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3



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**Sarpy County GIS**  
1210 Golden Gate Dr.  
Suite 1130  
Papillion, NE 68046  
maps.sarpy.com



8790 F STREET, SUITE 108  
OMAHA, NE 68127  
T 402.980.4351/402.659.3926



September 11, 2019

Ms. Tammi Palm  
Land Use Planner  
City of Bellevue  
1510 Wall Street  
Bellevue, Nebraska 68005

Dear Ms. Palm,

As a supplement to the Board of Adjustment application for Lot 237, Willow Springs we submit this additional information related to Section 19-910 of the Nebraska State Statutes for the Boards consideration and review:

- A. The strict application of the zoning regulations would produce undue hardship;
  - The Owner of the property located on Lot 237 of Willow Springs proposes to construct an additional garage space adjacent to the current two car garage. Due to the curvature of the front lot line, the application of the clause in the RS-72 Zoning which requires a 35 ft front yard setback on lots platted prior to 2011, will prevent construction of the garage. The applicant is not requesting to construct the new garage addition offset toward the street further than the existing garage, it will be flush with the existing garage.
- B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
  - The hardship for this proposed addition is a result of curvature of the front of this lot. Most other lots in the neighborhood would not encounter front yard setback issues when proposing an addition flush with the existing structure. Within the Willow Springs platted area, 47 lots near Lot 237 along 17<sup>th</sup> Street are constructed with a 25 ft setback under PUD zoning. In addition, many other homes in the Willow Springs area, east of 25<sup>th</sup> Street, appear to be constructed with front yard setbacks varying from 10 ft to 25 ft. If the waiver is granted on Lot 237 it would not create a situation unique to the neighborhood. Overall, there are 377 Lots in the Willow Springs neighborhood (two Willow Springs plats, and The Town plat). Of those we have 187 that are constructed with setbacks of 25 ft or less, which works out to be 50%.
- C. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the

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granting of the variance:

- The immediate adjacent properties are supportive of the effort to construct the garage addition. In this case, the home on Lot 237 is not within a long street with uniform setbacks in which the granting of this waiver will create a visual issue. The home is on a cul-de-sac and the issue with the setback is entirely due to the curvature of the right of way. The garage addition should be visually non-intrusive.
- D. The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.
  - The garage addition proposed is not a request of convenience, profit or caprice. The addition fits with the size of the lot, does not adversely impact the adjacent homes and fits with the setback characteristics of the surrounding neighborhood. Half of the lots in the neighborhood area have front yard setbacks less than 35 ft.

Please feel free to contact us with any questions or concerns with this variance request.

Sincerely,

*Joseph D. Foley, PE*

Joseph Foley, PE

Cc: Charles Crinklaw

# WILLOW SPRINGS SOUTH 18TH CIRCLE ZONING SETBACK ADJUSTMENT

EXISTING ZONING: RS-72  
PROPOSED ZONING: RS-72

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\*PROPOSED VARIANCE REQUEST IN AN ADJUSTMENT TO ALLOW A 25 FT FRONT YARD SETBACK FOR LOT 237. THIS WOULD BE A CHANCE FROM THE SETBACK REQUIRED DUE TO THE CODE CLAUSE THAT SAYS A 35 FT SETBACK IS REQUIRED FOR LOTS PLATTED PRIOR TO 2011.



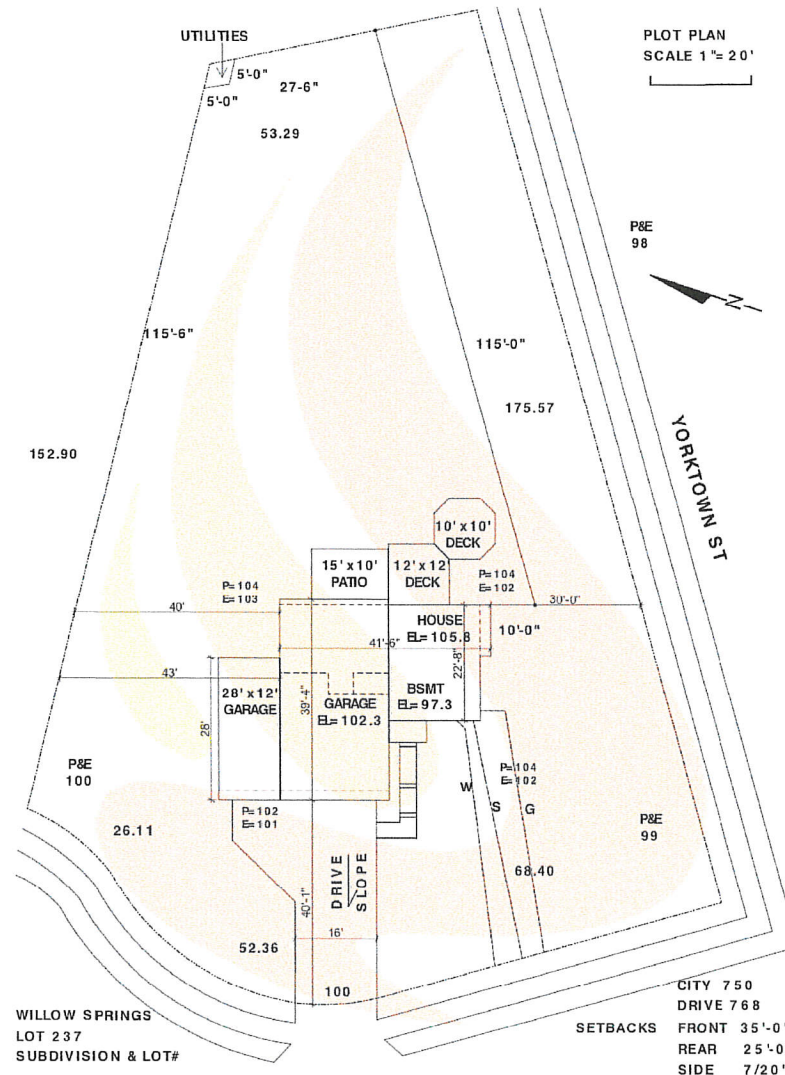


#### Warrior Contacts:

Nolan Ausan – GC  
402-552-8848

Ryne Gass  
Field Technical Support  
402-250-8851

Tina Bailey – Design/Accounts  
402-637-5268



Updated: June 4, 2019

Krinklaw Garage Plan v1.2

Designer: Tina B.  
Rendering: Adam T.  
Technical: Nolan A.

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#### Project Goals:

3rd car stall addition. See attached plat.

12'x28' garage. Homeowner owner would like the garage to be flush or a 1' set back if allowed. If not set back will need to be 6' setback from current garage front.

Rear of the homes roof level is 16'

Interior of the garage is to have a 36" interior door located parallel with the rear garage wall.

Possible overhead door on front of the garage. This idea may be changed per homeowner finalizing the design.

Rear of garage to extend into rear yard. Existing 6' wood fence will need to be modified and swimming pool stairs to be moved elsewhere. This may be done by the homeowner.

Homeowner wants brother in-law who is a licensed electrician to do any electrical work if possible.

Homeowner and/or others will remove siding from existing structure for the intent of reusing materials

Homeowner acknowledges there are existing poured concrete piers that may or may not need to be removed

#### General Proposal/Overview:

- Complete Final Drafting, Permit, Construction/Project, and Inspection Management
- Access to Owner site for Selection, Project Schedule, Logs, etc. via Buildertrend - see quick demo at <https://youtu.be/evsoApnOic>
- Addition will be full frost footing and stem wall for foundation
  - Reinforced with Fiberglass Rebar
  - Foam Board as needed
- Framing and Labor for Walls, Doors, Windows - per code
  - Trusses, Joists, and other pre-manufactured component require engineered prints prior to accurate costing
  - Existing Bedrooms will stay as-is unless decision is made to change configuration
  - Temp Framing for Load Changes
- 1 Windows, and 1 Exterior Door
- Siding and Roofing
  - 475 SF Roof/523 SF Siding [final layout may vary]
- Electrical Rough/Finish and Lighting Fixtures Budget - per code by Licensed Electrician *[Provided by other contractor licensed with City of Bellevue]*
  - Subpanel budgeted due to full load in current state
- Insulation for Exterior Walls and Ceiling - Foam/Batts as needed
- Doors, Trim, and Finish per spec of design
- Professional Installation of all materials
- Final price reflect variance of noted budgetary items
- Flexibility on scope as wants/needs change
- 1 Year Craftsmanship Warranty
- Licensed Class C General Contractor for Metro Omaha and surrounding area

#### Assumptions:

- No hazardous materials requiring special remediation
- Existing Structure and Foundation will handle reconstruction changes with proper engineering and planning

#### Exclusions:

- Delays in schedule due to other vendor schedules and/or permitting process
- Code upgrades not described in this proposal or foreseen prior to job start
- Any product and/or service not described in this estimate and/or stated quantities
- Existing structure and/or mechanical conditions
- Special remediation of hazardous materials
- Changes in scope will require client approval prior to job start

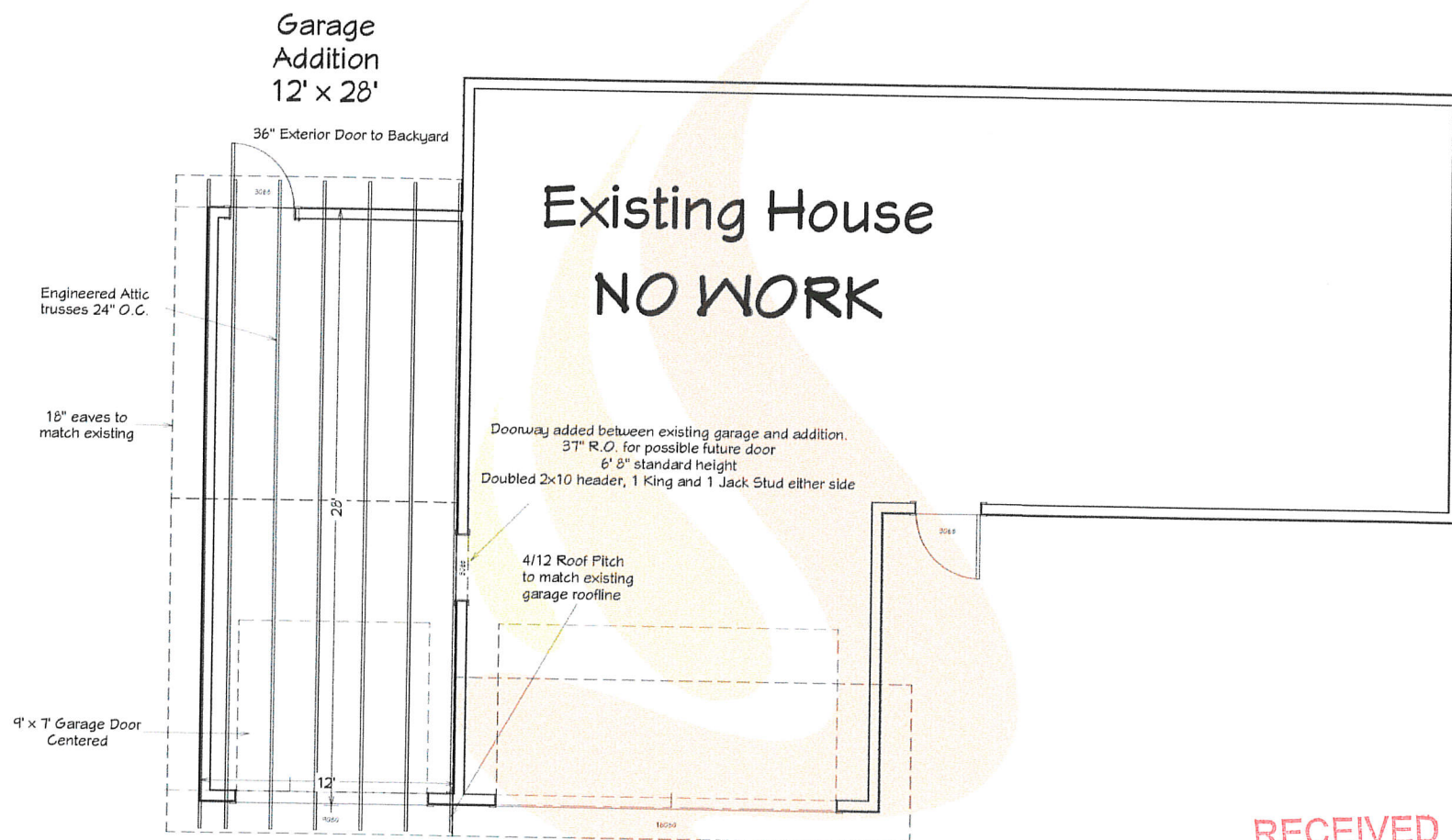
#### Owner Requirements:

- Electrician with License for Bellevue
- Relocation of Pool Equipment
- Rebuilding of Deck
- Sprinkler Relocate (if req.)

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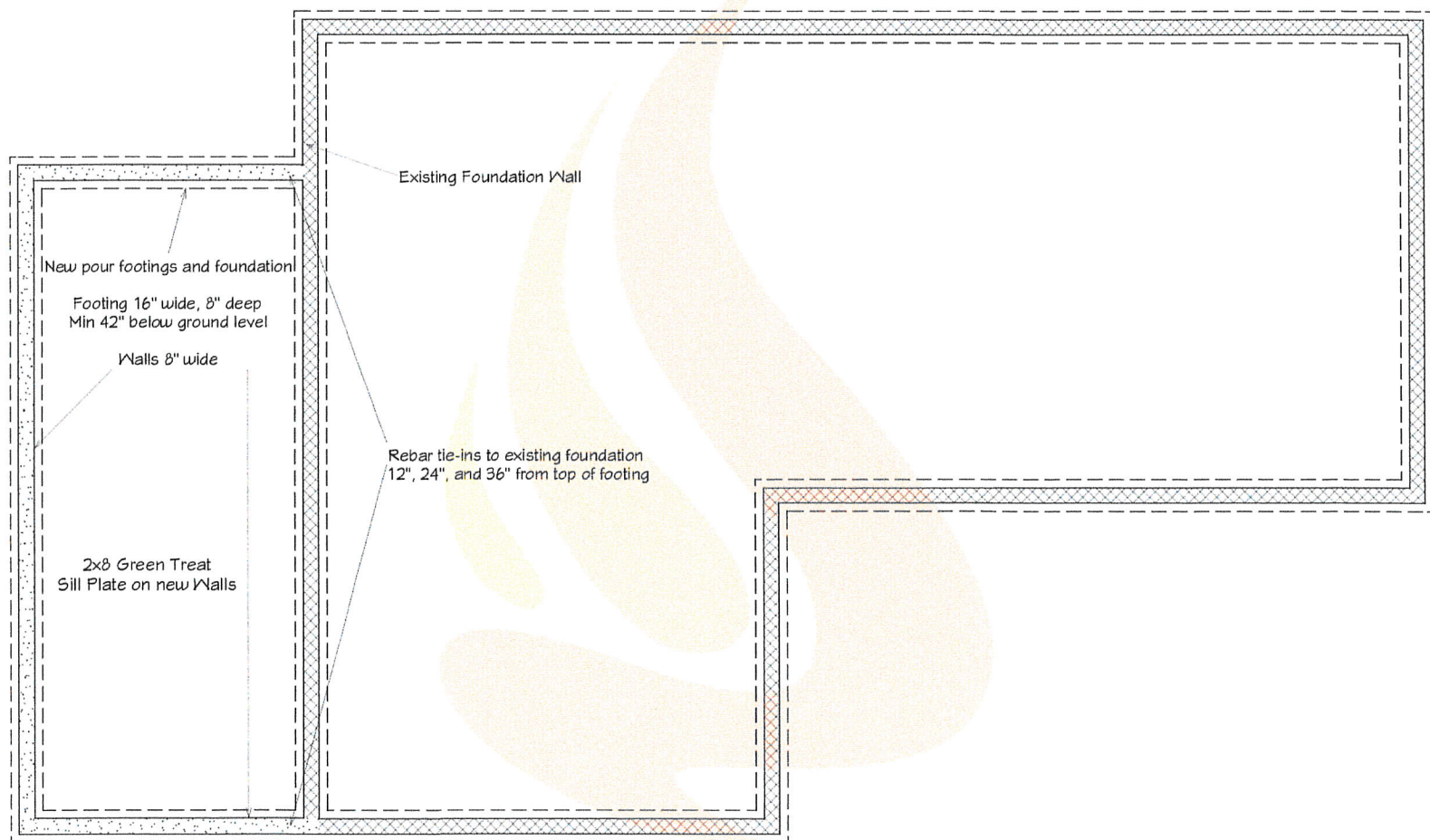
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Designer: Tina B.  
Rendering: Adam T.  
Technical: Nolan A.

Krinklaw Garage Plan v1.2



6/3/19



Krinklaw Garage Plan v1.2

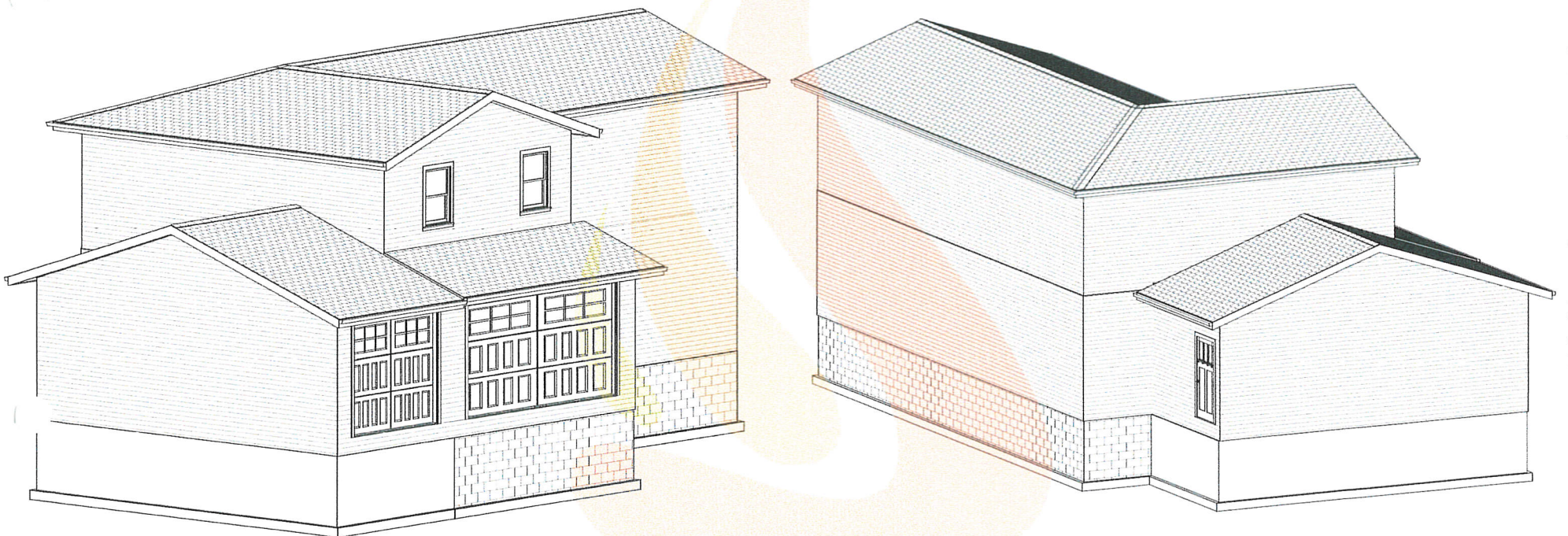
Designer: Tina B.  
Rendering: Adam T.  
Technical: Nolan A.

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6/3/19



Krinklaw Garage Plan v1.2

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Dear Scott and Carol,

This letter is to inform you that we have submitted to the City of Bellevue, Nebraska for an application to re-zone the cul-de-sac to RS-72. Our cul-de-sac is currently zoned as RS-72 within city limits which regulate accessory development (secondary buildings) to a maximum 35 ft. set back. However some time ago the city of Bellevue revised the RS-72 zone to have a 25 ft. set back. We have submitted an application for variance to this length based off our plans to build an attached garage. The attached photo helps identify the improvement to our property.

Your support in the approval of our application for this variance would be greatly appreciated. We are excited to begin our construction project and will make every effort not to create any disturbances. We are confident that you will find the approved design of our house and landscape plan to be very compatible with the area while respecting the privacy of the adjacent homes.

Your signature and approval of the variance request to the city of Bellevue is greatly appreciated.

Scott & Carol Taylor  
10603 S 18th Circle

 Yes ☒ No ☐

Thank you for your support,

Charles and Joann Crinklaw  
10609 S 18th Circle  
402-981-8852

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Dear Luis & Daisy,

This letter is to inform you that we have submitted to the City of Bellevue, Nebraska for an application to re-zone the cul-de-sac to RS-72. Our cul-de-sac is currently zoned as RS-72 within city limits which regulate accessory development (secondary buildings) to a maximum 35 ft. set back. However some time ago the city of Bellevue revised the RS-72 zone to have a 25 ft. set back. We have submitted an application for variance to this length based off our plans to build an attached garage. The attached photo helps identify the improvement to our property.

Your support in the approval of our application for this variance would be greatly appreciated. We are excited to begin our construction project and will make every effort not to create any disturbances. We are confident that you will find the approved design of our house and landscape plan to be very compatible with the area while respecting the privacy of the adjacent homes.

Your signature and approval of the variance request to the city of Bellevue is greatly appreciated.

Luis & Daisy Barragan  
10605 S 18th Circle



Yes ☒ No ☐

Thank you for your support,

Charles and Joann Crinklaw  
10609 S 18th Circle  
402-981-8852

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Dear Brandon,

This letter is to inform you that we have submitted to the City of Bellevue, Nebraska for an application to re-zone the cul-de-sac to RS-72. Our cul-de-sac is currently zoned as RS-72 within city limits which regulate accessory development (secondary buildings) to a maximum 35 ft. set back. However some time ago the city of Bellevue revised the RS-72 zone to have a 25 ft. set back. We have submitted an application for variance to this length based off our plans to build an attached garage. The attached photo helps identify the improvement to our property.

Your support in the approval of our application for this variance would be greatly appreciated. We are excited to begin our construction project and will make every effort not to create any disturbances. We are confident that you will find the approved design of our house and landscape plan to be very compatible with the area while respecting the privacy of the adjacent homes.

Your signature and approval of the variance request to the city of Bellevue is greatly appreciated.

Brandon J. Bonnie  
10610 S 18th Circle

Yes X No     

Thank you for your support,

Charles and Joann Crinklaw  
10609 S 18th Circle  
402-981-8852

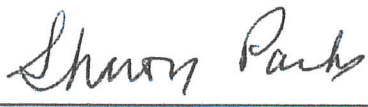
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Dear Sharon,

This letter is to inform you that we have submitted to the City of Bellevue, Nebraska for an application to re-zone the cul-de-sac to RS-72. Our cul-de-sac is currently zoned as RS-72 within city limits which regulate accessory development (secondary buildings) to a maximum 35 ft. set back. However some time ago the city of Bellevue revised the RS-72 zone to have a 25 ft. set back. We have submitted an application for variance to this length based off our plans to build an attached garage. The attached photo helps identify the improvement to our property.

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Your signature and approval of the variance request to the city of Bellevue is greatly appreciated.

Sharon L. Parks  Yes X No         
10608 S 18th Circle

Thank you for your support,

Charles and Joann Crinklaw  
10609 S 18th Circle  
402-981-8852

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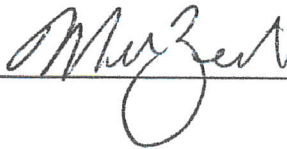
Dear Dawn and Melvin,

This letter is to inform you that we have submitted to the City of Bellevue, Nebraska for an application to re-zone the cul-de-sac to RS-72. Our cul-de-sac is currently zoned as RS-72 within city limits which regulate accessory development (secondary buildings) to a maximum 35 ft. set back. However some time ago the city of Bellevue revised the RS-72 zone to have a 25 ft. set back. We have submitted an application for variance to this length based off our plans to build an attached garage. The attached photo helps identify the improvement to our property.

Your support in the approval of our application for this variance would be greatly appreciated. We are excited to begin our construction project and will make every effort not to create any disturbances. We are confident that you will find the approved design of our house and landscape plan to be very compatible with the area while respecting the privacy of the adjacent homes.

Your signature and approval of the variance request to the city of Bellevue is greatly appreciated.

Dawn and Melvin Zeitner  
10604 S 18th Circle



Yes ☒ No ☐

Thank you for your support,

Charles and Joann Crinklaw  
10609 S 18th Circle  
402-981-8852

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# BOARD OF ADJUSTMENT

## Uniform Review Schedule – 2020

SUBMITTAL DEADLINE	NOTICE IN LEGAL NEWSPAPER	POST PROPERTY	HEARING DATE <sup>1</sup>
December 27, 2019	January 8, 2020	January 3, 2020	January 15, 2020
January 31, 2020	February 12, 2020	February 7, 2020	February 19, 2020
February 28, 2020	March 11, 2020	March 6, 2020	March 18, 2020
March 27, 2020	April 8, 2020	April 3, 2020	April 15, 2020
May 1, 2020	May 13, 2020	May 8, 2020	May 20, 2020
May 29, 2020	June 10, 2020	June 5, 2020	June 17, 2020
June 26, 2020	July 8, 2020	July 3, 2020	July 15, 2020
July 31, 2020	August 12, 2020	August 7, 2020	August 19, 2020
August 28, 2020	September 9, 2020	September 4, 2020	September 16, 2020
October 2, 2020	October 14, 2020	October 9, 2020	October 21, 2020
October 30, 2020	November 11, 2020	November 6, 2020	November 18, 2020
November 20, 2020	December 2, 2020	November 25, 2020	*December 9, 2020

Approved by the Board of Adjustment

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date

\*Please note meeting date reflects the second Wednesday of the month.

<sup>1</sup> Board of Adjustment will only be held if an application has been submitted