

**BOARD OF ADJUSTMENT  
LEXINGTON, NEBRASKA  
July 8, 2014**

A Meeting of the Board of Adjustment of the City of Lexington was held Tuesday, July 8, 2014, 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, Curt Bennett, John Knapple, and Alternate Rod Zeigler. Members Deb Stuchlik and Leo Gonzalez were absent. City Officials present were Development Services Director Bill Brecks, Code Inspectors Jesus Naputi and Nick Hoendervoogt, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold and Secretary Pamela Baruth. Applicants Randy Keith and Doran G. Post 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:** Minutes from the Regular Meeting held Wednesday, February 11, 2014, were presented for the Board's consideration. Moved by Zeigler, seconded by Bennett, to approve the minutes as presented. Roll call. Voting "aye" were Bennett, Zeigler, Maguire. Knapple abstained from the vote. Motion carried.

**APPLICATION FOR APPEAL:** An Application for Appeal submitted by owner Terry Ackerman of a demolition order for property located at 1210 North Madison was presented for Board consideration. Brecks reviewed the case history and subsequent demolition order for the accessory structure on the property. Following discussion, moved by Knapple, seconded by Zeigler, to uphold the demolition order as issued. Roll call. Voting "aye" were Bennett, Zeigler, Knapple, Maguire. Motion carried.

**APPLICATION FOR APPEAL:** An Application for Appeal submitted by owner Terry Ackerman of a demolition order for property located at 507 West 9<sup>th</sup> Street was presented for Board consideration. Brecks reviewed the case history and subsequent demolition order for the accessory structure on the property. Following discussion, moved by Knapple, seconded by Bennett, to uphold the demolition order as issued. Roll call. Voting "aye" were Zeigler, Bennett, Knapple, Maguire. Motion carried.

**APPLICATION FOR APPEAL:** Brecks noted that this issue would not be addressed by the Board as parking in the city right-of-way is not a disputable situation.

**APPLICATION FOR VARIANCE:** An Application for Variance submitted by owner Doran G. Post for property located at 1605 North Madison was presented for Board consideration. Brecks explained that Post would like to replace the front porch deck with a handicap accessible deck that would extend into the front yard setback. He noted that the structures in this neighborhood were constructed before the current setback requirements which cause hardship for code compliant additions to any of the structures. Post is requesting an encroachment into the current setback for that neighborhood. Follow discussion, moved by Bennett, seconded by Knapple, to allow the requested variance from current code setbacks for the construction of the handicap accessible deck. Roll call. Voting "aye" were Zeigler, Knapple, Bennett, Maguire. Motion carried.

**APPLICATION FOR VARIANCE:** An Application for Variance submitted by Randy Keith for property located at 111 East 15<sup>th</sup> Street was presented for Board consideration. Brecks explained that Keith would like to replace the old garage on the property but current setbacks cause a hardship due to the layout of the property. Keith is requesting a rear yard setback of 3 feet instead of the 7 feet per city code. Following discussion, moved by Knapple, seconded by Zeigler, to allow the requested

variance as presented. Roll call. Voting “aye” were Bennett, Zeigler, 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