

Council Chambers, City Hall

Wahoo, Nebraska

June 23, 2025

The Council met in Regular session in the Council Chambers, City Hall, in compliance with the agenda posted at City Hall, Post Office, and First Bank of Nebraska, and the City of Wahoo website, with each Council member being notified of the agenda prior to the meeting. The meeting was called to order by Mayor Gerald D. Johnson at 6:00 PM and opened with the Pledge of Allegiance. The public was informed of the location of posting of the Open Meetings Law. Roll call was taken with the following Council members:

{{Discussion: Agenda Item Discussion}}

Approved:

Christina Fasel, City Clerk

Gerald D. Johnson, Mayor

The Wahoo Board of Adjustment met in regular session and in accordance with published Notice of Public Hearing on request for variance and with agenda posted at City Hall, Post Office, and First Bank of Nebraska and was called to order by Vice-Chairperson Chad Aldrich at 6:00 p.m. The public was advised of the posted information regarding the State Open Meetings Act and Title VI. The following members were present and answering roll call: Mark Sutton, Chad Aldrich, Erik Thomalla, Louis Austin, and Paul Eddie. Absent: Glen Wilcox. Also present was Travis Beavers, Zoning Administrator.

A motion was made by Sutton, seconded by Thomalla to reappoint Wilcox as Chairman and Aldrich as vice-chairman. Roll call vote: Austin, yes; Aldrich, yes; Sutton, yes; Eddie, yes; Thomalla, yes; Wilcox, absent and not voting. Motion carried.

Beavers detailed the duties and responsibilities along with the bylaws of the Board of Adjustments. A motion was made by Eddie, seconded by Sutton, to accept the bylaws of the Board of Adjustments. Roll call vote: Austin, yes; Aldrich, yes; Sutton, yes; Eddie, yes; Thomalla, yes; Wilcox, absent and not voting. Motion carried.

A motion was made by Eddie, seconded by Aldrich to approve the agenda. Roll call vote: Austin, yes; Aldrich, yes; Sutton, yes; Eddie, yes; Thomalla, yes; Wilcox, absent and not voting. Motion carried.

A motion was made by Austin, seconded by Thomalla, to approve the minutes of the July 19, 2022, meeting. Roll call vote: Austin, yes; Aldrich, yes; Sutton, yes; Eddie, yes; Thomalla, yes; Wilcox, absent and not voting. Motion carried.

Discussion was had regarding the structure at Kennedy Campus that had been the topic of the previous variance request and whether it had met the expectations set out by the board.

The Public Hearing regarding the application submitted by Michael and Michelle Cole for a variance to allow for substantial improvements for a property located within a floodplain without correcting an existing nonconformity located at lots 6-9 Block 1 Stocking Second Addition to Wahoo, commonly known as 357 S Pine, was opened at 6:09pm.

Beavers detailed that zoning regulations require that an existing nonconformity must be addressed when there are significant improvements done to a structure. Significant improvements are defined as improvement costs that equal 50% or more of the value of the structure. In this instance the nonconformity is its location within the flood plain. To correct this the structure would need to be raised to one foot above the flood plain.

The agenda and notice of posting of meeting notice was marked as exhibit #1, the Application for Hearing before the Board of Adjustment completed by Michel and Michelle Cole was marked as exhibit #2, The City of Wahoo Zoning Regulations was marked exhibit #3, a GIS flood plain map indicating the location of the property was marked as exhibit #4, a letter of recommendation from FEMA signed by Elijah Kaufman, CFM was marked as exhibit #5, a warranty deed for the property in question was marked as exhibit #6, and the Bylaws of the City of Wahoo Board of Adjustments was marked as exhibit #7.

Discussion was had between the board, the applicant and their attorney regarding the value of the structure. The value on the assessors website is one that includes the additional structures on the property. It was agreed upon that the value of the home was \$92,100.00.

The applicant was asked about the value of the improvements he is wanting. Mr. Cole said that a large number of materials were given to him free of charge and that he is doing the majority of the work. It was explained that the costs of materials is not the same as the value of the improvements. Beavers stated that his understanding of FEMA regulations requires there to be a quote for the work from a certified contractor to determine that value. If that quote is under 50% of \$92,100.00 then they would be able to complete the work without need to address the valuation.

A motion was made by Aldrich, seconded by Austin to close the public hearing at 6:53pm. Roll call vote: Austin, yes; Aldrich, yes; Sutton, yes; Eddie, yes; Thomalla, yes; Wilcox, absent and not voting. Motion carried.

Further discussion was had with the board regarding the lack of definite numbers for the value of the proposed improvements and that because of this lack of information they would be unable to approve a variance. Before a vote was taken on the issue the applicant withdrew their application.

A motion was made by Austin, seconded by Eddie to accept the withdrawal of the application. Roll call vote: Austin, yes; Aldrich, yes; Sutton, yes; Eddie, yes; Thomalla, yes; Wilcox, absent and not voting. Motion carried.

It was suggested that there should be a standing meeting of the Board of Adjustments. A motion was made by Thomalla, seconded by Eddie to establish a quarterly meeting date for the Board of Adjustments.

Meeting adjourned at 7:00 p.m. Motion carried.

Application for Hearing Before the Board of Adjustment

Dated filed: 5/14/2025 App Fee of \$250.00 – Receipt # 30464 Application Number: _____
(Completed by City of Wahoo)

Please select reason for filing Application:

- Appeal of decision of Building Inspector/Zoning Administrator (Complete Page 1 and Page 2)
- Request for a variance (Complete Page 1 and Pages 3 & 4)
- Map interpretation – Official Zoning Map (Complete Page 1 and Page 5)

INFORMATION ON PERSON FILING APPLICATION

Applicant's Name: Rick Dorothy

Applicant's Address: 5108 N. 192 Ave. Circle

Applicant's City, State, Zip: Elkhorn, NE 68022

Applicant's Contact phone number: 402-658-8267

Applicant's Email address: rickdorothy@gmail.com

If Applicant is not the property owner, please explain relationship and justification for filing Application.

Also attach documentation that grants applicant the authority to file Application: _____

INFORMATION ON CURRENT PROPERTY OWNER

Owner's Name: Same as above

Owner's Address: _____

Owner's City, State, Zip: _____

Owner's Contact phone number: _____

Owner's Email address: _____

INFORMATION ON PROPERTY

Address and Legal Description of Property: 1119-1125 N. Spruce St.
Lots 1, 2, & 3, all in Block 96, County Addition to Wahoo

Zoning of Property: _____

Signatures of parties:

Rick Dorothy _____
Applicant

R. Dorothy _____
Property Owner

The sidewalk and steps were carefully constructed to enhance safety and function while respecting the existing character of the neighborhood. They do not obstruct neighboring properties or interfere with public use of the space, as the alley has not been in service for decades. Allowing them to remain will not alter the appearance or character of the district, nor will it create any negative impact on adjacent parcels. The improvements serve only to enhance livability and accessibility for current and future residents.

4. The granting of such variance is based upon 4. 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; in that:

The sidewalk and steps were installed solely to ensure safe, code-compliant access for tenants in a location that offers the most logical and hazard-free connection between the 4-plex and its designated parking. The use of the non-developed alleyway for this purpose follows historical precedent, including city approval of the adjacent parking lot that lies within the same easement. There is no financial motivation or arbitrary intent in their placement. Their location was determined by necessity, not convenience.

Additional Notes

- - The sidewalk does not require city maintenance; all upkeep will be provided by the property owner. There has not been a maintenance issue for the parking lot or this un-developed alleyway over all these years. Any utility work required would be handled in the same manner it is now in other parts of the city.
- - The city will bear no liability, as full responsibility will be assumed by the landowner. My father and I used this site to operate our excavating business with heavy equipment for 45 years without any liability concerns ever raised by the city.
- - As the developer, I bring many years of experience constructing buildings within the City of Wahoo, always maintaining compliance and a strong record of responsible development.
- - Since permission was given to park cars in the parking lot for these new units, it was assumed that all necessary permits were in place. Sidewalks are commonly located within city right-of-ways and typically do not require permitting. This is why the city was not separately notified about the sidewalk and steps.
- - An 80-year-old walnut tree has been left standing in the center of this alleyway, further emphasizing that it does not function as an alley and has long been treated as inactive space.
- - During the city council meeting, much of this information was not brought forth. In hindsight, I recognize that I should have attended personally to ensure the council had the full context and all relevant details.

Request for Map Interpretation

The Board of Adjustment shall have the authority to hear and decide requests for interpretation of any map contained in the Comprehensive Plan and the Official Zoning Map of the City of Wahoo.

Specific map to be considered for interpretation: survey of 2/27/24

Please attach a copy of the map with the Application.

