

**BOARD OF ADJUSTMENT
LEXINGTON, NEBRASKA
December 10, 2013**

A Meeting of the Board of Adjustment of the City of Lexington was held Wednesday, December 10, 2013, at 8:00 a.m. in the Council Chambers at City Hall, 406 East 7th Street, Lexington, Nebraska. Boards of Adjustment Members present were Mike Maguire, Curt Bennett, Deb Stuchlik, John Knapple, and Alternate Rod Ziegler. Member Leo Gonzalez was absent. City Officials present were Development Services Director Bill Brecks, Building Inspector Mark Yung, Code Inspector Jesus Naputi and Secretary Pamela Baruth. Applicants Juan and Mercedes Muro arrived at 8:10 a.m.

CALL TO ORDER: The meeting was called to order by Chairman Maguire at 8:00 am. Maguire informed the public that the Open Meetings Act is posted in the Meeting Room at City Hall, located at 406 East 7th Street, Lexington, NE.

MINUTES: Minutes from the Regular Meeting held Wednesday, February 27, 2013 were presented for the Board's consideration. Moved by Stuchlik, seconded by Bennett, to approve the minutes as presented. Roll call. Voting "aye" were Knapple, Ziegler, Bennett, Stuchlik, Maguire. Motion carried.

APP FOR APPEAL: An Application for Appeal of a demolition order for property located at 1607 North Madison was presented for Board consideration. As there was no one present on behalf of the applicant, moved by Stuchlik, seconded by Knapple, to uphold the demolition order as issued. Roll call. Voting "aye" were Ziegler, Bennett, Knapple, Stuchlik, Maguire.

As the members were discussing scheduling a regular day to hold Board of Adjustment meetings, the applicants arrived and stated they had entered the building through the wrong entrance. As they were now in attendance to state their case, it was moved by Knapple, seconded by Bennett, to withdraw the previous motion to uphold the demolition order in order to hear Muro's case. Roll call. Voting "aye" were Ziegler, Stuchlik, Bennett, Knapple, Maguire. Motion carried.

Juan Muro, with the assistance of Jesus Naputi, asked as why the urgency of the demolition order as the structure was in this condition when they purchased it in 2002. He stated that they do not know the current condition of the structure since the electricity has been disconnected and the potential of frozen and/or broken water pipes. He said that homeowners insurance has been issued on the property and feels if that would not have happened if it is in such bad shape. He asked about other structures in the city being condemned, such as trailer homes, as a matter of principal. Mercedes Muro explained that the house is in her name but her brother is the owner and is currently in Mexico and won't be returning for six years. She stated that she was aware of the discrepancies at the time of the inspection and they have done some work to date but aren't able to do much without connected utilities. She states the property was purchased in 2002 in a similar condition

but also contends that the renters have contributed to its current condition. They have had an electrician complete an inspection, stating that the fuse box is usable but they have not received a written report to date.

Maguire addressed Muros' concern regarding the urgency, stating this is standard protocol and as the structure is substandard, the demolition order was issued as part of that protocol. He noted that having insurance on the property does not mean the property conforms to property maintenance standards.

Mrs. Muro stated that her brother originally planned to demolish the structure and rebuild but now feels that it is repairable. She stated that they do not have the funds at this time to demolish the structure.

Yung noted that it is the owner's responsible to take care of the property and structures. He stated that since the structure is a combination of an old trailer and stick building, any state electric order would be nullified and the electric system could not be updated at any point, per state electric inspector.

Following discussion, moved by Stuchlik, seconded by Knapple, to uphold the demolition order. Roll call. Voting "aye" were Ziegler, Bennett, Knapple, Stuchlik, Maguire. Motion carried. Mr. and Mrs. Muro were asked to contact the Building Inspection department to make arrangements to complete the demolition order.

In other business, it was noted that further Board of Adjustment meetings will be scheduled for the second Tuesday of each month pending agenda issues.

ADJOURNMENT:

There being no further business to come before the Lexington Board of Adjustment, Chairman Maguire declared the meeting adjourned.

Sincerely,

Pamela Berke
Secretary