

Bellevue Board of Adjustment Meeting

Wednesday, April 19, 2023 7:00 PM

Bellevue City Hall

1500 Wall Street

Bellevue, NE 68005

1. CALL TO ORDER:

a. Roll Call

b. The Open Meetings Act location

c. Approve Minutes of September 23, 2020 Regular Meeting

d. Accept into the record all staff reports, attachments, memos, and handouts regarding each application.

2. PUBLIC HEARINGS:

a. Request to appeal a decision or determination made by city staff on a denial of a sign permit for a nonconforming pole sign 20 feet tall, setback 10 feet from the property line, located in the Northeast $\frac{1}{4}$ of Section 35, T14N, R14E of the 6th P.M., Sarpy County, Nebraska. Applicant: Richard Corbin. Location: 1505 Galvin Road South. Case #: BOA-2303-01.

3. CURRENT BUSINESS

a. Election of Officers

b. Approval of 2023 Board of Adjustment Uniform Review Schedule.

4. ADJOURNMENT



MINUTE RECORD

Bellevue Board of Adjustment, September 23, 2020, Page 1

The Bellevue Board of Adjustment held a regular meeting on Wednesday, September 23, 2020 at 7:00 p.m. in the Bellevue City Council Chambers. Upon roll call, present were Board Members Anderson, Hawkins, Cain, and Petersen. Also present were Tammi Palm, Planning Department Manager, and Angela Curry, Assistant Planning Manager.

Notice of this meeting was given in advance thereof by publication in the Gretna Guide and posting in two public places, and was given to the Chairperson and members prior to the meeting. These minutes were written and available for public inspection within ten days of the meeting.

Anderson announced a copy of the Open Meetings Act was posted in the entry to the City Council Chambers.

Motion was made by Hawkins, seconded by Cain, to approve the minutes of the August 19, 2020 regular meeting as presented. Upon roll call, all present voted yes. Motion carried unanimously.

Motion was made by Hawkins, seconded by Petersen, to accept into the record all staff reports, attachments, memos, and handouts regarding each application. Upon roll call, all present voted yes. Motion carried unanimously.

Anderson explained the public hearing procedures.

PUBLIC HEARING was held on an appeal of staff's requirement to sign a non-conversion agreement in order to obtain an electrical permit for a garage located in the floodway on Tax Lot 12, located in the Southwest ¼ of Section 8, T13E, 14N, of the 6th P.M., Sarpy County, Nebraska. Applicants: Jacob Benak. Location: 13701 Elbow Bend Road. Case #: BOA-2008-02.

Erin Robak, with McGill, Gotsdiner, Workman, Lepp, 11404 W Dodge Road, #500, Omaha, NE, was present to speak on behalf of Jacob Benak. Robak said she questioned whether the Board of Adjustment had jurisdiction to hear this case. She said the reason for the appeal was the City denied Mr. Benak's application for an electrical permit unless he signed a Non-Conversion Agreement. She said the reason for the denial goes back to the Zoning Regulations and she questions whether the city can require a Non-Conversion Agreement in exchange for an electrical permit. Robak said Mr. Benak applied for a temporary power pole permit for an existing pole on his property. She stated there is nothing in Bellevue city ordinances requiring a Non-Conversion Agreement in exchange for an electrical permit for a temporary power pole. Robak stated the city is demanding Mr. Benak sign a Non-Conversion Agreement simply because there is an existing garage on this property and Bellevue's ordinance states no new structures for habitation are permitted within a flood plain. Robak said Mr. Benak does not intend to violate that ordinance by inhabiting the garage, therefore there is no need for a Non-Conversion Agreement. Robak said Mr. Benak has always been willing to sign a Non-Conversion Agreement but the city's version would force Mr. Benak to comply with additional Zoning Ordinances that apply only if he would make substantial improvements to the garage. Robak specified Mr. Benak has no plans to make substantial improvements to the garage. Robak said according to both State and Federal law, substantial improvements to the structure would include cost which equals or exceeds fifty percent of the market value. Robak read the requirements for substantial renovations under the city's Non-Conversion Agreement. She said the same requirements are found in Section 5.30.05 of the Zoning Ordinance, but those ordinances should only apply if Mr. Benak is seeking to substantially improve the garage or construct a new structure on the property. She stated the garage would be in violation of the agreement and that would give the city the right to inspect the inside of the premises at any time to verify compliance with the agreement if Mr. Benak would sign. She said she knows nothing under the law that would require Mr. Benak to agree to such an unreasonable intrusion of his property and privacy rights. She said no one would be willing to sign an agreement that allowed the city the right to inspect the inside of your property whenever they wanted, thus Mr. Benak simply could not sign the agreement as drafted by the city. She stated the city's report relies upon a recommendation from the NRD (Natural Resource District). Robak said she contacted an attorney for the NRD to confirm the recommendation and discovered the recommendation is only used for new or substantially improved structures. Robak stated the city has not consistently required owners located in the flood plain to sign these Non-Conversion Agreements. Robak provided Board members with copies of a revised Non-Conversion Agreement which she presented to the city's legal department prior to the appeal. Robak stated the reason for the request is to have the Board overturn the decision to require Mr. Benak to sign the Non-Conversion Agreement and to allow him to obtain a permit for a temporary power pole or accept the revised Non-Conversion Agreement.

Dave Sorich, 13705 Elbow Bend Road, Bellevue, Nebraska stated he applied for a temporary power pole for his property and was not asked to sign a Non-Conversion Agreement. He stated he uses the

MINUTE RECORD

Board of Adjustment Meeting, September 23, 2020 Page 2

temporary power pole to plug in his camper.

There was no one else present to speak in favor of, or in opposition to this request. Subsequently, Anderson closed the public hearing.

Palm stated she wanted to clarify the recommendations for the Non-Conversion Agreement were not from the NRD as stated by counsel, but instead from Department of Natural Resources (DNR) and the state's flood plain coordinators.

Anderson stated the Non-conversion Agreement states it is for structures in the flood plain and the temporary power pole is not considered a structure. Palm stated Mr. Sorich was not asked to sign a Non-Conversion Agreement because neither a camper nor a temporary power pole are considered a structure. Palm said Mr. Benak's legal counsel is correct there have been no other Non-Conversion Agreements required in that area because Mr. Benak's property is the only property in the flood plain with a detached garage without an existing home. She stated the Benak's residence was lost in the 2011 flood. She said residences in the Elbow Bend area that were not destroyed by the flood are legal non-conforming and once they are removed, they will not be able to rebuild in the floodway. Palm said if there were other homeowners with only an accessory structure on their property, they would be required to sign a Non-Conversion Agreement as well. Palm stated the agreement is being used in other jurisdictions locally and statewide.

Hawkins asked if the garage was considered a new structure. Palm said the detached garage is a legal non-conforming structure. She stated the garage cannot be turned into a habitable structure as this is not allowed in the Zoning Ordinance. Hawkins stated according to zoning codes the garage would need to be a new structure and this garage was constructed some time ago. He asked if the Non-Conforming Agreement was the same for all cases. Palm said that was correct, and the form being used was derived from the DNR. Palm said the city attorney reviewed the form prior to any distribution. Hawkins asked if the city's goal was to insure no one would live in the detached structure. Palm said that was correct. The city did not want the garage to be turned into a habitable space. She stated the city is regularly audited by the Federal Emergency Management Agency (FEMA) and all records must be given to them and all permits issued must be justified. Palm stated it is very important to be mindful of any permits issued in the floodway because it could potentially affect the entire flood insurance program for the city. Hawkins asked if staff had seen the revised Non-Conversion Agreement provided by Robak. Palm stated the revised version from Robak was reviewed by the city attorney and some edits were accepted. She said the final approval of the document is in the packet.

Peterson stated several of the pictures in the packet show the Omaha Public Power District (OPPD) tag was cut at the meter and electrical work was being done in the garage. Peterson asked Mike Christensen, Chief Building Official (CBO) for the City of Bellevue, what was the penalty for cutting the tag on an OPPD meter. Christensen stated the meter seal was cut and tapped into to provide electricity to a panel and several electrical circuits in the detached structure. Christensen stated plumbing had also been installed in the garage and no permits were issued for either the plumbing or the electrical work. He said because of life safety issues the power to the temporary power pole was cut off until permits were acquired and inspections could be done. Discussion ensued regarding penalties for work without benefit of a permit and the purpose of a temporary power pole.

Anderson asked if the work completed without benefit of a permit was the reason for the Non-Conversion Agreement. Palm stated it was not and this procedure would be required for any situation where an accessory structure exists without a residence in the floodway.

Anderson stated the Non-Conversion Agreement should be required if there was an improvement to be made to the structure but the temporary power pole is not a structure, so therefore no agreement should be required. Christensen stated there was quite a bit of work done to the garage without benefit of a permit leading to several code violations. Anderson asked if Mr. Benak wanted to correct the violations would the first step be to install a temporary power pole and then apply for the proper permits to improve the garage. Anderson asked if Mr. Benak chose to apply for the permits to improve the structure would that be the time to require the Non-Conversion Agreement. Palm stated Mr. Benak had obtained a permit for the temporary power pole in the summer of 2019 and upon further inspection it was realized the pole had been tapped into and the building had been wired which lead to the decision to require a Non-Conversion Agreement to prevent this from happening again. Anderson stated the Non-Conversion Agreement is for a structure not a temporary power pole. He stated the Non-Conversion Agreement should not be required until such time when Benak applies for a permit to improve the structure. Anderson asked, if Mr. Benak is allowed to have a temporary power pole and he abandons the plumbing and electrical will there still be an issue. Christensen stated the Non-

MINUTE RECORD

Bellevue Board of Adjustment, September 23, 2020, Page 3

Conversion agreement is insurance that this issue will not take place again.

Discussion ensued regarding the difference between habitable living spaces and RV's.

Peterson stated when a permit is issued there are stipulations to that permit that must be met. He asked how signing the Non-Conversion agreement was any different. Anderson stated it allows the city to inspect the property anytime they feel the need to. Discussion ensued regarding who could inspect and when inspections could be made under the Non-Conversion Agreement.

Peterson asked if it was possible to get permanent power in the area. Christensen stated it was possible to get permanent power but not from a temporary power pole; that is meant to be used for an RV or similar type of vehicles.

Joe Benak stated he was the previous owner of the property. He stated he was the one who did the work to the garage without benefit of a permit.

Hawkins asked if the city was firm on the agreement in the packet. Palm stated the city attorney had reviewed the revised agreement from Ms. Robak and made some changes but the agreement in the packet is the final agreement. Palm stated the objective this evening is to make a decision as to what if anything Mr. Benak should have to sign in order to get an electrical permit. Discussion ensued regarding the Board's possible recommendations.

Hawkins stated it does not seem right for a neighbor a couple hundred yards away to have a temporary power pole because his residence has tires. Palm stated the flood plain regulations would allow Mr. Benak to have a camper.

Anderson asked if the Non-Conversion Agreement was part of the zoning regulations. Palm stated the agreement was not required by the zoning regulations. Anderson asked if there was a plan in process to make the Non-Conversion Agreement a part of the zoning regulations. Palm stated it could be included in the ordinance, but at this time the regulation comes from the DNR and FEMA and is to ensure the property owner remains compliant and the garage does not become a habitable structure.

Robak stated in her research she found the Non-Conversion Agreement is being used by other jurisdictions only for development permits. She said these are unrelated issues and if there was no structure on this property there would be no Non-Conversion Agreement. She stated the purpose of Mr. Benak 's application for a temporary power pole was to bring his RV to that location. She said he cannot sign the agreement as it has been prepared by the city. She stated as soon as he signs the agreement his garage would be in violation. Robak stated the agreement is overreaching and would allow the city to knock on Mr. Benak's door at will to perform an inspection. She stated Mr. Benak has no other choice but to appeal this if the Board does not allow him a temporary power pole permit without signing the Non-Conversion Agreement.

Anderson asked if Mr. Benak signed the agreement and the garage did not meet code what would the city do. Palm stated the structure is legal non-conforming and the city only wants to ensure it does not become a habitable structure. Anderson asked if it would be required to be demolished. Palm stated it would not.

Cain stated Christensen said the concrete was relatively new and some wiring had been done. Christensen stated the garage has been renovated over the years. He said new foundation block and wiring were all done without benefit of a permit. Peterson asked if Christensen knew the approximate date when the work was done. Christensen speculated some of the work was done after the year 2000 and some had been done after the 2019 flood. Cain stated counsel said Mr. Benak was unable to utilize the property but based on the pictures provided in the packet it is obvious the property is being utilized.

Cain asked Palm how an audit by FEMA would affect the city. Palm stated FEMA audits the city on a regular basis to look at properties such as Mr. Benak's. Palm said if properties do not meet the regulations and corrections are not made, it would affect the entire flood program for the City of Bellevue.

Discussion ensued regarding possible amendments to the Non-Conversion Agreement. Robak stated she revised the agreement and the city attorney, Ms. Robbins, was unwilling to negotiate because she said the revisions did not comply with the rules and regulations. Robak said she asked Ms. Robbins to direct her to the rules and regulations she was referring to and received no response. She stated

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Board of Adjustment Meeting, September 23, 2020 Page 4

they believe the Board of Adjustment has the jurisdiction to decide this issue and Mr. Benak is requiring some resolution today.

Palm stated she would agree the applicant requested this hearing because the city's legal staff and the applicant's legal counsel could not come to an agreement. She said in order to move forward the Board would need to make a decision. Discussion was had regarding the Non-Conversion Agreement and a possible motion.

MOTION was made by Anderson, seconded by Hawkins to recommend APPROVAL of a request to not sign a non-conversion agreement in order to obtain an electrical permit for a temporary power pole, located in the floodway on Tax Lot 12, located in the Southwest ¼ of Section 8, T13E, 14N, of the 6th P.M., Sarpy County, Nebraska. Applicants: Jacob Benak. Location: 13701 Elbow Bend Road. Case #: BOA-2008-02. Upon roll call, all present voted yes. MOTION carried unanimously.

Meeting adjourned at 8:29 p.m.



Dianna Van Horn
Planning Secretary

CITY OF BELLEVUE BOARD OF ADJUSTMENT REPORT

CASE NUMBER: BOA-2303-01

FOR HEARING OF:
REPORT #1: April 19, 2023

I. GENERAL INFORMATION

A. APPLICANT:

Richard Corbin
2308 Plymouth Rock Road
Bellevue, NE 68123

B. PROPERTY OWNER:

Main Street Properties
221 Main Street
Omaha, NE 68005

C. GENERAL LOCATION:

1505 Galvin Road South

D. LEGAL DESCRIPTION:

Tax Lot 2A6, located in the Northeast ¼ of Section 35, T14N, R13E of the 6th P.M., Nebraska.

E. REQUESTED ACTIONS:

Variance of Section 7.04.03 (11), regarding nonconforming signs.

F. EXISTING ZONING AND LAND USE:

BG-PCO, Commercial

G. PURPOSE OF REQUEST:

The applicant is appealing a decision made by the Planning Department on a denial of a sign permit for a nonconforming pole sign 20 feet tall and setback 10 feet from the property line.

H. SIZE OF SITE:

The site is approximately .70 acres.

II. BACKGROUND INFORMATION

A. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

- 1. **North:** Commercial, BG-PCO
- 2. **East:** Multi Family Residential, BG
- 3. **South:** Multi Family Residential, RG-20, and Commercial, BG
- 4. **West:** Commercial (across Galvin Road South), BG

B. GENERAL COMMENTS:

1. Mr. Richard Corbin, owner of Jammer’s Pub, is requesting an appeal of a decision or determination made by the Planning Department regarding the denial of a sign permit based on Section 7.04.03 (11), regarding nonconforming signs.

On February 21, 2023, the applicant’s sign contractor applied for a sign permit to replace an illuminated (internal) sign with a digital sign on an existing nonconforming pole. The applicant notes the existing sign as being 10 feet tall and setback 12 feet from the property line. The correct setback, calculated by using a geographic information systems (GIS) tool located within the Sarpy Internet Map Service (SIMS), shows the pole sign with a 10-foot setback from the property line. A previously approved sign permit (2000) also lists a 10-foot setback for this pole sign. Prior sign applications list the height as being 20’ 4” (2000) as well as 30’ (1997). Section 7.05.03, Table 7E, shows a required setback of a minimum of 18 feet for a sign of 20 feet in height.

After review, the application was denied by the Planning Department on February 24, 2023, and the applicant was informed of the following:

- The height of the pole is shown at 10 feet with a 12-foot setback, but the correct height is grandfathered at 20 feet with a 10-foot setback.
- The existing illuminated (internal) sign cannot be changed to a digital sign, nor could it be increased in size per Section 7.05.03, Zoning Ordinance.

2. The Zoning Ordinance contains definitions for nonconforming, nonconforming sign, nonconforming use, nonconforming building or structure, and structure:

- a) **NONCONFORMING** shall mean a building or use, or portion thereof, which was lawful when established but which does not conform to subsequently established zoning regulations.
- b) **NONCONFORMING SIGN** shall mean any sign existing or under construction on the effective date of this ordinance that does not conform to the requirements of this ordinance, including such signs upon zone lot premises which become subject to this ordinance after the date hereof.
- c) **SIGN** shall mean any device, fixture, placard, or structure that uses any color, form, figure, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to offer direction, or to communicate information of any kind to the public.
- d) **NONCONFORMING USE** shall mean a use which lawfully occupies a building or land at the time this ordinance or an amendment thereto becomes effective but does not meet the requirements of this ordinance or any amendment thereto.
- e) **NONCONFORMING BUILDING OR STRUCTURE** shall mean a building or structure or portion thereof, lawfully existing at the time this ordinance or an amendment thereto becomes effective, which does not meet the size, height, yard, parking, loading, or other requirements of this ordinance or any amendment thereto.
- f) **STRUCTURE** shall mean anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excepting outdoor areas such as paved areas, walks, Tennis courts, and similar recreation areas.

3. Section 7.04.03 (11) (D) states **GRANDFATHER RIGHTS** – any nonconforming sign which has been registered in accordance with Section 7.04.03 (8) of this ordinance may be repaired or modified provided such repair or modification does not involve a structural alteration or result in the sign becoming more nonconforming. A sign permit will not be required for repairing or modifying an existing registered sign.

Any nonconforming sign which has been registered in accordance with Section 7.03.04 of this ordinance may be replaced or otherwise structurally altered provided the sign is not made more nonconforming and the sign is of a type permitted Table 7A in the zoning district in which it is located. A sign permit will be required prior to replacing or structurally altering any sign.

4. The Planning Department has categorized the applicant's sign as a nonconforming sign with grandfather rights. The sign regulations were put into place on September 9, 1996, which allowed for grandfathering of existing signs if applied for on or before October 1, 2000. The original pole sign application was submitted in 1997. The application was approved, thereby grandfathering the sign and nonconformity.

5. The Zoning Ordinance deals with nonconforming lots of record, nonconforming structures, and nonconforming uses of land and structures. Section 4.16 states the general intent of the zoning ordinance is to permit lawful nonconformities to continue until they are removed, but not encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded, or extended nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district except as may be authorized in this ordinance.

Staff is strictly interpreting Section 7.03.04 (11) (D) as stating a nonconforming sign may be modified; however, should be modified with a similar sign so as to result in it not becoming more nonconforming. The applicant interprets that section to indicate the nonconforming sign could be replaced with any sign allowed in Table 7A for the zoning district.

III. ATTACHMENTS TO REPORT

1. Zoning Map/Vicinity Map
2. 2022 GIS aerial photo of the property
3. Letter received from applicant March 28, 2023
4. Denied sign permit received February 21, 2023
5. Sign permit dated January 27, 2000
6. Sign permit dated September 22, 1997

IV. COPIES OF REPORT TO:

1. Richard Corbin
2. Main Street Properties
3. Public Upon Request

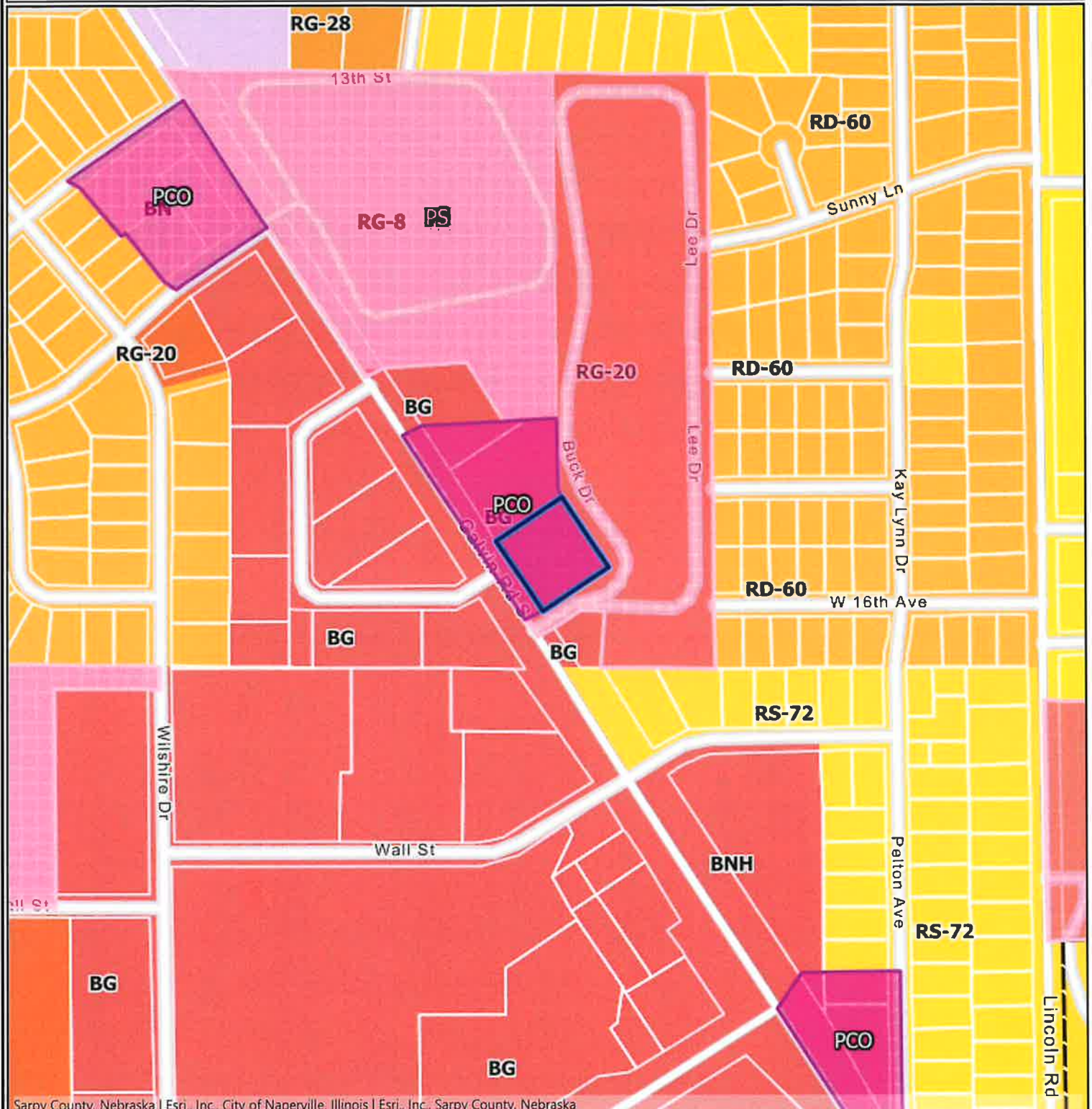


Assistant Planning Manager

 4/12/23

Planning Manager

Date of Report



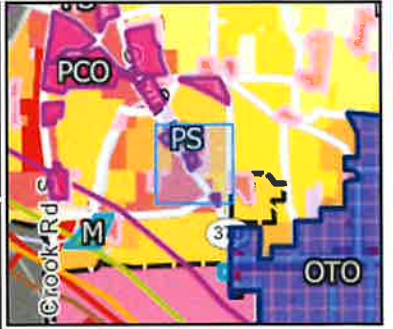
Sarpy County, Nebraska | Esri, Inc., City of Naperville, Illinois | Esri, Inc., Sarpy County, Nebraska

Notes



Map Scale 1: 4704

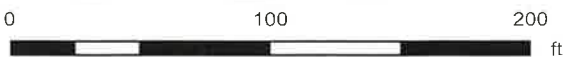
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Esri, Inc., City of Naperville, Illinois | Esri, Inc., Sarpy County, Nebraska

Notes



Map Scale 1: 1176

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Attachment 1

Purpose of Request: APPEAL OF A DECISION MADE BY AN ADMINISTRATIVE OFFICIAL OR AGENCY.

In February 2023, Kent Jorgenson of Sign-O-Vation, requested a permit on my behalf to replace a sign on the pole in front of Jammers Pub at 1505 Galvin Road South, Suites 1 – 4. The current sign is a back-lit florescent style sign. We asked to replace the existing sign with a Digital Electronic Message Center.

The Bellevue Permit Office denied our request because the current sign has been grandfathered - it is 20ft tall and in accordance with current zoning ordinance it should only be 12ft tall, based on the sign's distance from the property line. Because the sign has been grandfathered, we are not allowed to change the sign from a back-lit sign to a Digital Electronic Message Center. If we did that, it would make the sign "more nonconforming". We disagree with this decision.

Article 7 of the Zoning Ordinance, Section 10D states that "Any nonconforming sign which has been registered in accordance with Section 7.03.04 of this ordinance may be replaced or otherwise structurally altered provided the sign is not made more nonconforming and sign is of a type permitted by Table 7A in the zoning district which it is located. A sign permit will be required prior to replacing or structurally altering any sign."

I am appealing this permit decision because:

1. Article 7, Section 10D, of the Zoning Ordinance does not preclude changing the back-lit sign to another type of sign. It does allow for "replacing or otherwise structurally altering any sign, provided the sign is not made more nonconforming".
2. Replacing the existing sign with a Digital Electronic Message Center does not make the sign "more nonconforming". Digital Electronic Message Center signs are authorized in the zoning district and do conform to current zoning ordinances. The reason the current sign is nonconforming is that the sign pole is 20ft tall. Changing the type of sign does not make the sign pole taller. The sign will still be nonconforming, but no "more nonconforming" than it is currently.

RECEIVED
MAR 28 2023
PLANNING DEPT.



CITY OF BELLEVUE
SIGN PERMIT APPLICATION
(Page 1 of 2)

City of Bellevue
Planning Department
1510 Wall Street
Bellevue, NE 68005

Address of Project: 1505 Galvan Rd S Suite/Bay _____

Name of Business: Jammers Pub

✓ Legal Description: TAX LOT 2A6 35-14-13 (.70 AC)
(Lot No.) (Subdivision)

Zoning District: BG - PCO Street Frontage 180 350 feet

Owner of Property: Main St. Properties LLC, 2221 Main St., Bellevue, NE 68005
(Name) (Address) (City, State, Zip) (Phone)

Sign Contractor: Sign-O-vation, Inc 21864 Platteview Rd, Gretna, NE 68028
(Name) (Address) (City, State, Zip) (Phone)

Contact Person: Kent Jorgenson 4025936772 kjorg@sign-o-vation.com
(Name) (Phone) (Email Address)

Electrical Contractor: SES Electric
(Name) (Phone)

***Please provide description of the type of sign on page 2 of Sign Permit Application**
ATTACH TO THIS APPLICATION AN 8 1/2" x 11" DRAWING OF THE PROPOSED SIGN(S) SHOWING
DIMENSIONS, A SITE PLAN WITH SETBACKS FOR ANY FREESTANDING SIGNS, AND/OR BULDING
ELEVATIONS FOR PROPOSED WALL SIGNS.

4102

The undersigned represent and warrant the City that:

- (1) They shall procure and maintain during the existence of the sign commercial general liability insurance covering bodily injury, including death, and property damage coverage with a combined single limit of at least \$500,000 per person; and
- (2) They shall defend, indemnify and hold the City harmless from and against any action, claim, judgment, loss, damage or injury to person or property, all fines, penalties, cost or expense including reasonable attorney fees, of any nature whatsoever which are brought, made, incurred, caused by or which result or arise from or out of or in connection with (whether in whole or part) the negligent or intentional act, error or omission, including any default under this Application of the indemnifying party; and
- (3) they shall make sure the subject sign is in conformance with sign and zoning ordinances of the City of Bellevue to the erection, maintenance, location, size, construction and removal of such sign; and
- (4) all information herein provided is true and correct and they understand that should the information rendered to be false or misleading, the undersigned will remove such sign at his/her expense.

***WHEN SUBMITTING THE APPLICATION ELECTRONICALLY PLEASE MAIL THE ORIGINAL SIGNED APPLICATION TO THE ADDRESS LISTED ABOVE.**

Signature of Property Owner: [Signature] Date: 2-7-2023

Signature of Applicant: Kent Jorgenson Date: 2/17/23

OFFICIAL USE ONLY

Permit Fee: \$ 40 Approved by: [Signature] Approved on: 2/21/23

Permit #: _____ Permit Date: _____

RECEIVED
FEB 21 2023
PLANNING DEPT.

Proj. 4102

① Sign is not approved. Emailed sign contractor. Measurements wrong and cannot change to AMC without proper setbacks. AMC

1505 Galvan Rd Site Plan for Jammers Pub

1505 Galvan Rd S, Bellevue, 68005

Tax Parcels

Parcel #010464662

Site Address: 1505 GALVIN RD S BELLEVUE NE 68005

Legal Description: TAX LOT 2A6 35-14-13 (7.0 AC)

Land Value: \$591,131.00

Total Value: \$5385,000.00

Owner Information:

MAIN ST PROPERTIES

2221 MAIN ST

BELLEVUE NE 68005

[Zoom to Parcel](#)

[Find Data by Parcel Boundary](#)

[Property Detail Page](#)

[Create Parcel Detail Report \(pdf\)](#)

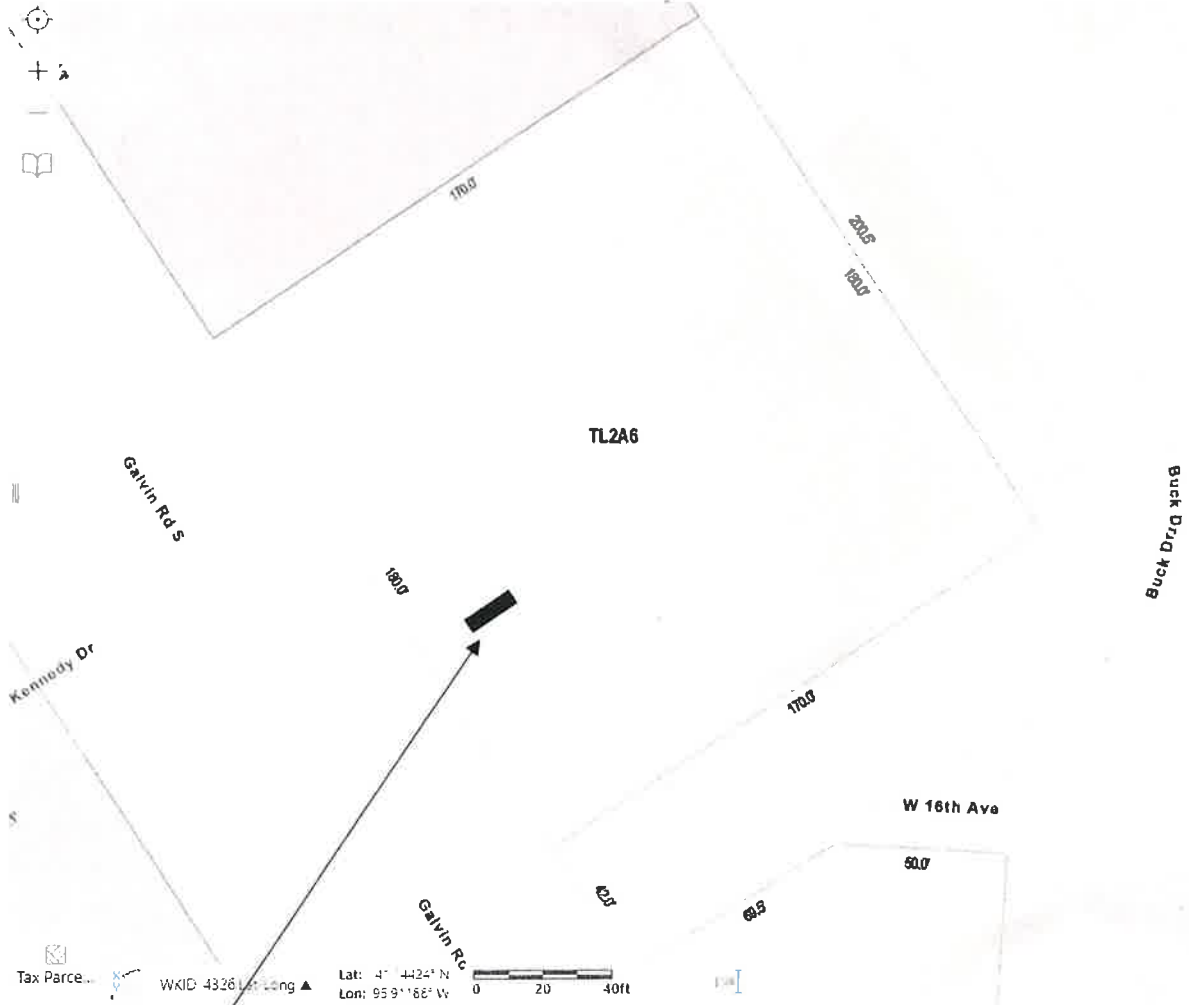
[Buffer Parcel](#)

[MORE LOCATION INFORMATION](#)

Displaying 1 - 2 (Total: 2)

Page 1 of 1

Search: Results: 1505 G.



1 New Pole Sign (EMC) 16.1 SF
(On Existing Pole)

RECEIVED
FEB 21 2023
PLANNING DEPT.

5' 6"

3"

2' 11"

3"

16.1 SF



88" Above Grade



Existing



Proposed

Jammer's Pub
 1505 Galvan Rd. S.

Polaris Red 20mm 40x80
 LED Cabinet: 2' 11" x 5' 6"
 Remote USB

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2/11/97

Application Date

City of Bellevue
Application for New Signage

Receipt #

Applicant Information

For Office Use Only

Zone Lot Owner: *Cladder buck Properties (Fron)*
 Mailing Address: *1902 Harlan Dr.*
 City/State/ZIP: *Bellevue, NE 68005* Phone: *291-7824*
 Sign Owner: *Rick Scardwell*
 Mailing Address: *1505 Galvin Rd*
 City/State/ZIP: *Bellevue, NE* Phone: *659-1010*

Permit Fee: *40.00*
 Late Charge Fee:
 Approved by: *ams*
 Approved on: *2/5/00*
 Permit #: *00-00350*
 Permit Date:
 BOA Case #:

Lot Information

Lot: *2 A6* Subdivision: Section: Twosp: Range: *35-14-13 (70 Ave)*
 Business Name/Location: *Jammers 1505 Galvin Rd.*
 Zoning District: *3x*
 Street Frontage: *44 on Galvin Rd.*

Have Existing Signs Been Registered with the City, or is this new construction? Yes. No. Complete Registration for Existing Signage

NOTE: LEAVE SHADED AREAS BLANK IN THE FOLLOWING SECTION

Sign(s) Being Installed

Description	Sign Number (from Description Sheet)/Valuation	Area	Area Percentage	Sign Sticker #s
Awning				
Banner				
Canopy	<i>1</i>	<i>24.59</i>	<i>38</i>	
Flag				
Ground/Monument				
Pole				
Roof				
Wall				
Window				
Other				

RECEIVED
 JAN 27 2000
 PLANNING DEPT

Attach to this Application an 8 1/2" X 11" drawing of the proposed sign(s) showing dimensions, the sign description form, and the site plan.

The undersigned represent and warrant to the City that:

- (i) they shall procure and maintain during the existence of the sign commercial general liability insurance covering bodily injury, including death, and property damage coverage with a combined single limit of at least \$500,000 per person; and
- (ii) they shall defend, indemnify and hold the City harmless from and against any action, claim, judgment, loss, damage or injury to person or property, all fines, penalties, cost or expense including reasonable attorney fees, of any nature whatsoever which are brought, made, incurred, caused by or which result or arise from or out of or in connection with (whether in whole or part) the negligent or intentional act, error or omission, including any default under this Application of the indemnifying party; and
- (iii) they shall make sure the subject sign is in conformance with sign and zoning ordinances of the City of Bellevue to the erection, maintenance, location, size, construction and removal of such sign; and
- (iv) all information herein provided is true and correct and they understand that should the information rendered to be false or misleading, the undersigned will remove such sign at his/her expense.

1-25-00 *Rick Scardwell* (114) *Rick Scardwell*
 (Signature/Date) Sign Owner (Print or Type)

(Signature/Date) Zone Lot Owner (Print or Type)

The permit WILL BE granted upon the express condition that the applicant will comply with the ordinances of the City of Bellevue. Words beginning with a capital letter shall have the meaning ascribed to them in the City Sign Ordinance 2876 as it may be amended from time to time.

#18976
 with
 Emporium
 change

Sign Descriptions

Sign #	Type (Pole, Wall, etc.)	Setback (ft)	Height (ft)	Area %	Area (sq ft)	New or Existing	New Sign Valuation	Design Characteristics
1	Pole	10	20'-4"	6.3%	40	<input type="checkbox"/> New <input checked="" type="checkbox"/> Existing		<input type="checkbox"/> Animated <input type="checkbox"/> Changeable Copy <input type="checkbox"/> Illuminated, External <input checked="" type="checkbox"/> Illuminated, Internal
2	Awning	92'	10'	1%	6.75	<input checked="" type="checkbox"/> New <input type="checkbox"/> Existing	\$1300	<input type="checkbox"/> Animated <input type="checkbox"/> Changeable Copy <input type="checkbox"/> Illuminated, External <input checked="" type="checkbox"/> Illuminated, Internal
31	Neon Sign Canopy	92'	12'	3.8%	24 1/3	<input checked="" type="checkbox"/> New <input type="checkbox"/> Existing	\$2500	<input type="checkbox"/> Animated <input type="checkbox"/> Changeable Copy <input type="checkbox"/> Illuminated, External <input checked="" type="checkbox"/> Illuminated, Internal
						<input type="checkbox"/> New <input type="checkbox"/> Existing		<input type="checkbox"/> Animated <input type="checkbox"/> Changeable Copy <input type="checkbox"/> Illuminated, External <input type="checkbox"/> Illuminated, Internal
						<input type="checkbox"/> New <input type="checkbox"/> Existing		<input type="checkbox"/> Animated <input type="checkbox"/> Changeable Copy <input type="checkbox"/> Illuminated, External <input type="checkbox"/> Illuminated, Internal
						<input type="checkbox"/> New <input type="checkbox"/> Existing		<input type="checkbox"/> Animated <input type="checkbox"/> Changeable Copy <input type="checkbox"/> Illuminated, External <input type="checkbox"/> Illuminated, Internal
						<input type="checkbox"/> New <input type="checkbox"/> Existing		<input type="checkbox"/> Animated <input type="checkbox"/> Changeable Copy <input type="checkbox"/> Illuminated, External <input type="checkbox"/> Illuminated, Internal
						<input type="checkbox"/> New <input type="checkbox"/> Existing		<input type="checkbox"/> Animated <input type="checkbox"/> Changeable Copy <input type="checkbox"/> Illuminated, External <input type="checkbox"/> Illuminated, Internal
						<input type="checkbox"/> New <input type="checkbox"/> Existing		<input type="checkbox"/> Animated <input type="checkbox"/> Changeable Copy <input type="checkbox"/> Illuminated, External <input type="checkbox"/> Illuminated, Internal
						<input type="checkbox"/> New <input type="checkbox"/> Existing		<input type="checkbox"/> Animated <input type="checkbox"/> Changeable Copy <input type="checkbox"/> Illuminated, External <input type="checkbox"/> Illuminated, Internal
						<input type="checkbox"/> New <input type="checkbox"/> Existing		<input type="checkbox"/> Animated <input type="checkbox"/> Changeable Copy <input type="checkbox"/> Illuminated, External <input type="checkbox"/> Illuminated, Internal

2107

← 8 →

existing

57
↓

Jammer's
PUB

- LIQUOR
- BEER
- DARTS
- PICKLES

**CHECKS
 CASHED**

AQUATICS PLUS
 TROPICAL FISH
 REPTILES

EVADISOL M
 LAZA
COOLERS

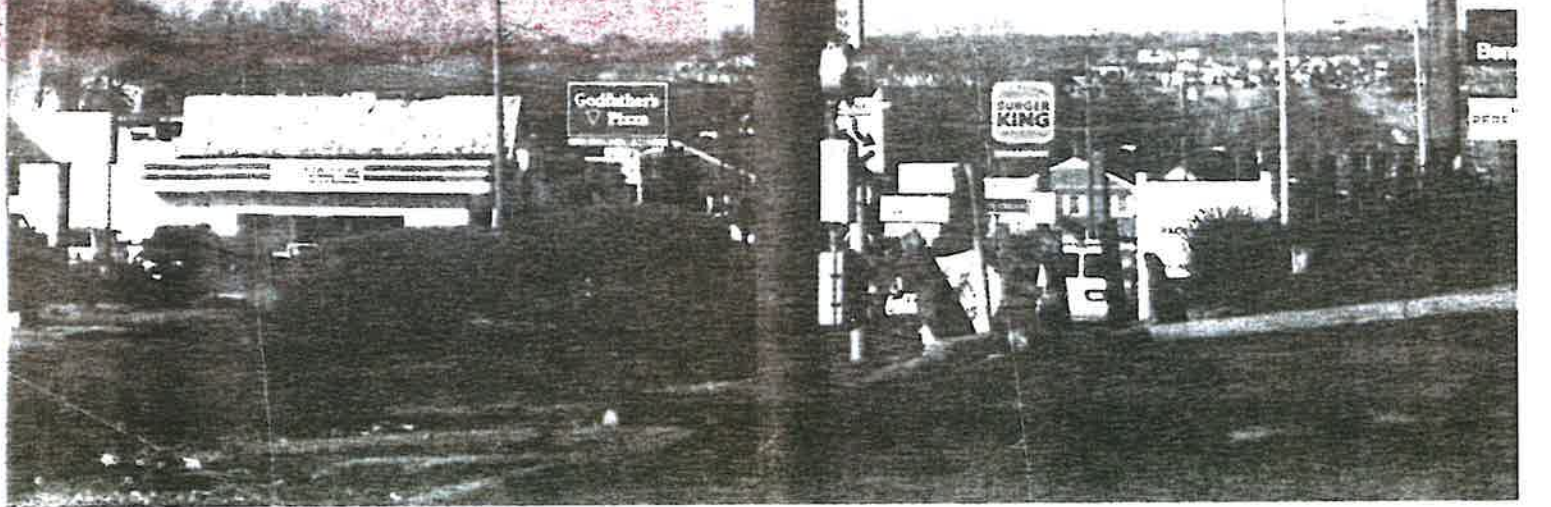
Courtesy World
 International
 Calicut City

WED 31
 DRIVE THRU

Godfather's
 PIZZA

BURGER KING

Ben
 DRESS



✓ *EMPERIUM*

2/11/97

Application Date

City of Bellevue Registration for Existing Signage

Receipt #

#1058-#1064

Applicant Information	For Office Use Only
Zone Lot Owner: <i>L & C INVESTMENTS</i>	Permit Fee:
Mailing Address: <i>1409 BUCK DR</i>	Late Charge Fee:
City/State/ZIP: <i>BELLEVUE NE 68005</i> Phone: <i>291 7824</i>	Approved by:
Sign Owner:	Approved on:
Mailing Address: <i>SAME</i>	Permit #:
City/State/ZIP:	Permit Date:
Phone:	BOA Case #:

Lot Information

Lot: *2A1A1* Subdivision: *REPLAT OF 2A1A* Section: *35* Twnbsp: *14N* Range: *13E*

Business Name/Location: *EMPERIUM PLAZA*

Zoning District: *BG*

Street Frontage: *465 FT*

Do you wish to claim the 25% signage bonus for either:
 1. Two or more property owners of two or more adjoining lots, or
 2. One lot with more than one building?
 Yes, Complete Common Signage Site Plan
 No, Complete Master Signage Site Plan

NOTE: LEAVE SHADED AREAS BLANK IN THE FOLLOWING SECTION

Sign Area Currently Existing on Premises
(Do not include signs allowed without permits or those exempted by Ordinance)

Description	Sign Number (from Description)	Area	Area Percentage	Sign Sticker #s
Awning	<i>#14</i>	<i>460 sq ft</i>	<i>9</i>	
Banner				
Canopy				
Flag				<i>RECEIVED</i>
Ground/Monument	<i>#15</i>	<i>120 sq ft</i>		<i>SEP 22 1997</i>
Pole				
Roof				<i>PLANNING DEPT</i>
Wall	<i>#8, 9, 10, 11, 12, 13</i>	<i>480</i>	<i>4</i>	
Window				
Other				

Attach to this Application photographs of the existing sign(s), the sign description form, and the site plan.

The undersigned represent and warrant to the City that:

- (i) they shall procure and maintain during the existence of the sign commercial general liability insurance covering bodily injury, including death, and property damage coverage with a combined single limit of at least \$500,000 per person; and
- (ii) they shall defend, indemnify and hold the City harmless from and against any action, claim, judgment, loss, damage or injury to person or property, all fines, penalties, cost or expense including reasonable attorney fees, of any nature whatsoever which are brought, made, incurred, caused by or which result or arise from or out of or in connection with (whether in whole or part) the negligent or intentional act, error or omission, including any default under this Application of the indemnifying party; and
- (iii) they shall make sure the subject sign is in conformance with sign and zoning ordinances of the City of Bellevue to the erection, maintenance, location, size, construction and removal of such sign, if not protected under section 1.17.4 grandfather rights and
- (iv) all information herein provided is true and correct and they understand that should the information rendered to be false or misleading, the undersigned will remove such sign at his/her expense.

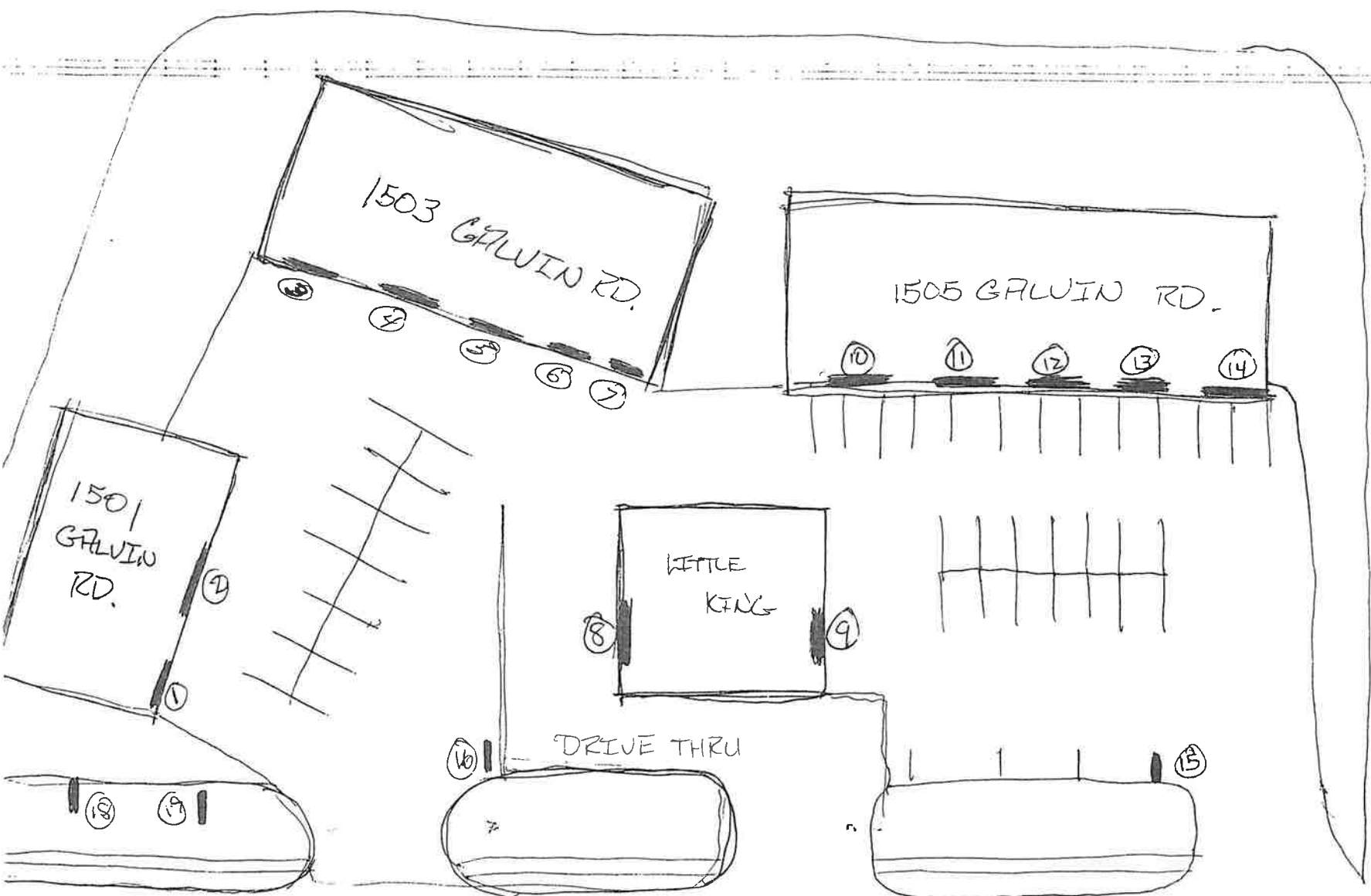
Ernst G. J. [Signature] 9/15/97 Sign Owner (Print or Type)
Ernst G. J. [Signature] 9/15/97 Zone Lot Owner (Print or Type)

This permit WILL BE granted upon the express condition that the applicant will comply with the ordinances of the City of Bellevue. All words beginning with a capital letter shall have the meaning ascribed to them in the City Sign Ordinance 2676 as it may be amended from time to time.

Sign Descriptions

Emporium Playa

Sign #	Type (Pole, Wall, etc.)	Setback (ft)	Height (ft)	Area %	Area (sq ft)	New or Existing	New Sign Valuation	Design Characteristics
1058 8	WALL	-	-	8	120	<input type="checkbox"/> New <input checked="" type="checkbox"/> Existing		<input type="checkbox"/> Animated <input checked="" type="checkbox"/> Changeable Copy <input type="checkbox"/> Illuminated, External <input checked="" type="checkbox"/> Illuminated, Internal
1059 9	WALL	-	-	8	120	<input type="checkbox"/> New <input checked="" type="checkbox"/> Existing		<input type="checkbox"/> Animated <input checked="" type="checkbox"/> Changeable Copy <input type="checkbox"/> Illuminated, External <input checked="" type="checkbox"/> Illuminated, Internal
1060 10	WALL	-	-	2°	60	<input type="checkbox"/> New <input checked="" type="checkbox"/> Existing		<input type="checkbox"/> Animated <input checked="" type="checkbox"/> Changeable Copy <input type="checkbox"/> Illuminated, External <input checked="" type="checkbox"/> Illuminated, Internal
1061 11	WALL	-	-	2	60	<input type="checkbox"/> New <input checked="" type="checkbox"/> Existing		<input type="checkbox"/> Animated <input checked="" type="checkbox"/> Changeable Copy <input type="checkbox"/> Illuminated, External <input checked="" type="checkbox"/> Illuminated, Internal
1062 12	WALL	-	-	2	60	<input type="checkbox"/> New <input checked="" type="checkbox"/> Existing		<input type="checkbox"/> Animated <input checked="" type="checkbox"/> Changeable Copy <input type="checkbox"/> Illuminated, External <input checked="" type="checkbox"/> Illuminated, Internal
1063 13	WALL	-	-	2	60	<input type="checkbox"/> New <input checked="" type="checkbox"/> Existing		<input type="checkbox"/> Animated <input checked="" type="checkbox"/> Changeable Copy <input type="checkbox"/> Illuminated, External <input checked="" type="checkbox"/> Illuminated, Internal
no # recheck 1064 14	AWNING WALL	-	-	9	400	<input type="checkbox"/> New <input checked="" type="checkbox"/> Existing		<input type="checkbox"/> Animated <input type="checkbox"/> Changeable Copy <input type="checkbox"/> Illuminated, External <input type="checkbox"/> Illuminated, Internal
15	POLE	25'	30'	-	120	<input type="checkbox"/> New <input checked="" type="checkbox"/> Existing		<input type="checkbox"/> Animated <input checked="" type="checkbox"/> Changeable Copy <input type="checkbox"/> Illuminated, External <input checked="" type="checkbox"/> Illuminated, Internal
						<input type="checkbox"/> New <input type="checkbox"/> Existing		<input type="checkbox"/> Animated <input type="checkbox"/> Changeable Copy <input type="checkbox"/> Illuminated, External <input type="checkbox"/> Illuminated, Internal
						<input type="checkbox"/> New <input type="checkbox"/> Existing		<input type="checkbox"/> Animated <input type="checkbox"/> Changeable Copy <input type="checkbox"/> Illuminated, External <input type="checkbox"/> Illuminated, Internal
						<input type="checkbox"/> New <input type="checkbox"/> Existing		<input type="checkbox"/> Animated <input type="checkbox"/> Changeable Copy <input type="checkbox"/> Illuminated, External <input type="checkbox"/> Illuminated, Internal
						<input type="checkbox"/> New <input type="checkbox"/> Existing		<input type="checkbox"/> Animated <input type="checkbox"/> Changeable Copy <input type="checkbox"/> Illuminated, External <input type="checkbox"/> Illuminated, Internal



GALVIN RD

EMPORIUM PLAZA



EMP. # 8 #1058
N. SIDE



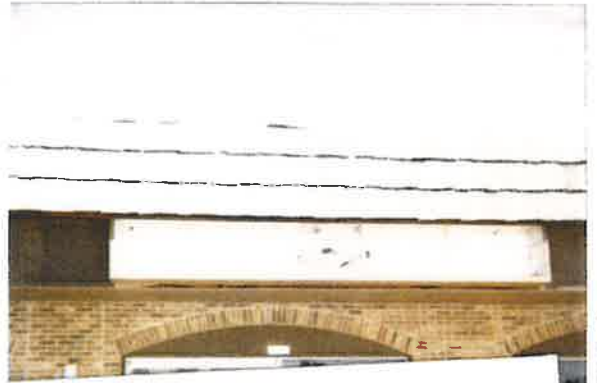
EMP. # 10 #1060



EMP. # 12 # 1062



EMP. # 14 NO # needed



EMP. # 15 # 1064

BOARD OF ADJUSTMENT
Uniform Review Schedule – 2023

SUBMITTAL DEADLINE	NOTICE IN LEGAL NEWSPAPER	POST PROPERTY	HEARING DATE ¹
December 30, 2022	January 11, 2023	January 6, 2023	January 18, 2023
January 27, 2023	February 8, 2023	February 3, 2023	February 15, 2023
February 24, 2023	March 8, 2023	March 3, 2023	March 15, 2023
March 31, 2023	April 12, 2023	April 7, 2023	April 19, 2023
April 28, 2023	May 10, 2023	May 5, 2023	May 17, 2023
June 02, 2023	June 14, 2023	June 9, 2023	June 21, 2023
June 30, 2023	July 12, 2023	July 7, 2023	July 19, 2023
July 28, 2023	August 9, 2023	August 4, 2023	August 16, 2023
September 1, 2023	September 13, 2023	September 8, 2023	September 20, 2023
September 29, 2023	October 11, 2023	October 6, 2023	October 18, 2023
October 27, 2023	November 8, 2023	November 3, 2023	*November 15, 2023
December 1, 2023	December 13, 2023	December 8, 2023	*December 20, 2023

Approved by the Board of Adjustment

Chairman

Date

*Please note meeting date reflects the third Wednesday of the month.

¹ Board of Adjustment will only be held if an application has been submitted