

**BOARD OF ADJUSTMENT
LEXINGTON, NEBRASKA
October 13, 2020**

A Meeting of the Board of Adjustment of the City of Lexington was held Tuesday, October 13, 2020, at 8:00 a.m. in the Council Chambers at City Hall, 406 East 7th Street, Lexington, Nebraska. Board of Adjustment members present were Michael Maguire, John Knapple, Ron Balthazor, Cameron Smith and Alternate Rod Zeigler. Member Deb Stuchlik was absent. City Officials present were Development Services Director Bill Brecks, Chief Building Inspector Mark Yung, City Attorney Brian Copley, and Secretary Pamela Baruth. Applicant Yenmi Moran Colocho, Javier Ramirez Zamora, and Rosalinda Perez were also in attendance.

CALL TO ORDER: The meeting was called to order by Chairman Maguire at 8:00 a.m. Maguire informed the public that the Open Meetings Act is posted in the Meeting Room at City Hall, located at 406 East 7th Street, Lexington, NE.

MINUTES 5-8-2018: Minutes from the Regular Meeting held Tuesday, May 8, 2018, were presented for the Board's consideration. Moved by Smith, seconded by Ziegler, to approve the minutes as presented. Roll call. Voting "aye" were Knapple, Balthazor, Zeigler, Smith, Maguire. Motion carried.

Brian Copley gave brief comments regarding the agenda and possible motions for agenda items.

APPOINTMENT: Chairman Maguire requested nominations for Chairman of the Board of Adjustment for 2020. Moved by Knapple, seconded by Balthazor, to retain Mike Maguire as the chairman for 2020. Roll call. Voting "aye" were Ziegler, Smith, Balthazor Knapple, Maguire. Motion carried.

APPLICATION OF APPEAL: Yenmi Moran Colocho, applicant, appeared before the Board of Adjustments to request an appeal of a demolition order for a structure located at #1 Aspen Lane. She was accompanied by her spouse, Javier Ramirez Zamora, and neighbor, Rosalinda Perez, who both translated for her. She stated that she received a letter about two months ago from the city's building inspection department, stating there had been a complaint filed against the structure and requesting an inspection. She stated they have stopped work on repairs to the mobile home until the meeting for the appeal. She stated she purchased the mobile home for \$4000 about two years ago in a private sale. She made the purchase sight unseen and did not realize the condition of the mobile home. Colocho stated the manager told her when she bought the mobile home that repairs could be made and that it was livable. Maguire asked her to clarify who the manager is. She stated that it was the manager of the mobile home court, JJ White. She stated she has the money to make necessary repairs and has made some repairs since the purchase and would like to continue. She stated repairs have been made to drywall, bathrooms, tiled floors, the electric system, cove heating and window air conditioner units. She stated that she does not understand why she would have to demolish her

mobile home if there are other mobile homes in the court that are in the same or worse condition. Knapple reminded her that the issue at hand is between her unit and the city of Lexington, and that any issues with the management of the mobile home court is a private matter.

Brecks stated according to Dawson County Assessor's website, the value of the mobile home is approximately \$2000. He questioned what repairs worth \$10,000 have been made. Colocho stated the \$10,000 total includes the purchase and current repairs made. Brecks also noted no permits for any repairs have been issued at the city office.

Yung reviewed the steps taken in the case to date. He stated the tenant of the mobile home made a complaint about a sewer smell to the mobile home court manager who made a complaint with the city office. Following the inspection on August 19, 2020, a demolition order was sent to the owner and a condemnation order, dated August 21, 2020, was posted on the structure. Yung and Brecks reviewed photographs taken during inspections on August 11, 2020, and August 19, 2020. Copley requested these photographs be entered into the record.

Maguire requested additional information on the Property Maintenance Inspection Report. Regarding Violation 3.04.15 Doors, Yung stated the north exterior door did not open and appeared to be caulked shut. He stated there were two exterior doors on the structure. He also stated the outside door to the water heater was not sealed shut but was padlocked. Regarding Violation 3.04.18.2 Windows, Yung stated the master bedroom window had only a storm glass pane while other windows were covered by sheet rock inside and not sealed from the exterior. Regarding Violation 505.1 General, Water System, Yung stated he could identify a sewer smell immediately. Upon further inspection of the plumbing system, he noted one toilet had not been properly installed when the floor tile was installed. Copley requested the Property Maintenance Inspection Report, dated August 21, 2020, be entered into the record.

Knapple asked for an opinion on how much it would take to bring the structure up to code. Brecks noted he could not speak to an exact amount but the electrical system alone would need to be completely replaced which could run thousands of dollars. Ramirez Zamora stated they had a friend from Kearney make the repairs to the electric system but noted he was not a licensed electrician. Brecks said he assumes there would be additional costs for structural repairs. He offered the option of removing the structure outside of the city's 2-mile jurisdiction or demolition as better use of repair funds.

Maguire asked for comments from board members. Zeigler stated that no permits and the amount of work completed to date are red flags and feels the structure is not fixable. He stated the more you get into the repairs, the more you find that needs repaired. He feels the decision of the building inspection department should be upheld. Knapple stated he feels the structure remains a hazard even with repairs that have been done. Balthazor echoed that opinion. Smith stated that after a year of repairs, it seems to be going the other way.

Following discussion, moved by Knapple, seconded by Balthazor, based on the testimony and reports presented by Mark Yung, to uphold the decision of the building inspection that the structure must be demolished and removed by close of business on November 22, 2020. Roll call. Voting “aye” were Ziegler, Smith, Balthazor, Knapple, Maguire. Motion carried.

ADJOURNMENT: There being no further business to come before the Lexington Board of Adjustment, Chairman Maguire declared the meeting adjourned.

Pamela Baruth
Secretary