

MCCOOK CITY COUNCIL

REGULAR MEETING

**Monday, July 27, 2026
5:30 PM - City Council Chambers**

Call to Order and Roll Call.

Open Meetings Act Announcement.

Items

1. Approve the minutes of the September 22, 2025 regular Board of Zoning Adjustment meeting.
2. Public Hearings and Regular Agenda.
 - A. Public Hearing - request for a variance of the side yard setback requirements from 10' to 0' in the Residential Medium Density District (IL), property located at 508 Apollo, applicant: Lance & Denise Gillen.
 1. Close Public Hearing.
 - B. Consider a request for a variance of the side yard setback requirements from 10' to 0' in a Residential Medium Density District (RM), property located at 508 Apollo; applicant: Lance and Denise Gillen; and that the applicant has satisfactorily demonstrated that the variance criteria have been met.

Adjournment.

CITY MANAGER'S REPORT
JULY 27, 2026 BOARD OF ZONING ADJUSTMENT MEETING

ITEM: 1.

Approve the minutes of the September 22, 2025 Board of Zoning Adjustment meeting.

BACKGROUND:

Receive and approve the minutes.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

July 21, 2026

Board of Zoning Adjustment
September 22, 2025
5:30 P.M.

A MEETING OF THE BOARD OF ZONING ADJUSTMENT OF THE CITY OF MCCOOK, NEBRASKA convened in open, regular, and public session at 5:30 o'clock P.M. in the City Council Chambers.

Present: Chair Jerry Reitz; Vice Chair Tammie Hilker; Board members Greg Larson, Ryan Moore (arrived 5:35 P.M.).

Absent: Board Member Rick Haney.

City Officials present: City Manager Nate Schneider, City Attorney Nate Mustion, City Clerk Lea Ann Doak, Assistant City Manager Tera Koetter, Building Inspector Mooney.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on September 18, 2025, the designated method of giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to all members of the Board of Zoning Adjustment. Availability of the agenda was communicated in the advance notice. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

Chair Reitz announced that a copy of the Open Meetings Act was posted by the entrance to the Council Chambers and available for public review.

1. Approve the minutes of the October 9, 2024 regular Board of Zoning Adjustment meeting.

Motion to approve the minutes of the October 9, 204 regular Board of Zoning Adjustment meeting. This motion, made by Greg Larson and seconded by Tammie Hilker, passed.

Rick Haney: ABSENT, Ryan Moore: ABSENT, Jerry Reitz: YEA, Tammie Hilker: YEA, Greg Larson: YEA

YEA: 3, NAY: 0, ABSENT: 2

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - request for a variance of the rear yard setback requirement from 15' to 5' in the Industrial Light (IL) District, property located at 1804 West "O" Street; applicant: Norton Motor & Electric LLC.

Motion to recess and convene a public hearing for the purpose of receiving public comment on the request for a variance of the rear yard setback requirement from 15' to 5' in the Industrial Light (IL) District, property located at 1804 West "O" Street; applicant: Norton Motor & Electric LLC, with the City Attorney to act as hearing officer. This motion, made by Jerry Reitz and seconded by

Tammie Hilker, passed.

Rick Haney: ABSENT, Jerry Reitz: YEA, Tammie Hilker: YEA, Greg Larson: YEA, Ryan Moore: YEA

YEA: 4, NAY: 0, ABSENT: 1

The City Attorney offered and received into evidence Exhibit #1 - City Manager's Report prepared for the September 22, 2025 Board of Zoning Adjustment meeting (1 page); Exhibit #2 - Notice of Public Hearing (1 page); Exhibit #3 - Variance Application and attachments (4 pages); Exhibit #4 - Adjacent Property Owner Certification (1 page); Exhibit #5 - Map of area (1 page) ; Exhibit #6 - Findings and Determinations of the Board of Zoning Adjustment (4 pages); and Exhibit #7 - copy of Article 25 - Board of Zoning Adjustment of the McCook Zoning Ordinance (3 pages).

City Manager Schneider reviewed the information presented in Exhibit #1.

The applicants, Evan and Hollie Norton, owners of Norton Motor and Electric, were present to address their request with the Board.

Discussion was held by the board.

There being no one else present to comment, motion to adjourn the public hearing and to reconvene as the Board of Zoning Adjustment. This motion, made by Jerry Reitz and seconded by Tammie Hilker, passed.

Rick Haney: ABSENT, Jerry Reitz: YEA, Tammie Hilker: YEA, Greg Larson: YEA, Ryan Moore: YEA

YEA: 4, NAY: 0, ABSENT: 1

- 2.B. Consider request for a variance of the rear yard setback requirement from 15' to 5' in a Industrial Light (IL) District, property located at 1804 West "O" Street; applicant: Norton Motor & Electric LLC; and that the applicant has satisfactorily demonstrated that the variance criteria have been met.

Each board member was asked to complete the "Findings and Determinations of McCook Board of Zoning Adjustment Form" regarding the proposed variance request. A member must vote yes on all questions in order to vote for approval of the variance. City Attorney Mustion reviewed the forms, four forms were yes.

Motion to approve the request for a variance of the rear yard setback requirement from 15' to 5' in a Industrial Light (IL) District, property located at 1804 West "O" Street; applicant: Norton Motor & Electric LLC; condition to completion of survey of the property; and that the applicant has satisfactorily demonstrated that the variance criteria have been met. This motion, made by Jerry Reitz and seconded by Ryan Moore, passed.

Rick Haney: ABSENT, Jerry Reitz: YEA, Tammie Hilker: YEA, Greg Larson: YEA, Ryan Moore: YEA

YEA: 4, NAY: 0, ABSENT: 1

Chair Reitz informed the applicants that there is a fifteen day period in which any decision of the Board of Adjustment may be appealed to the District Court. Building permits will not be issued before the end of the fifteen day period.

2.C. Elect new officers - Chairperson, Vice-Chairperson, and Secretary.

Motion to retain the current officers. This motion, made by Greg Larson and seconded by Tammie Hilker, passed.

Rick Haney: ABSENT, Ryan Moore: ABSENT, Jerry Reitz: YEA, Tammie Hilker: YEA, Greg Larson: YEA

YEA: 3, NAY: 0, ABSENT: 2

Adjournment.

There being no further business to come before the Board, Chair Reitz declared the meeting adjourned at 6:15 P.M.

Lea Ann Doak, City Clerk-Treasurer
Recording Secretary

**CITY MANAGER'S REPORT
JULY 27, 2026 BOARD OF ZONING ADJUSTMENT MEETING**

Item A **2.A.** Public Hearing – request for a variance of the side yard setback requirements in a Residential Medium Density District (RM) (508 Apollo), from 10 feet to 0 feet; applicant: Lance and Denise Gillen.

Item B **2.B.** Consider a request for a variance of the side yard setback requirement in a Residential Medium Density District (RM), from 10 feet to 0 feet, property located at 508 Apollo.

BACKGROUND:

A variance application has been submitted by Lance and Denise Gillen. The applicant requests a variance of the side yard setback requirement from 10 feet to 0 feet in a Residential Medium Density District (RM). The applicants would like to build a garage on the northwest portion of their property at 508 Apollo. Entry to the garage would come from East F Street directly north of the applicants' lot.

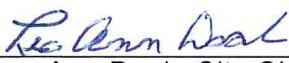
Staff reviewed the application in conjunction with the established criteria for variance requests. The applicants' property is subject to the unique nature of East F Street's right-of-way layout. Due to the right-of-way placement, the location of overhead utility lines crossing the rear portion of the lot is greater than a typical corner lot. Case in point, the distance from back of curb (adjacent to East F Street) to the utility lines to the south is approximately 23 feet. It almost appears as though the utilities were located on the property before East F Street was constructed. A power pole located just to the north of the applicants' property has guy wires encroaching onto the applicants' lot. With the layout of the right-of-way, if a variance is not granted, the garage would be located extremely close to the applicants' home.

Staff measured the site triangle requirements off the alley to ensure congruity with our ordinance. A garage placed at the applicant's preferred location would not interfere with the site triangle, making the intersection of East F Street and the alley safe for pedestrians and car traffic.

Staff considered the possibility of placing the garage's entrance off the alleyway, but there were concerns the garage would be too close to the applicants' home.

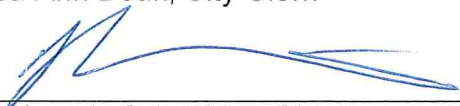
Based on our review, staff do not have concerns about granting the requested variance.

APPROVALS:



Lea Ann Doak, City Clerk

July 21, 2026



Nathan A. Schneider, City Manager

July 21, 2026



Barry Mooney, Building Inspector

July 21, 2026

EXHIBIT #1

PAGE(S) -1

NOTICE OF HEARING

REQUEST FOR VARIANCE

NOTICE IS HEREBY GIVEN that the duly appointed Board of Zoning Adjustment of the City of McCook, Nebraska, will hold a public hearing in the McCook City Council Chambers, 505 West "C" Street, at 5:30 P.M. on July 27, 2026.

Said hearing is for the purpose of presenting a request for a variance of the side yard setback requirement from 10' to 0', in the Residential Medium Density District (RM). APPLICANT AND LAND OWNER: Lance and Denise Gillen. LEGAL: Block 2, Lot 1, Century II Addition to the City of McCook, Red Willow County, Nebraska. ADDRESS: 508 Apollo, McCook, Nebraska.

ANY AND ALL PERSONS desiring to comment on the above-described request will be given an opportunity to be heard. Please direct all inquiries to Nate Schneider, McCook City Manager at 308-345-2022 ext. 225.

-s- Lea Ann Doak
City Clerk

Publish: July 23, 2026.

EXHIBIT #2

PAGE(S) -1

VARIANCE APPLICATION

APPLICATION NO. _____ DATE: _____

FEE ATTACHED: _____

APPLICATION COMPLETE: _____ SIGNED: _____

Applicant

1. Applicant's Name: Lance + Denise Gillen
2. Applicant's Address: 508 Apollo Rd Phone (308) 340-7673
Email Address: gillen43@hotmail.com
3. Address of Property Affected: 508 Apollo Rd
4. Legal Description of Property: Century II Addition McCook
BLK 2, Lot 1
5. Zoning R.M. Corner Lot? Yes ☒ No ☐
6. Applicant's interest in the Property (i.e. owner, tenant), attached proof of ownership:
Owner
7. Description of variance requested: (Example: Variance of side lot set back requirement from 5 feet to 3 feet). side lot set back from 10 feet
to 0 feet
8. Sections of Zoning Ordinance No. 2016-2929 which are affected (to be completed by staff)
ARTICLE: _____
SECTION: _____

APPLICANT DECLARATIONS

1. The following special conditions or circumstances exist on the land which pose an undue hardship on the applicant: (Describe conditions and circumstances.)

The property is subject to a unique condition due to the location of overhead utility lines crossing the rear portion of the lot. The distance from the back curb to the utility lines is approximately 23 feet, which is significantly greater than that of most residential properties in the area of McCook. As a result, applying the required additional rear setback would substantially reduce the usable building area on the lot and create an undue hardship not commonly experienced by neighboring properties. We are requesting permission to construct the proposed garage aligned with the 23 foot setback, which corresponds with the existing utility lines location, rather than being required to move the structure an

2. Please state the minimum variance necessary to permit the proposed construction

From 10 feet to 0 feet

3. Without the granting of this variance the applicant would suffer a hardship not suffered by other properties located in the same zoning district and same vicinity.

☒ Yes ☐ No

4. The granting of the variance will not adversely affect the rights of the adjacent property owners or residents nor will it confer upon the applicant any special privilege denied by the Zoning Ordinance. ☒ Yes ☐ No

(Attach approval certifications from adjacent property owners.)

5. The variance will not adversely affect the public health, safety, morals, order, convenience or welfare. ☒ Yes ☐ No

→ additional 10 feet forward. Granting this request would allow reasonable use of the property while maintaining the existing separation from the utility lines.

The Applicant must provide proof that the following criteria are met regarding the parcel of property for which the variance is being requested:

1. Referring to the specific parcel of property,
 - a) the parcel of property is exceptionally narrow;
 - b) the parcel of property is exceptionally shallow; or
 - c) the shape of the parcel of property is exceptional.

OR

 - d) the parcel of property has exceptional topographic conditions; or
 - e) the parcel of property has other exceptional or extraordinary conditions.
2. Strict application of the zoning ordinance would result in:
 - a) peculiar and exceptional practicable difficulties to the owner; OR
 - b. exceptional and undue hardships on the owner of such property.
3. Such relief may be granted without:
 - a) substantial detriment to the public good; AND
 - b.) without substantially impairing the intent and purpose of the ordinance.
4. No variance shall be authorized unless the Board finds:
 - a. strict application of the zoning ordinance would produce undue hardship;
 - b.) such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
 - c.) authorization of such variance will not be a substantial detriment to adjacent property and the character of the district will not be changed by granting the variance;
 - d. granting the variance is based upon reason of demonstrable and exceptional hardship as distinguished from variation for purposes of convenience, profit, or caprice.
- ? 5. No variance shall be authorized if request is:
 - a. of a general and recurring nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the zoning regulations.

Please provide documentation of the above, such as maps, photographs, or other evidence to substantiate your application.

THE BOARD MUST FIND THAT ALL OF THE ABOVE REQUIREMENTS ARE MET BY THE APPLICANT BY A CONCURRING VOTE OF FOUR MEMBERS OF THE BOARD.

9. Draw the general area of your property and structure (existing and proposed) and adjacent properties and structures. (Not to scale).

N
W E
S

Site Layout

F Street

Back of Curb

Side Walk

Proposed Drive
grind curb

23'
Alley
from
Back
of
Curb

13' corner

Structure
corner

Power Pole

Power Lines

guy
wire

Garage

24'
square

Distance from corner
Garage To House if not
given Variance

House

ADJACENT PROPERTY OWNER CERTIFICATION

I, Kali Curl, own the property adjacent to that for which this variance is requested. I hereby certify that I do not have any objection to or reservations about the granting of the variance requested.

SIGNED: Kali Curl

ADDRESS: 506 Apollo Rd

ADJACENT PROPERTY OWNER CERTIFICATION

I, _____, own the property adjacent to that for which this variance is requested. I hereby certify that I do not have any objection to or reservations about the granting of the variance requested.

SIGNED: _____

ADDRESS: _____

ADJACENT PROPERTY OWNER CERTIFICATION

I, _____, own the property adjacent to that for which this variance is requested. I hereby certify that I do not have any objection to or reservations about the granting of the variance requested.

SIGNED: _____

ADDRESS: _____



BeaconTM

Red Willow County, NE



- ☐ Parcels
- Parcel Numbers
- USA Major Highways
- Highway
- Major Road
- Local Road
- Railroads
- County Boundaries
- ☐ Red Willow
- ☐ Surrounding Counties
- ☐ State Outlines

EXHIBIT #5

PAGE(S) -1

**FINDINGS AND DETERMINATIONS OF
MCCOOK BOARD OF ZONING ADJUSTMENT**

DATE: _____

SIGNED: _____
Chairman

VARIANCE CRITERIA

JUSTIFIES VARIANCE

YES NO

1. Referring to the specific parcel of property,

- a) the parcel of property is exceptionally narrow; _____
- b) the parcel of property is exceptionally shallow; **or** _____
- c) the shape of the parcel of property is exceptional. _____

OR

- d) the parcel of property has exceptional topographic conditions; **or** _____
- e) the parcel of property has other exceptional or extraordinary conditions. _____

2. Strict application of the zoning ordinance would result in:

- a) peculiar and exceptional practicable difficulties to the owner; OR _____
- b) exceptional and undue hardships on the owner of such property. _____

3. Such relief may be granted without:

- a) substantial detriment to the public good; AND _____
- b) without substantially impairing the intent and purpose of the ordinance. _____

4. No variance shall be authorized unless the Board finds:

- a) The strict application of the provisions of the Zoning Ordinance would produce an undue hardship on the applicant. _____

EXHIBIT #6

PAGE(S) - 4

- | | | |
|--|-------|-------|
| b) Such hardship is not generally shared by other properties in the same zoning district and in the same vicinity. | _____ | _____ |
| c) The granting of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed. | _____ | _____ |
| d) The variance request is based upon reasons of demonstrable and exceptional hardship as distinguished from convenience, profit or caprice. | _____ | _____ |
| 5. The variance requested is not so general or of re-occurring nature that it might more reasonably be addressed through a change in the Zoning Regulations. | _____ | _____ |
| 6. The applicant has filed a proper and complete application. | _____ | _____ |
| 7. Application for a variance submitted must demonstrate the following: | | |
| A. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not found in the same zoning district and which were not created by an action of the property owner or the applicant; | _____ | _____ |
| B. The reduction of the minimum requirements of this Ordinance which would be necessary to permit the proposed use or construction; | _____ | _____ |
| C. The literal interpretation of the provision of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance; | _____ | _____ |
| D. The granting of the variance will not adversely affect the rights of adjacent property owners or residents nor will it confer upon the applicant any special privilege denied by this Ordinance to other land or structures in the same district; | _____ | _____ |
| E. The variance will not adversely affect the public health, safety, morals, order, convenience or welfare; | _____ | _____ |
| F. The variance requested is the minimum variance that will make possible the reasonable use of the land or structure; | _____ | _____ |
| G. Granting the variance requested will not be opposed to the general spirit and intent of this Ordinance. | _____ | _____ |
| 8. The notice of meeting appeared in the paper and applicants and other parties of interest have been sent written notice of the meeting at which a hearing on the variance request is being considered. | _____ | _____ |

9. The variance requested does not allow a use not permissible under the Zoning Ordinance in the district in which it is presently located.

BOARD OF ZONING ADJUSTMENT DECISION

The McCook Board of Zoning Adjustment hereby determines that the variance should _____ be granted, _____ not be granted, _____ be granted with conditions. Conditions, modifications or safeguards prescribed as a part of the variance approval are as follows: _____

Variance criteria not met are as follows: _____

Dated this _____ day of, _____, 20 ____.

ARTICLE 25

BOARD OF ZONING ADJUSTMENT

Article 25 - Board of Zoning Adjustment

Section 2501. Creation, Members, Meetings, Rules.¹ There is hereby established a Board of Zoning Adjustment. The word BOARD, when used in this Zoning Ordinance, shall be construed to mean the Board of Zoning Adjustment. The Board of Zoning Adjustment is appointed by the City Council and shall consist of five (5) regular members, plus one (1) additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason.

One (1) member only of the City Board of Zoning Adjustment shall be appointed by the City Council from membership of the Planning Commission and the loss of membership on the Planning Commission by such member shall also result in the immediate loss of membership on the Board of Zoning Adjustment and the appointment of another Planning Commissioner to the Board of Zoning Adjustment. One (1) member of the board of adjustment shall reside outside of the corporate boundaries of the City but within its extraterritorial zoning jurisdiction.

The members appointed shall serve for terms of three (3) years and be removable for cause by the City Council upon written charges and after public hearing. Vacancies shall be filled by appointment for the unexpired term.

The Board of Zoning Adjustment shall annually in October elect one of its members as Chairperson, another as Vice-Chairperson, who shall act as Chairperson in the Chairperson's absence, and appoint a Secretary, who may be an officer or an employee of the City. Each shall serve until his or her successor has been selected. The presence of four (4) members of the Board shall be necessary to constitute a quorum.

All meetings of the Board shall be open to the public. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, if absent or failing to vote, indicating the fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. The Board shall adopt from time to time any rules and regulations as it may deem necessary, to carry the appropriate provisions of this Zoning Ordinance into effect and all of its resolutions and order shall be in accordance therewith.

Section 2502. Appeals to Board, Record of Appeal, Hearing and Stays. Appeals to the Board of Zoning Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Zoning Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Zoning Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Zoning Adjustment or by a court of record on application of notice to the officer from whom the appeal is taken and on due cause shown.

¹Revised September 18, 2017 - Ordinance No. 2017-2951

The Board of Zoning Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

Section 2503. Powers and Jurisdiction Relating to Administrative Review. The Board of Zoning Adjustment shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official or agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures or to interpret any map, except that the authority to hear and decide appeals shall not apply to decisions made under Article 24 of this Ordinance.

Section 2504. Powers and Jurisdiction Relating to Variances. The Board of Zoning Adjustment shall have the power, where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation under this Ordinance would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon the owner of such property, to authorize upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance.

1. No such variance shall be authorized by the Board unless it finds that the strict application of the Ordinance would product undue hardship; such hardship is not shared generally by other properties in the same zoning district and the same vicinity; 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; and 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;
2. No variance shall be authorized 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 nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this Ordinance.
3. A variance from the terms of this Ordinance shall not be granted by the Board of Zoning Adjustment unless and until a written application for a variance is submitted demonstrating the following:
 - A. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not found in the same zoning district and which were not created by an action of the property owner or the applicant;
 - B. The reduction of the minimum requirements of this Ordinance which would be necessary to permit the proposed use or construction;
 - C. The literal interpretation of the provision of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
 - D. The granting of the variance will not adversely affect the rights of adjacent property owners or residents nor will it confer upon the applicant any special privilege denied by this Ordinance to other land or structures in the same district;
 - E. The variance will not adversely affect the public health, safety, morals, order, convenience or welfare;

- F. The variance requested is the minimum variance that will make possible the reasonable use of the land or structure;
 - G. Granting the variance requested will not be opposed to the general spirit and intent of this Ordinance.
4. No non-conforming use of neighboring lands, structures or buildings in the same district, and no permitted structures or buildings in other districts shall be considered grounds for the issuance of variance;
 5. Notice of public hearing shall be given as in Section 2502 above; the public hearing shall be held; any party may appear in person, or by agent or by attorney; the Board of Zoning Adjustment shall make findings that the requirements of this section have been met by the applicant for a variance; the Board shall further make a finding that the reasons set forth in the application justify the granting of the variance; the Board shall further make a finding that the reasons set forth in the application justify the granting of the variance; and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure; the Board shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare;
 6. In granting any variance, the Board of Zoning Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 2702 of this Ordinance;
 7. Under no circumstance shall the Board of Zoning Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

Section 2505. Board has Powers of Administrative Officer on Appeals; Reversing Decision of Administrative Officer. In exercising the above-mentioned powers, the Board of Zoning Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to affect any variation in this Ordinance.

Section 2506. Appeals to District Court. Any person or person, jointly or severally, aggrieved by any decision of the Board of Zoning Adjustment, may appeal as provided by Section 19-912 Neb. Rev. Stat., 1943.