

MCCOOK CITY COUNCIL

REGULAR MEETING

**Monday, September 28, 2026
5:30 PM - City Council Chambers**

Call to Order and Roll Call.

Open Meetings Act Announcement.

Items

1. Approve the minutes of the July 27, 2026 regular Board of Zoning Adjustment meeting.
2. Public Hearings and Regular Agenda.
 - A. Public Hearing - request for a variance of the front yard setback requirements from 25' to 15' in Industrial Heavy District (IH), property located at 109 South Street, applicant: Maris General Construction.
 1. Close Public Hearing.
 - B. Consider a request for a variance of the front yard setback requirements in an Industrial Heavy District, from 25' to 15', property located at 109 South Street; and that the applicant has satisfactorily demonstrated that the variance criteria have been met.
 - C. Public Hearing - request for a variance of the front yard setback requirements in the Residential Medium Density District (RM), from 20' to 0' and side yard setback requirements, from 6' to 3' on property located at 305 East K Street, applicant: Elza and Lea Ann Doak.
 1. Close Public Hearing.
 - D. Consider a request for a variance of the front yard setback requirements in the Residential Medium Density District (RM), from 20' to 0' and side yard setback requirements, from 6' to 3' on property located at 305 East K Street, applicant: Elza and Lea Ann Doak, and that the applicant has satisfactorily demonstrated that the variance criteria have been met.

Adjournment.

CITY MANAGER'S REPORT
SEPTEMBER 28, 2026 BOARD OF ZONING ADJUSTMENT MEETING

ITEM: **1.**

Approve the minutes of the July 27, 2026 Board of Zoning Adjustment meeting.

BACKGROUND:

Receive and approve the minutes.

FISCAL
IMPACT: None.

APPROVALS:



Lea Ann Doak, City Clerk

September 23, 2026

Board of Zoning Adjustment
July 27, 2026
5:30 P.M.

A MEETING OF THE BOARD OF ZONING ADJUSTMENT OF THE CITY OF MCCOOK, NEBRASKA convened in open, regular, and public session at 5:30 o'clock P.M. in the City Council Chambers.

Present: Chair Jerry Reitz; Vice Chair Tammie Hilker; Board members Dave Winder, Greg Larson, Ryan Moore.

Absent: None.

City Officials present: City Manager Nate Schneider, City Attorney Nate Mustion, City Clerk Lea Ann Doak, Assistant City Manager Tera Koetter, Building Inspector Mooney.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on July 23, 2026, the designated method of giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to all members of the Board of Zoning Adjustment. Availability of the agenda was communicated in the advance notice. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

Chair Reitz announced that a copy of the Open Meetings Act is on the information table by the entrance to the Council Chambers and available for public review.

1. Approve the minutes of the September 22, 2025 regular Board of Zoning Adjustment meeting.

Motion to approve the minutes of the September 22, 2025 regular Board of Zoning Adjustment meeting. This motion, made by Greg Larson and seconded by Tammie Hilker, passed.

Jerry Reitz: YEA, Dave Winder: ABSTAIN (was not Board member at the September 22, 2025 meeting), Tammie Hilker: YEA, Greg Larson: YEA, Ryan Moore: YEA

YEA: 4, NAY: 0, ABSTAIN: 1

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - request for a variance of the side yard setback requirements from 10' to 0' in the Residential Medium Density District (IL), property located at 508 Apollo, applicant: Lance & Denise Gillen.

Motion to recess and convene a public hearing for the purpose of receiving public comment on the request for a variance of the side yard setback requirements from 10' to 0' in the Residential Medium Density District (IL), property located at 508 Apollo, applicant: Lance & Denise Gillen. with the

City Attorney to act as hearing officer. This motion, made by Jerry Reitz and seconded by Tammie Hilker, passed.

Jerry Reitz: YEA, Dave Winder: YEA, Tammie Hilker: YEA, Greg Larson: YEA, Ryan Moore: YEA

YEA: 5, NAY: 0

The City Attorney offered and received into evidence Exhibit #1 - City Manager's Report prepared for the July 27, 2026 Board of Zoning Adjustment meeting (1 page); Exhibit #2 - Notice of Public Hearing (1 page); Exhibit #3 - Variance Application and attachments (4 pages); Exhibit #4 - Adjacent Property Owner Certification (1 page); Exhibit #5 - Beacon, Red Willow County, map of area (1 page); Exhibit #6 - Findings and Determinations of the Board of Zoning Adjustment (4 pages); and Exhibit #7 - copy of Article 25 - Board of Zoning Adjustment of the McCook Zoning Ordinance (3 pages).

City Manager Schneider reviewed the information presented in Exhibit #1.

Building Official Mooney noted that the lots on Apollo are shallower, making it more difficult to meet rear yard setback requirements.

Reitz questioned if there is a utility easement in the right-of-way, if so can the Board approve a variance for the easement.

Winder stated he had contacted Jeff Peterson at Nebraska Public Power and they have rules regarding clearance - horizontal is 7.5' measured from the cross arm to the structure and a vertical clearance of 12.5' to 14.5' measured to the roofs.

The applicants, Lance and Denise Gillen were present to answer questions from the Board.

Discussion was held by the Board.

It was the consensus of the board to postpone consideration to allow the applicants to contact NPPD to clarify the requirements and possible exceptions from NPPD, and revise their application if necessary.

There being no one else present to comment, I move to adjourn the public hearing and to reconvene as the Board of Zoning Adjustment. This motion, made by Jerry Reitz and seconded by Tammie Hilker, passed.

Jerry Reitz: YEA, Dave Winder: YEA, Tammie Hilker: YEA, Greg Larson: YEA, Ryan Moore: YEA

YEA: 5, NAY: 0

- 2.B. Consider a request for a variance of the side yard setback requirements from 10' to 0' in a Residential Medium Density District (RM), property located at 508 Apollo; applicant: Lance and Denise Gillen; and that the applicant has satisfactorily demonstrated that the variance criteria have been met.

Motion to postpone until a definite date and time, that being August 4, 2026 at 12:00 P.M. This motion, made by Jerry Reitz and seconded by Greg Larson, passed.

Jerry Reitz: YEA, Dave Winder: YEA, Tammie Hilker: YEA, Greg Larson: YEA, Ryan Moore: YEA

YEA: 5, NAY: 0

Adjournment.

There being no further business to come before the Board, Chair Reitz declared the meeting adjourned at 6:13 P.M.

Lea Doak, City Clerk-Treasurer
and Recording Secretary

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

**CITY MANAGER'S REPORT
SEPTEMBER 28, 2026 BOARD OF ZONING ADJUSTMENT MEETING**

Item A **2.A.** Public Hearing – request for a variance of the front yard setback requirements in an Industrial Heavy District (IH) (109 South Street), from 25 feet to 15 feet; applicant: Maris General Construction.

Item B **2.B.** Consider a request for a variance of the front yard setback requirements in an Industrial Heavy District (IH) (109 South Street), from 25 feet to 15 feet.

BACKGROUND:

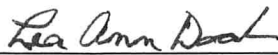
A variance application has been submitted by Maris General Construction. The applicant requests a variance of the front yard setback requirement from 25 feet to 15 feet in an Industrial Heavy District (IH). The applicants would like to build a garage on the southwest portion of their property at 109 South Street. Entry to the garage would come from the existing ingress/egress driveway. No new driveway would be necessary. The property at issue sits above the grade of South Street.

Staff reviewed the application in conjunction with the established criteria for variance requests. The applicants' property is uniquely shaped, as illustrated in the application. Applicants considered building a garage in the northern portion of their lot, but cannot due to a powerline that runs from South Street through the northern section of their lot. Upon inquiry of NPPD, NPPD stated that any structure must be 20 feet removed from the powerline.

Because of the powerline, the applicant moved their preferred garage location to the western portion of the lot. NPPD requires an easement between the existing building located to the west of the main office and the proposed garage. Due to NPPD's need for an easement, the applicant needs to move the garage closer to the property line adjacent to South Street. This is the reason for the variance request.

Please see the application for further explanation from the applicants.

APPROVALS:



Lea Ann Doak, City Clerk

September 23, 2026



Nathan A. Schneider, City Manager

September 23, 2026



Barry Mooney, Building Inspector

September 23, 2026

EXHIBIT #1

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NOTICE OF HEARING

**REQUEST FOR
VARIANCE**

NOTICE IS HEREBY GIVEN that the duly appointed Board of Zoning Adjustment of the City of McCook, Nebraska, will hold a public hearing in the McCook City Council Chambers, 505 West "C" Street, at 5:30 P.M. on September 28, 2026.

Said hearing is for the purpose of presenting a request for a variance of the front yard setback requirement from 25' to 15', in the Industrial Heavy (IH). APPLICANT AND LAND OWNER: Maris General Construction. LEGAL: Miscellaneous McCook 29-3-29 Part of the SW/4SW, 2.19 acres, in the City of McCook, Red Willow County, Nebraska. ADDRESS: 109 South Street, McCook, Nebraska.

ANY AND ALL PERSONS desiring to comment on the above-described request will be given an opportunity to be heard. Please direct all inquiries to Nate Schneider, McCook City Manager at 308-345-2022 ext. 225.

-s- Lea Ann Doak
City Clerk

Publish: September 24, 2026.

EXHIBIT #2

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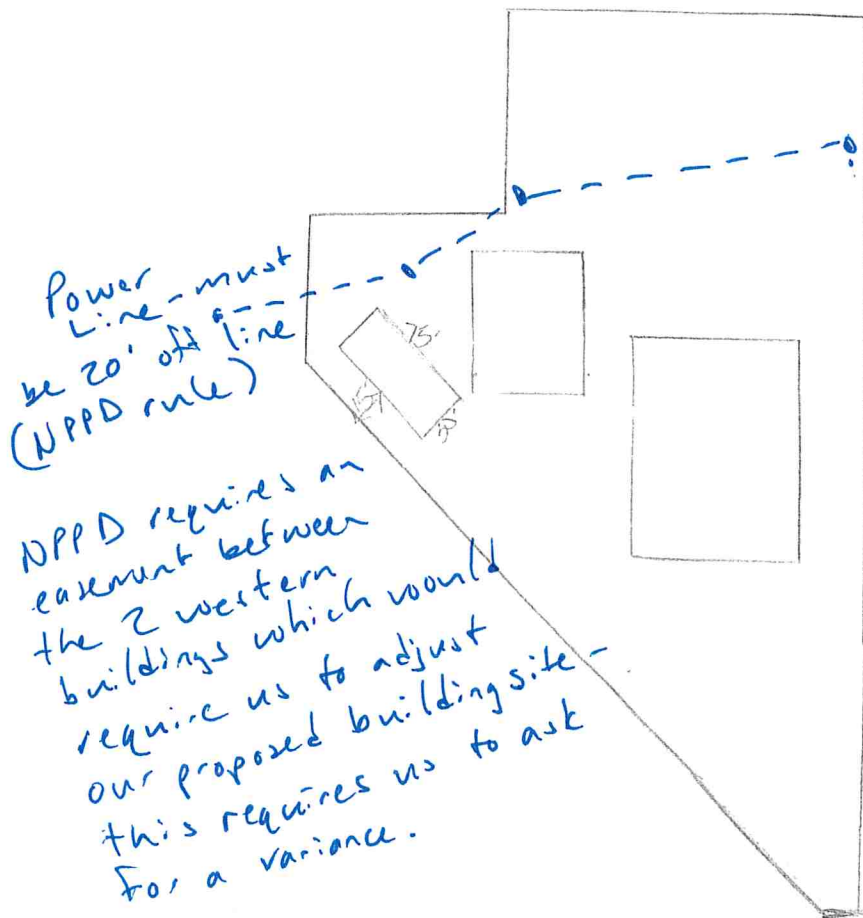
VARIANCE APPLICATION

APPLICATION NO. _____ DATE: 9/21/26
FEE ATTACHED: _____
APPLICATION COMPLETE: App. complete SIGNED: Chris Applicant

1. Applicant's Name: Maris General Construction
2. Applicant's Address: 109 South Street Phone: (308) 345-5503
Email Address: _____
3. Address of Property Affected: 109 South Street
4. Legal Description of Property: ~~An irregular tract of land in the~~
see attachments
5. Zoning IH Corner Lot? Yes _____ No X
6. Applicant's interest in the Property (i.e. owner, tenant), attached proof of ownership:
see attachments (owner)
7. Description of variance requested: (Example: Variance of side lot set back requirement from 5 feet to 3 feet). Front yard set back is 25' to 15'
8. Sections of Zoning Ordinance No. 2016-2929 which are affected (to be completed by staff)
ARTICLE: 17
SECTION: 1707

9. Draw the general area of your property and structure (existing and proposed) and adjacent properties and structures. (Not to scale).

N
W E
S



The Applicant must provide proof that the following criteria are met regarding the parcel of property for which the variance is being requested:

1. Referring to the specific parcel of property,

- a) the parcel of property is exceptionally narrow;
- b) the parcel of property is exceptionally shallow; or
- c) the shape of the parcel of property is exceptional.

OR

- d) the parcel of property has exceptional topographic conditions; or
- e) the parcel of property has other exceptional or extraordinary conditions.

Powerline - NPPD

2. Strict application of the zoning ordinance would result in:

- a) peculiar and exceptional practicable difficulties to the owner; OR
- b) exceptional and undue hardships on the owner of such property.

3. Such relief may be granted without:

- a) substantial detriment to the public good; AND
- b) without substantially impairing the intent and purpose of the ordinance.

4. No variance shall be authorized unless the Board finds:

- a) strict application of the zoning ordinance would produce undue hardship;
- b) such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
- c) authorization of such variance will not be a substantial detriment to adjacent property and the character of the district will not be changed by granting the variance;
- d) granting the variance is based upon reason of demonstrable and exceptional hardship as distinguished from variation for purposes of convenience, profit, or caprice.

5. No variance shall be authorized if request is:

- a. of a general and recurring nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the zoning regulations. *Our request will not impact future applications of the zoning ordinance.*

Please provide documentation of the above, such as maps, photographs, or other evidence to substantiate your application.

THE BOARD MUST FIND THAT ALL OF THE ABOVE REQUIREMENTS ARE MET BY THE APPLICANT BY A CONCURRING VOTE OF FOUR MEMBERS OF THE BOARD.

APPLICANT DECLARATIONS

1. The following special conditions or circumstances exist on the land which pose an undue hardship on the applicant: (Describe conditions and circumstances.)

Due to the irregular shape of the tract where the building is wanting to be built, it cannot meet the front setback distance. The property is home to NPPD lines that restrict our ability to expand to the north. NPPD has an access easement between our current out-building & proposed out-building, which is the main reason for a variance. The variance request is due to factors outside our control.

2. Please state the minimum variance necessary to permit the proposed construction

Needing to go from the 25' set back to the 15'.

3. Without the granting of this variance the applicant would suffer a hardship not suffered by other properties located in the same zoning district and same vicinity.

☒ Yes

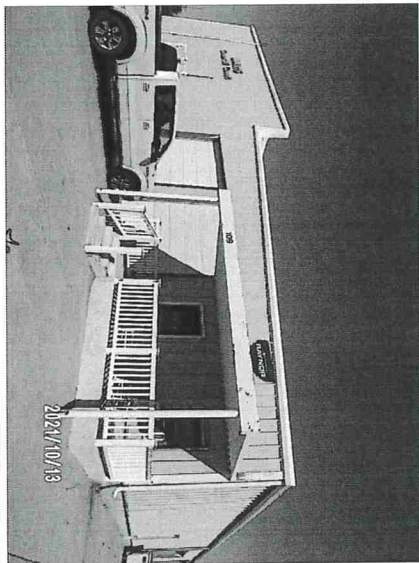
☐ No

4. The granting of the variance will not adversely affect the rights of the adjacent property owners or residents nor will it confer upon the applicant any special privilege denied by the Zoning Ordinance. ☒ Yes ☐ No

(Attach approval certifications from adjacent property owners.)

5. The variance will not adversely affect the public health, safety, morals, order, convenience or welfare. ☐ Yes ☒ No

Parcel ID 001431000 (9084)
Card File
PAD Class Code 01-03-00-01-04-05
State GEO 4281-00-0-00000-000-0000
Owner
MARIS/GERALD
D/B/A MARIS GEN CONSTRUCTION
109 SOUTH ST
MCCOOK, NE 69001-4004
Situs
109 SOUTH STREET MCCOOK NE 69001
Neighborhood 9010 - COMM SOUTH MCCOOK
District 80 - 17M
Legal
MISC MCCOOK 29-3-29 PT SW/4SW 2.19 ACRES

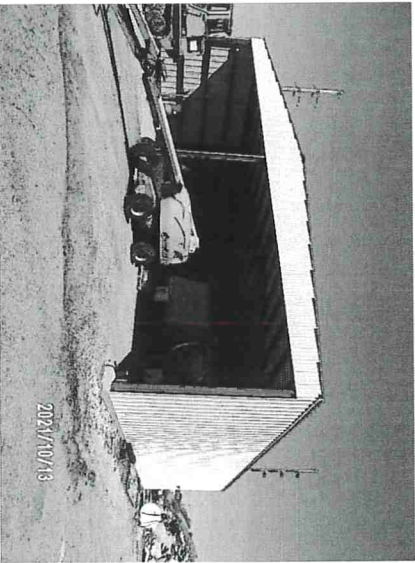


Primary Image Information
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Description 100_0007.JPG

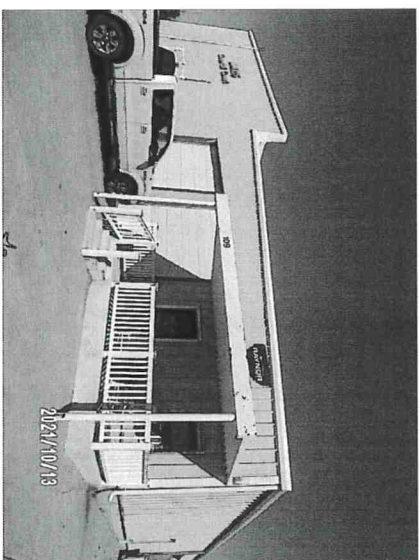
Property Valuation
Valuation Method Cost Approach
Outbuildings 239,804
Land/Lot 37,055
Total 276,859 19.43/SqFt
Lot Information
Lot Size 95396.4
Valuation Model 9010
Valuation Method 02 Square Ft
Lot Value 37,055

Marshall & Swift Cost Approach (01/2021)
Total Building Area 14,248
Total Base Value 340,653
Modifier Value 0
Misc Improvements 4,134
Replacement Cost New 344,787
Phys/Func Depreciation Loss (108,295)
RCN Less Phys/Func 236,492
Economic Depreciation 0.0%
RCNLD 236,492
Depreciated Improvements 0
Outbuilding Value 3,312
Total Outbuildings Value 239,804
Land Value 37,055
Total Appraised Value 276,859 19.43/SqFt

Income Approach
Potential Gross Income (PGI) 0
Vacancy & Collection Loss 0
Vacancy & Collection Percent 0.00%
Miscellaneous Income 0
Effective Gross Income (EGI) 0
Total Expenses 0
Total Expenses Percent 0.00%
Net Operating Income (NOI) 0
Income Capitalization Rate 0.00
Indicated Value 0

Parcel ID 001431000 (9084) Card File PAD Class Code 01-03-00-01-04-05 State GEO 4281-00-0-00000-000-0000 Owner MARIS/GERALD D/B/A MARIS GEN CONSTRUCTION 109 SOUTH ST MCCOOK, NE 69001-4004 Situs 109 SOUTH STREET MCCOOK NE 69001 Neighborhood 9010 - COMM SOUTH MCCOOK District 80 - 17M Legal MISC MCCOOK 29-3-29 PT SW/4SW 2.19 ACRES			
Building Data Building ID 2 Sequence 2 Occupancy 1 472 - Equipment Shed 100 % Occupancy 2 Occupancy 3 Total Floor Area 3,300 Average Perimeter 230 Number of Stories 1 Average Wall Height 16.00 Year Built 2015 Effective Age 8		Building Image Information Image ID 12 Image Date 08/15/2022 File Name 100_0012.jpg Description 100_0012.JPG	
Construction Class S - Metal frame and walls Rank 1.00 - Low Condition 3.00 - Average Exterior Wall 100 % - Single -Metal on Steel Frame Heating/Cooling 100 % - No HVAC Roof Type Flat Roof Cover Metal		Marshall & Swift Cost Approach Appraisal Zone 9000 Zone Description COMMERCIAL Manual Date (01/2021) Base Cost 11.86 Wall Cost 4.68 HVAC Cost 0.00 Basement Cost 0.00 Total Base Cost 16.54 Total Area 3,300 Base Value 54,582 Misc Improvements 0 Modifier Value 0 Replacement Cost New 54,582 Physical Depreciation 7.0% Functional Depreciation 0.0% Depreciation Loss (7.0%) 3,821 Depreciated Improvements 0 RCNLD 50,761	
Basement Area Basement Levels 0 Basement Finish 0 Finish Code - 1 Finish Area - 1 0 Finish Code - 2 Finish Area - 2 0			

Parcel ID 001431000 (9084)
Card File
PAD Class Code 01-03-00-01-04-05
State GEO 4281-00-0-00000-000-0000
Owner
MARIS/GERALD
D/B/A MARIS GEN CONSTRUCTION
109 SOUTH ST
MCCOOK, NE 69001-4004
Situs
109 SOUTH STREET MCCOOK NE 69001
Neighborhood 9010 - COMM SOUTH MCCOOK
District 80 - 17M
Legal
MISC MCCOOK 29-3-29 PT SW/4SW 2.19 ACRES



Building Image Information
Image ID 7
Image Date 08/15/2022
File Name 100_0007.jpg
Description 100_0007.JPG

Marshall & Swift Cost Approach			
Appraisal Zone	9000		
Zone Description	COMMERCIAL		
Manual Date	(01/2021)		
Base Cost	12.32		
Wall Cost	11.49		
HVAC Cost	2.32		
Basement Cost	0.00		
Total Base Cost	26.13		
Total Area	10,948		
Base Value	286,071		
Misc Improvements	4,134		
Modifer Value	0		
Replacement Cost New	290,205		
Physical Depreciation	36.0%		
Functional Depreciation	0.0%		
Depreciation Loss (36.0%)	104,474		
Depreciated Improvements	0		
RCNLD	185,731		

Building Data			
Building ID	3	Construction Class	S - Metal frame and walls
Sequence	0	Rank	2.00 - Average
Occupancy 1	471 - Lt. Commercial Utility Build. 100 %	Condition	3.00 - Average
Occupancy 2		Exterior Wall	66 % - Single -Metal on Steel Frame
Occupancy 3			34 % - Brick, Solid
Total Floor Area	10,948	Heating/Cooling	100 % - Space Heater
Average Perimeter	422	Roof Type	Flat
Number of Stories	1	Roof Cover	Membrane
Average Wall Height	14.00		
Year Built	1980		
Effective Age	43		

Code	Description	Year In Size	Units	Unit Cost	Depreciation	Value
RPS	Raised Slab Porch with Roof	0 144	144	28.71	0.0%	4,134
Total Miscellaneous Improvements Value						4,134



NEBRASKA • COUNTY • SOFTWARE

(9084)

1

PAD Class Code 01-03-00-01-04-05

State GEO 4281-00-0-00000-000-0000

Owner

MARIS/GERALD

D/B/A MARIS G
109 SOUTH ST

103 30011131
MCCOOK. NE 69001-4004

Situs

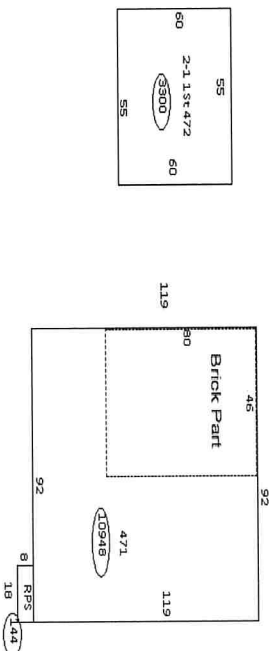
109 SOUTH STREET MCCOOK NE 69001

Neighborhood 9010 - COMM SOUTH MCCOOK

District 80 - 17M

Legal

MISC MCCOOK 29-3-29 PT SW/4SW 2.19 ACRES



Seq	Description	Class	Qual	Cond	Year	Eff Age	Dimensions	Floor	Roofing	Total Units	Valuation Summary
1	PAVC - PAVING, CONCRETE Building Components		3.00	0.00	0	0				6,842 Unit Cost (2.42 x 6,842)	16,558
										Components Total	0
										Replacement Cost	16,558
										Depr (Phys 80.0%, Funcn 0.0%) RCNLD	13,246
										RCNLD	3,312
										Outbuildings Total	3,312



BeaconTM

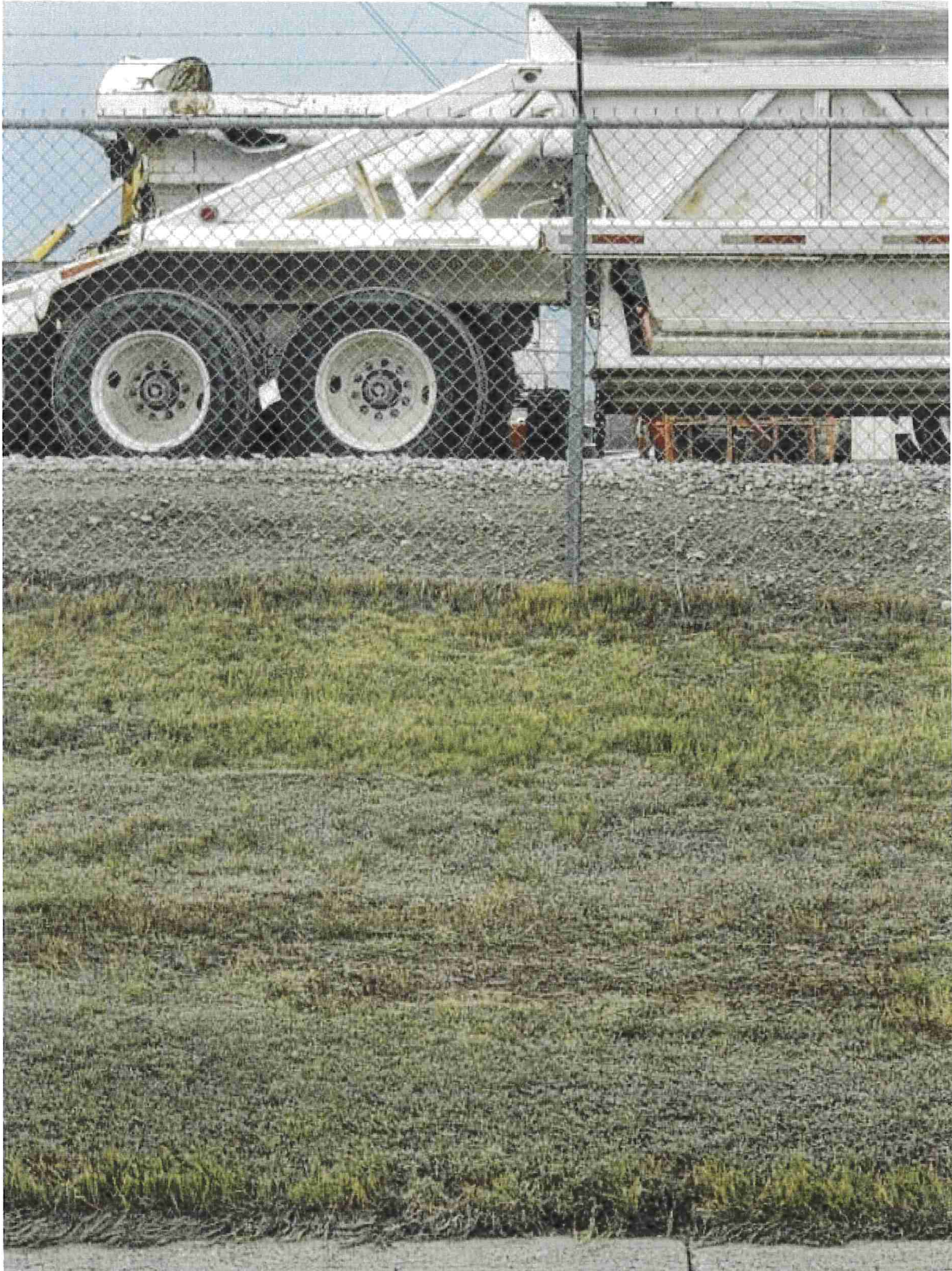
Red Willow County, NE

- ☐ Parcels
- ☐ Parcel Numbers
- ☐ USA Major Highways
- ☐ Highway
- ☐ Major Road
- ☐ Local Road
- ☐ Railroads
- ☐ County Boundaries
- ☐ Red Willow
- ☐ Surrounding Counties
- ☐ State Outlines
- ☐ City_Low

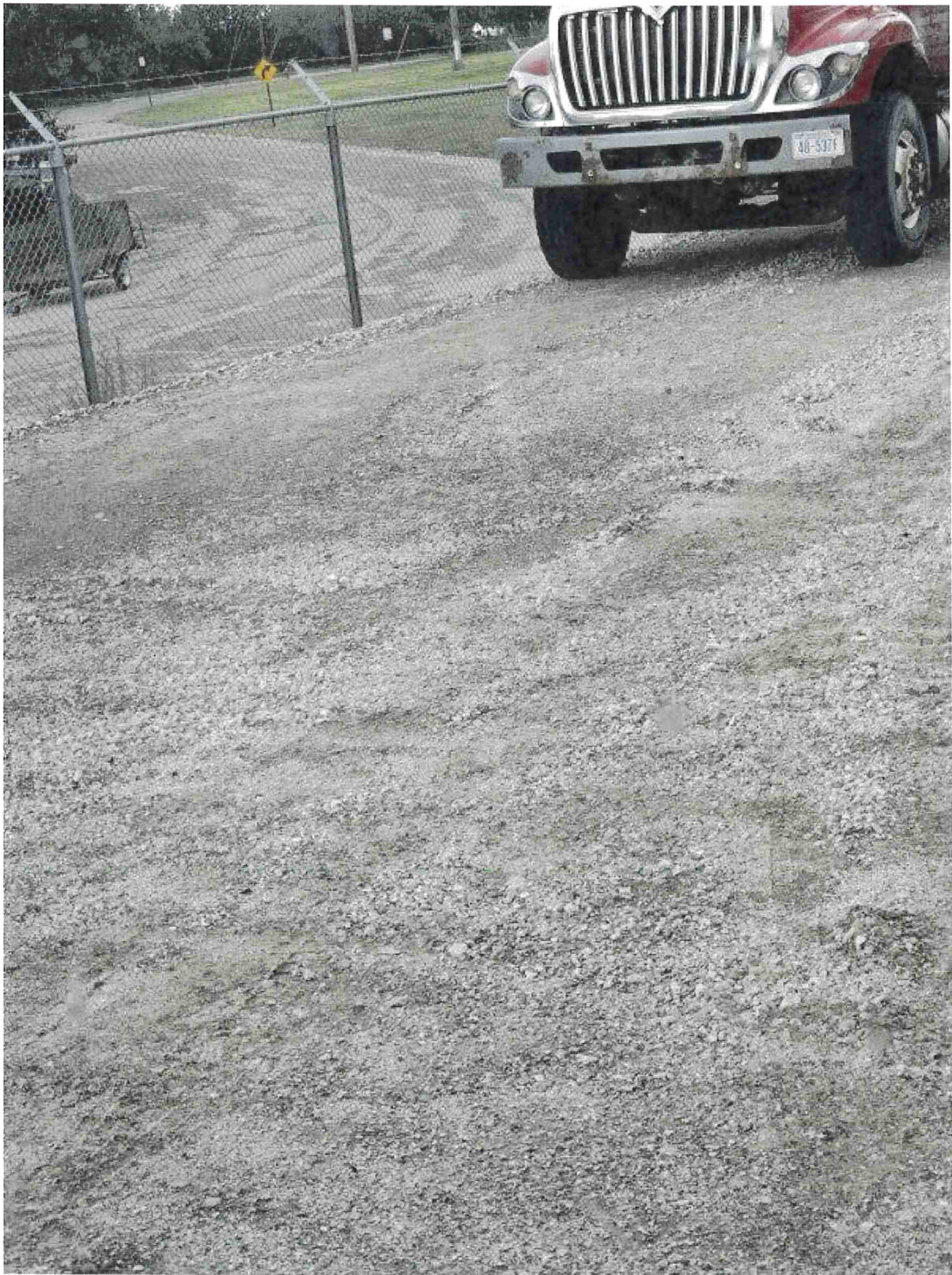














ADJACENT PROPERTY OWNER CERTIFICATION

I, M John Bender, own the property adjacent to that for which this variance is requested. I hereby certify that I do not have any objection to or reservations about the granting of the variance requested.

SIGNED: M John Bender

ADDRESS: PO Box 578 Imperial, NE
for Frenchman Valley Farmers Coop 681033

ADJACENT PROPERTY OWNER CERTIFICATION

I, _____, own the property adjacent to that for which this variance is requested. I hereby certify that I do not have any objection to or reservations about the granting of the variance requested.

SIGNED: _____

ADDRESS: _____

ADJACENT PROPERTY OWNER CERTIFICATION

I, _____, own the property adjacent to that for which this variance is requested. I hereby certify that I do not have any objection to or reservations about the granting of the variance requested.

SIGNED: _____

ADDRESS: _____

**FINDINGS AND DETERMINATIONS OF
MCCOOK BOARD OF ZONING ADJUSTMENT**

DATE: _____

SIGNED: _____
Chairman

VARIANCE CRITERIA

JUSTIFIES VARIANCE

	<u>YES</u>	<u>NO</u>
1. Referring to the specific parcel of property,		
a) the parcel of property is exceptionally narrow;	_____	_____
b) the parcel of property is exceptionally shallow; <u>or</u>	_____	_____
c) the shape of the parcel of property is exceptional.	_____	_____
OR		
d) the parcel of property has exceptional topographic conditions; <u>or</u>	_____	_____
e) the parcel of property has other exceptional or extraordinary conditions.	_____	_____
2. Strict application of the zoning ordinance would result in:		
a) peculiar and exceptional practicable difficulties to the owner; OR	_____	_____
b) exceptional and undue hardships on the owner of such property.	_____	_____
3. Such relief may be granted without:		
a) substantial detriment to the public good; AND	_____	_____
b) without substantially impairing the intent and purpose of the ordinance.	_____	_____
4. No variance shall be authorized unless the Board finds:		
a) The strict application of the provisions of the Zoning Ordinance would produce an undue hardship on the applicant.	_____	_____

EXHIBIT #5

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- | | | |
|--|-------|-------|
| b) Such hardship is not generally shared by other properties in the same zoning district and in the same vicinity. | _____ | _____ |
| c) The granting of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed. | _____ | _____ |
| d) The variance request is based upon reasons of demonstrable and exceptional hardship as distinguished from convenience, profit or caprice. | _____ | _____ |
| 5. The variance requested is not so general or of re-occurring nature that it might more reasonably be addressed through a change in the Zoning Regulations. | _____ | _____ |
| 6. The applicant has filed a proper and complete application. | _____ | _____ |
| 7. Application for a variance submitted must demonstrate the following: | | |
| A. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not found in the same zoning district and which were not created by an action of the property owner or the applicant; | _____ | _____ |
| B. The reduction of the minimum requirements of this Ordinance which would be necessary to permit the proposed use or construction; | _____ | _____ |
| C. The literal interpretation of the provision of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance; | _____ | _____ |
| D. The granting of the variance will not adversely affect the rights of adjacent property owners or residents nor will it confer upon the applicant any special privilege denied by this Ordinance to other land or structures in the same district; | _____ | _____ |
| E. The variance will not adversely affect the public health, safety, morals, order, convenience or welfare; | _____ | _____ |
| F. The variance requested is the minimum variance that will make possible the reasonable use of the land or structure; | _____ | _____ |
| G. Granting the variance requested will not be opposed to the general spirit and intent of this Ordinance. | _____ | _____ |
| 8. The notice of meeting appeared in the paper and applicants and other parties of interest have been sent written notice of the meeting at which a hearing on the variance request is being considered. | _____ | _____ |

9. The variance requested does not allow a use not permissible under the Zoning Ordinance in the district in which it is presently located.

ARTICLE 25

BOARD OF ZONING ADJUSTMENT

Article 25 - Board of Zoning Adjustment

Section 2501. Creation, Members, Meetings, Rules.¹ There is hereby established a Board of Zoning Adjustment. The word BOARD, when used in this Zoning Ordinance, shall be construed to mean the Board of Zoning Adjustment. The Board of Zoning Adjustment is appointed by the City Council and shall consist of five (5) regular members, plus one (1) additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason.

One (1) member only of the City Board of Zoning Adjustment shall be appointed by the City Council from membership of the Planning Commission and the loss of membership on the Planning Commission by such member shall also result in the immediate loss of membership on the Board of Zoning Adjustment and the appointment of another Planning Commissioner to the Board of Zoning Adjustment. One (1) member of the board of adjustment shall reside outside of the corporate boundaries of the City but within its extraterritorial zoning jurisdiction.

The members appointed shall serve for terms of three (3) years and be removable for cause by the City Council upon written charges and after public hearing. Vacancies shall be filled by appointment for the unexpired term.

The Board of Zoning Adjustment shall annually in October elect one of its members as Chairperson, another as Vice-Chairperson, who shall act as Chairperson in the Chairperson's absence, and appoint a Secretary, who may be an officer or an employee of the City. Each shall serve until his or her successor has been selected. The presence of four (4) members of the Board shall be necessary to constitute a quorum.

All meetings of the Board shall be open to the public. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, if absent or failing to vote, indicating the fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. The Board shall adopt from time to time any rules and regulations as it may deem necessary, to carry the appropriate provisions of this Zoning Ordinance into effect and all of its resolutions and order shall be in accordance therewith.

Section 2502. Appeals to Board, Record of Appeal, Hearing and Stays. Appeals to the Board of Zoning Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Zoning Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Zoning Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Zoning Adjustment or by a court of record on application of notice to the officer from whom the appeal is taken and on due cause shown.

¹Revised September 18, 2017 - Ordinance No. 2017-2951

The Board of Zoning Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

Section 2503. Powers and Jurisdiction Relating to Administrative Review. The Board of Zoning Adjustment shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official or agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures or to interpret any map, except that the authority to hear and decide appeals shall not apply to decisions made under Article 24 of this Ordinance.

Section 2504. Powers and Jurisdiction Relating to Variances. The Board of Zoning Adjustment shall have the power, where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation under this Ordinance would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon the owner of such property, to authorize upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance.

1. No such variance shall be authorized by the Board unless it finds that the strict application of the Ordinance would product undue hardship; such hardship is not shared generally by other properties in the same zoning district and the same vicinity; 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 granting of the variance; and the granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice;
2. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this Ordinance.
3. A variance from the terms of this Ordinance shall not be granted by the Board of Zoning Adjustment unless and until a written application for a variance is submitted demonstrating the following:
 - A. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not found in the same zoning district and which were not created by an action of the property owner or the applicant;
 - B. The reduction of the minimum requirements of this Ordinance which would be necessary to permit the proposed use or construction;
 - C. The literal interpretation of the provision of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
 - D. The granting of the variance will not adversely affect the rights of adjacent property owners or residents nor will it confer upon the applicant any special privilege denied by this Ordinance to other land or structures in the same district;
 - E. The variance will not adversely affect the public health, safety, morals, order, convenience or welfare;

- F. The variance requested is the minimum variance that will make possible the reasonable use of the land or structure;
 - G. Granting the variance requested will not be opposed to the general spirit and intent of this Ordinance.
- 4. No non-conforming use of neighboring lands, structures or buildings in the same district, and no permitted structures or buildings in other districts shall be considered grounds for the issuance of variance;
 - 5. Notice of public hearing shall be given as in Section 2502 above; the public hearing shall be held; any party may appear in person, or by agent or by attorney; the Board of Zoning Adjustment shall make findings that the requirements of this section have been met by the applicant for a variance; the Board shall further make a finding that the reasons set forth in the application justify the granting of the variance; the Board shall further make a finding that the reasons set forth in the application justify the granting of the variance; and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure; the Board shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare;
 - 6. In granting any variance, the Board of Zoning Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 2702 of this Ordinance;
 - 7. Under no circumstance shall the Board of Zoning Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

Section 2505. Board has Powers of Administrative Officer on Appeals; Reversing Decision of Administrative Officer. In exercising the above-mentioned powers, the Board of Zoning Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to affect any variation in this Ordinance.

Section 2506. Appeals to District Court. Any person or person, jointly or severally, aggrieved by any decision of the Board of Zoning Adjustment, may appeal as provided by Section 19-912 Neb. Rev. Stat., 1943.

**CITY MANAGER'S REPORT
SEPTEMBER 28, 2026 BOARD OF ZONING ADJUSTMENT MEETING**

Item A **2.C.** Public Hearing – request for a variance of the front yard setback requirements in the Residential Medium Density District (RM) (305 East K Street), from 20 feet to 0 feet and side yard setback requirements, from 6 feet to 3 feet; applicants: Elza and Lea Ann Doak.

Item B **2.D.** Consider a request for a variance of the front yard setback requirements in the Residential Medium Density District (RM) (305 East K Street), from 20 feet to 0 feet and side yard setback requirements, from 6 feet to 3 feet.

BACKGROUND:

A variance application has been submitted by Elza and Lea Ann Doak. The applicant requests a variance of the front yard setback requirement from 20 feet to 0 feet in the Residential Medium Density District (RM). The applicants would like to build a carport on the south portion of their property at 305 East K Street. Entry to the carport would come from the existing driveway and said carport would sit adjacent to the attached carport.

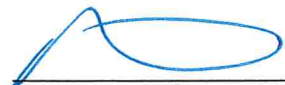
Staff reviewed the application in conjunction with the established criteria for variance requests. The applicants' property is not uniquely shaped, but is subject to an extraordinary condition, that being a 10-foot alley with 8 feet of drivable concrete which is the only way to access the lot's backyard. Staff drove the alley, and the access to the rear yard is extremely tight, a feature not shared by most properties that sit adjacent to a standard 20-foot alley. The other issue at play in the backyard is there is a power pole and guy wires along the alley which limit access to the east side of the lot's backyard, making the 20-foot portion of alley on the north side of the lot moot.

Please see the application for further explanation from the applicants.

APPROVALS:

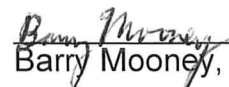
Lea Ann Doak, City Clerk

September 23, 2026



Nathan A. Schneider, City Manager

September 23, 2026



Barry Mooney, Building Inspector

September 23, 2026

EXHIBIT #1

PAGE(S) - 1

NOTICE OF HEARING

REQUEST FOR VARIANCE

NOTICE IS HEREBY GIVEN that the duly appointed Board of Zoning Adjustment of the City of McCook, Nebraska, will hold a public hearing in the McCook City Council Chambers, 505 West "C" Street, at 5:30 P.M. on September 28, 2026.

Said hearing is for the purpose of presenting a request for a variance of the side yard setback requirement from 6' to 3'6" and to encroach on the entire 20' front yard setback, in the Residential Medium Density (RM) District. APPLICANT AND LAND OWNER: Elza and Lea Ann Doak. LEGAL: Hillcrest Addition, East 55' of Lot 6, Block 20, all in the City of McCook, Red Willow County, Nebraska. ADDRESS: 305 East "K" Street, McCook, Nebraska.

ANY AND ALL PERSONS desiring to comment on the above-described request will be given an opportunity to be heard. Please direct all inquiries to Nate Schneider, McCook City Manager at 308-345-2022 ext. 225.

-s- Lea Ann Doak
City Clerk

Publish: September 24, 2026.

EXHIBIT #2

PAGE(S) - 1

VARIANCE APPLICATION

APPLICATION NO. _____ DATE: 9/14/26
FEE ATTACHED: _____
APPLICATION COMPLETE: _____ SIGNED: [Signature]
Applicant

1. Applicant's Name: Elza & LeaAnn Doak
2. Applicant's Address: 305 EK Phone: 340 0126
Email Address: edoak1949@gmail.com
3. Address of Property Affected: 305 EK
4. Legal Description of Property: Hillcrest Addition - East 55'
of Lot 6, Block 20
5. Zoning RM Corner Lot? Yes _____ No X
6. Applicant's interest in the Property (i.e. owner, tenant), attached proof of ownership:
Owner
7. Description of variance requested: (Example: Variance of side lot set back requirement from 5 feet to 3 feet). Side yard set back from 6' to
3' 6" and encroach on entire 20' front yard
setback to construct 20' x 20' carport.
Neither carport or vehicles will obstruct sidewalk.
8. Sections of Zoning Ordinance No. 2016-2929 which are affected (to be completed by staff)
ARTICLE: _____
SECTION: _____

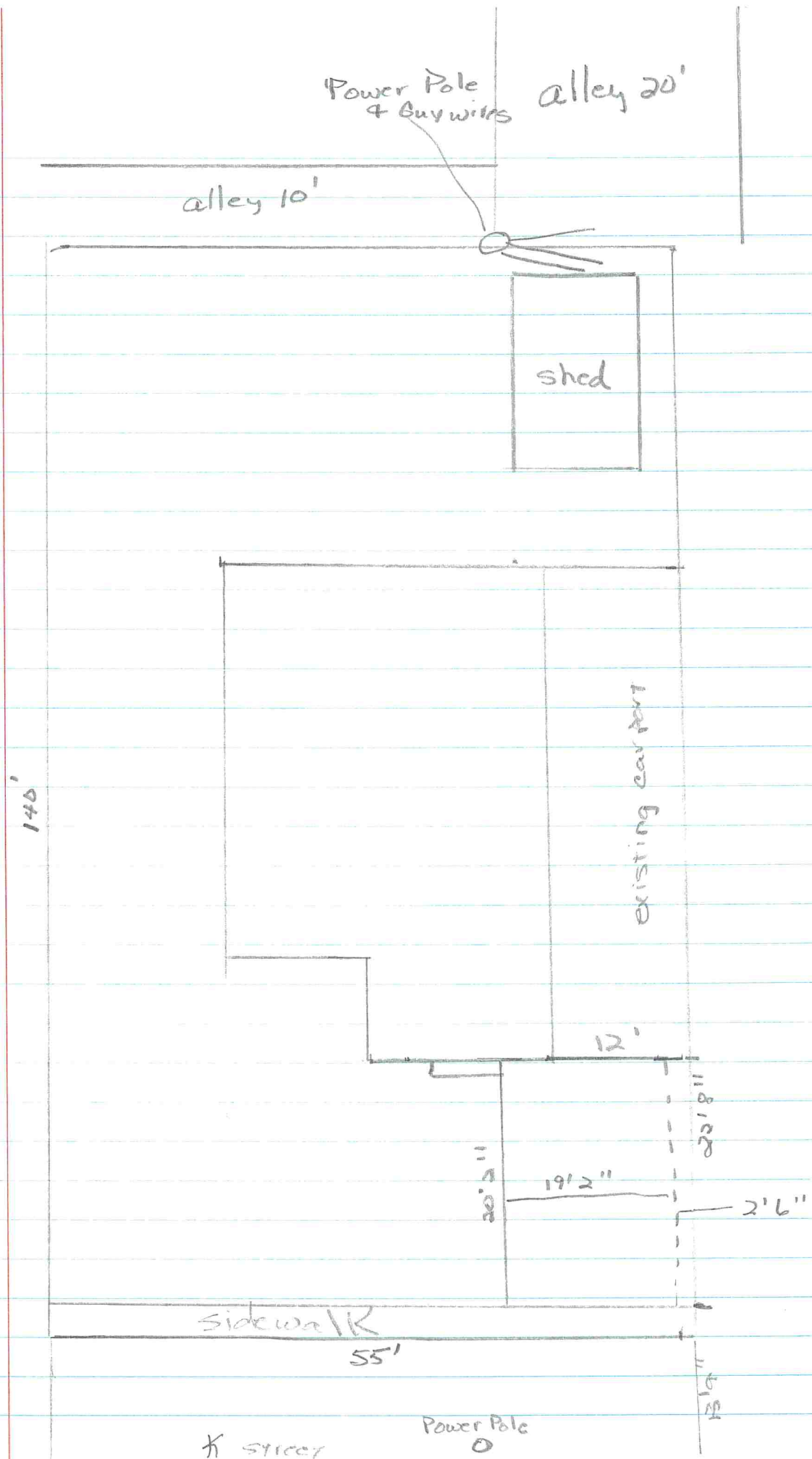
Article 21
Section 2103

EXHIBIT #3

PAGE(S) - 8

9. Draw the general area of your property and structure (existing and proposed) and adjacent properties and structures. (Not to scale).

N
W E
S



The Applicant must provide proof that the following criteria are met regarding the parcel of property for which the variance is being requested:

1. Referring to the specific parcel of property,

- a) the parcel of property is exceptionally narrow;
- b) the parcel of property is exceptionally shallow; or
- c) the shape of the parcel of property is exceptional.

OR

- d) the parcel of property has exceptional topographic conditions; or
- e) the parcel of property has other exceptional or extraordinary conditions.

2. Strict application of the zoning ordinance would result in:

- a. peculiar and exceptional practicable difficulties to the owner; OR
- b.) exceptional and undue hardships on the owner of such property.

3. Such relief may be granted without:

- a.) substantial detriment to the public good; AND
- b.) without substantially impairing the intent and purpose of the ordinance.

4. No variance shall be authorized unless the Board finds:

- a.) strict application of the zoning ordinance would produce undue hardship;
- b.) such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
- c.) authorization of such variance will not be a substantial detriment to adjacent property and the character of the district will not be changed by granting the variance;
- d.) granting the variance is based upon reason of demonstrable and exceptional hardship as distinguished from variation for purposes of convenience, profit, or caprice.

5. No variance shall be authorized if request is:

- a. of a general and recurring nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the zoning regulations.

Please provide documentation of the above, such as maps, photographs, or other evidence to substantiate your application.

THE BOARD MUST FIND THAT ALL OF THE ABOVE REQUIREMENTS ARE MET BY THE APPLICANT BY A CONCURRING VOTE OF FOUR MEMBERS OF THE BOARD.

APPLICANT DECLARATIONS

1. The following special conditions or circumstances exist on the land which pose an undue hardship on the applicant: (Describe conditions and circumstances.)

Existing carport is non-conforming - sits on property line; Power pole and guy wires along alley; north/south alley is 20' and east/west alley is 10' with 8' concrete; property to west garage ~~is~~ overhang is 1' from alley and garage on north side of alley is 2' from alley easement; ~~make~~ insufficient room for vehicles to enter from east/west alley and power pole and guy wires block entrance from north/south alley

2. Please state the minimum variance necessary to permit the proposed construction

Side yard setback from 6' to 3'6" and encroach on entire 20' front yard setback

3. Without the granting of this variance the applicant would suffer a hardship not suffered by other properties located in the same zoning district and same vicinity.

X Yes No

4. The granting of the variance will not adversely affect the rights of the adjacent property owners or residents nor will it confer upon the applicant any special privilege denied by the Zoning Ordinance. X Yes No

(Attach approval certifications from adjacent property owners.)

5. The variance will not adversely affect the public health, safety, morals, order, convenience or welfare. X Yes No

Recorded August 18, 2015, 2:20 P.M.
Instrument No. 2015-01324

Recording Fees: 10.00 Pages: 1

Lana J. Richter
Register of Deeds Red Willow County, NE

NEBRASKA DOCUMENTARY STAMP TAX	
Date	08/18/15
\$	245.25 By <u>LL</u>

AFTER RECORDING RETURN TO:

McCook Abstract Company
PO Box 648
McCook, NE 69001

WARRANTY DEED

Randy C. Richter and Lana J. Richter, husband and wife, GRANTOR, in consideration of One Dollar (\$1.00) and other good and valuable consideration, conveys to GRANTEE, Elza R. Doak and Lea Ann Doak, husband and wife, as joint tenants and not as tenants in common the following described real estate (as defined in Neb. Rev. Stat. § 76-201):

East 55 feet of Lot 6, Block 20, Hillcrest Addition to the City of McCook, Red Willow County, Nebraska.

GRANTOR covenants (jointly and severally, if more than one) with GRANTEE that GRANTOR:

1. is lawfully seized of such real estate and that it is free from encumbrances, EXCEPT subject to easements, reservations, and restrictions of record;
2. has legal power and lawful authority to convey the same;
3. warrants and will defend title to the real estate against the lawful claims of all persons.

Executed: 8-17, 2015.

Randy C. Richter
Randy C. Richter

Lana J. Richter
Lana J. Richter

STATE OF Nebraska)
COUNTY OF Red Willow)

The foregoing instrument was acknowledged before me this 17 day of August, 2015 by Randy C. Richter and Lana J. Richter, husband and wife.

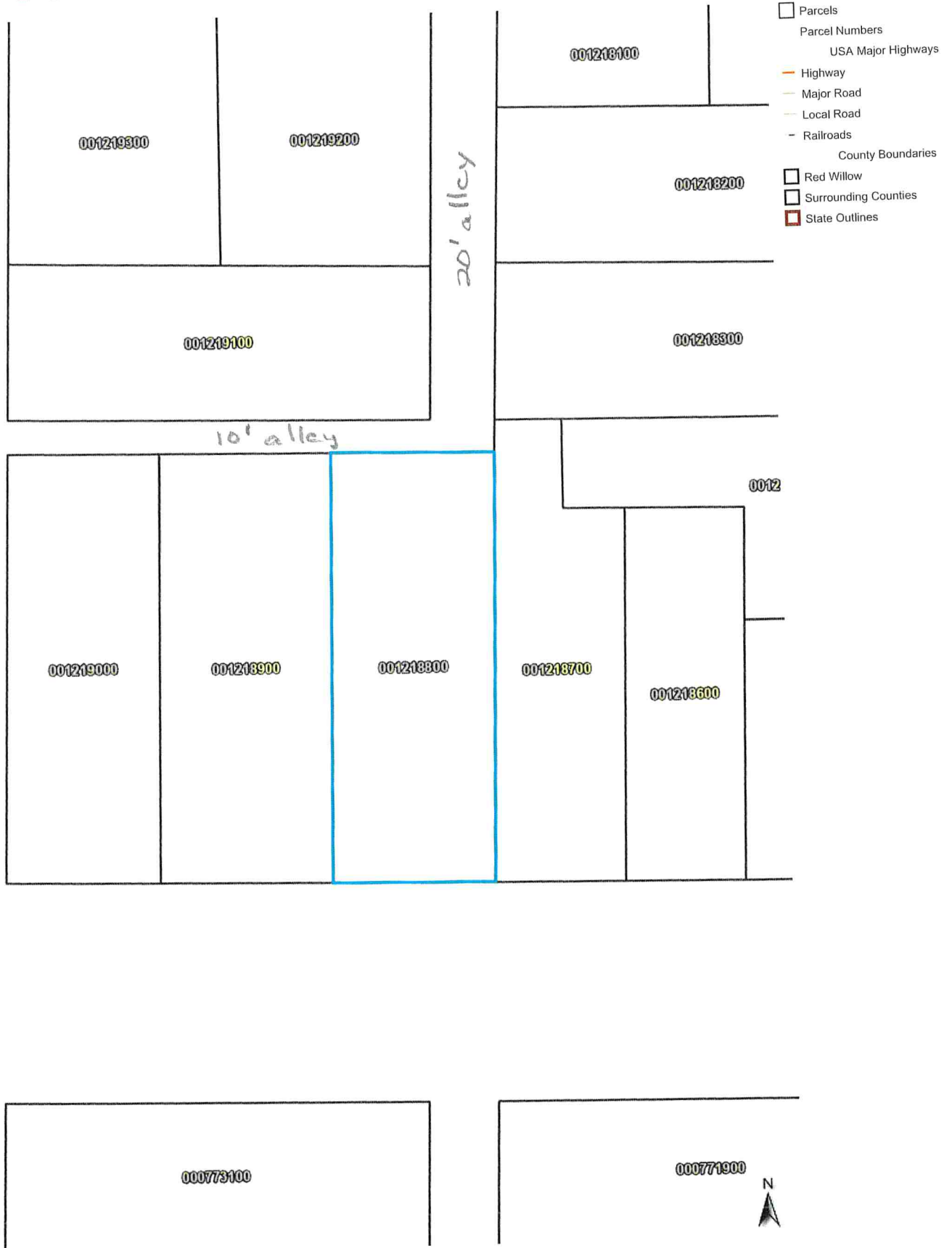
My Commission Expires: 8-4-17

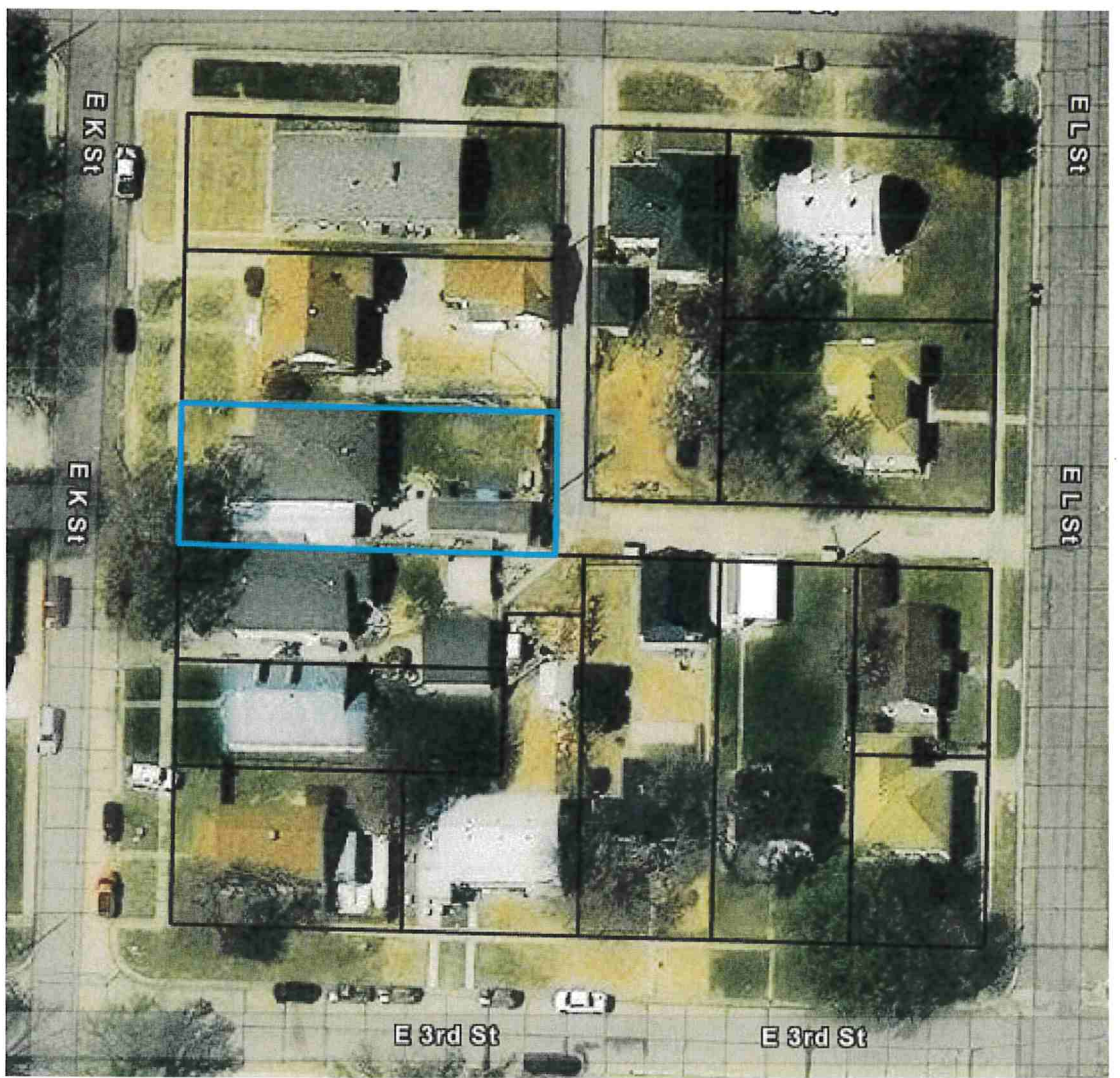
File No. M011416-

Camy J. Bradley
Notary Public
GENERAL NOTARY - State of Nebraska
CAMY J. BRADLEY
My Comm. Exp. Aug. 4, 2017



Red Willow County, NE







**FINDINGS AND DETERMINATIONS OF
MCCOOK BOARD OF ZONING ADJUSTMENT**

DATE: _____

SIGNED: _____
Chairman

VARIANCE CRITERIA

JUSTIFIES VARIANCE

	<u>YES</u>	<u>NO</u>
1. Referring to the specific parcel of property,		
a) the parcel of property is exceptionally narrow;	_____	_____
b) the parcel of property is exceptionally shallow; <u>or</u>	_____	_____
c) the shape of the parcel of property is exceptional.	_____	_____
OR		
d) the parcel of property has exceptional topographic conditions; <u>or</u>	_____	_____
e) the parcel of property has other exceptional or extraordinary conditions.	_____	_____
2. Strict application of the zoning ordinance would result in:		
a) peculiar and exceptional practicable difficulties to the owner; OR	_____	_____
b) exceptional and undue hardships on the owner of such property.	_____	_____
3. Such relief may be granted without:		
a) substantial detriment to the public good; AND	_____	_____
b) without substantially impairing the intent and purpose of the ordinance.	_____	_____
4. No variance shall be authorized unless the Board finds:		
a) The strict application of the provisions of the Zoning Ordinance would produce an undue hardship on the applicant.	_____	_____

EXHIBIT #5

PAGE(S) - 4

- | | | |
|--|-------|-------|
| b) Such hardship is not generally shared by other properties in the same zoning district and in the same vicinity. | _____ | _____ |
| c) The granting of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed. | _____ | _____ |
| d) The variance request is based upon reasons of demonstrable and exceptional hardship as distinguished from convenience, profit or caprice. | _____ | _____ |
| 5. The variance requested is not so general or of re-occurring nature that it might more reasonably be addressed through a change in the Zoning Regulations. | _____ | _____ |
| 6. The applicant has filed a proper and complete application. | _____ | _____ |
| 7. Application for a variance submitted must demonstrate the following: | | |
| A. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not found in the same zoning district and which were not created by an action of the property owner or the applicant; | _____ | _____ |
| B. The reduction of the minimum requirements of this Ordinance which would be necessary to permit the proposed use or construction; | _____ | _____ |
| C. The literal interpretation of the provision of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance; | _____ | _____ |
| D. The granting of the variance will not adversely affect the rights of adjacent property owners or residents nor will it confer upon the applicant any special privilege denied by this Ordinance to other land or structures in the same district; | _____ | _____ |
| E. The variance will not adversely affect the public health, safety, morals, order, convenience or welfare; | _____ | _____ |
| F. The variance requested is the minimum variance that will make possible the reasonable use of the land or structure; | _____ | _____ |
| G. Granting the variance requested will not be opposed to the general spirit and intent of this Ordinance. | _____ | _____ |
| 8. The notice of meeting appeared in the paper and applicants and other parties of interest have been sent written notice of the meeting at which a hearing on the variance request is being considered. | _____ | _____ |

9. The variance requested does not allow a use not permissible under the Zoning Ordinance in the district in which it is presently located.

ARTICLE 25

BOARD OF ZONING ADJUSTMENT

Article 25 - Board of Zoning Adjustment

Section 2501. Creation, Members, Meetings, Rules.¹ There is hereby established a Board of Zoning Adjustment. The word BOARD, when used in this Zoning Ordinance, shall be construed to mean the Board of Zoning Adjustment. The Board of Zoning Adjustment is appointed by the City Council and shall consist of five (5) regular members, plus one (1) additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason.

One (1) member only of the City Board of Zoning Adjustment shall be appointed by the City Council from membership of the Planning Commission and the loss of membership on the Planning Commission by such member shall also result in the immediate loss of membership on the Board of Zoning Adjustment and the appointment of another Planning Commissioner to the Board of Zoning Adjustment. One (1) member of the board of adjustment shall reside outside of the corporate boundaries of the City but within its extraterritorial zoning jurisdiction.

The members appointed shall serve for terms of three (3) years and be removable for cause by the City Council upon written charges and after public hearing. Vacancies shall be filled by appointment for the unexpired term.

The Board of Zoning Adjustment shall annually in October elect one of its members as Chairperson, another as Vice-Chairperson, who shall act as Chairperson in the Chairperson's absence, and appoint a Secretary, who may be an officer or an employee of the City. Each shall serve until his or her successor has been selected. The presence of four (4) members of the Board shall be necessary to constitute a quorum.

All meetings of the Board shall be open to the public. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, if absent or failing to vote, indicating the fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. The Board shall adopt from time to time any rules and regulations as it may deem necessary, to carry the appropriate provisions of this Zoning Ordinance into effect and all of its resolutions and order shall be in accordance therewith.

Section 2502. Appeals to Board, Record of Appeal, Hearing and Stays. Appeals to the Board of Zoning Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Zoning Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Zoning Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Zoning Adjustment or by a court of record on application of notice to the officer from whom the appeal is taken and on due cause shown.

¹Revised September 18, 2017 - Ordinance No. 2017-2951

The Board of Zoning Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

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Section 2504. Powers and Jurisdiction Relating to Variances. The Board of Zoning Adjustment shall have the power, where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation under this Ordinance would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon the owner of such property, to authorize upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance.

1. No such variance shall be authorized by the Board unless it finds that the strict application of the Ordinance would product undue hardship; such hardship is not shared generally by other properties in the same zoning district and the same vicinity; 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 granting of the variance; and the granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice;
2. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this Ordinance.
3. A variance from the terms of this Ordinance shall not be granted by the Board of Zoning Adjustment unless and until a written application for a variance is submitted demonstrating the following:
 - A. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not found in the same zoning district and which were not created by an action of the property owner or the applicant;
 - B. The reduction of the minimum requirements of this Ordinance which would be necessary to permit the proposed use or construction;
 - C. The literal interpretation of the provision of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
 - D. The granting of the variance will not adversely affect the rights of adjacent property owners or residents nor will it confer upon the applicant any special privilege denied by this Ordinance to other land or structures in the same district;
 - E. The variance will not adversely affect the public health, safety, morals, order, convenience or welfare;

- F. The variance requested is the minimum variance that will make possible the reasonable use of the land or structure;
 - G. Granting the variance requested will not be opposed to the general spirit and intent of this Ordinance.
4. No non-conforming use of neighboring lands, structures or buildings in the same district, and no permitted structures or buildings in other districts shall be considered grounds for the issuance of variance;
 5. Notice of public hearing shall be given as in Section 2502 above; the public hearing shall be held; any party may appear in person, or by agent or by attorney; the Board of Zoning Adjustment shall make findings that the requirements of this section have been met by the applicant for a variance; the Board shall further make a finding that the reasons set forth in the application justify the granting of the variance; the Board shall further make a finding that the reasons set forth in the application justify the granting of the variance; and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure; the Board shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare;
 6. In granting any variance, the Board of Zoning Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 2702 of this Ordinance;
 7. Under no circumstance shall the Board of Zoning Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

Section 2505. Board has Powers of Administrative Officer on Appeals; Reversing Decision of Administrative Officer. In exercising the above-mentioned powers, the Board of Zoning Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to affect any variation in this Ordinance.

Section 2506. Appeals to District Court. Any person or person, jointly or severally, aggrieved by any decision of the Board of Zoning Adjustment, may appeal as provided by Section 19-912 Neb. Rev. Stat., 1943.