CITY OF
FREMONT
NEBRASKA PATHFINDERS

BOARD OF ADJUSTMENT
AGENDA
SPECIAL MEETING

TUESDAY, SEPTEMBER 2, 2014
4:30 P.M.
LARGE CONFERENCE ROOM

1. Meeting Called to Order.

2. Roll Call

3. Public comment period. The general public is invited to address the Board of Adjustment regarding any item on this agenda. The overall and individual speaking time allotments may be limited by the Chair.

4. Consider request of Fremont Beef, 960 S Schneider Street to erect addition with insufficient street side yard setback.

THIS MEETING WAS PRECEDED BY PUBLICIZED NOTICE IN THE FREMONT TRIBUNE AND THE AGENDA DISPLAYED IN THE LOBBY OF THE MUNICIPAL BUILDING AND POSTED ONLINE AT WWW.FREMONTNE.GOV AND DISTRIBUTED TO THE BOARD OF ADJUSTMENT, MAYOR AND CITY COUNCIL ON AUGUST 22, 2014 AND IS OPEN TO THE PUBLIC. A COPY OF THE AGENDA WAS KEPT CONTINUALLY CURRENT AND AVAILABLE TO THE PUBLIC AT 400 EAST MILITARY, 3RD FLOOR. A COPY OF THE OPEN MEETING LAW IS POSTED CONTINUALLY FOR PUBLIC INSPECTION LOCATED NEAR THE COUNCIL CHAMBERS ENTRANCE DOOR BY THE AGENDAS. THE BOARD OF ADJUSTMENT RESERVES THE RIGHT TO ADJUST THE ORDER OF ITEMS ON THIS AGENDA.

STAFF REPORT

TO: Board of Adjustment- Special meeting

FROM: Donald Simon, Chief Building Inspector

DATE: August 27, 2014

SUBJECT: Request of Fremont Beef, 960 S Schneider St., to continue construction with portion of building within required 25 street side yard setback.

Recommendation: Recommend approval of the request subject to the conditions outlined below.

Background: This property is located at 960 S Schneider St., in a GI zoning district. Existing drawings, the existing facility, and the new proposed addition was proposed with permitted plans showing a 31'-9 3/16" setback form the street side setback. The front setback on submitted plans show a 94'-8 1/8" setback. After concern on footing inspections, a request for additional information to verify actual setbacks was conducted. It was then discovered that the new structure stem wall lies within the required 25' street side setback as required in GI zoning district, see attached drawings. The applicant wishes to continue construction with approval of the Board of Adjustment based on the following. The new street side yard is 20.33' and the front has become 97.02'. The average street side yard is 26.315'. The rear yard is 34.68'. This variance would allow Fremont Beef full access to an area needed for production as originally planned. This would also allow Fremont Beef land use similar to neighbors to the west of them built within the 25' setback. The Burlington Northern Railroad is to the rear of Fremont Beef, Cloverly Road on the south side street side, and Schneider on the front. With the variance of street side setback, there is no vision clearance issues with a 20.33'setback from Cloverly Road.

Conditions:

Required Findings:

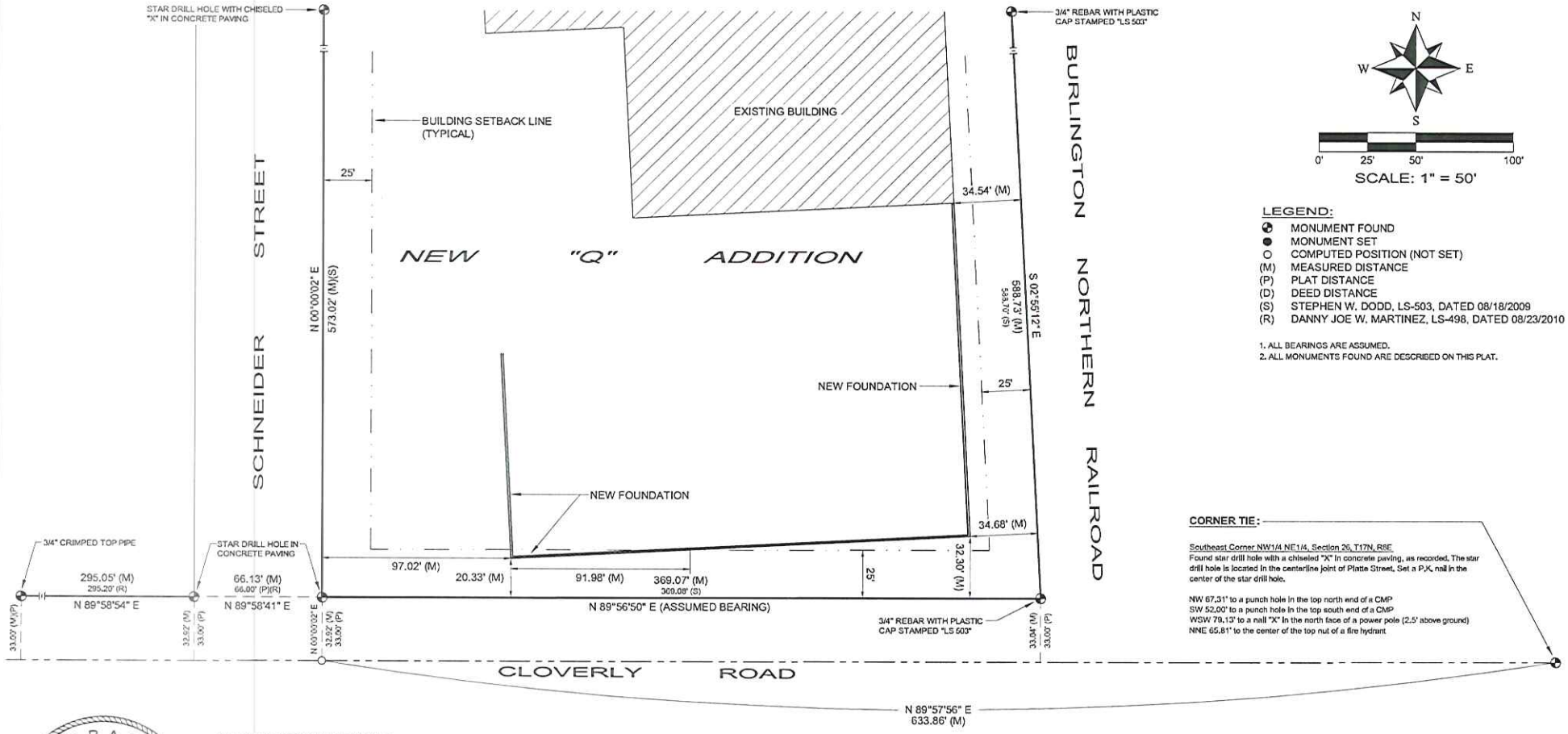
(a) The strict application of the zoning regulations will produce an undue hardship.
(b) Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity
(c) The authorization of such variance will not be of substantial detriment to adjacent property and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

(e) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable a general regulation to be adopted as an amendment to this zoning regulations.

(f) The granting of the variance will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of any Ordinance or Resolution.

PLAT OF SURVEY

PART OF "NEW Q ADDITION", AS PLATTED IN NW1/4 OF THE NE1/4 OF SECTION 26, T17N, R8E OF THE SIXTH P.M., DODGE COUNTY, NEBRASKA



N
W E
S

0' 25' 50' 100'

SCALE: 1" = 50'

LEGEND:

- MONUMENT FOUND
- MONUMENT SET
- COMPUTED POSITION (NOT SET)
- (M) MEASURED DISTANCE
- (P) PLAT DISTANCE
- (D) DEED DISTANCE
- (S) STEPHEN W. DODD, LS-503, DATED 08/18/2009
- (R) DANNY JOE W. MARTINEZ, LS-498, DATED 08/23/2010

1. ALL BEARINGS ARE ASSUMED.
2. ALL MONUMENTS FOUND ARE DESCRIBED ON THIS PLAT.

CORNER TIE:

Southeast Corner NW1/4 NE1/4, Section 26, T17N, R8E
Found star drill hole with a chiseled "X" in concrete paving, as recorded. The star drill hole is located in the centerline joint of Platte Street. Set a P.K. nail in the center of the star drill hole.

NW 67.31' to a punch hole in the top north end of a CMP
SW 52.00' to a punch hole in the top south end of a CMP
WSW 79.13' to a nail "X" in the north face of a power pole (2.5' above ground)
NNE 65.81' to the center of the top nut of a fire hydrant

NEBRASKA REGISTERED LS-498 LAND SURVEYOR DANNY JOE W. MARTINEZ

SURVEYOR'S STATEMENT:

I, DANNY JOE W. MARTINEZ, HEREBY CERTIFY THAT THIS PLAT OF SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION AND IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

DANNY JOE W. MARTINEZ, LS 498
AUGUST 25, 2014

APEX LAND SURVEYING, LLC
Danny Martinez, RLS
125 N. Clarmar Ave.
Fremont, Nebraska 68025
(402) 720-9339 Office / Mobile
danm.surveying@gmail.com

Client: Fremont Beef Company	
Date: 08/25/14	Project No.: FremontBeef-S261708-DodgeCo
Scale: 1" = 50'	Drawing File: FremontBeef-S261708-DodgeCo.dwg
Sheet: 1 of 1	Issue No.: 1