

**DOUGLAS COUNTY
BOARD OF ADJUSTMENT**

July 24, 2012 P.M.
3015 Menke Circle
Omaha, Nebraska 68134

AGENDA

A copy of the Open Meetings Act is located on the rear wall of the Conference Room.

1. Call meeting to order and take roll call.
2. Approval of minutes from April 25, 2012.

APPLICATION V-2-12

REQUEST: Allow front yard setback of 9' instead of required 25' for placement of propane fill station.

LEGAL: Bennington Warehouse Lots Add Lot 5 Block 0 NE 70 FT Abandoned RR RWY ADJ ON SW & SE 13 FT LOT 3 & ALL LOTS 4 & 5 BLK 12, Parcel 0611190001

LOCATION: 15409 Warehouse Street, Bennington, NE 68007

INTENDED USE: Property is zoned Light Industrial

APPLICANT: Doug and Carol Stephens, 113 S. Molly St. Bennington, NE 68007

5. An 8 1/2" x 11" map or plan of the area, drawn to scale, as described in paragraph 4 above is attached hereto as Exhibit "C".

6. That there are special circumstances or conditions described below, which are peculiar to the real property or building, and which have not resulted from any act of the applicant.

- a. The Property is being utilized for Light Industrial
- b. use - Storage units, out side RV storage & haul
- c. Rental business

WHEREFORE, petitioner respectfully prays that the strict application of the Zoning Regulations of Douglas County be varied or adjusted as follows: _____

Front yard setback from 25 ft. To 9 ft.

To allow for Propane fill station

Petitioner

Carol Stephens
Doug Stephens

State of Nebraska)
)
County of Douglas)

SS.

SUBSCRIBED AND SWORN before me by Doug: CAROL Stephens

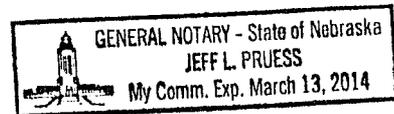
This 26 day of June, 2012.

Witness my hand and official seal.

Jeff Pruess
Notary Public

My Commission Expires:

3/13/2014



Attorney for Petitioner

(Insert "none" if petitioner intends to proceed without legal representation).

1. Doug & Carol Stephens 113 So. Molly St
Name of Petitioner Street Address
Bennington N.G. 68007
City, State, Zip Code

2. Location at which variance is requested:

15409 Warehouse St. Bennington NE 68007
Address
See Exhibit B
Lot Block Addition

3. Date the land was acquired Feb 1995

4. Zoning District Light Industrial

5. The land and or buildings under construction are presently being used as:

Storage units, outside RV Storage and wheel Rental
business

6. Describe the nature of the variance requested.

9' front yard set back instead of required
25' front yard set back

7. State whether the proposed variance would reduce a required yard or area of an existing use, structure or parking space.

The proposed tank will be located in the
front yard set back of Building B as noted
in diagram

8. FINDINGS REQUIRED

a. State whether the strict application of the zoning regulations would produce undue hardship.

The property is being utilized for high industrial use - storage units, outside R.V. & vehicle storage and wheel rental business. The proposed location of the propane tank is the only area not being utilized for the business

b. State whether such hardship is shared generally by other properties in the same zoning district and the same vicinity.

NO

c. State whether the authorization of such variance would be of substantial detriment to adjacent property, whether the character of the district will be changed by the granting of the variance.

Proposed variance will not be detriment to the adjacent property & character the district will not change adjacent property are zoned high industrial

d. State whether 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.

The property is being utilized for light
Industrial use - Storage units, outside RV and vehicle
Storage and Uhaul Rental Business. The proposed
location of the propane tank is the only area not
being utilized for this business

9. This petition for variance is submitted with the appropriate fee to Douglas County to cover costs of notices and processing. The Chief, Permits and Inspection Division, or authorized employee of Douglas County are hereby authorized to enter upon the property during normal working hours for the purpose of becoming familiar with the proposal.


Signature

6-26-12
Date

(For Office Use)

Date Received 6-26-12
Fee Received \$200.00
Received By BZJ

rev. 1/10

2. Parking as permitted in Article 7.

5.13.05 Height and Lot Requirements:

1. The height and minimum lot requirements shall be as follows:

	Lot Area (Acres)	Lot Width (feet)	Front Yard (feet)	Side Yard (feet)*	Rear Yard (feet)	Max. Height (feet)	Max. Lot Coverage (%)
Permitted Uses	3*	70	25	15	15	45	-
Conditional Uses	3*	70	25	15	15	45	-

* If on City water and sewer, minimum lot area can be reduced to 10,000 sq. ft.

5.13.06 Performance Standards:

1. **Physical Appearance:** All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the storage of vehicles, boats, farm machinery, trailers, mobile homes, or similar equipment when in operable condition.
2. **Fire hazard:** No operation shall involve the use of highly flammable gasses, acid, liquids, grinding processes, or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gasses when handled in accordance with other regulations of the City of Bennington
3. **Noise:** No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges.
4. **Sewage and Liquid Wastes:** No operation shall be carried on which involves the discharge into a sewer, water course, or the ground, liquid waste of any radioactive or poisonous nature or chemical waste which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.
5. **Air Contaminants:**
 - a. Air Contaminants and smoke shall be less dark than designated Number One on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one four minute period in each one-half hour. Light colored contaminants of such an capacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.
 - b. Particulate mater of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two tenths (0.2) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit, except for a period of four minutes in any one-half hour, at which time it may equal but not exceed six tenths (0.6) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit.
 - c. Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public in general; or to endanger the comfort, repose, health, or safety of any such considerable number of persons or to the public in general, or to cause, or have a natural tendency to cause injury or damage to business, vegetation, or property.
6. **Odor:** The emission of odors that are generally agreed to be obnoxious to any considerable numbers of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be

TO: Douglas County Board of Adjustment
FROM: Barb Frohlich, Planning & Zoning Coordinator
DATE: July 24, 2012
RE: V-2-12

APPLICATION V-2-12

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BACKGROUND

Mr. and Mrs Stephens operate a storage and U-haul business at the above address. They are proposing the installation of a propane fill station in front of the building designated as Building B on the attached aerial view. The dimensions of the 500 gallon propane tank are 37 inches in diameter, 9'11" in length, and 3'10" height. The City of Bennington ordinances require a setback of 25' from the property line. The variance requested is to allow for a 9' variance to the setback requirement. The State Fire Marshall's office has reviewed the proposed location of the propane fill station and their comments are attached. Comments from the State Fire Marshal are attached as well as a diagram of the property.

APPLICABLE REGULATIONS

The following comments pertain to the application of the City of Bennington Ordinances

Comments

Per Nebraska Statutes 23-168.03, the Zoning Board of Adjustment may grant this variance if the following findings can be made in favor of the applicant:

1. The strict application of the zoning resolution would produce undue hardship.
2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
3. 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.

4. 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.

5. Further, no variance shall be granted 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 a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the zoning regulations.



NEBRASKA STATE FIRE MARSHAL
PLANS DIVISION

Code Review



5/10/2012 | M 05001-12

Carol or Doug A-Bees-Self Storage 15409 Warehouse Street Bennington, NE 68007- (402) 213-3664	Propane Fill Station 15409 Warehouse Street Bennington 68007-
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Your items have been reviewed for compliance with the Nebraska State Fire Marshal Act.

* Approval is conditional upon conformance with comments listed in remarks.

Final Architectural Plan

Propane Tank Fixed Tank

REMARKS:

Plan review applies to the placement of a 500 gallon propane tank as shown only.

1. All piping, hoses, fittings and valves shall be in compliance with NFPA 58.
2. Above ground tanks shall be not less than 10 feet from buildings, 25 feet from the line of adjoining property that can be built upon and 5 feet from driveways. NFPA 58, 3.2.2.2, 3.2.3.2
3. Liquid shall be transferred into containers only outdoors or in structures specially designed for that purpose. NFPA 58, 3.2.3.1
4. L.P. gas containers shall be protected from damage from vehicles. NFPA 58, 3.2.4.2

Alt Phone:

Email: abees.50@yahoo.com

Occupancy Type: Industrial

Construction Type:

Estimated Start Date: 5/1/2012

Estimated Completion Date: 5/1/2012

Fire Protection Features:

- Sprinkler Total
 Spinkler Partial
 Range Hood System
 Sprinkler Other: _____
 Fire Alarm Manual Sys.
 Smoke Detection
 Heat Detection
 Fire Alarm Other: _____

**PLEASE CONTACT OFFICE INDICATED BELOW FOR A FINAL INSPECTION.
FINAL ONSITE APPROVAL IS REQUIRED PRIOR TO OCCUPANCY OR USE.**

SIGNED: _____

Jim Kenney

Reviewed By: Main Office
 246 South 14th Street
 Lincoln, NE 68508-1804
 (402) 471-2027

Contact for Inspection: District A
 246 South 14th Street
 Lincoln NE 68508-1804
 (402) 471-2590

Building C

Building A

Boiler Room

61

58

80

101

85

82

85

16

Wardens St

S 2nd St