

**BOARD OF ADJUSTMENT
LEXINGTON, NEBRASKA
February 14, 2023**

A Meeting of the Board of Adjustment of the City of Lexington was held Tuesday, February 14, 2023, 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, Ron Balthazor, Cameron Smith, Deb Stuchlik and Alternate Bo Berry. John Knapple was absent. City Officials present were Development Services Director Bill Brecks, Chief Building Inspector Jason Harris, City Attorney Brian Copley, Interpreter Angelica Rosales and Secretary Pamela Baruth. Applicant Cesar Aguado was 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 10-13-2020: Minutes from the Regular Meeting held Tuesday, October 13, 2020, were presented for the Board's consideration. Moved by Stuchlik, seconded by Berry, to approve the minutes as presented. Roll call. Voting "aye" were Smith, Balthazor, Berry, Stuchlik, Maguire. Motion carried.

APPOINTMENT: Chairman Maguire requested nominations for Chairman of the Board of Adjustment for 2023. Moved by Stuchlik, seconded by Smith, to retain Mike Maguire as the chairman for 2023. Roll call. Voting "aye" were Balthazor, Berry, Smith, Stuchlik, Maguire. Motion carried.

APPLICATION OF APPEAL: Cesar Aguado, applicant, appeared before the Board of Adjustments to request an appeal of a demolition order issued on December 30, 2022, for a structure located at 1210 North Madison. Brecks explained that a request to pull the electric panel by the tenant was received by the city utility office and prompted a visual inspection of the outside of the structure. Brecks and Harris reviewed photographs taken during inspection. He noted the crawl space was flooded due to broken water pipes, causing foundation and structural damage. Additional code violations included damaged exterior walls, roof, stairway and porches, doors and windows, and general accumulation of garbage. Copley requested these photographs and reports be entered into the record. Following the inspection on December 30, 2022, a demolition order was sent to the owner.

Mr. Aguado, with assistance by Interpreter Angelica Rosales, stated that even though he feels he made a bad decision in purchasing the property in September, 2022, he feels he can make the necessary repairs if given time and opportunity. He stated that he works in construction and can do most repairs himself but will need to contract the foundation and electrical work. Brecks noted that there are no tenants currently and a no occupancy notice is in order until the repairs are completed.

Following discussion, moved by Balthazor, seconded by Smith, based on the testimony and reports presented, to uphold the decision of the building inspection that the structure must be demolished and removed by close of business on February 28, 2022. Roll call. Voting “aye” were Stuchlik, Berry, Smith, Balthazor, 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