

City of Beatrice, Nebraska
Planning & Zoning Commission Regular Meeting
Monday, June 2, 2025 at 5:00 PM
BPS Administration Building Board Room
320 N 5th Street
Beatrice, NE 68310



Pledge of Allegiance

1. **ROLL CALL**
2. **CONSENT AGENDA**
 - 2.a. Approve agenda as submitted
 - 2.b. Receive and place on file all notices pertaining to this meeting
 - 2.c. Receive and place on file all materials having any bearing on this meeting
 - 2.d. Approval of minutes of regular Planning and Zoning Commission meeting on March 17, 2025.
3. **PUBLIC HEARINGS**
 - 3.a. Public Hearing for the purpose of considering approval of the Special Use Permit Application of Todd and Soni Hydo, for the construction of an 1,800 sq. ft. detached accessory structure, and to exceed the 1,200 sq. ft. maximum for detached accessory structures, on Gage County Parcel ID 014177000, commonly known as 1326 South 8th Street.
 - 3.b. Public Hearing for the purpose of considering approval of the Special Use Permit Application of Mark and Kathy Setzer, for the construction of an 1,800 square foot detached garage at Parcel ID 012376200, commonly known as 905 Beaver Street.
4. **RESOLUTIONS**
 - 4.a. Resolution Number 25-8 granting Todd and Soni Hydo a Special Use Permit for the construction of an 1,800 sq. ft. detached accessory structure, and to exceed the 1,200 sq. ft. maximum for detached accessory structures, on Gage County Parcel ID 014177000, commonly known as 1326 South 8th Street.
 - 4.b. Resolution Number 25-9 granting Mark and Kathy Setzer a Special Use Permit for the construction of an 1,800 square foot detached garage at Parcel ID 012376200, commonly known as 905 Beaver Street.
5. **PUBLIC FORUM**
6. **DISCUSSION/REPORTS** - None
7. **MISCELLANEOUS**
 - 7.a. The next regular Planning & Zoning meeting is June 16, 2025 at 5:00 p.m. in the BPS Administration Building Board Room

MINUTES OF THE PLANNING AND ZONING COMMISSION

A regular meeting of the Planning and Zoning Commission was held on the 17th day of March, 2025 at 5:00 p.m. in the BPS Administration Building Board Room, 320 North 5th Street, Beatrice, Nebraska.

Attending: Commission Members: Aden, Bradney, Fetty, Fralin, Franz
Absent: Fletcher, McGhee, Riha, Wright

Chairman Fetty announced that a copy of the Open Meetings Act is available in the meeting room and is accessible to members of the public.

CONSENT AGENDA

- a. Approve agenda as submitted.
- b. Receive and place on file all notices pertaining to this meeting.
- c. Receive and place on file all materials having any bearing on this meeting.
- d. Approval of minutes of regular meeting on March 3, 2025, as on file in the City Clerk's Office.

Moved by Franz, seconded by Fralin, that the items listed under the consent agenda be approved, accepted, and/or ratified as presented.

Roll Call: Yea: Aden, Bradney, Fetty, Fralin, Franz
Nay: None

MOTION CARRIED.

PUBLIC HEARINGS/BIDS

There were no public hearings or bids.

RESOLUTIONS

Resolution Number 25-6 recommending approval of the Final Plat Application request by the City of Beatrice, Nebraska, to replat their property as Heritage Heights Addition.

Taylor Rivera, City Attorney, explained to the Committee this replat is for the Lincoln Elementary School Site. Rivera further explained for both the Lincoln Elementary School Site and the Paddock Lane Elementary School Site, restrictive covenants would be used for the development of housing on both sites. Rivera noted both sites will also have some green space and Heritage Heights Addition will eventually have a playground constructed on the site.

Moved by Franz, seconded by Aden, that Resolution Number 25-6 be passed and adopted.

Roll Call: Yea: Aden, Bradney, Fetty, Fralin, Franz
Nay: None

MOTION CARRIED.

Resolution Number 25-6 has been passed and adopted.

Resolution Number 25-7 recommending approval of the Final Plat Application request by the City of Beatrice, Nebraska, to replat their property as Corral Crossings Addition.

Taylor Rivera, City Attorney, explained to the Committee this is the same kind of resolution as the previous resolution, however, it is for the Paddock Lane Elementary School Site.

Moved by Franz, seconded by Thomas, that Resolution Number 25-7 be passed and adopted.

Roll Call: Yea: Aden, Bradney, Fetty, Fralin, Franz
Nay: None

MOTION CARRIED.

Resolution Number 25-7 has been passed and adopted.

ORDINANCES

There were no ordinances.

PUBLIC FORUM

No one appeared during public forum.

DISCUSSIONS/REPORTS

There were no discussions/reports.

ADJOURNMENT

The next regular Planning and Zoning meeting is scheduled for April 7, 2025 at 5:00 p.m. in the BPS Administration Building Meeting Room, 320 North 5th Street, Beatrice, Nebraska.

Moved by Franz, seconded by Fralin, that the meeting be adjourned at 5:06 p.m.

Roll Call: Yea: Aden, Bradney, Fetty, Fralin, Franz
Nay: None

MOTION CARRIED.

**NOTICE OF HEARING
CITY OF BEATRICE, NEBRASKA**

Notice is hereby given that the Planning and Zoning Commission of the City of Beatrice, Nebraska will hold a public hearing at 5:00 p.m. on June 2, 2025, in the BPS Administration Building Board Room, 320 North 5th Street, Beatrice, Nebraska, for the purpose of considering approval of the Special Use Permit Application of Todd and Soni Hydo, for the construction of a 1,800 sq. ft. detached accessory structure, and to exceed the 1,200 sq. ft. maximum for detached accessory structures, on Gage County Parcel ID 014177000, commonly known as 1326 South 8th Street.

Erin Saathoff, CMC, City Clerk

May 23, 2025

**RESOLUTION NUMBER 25-8
PLANNING AND ZONING COMMISSION**

WHEREAS, the Planning and Zoning Commission of the City of Beatrice, Nebraska (the "City") received a special use application; and

WHEREAS, on May 21, 2025, notice was mailed to all adjacent property owners providing notice of the public hearing in accordance with §1303 of the Zoning Ordinance of the City of Beatrice, Ordinance Number 94-13; and

WHEREAS, on May 23, 2025, notice of the public hearing was published in a daily newspaper having a general circulation in Beatrice in accordance with §1303 of the Zoning Ordinance of the City of Beatrice, Ordinance Number 94-13; and

WHEREAS, on May 21, 2025, notice was posted in a conspicuous place on or near the property which requested the special use permit in accordance with §1303 of the Zoning Ordinance of the City of Beatrice, Ordinance Number 94-13; and

WHEREAS, on June 2, 2025, a public hearing was held regarding the special use application filed by Todd A. Hydo and Soni N. Hydo, husband and wife, in accordance with §1303 of the Zoning Ordinance of the City of Beatrice, Ordinance Number 94-13.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF BEATRICE, NEBRASKA:

SECTION 1. That the special use permit application filed by Todd A. Hydo and Soni N. Hydo, husband and wife, for property legally described as:

Lots Nine (9) and Ten (10), and the West Half (1/2) of the vacated alley adjacent to said lots, Block Eighteen (18), Riverside Park Addition, an Addition to Beatrice, Gage County Nebraska.

for the construction of an 1,800 sq. ft. detached accessory structure, and to exceed the 1,200

sq. ft. maximum for detached accessory structures, be and is hereby approved. A copy of said special use application marked as Exhibit "A" is attached hereto and incorporated by reference.

SECTION 2. That said special use permit shall run with the land.

SECTION 3. That the Community Development Department shall file notice of this resolution with the Gage County Register of Deeds.

SECTION 4. That all resolutions or parts of resolutions in conflict herewith are hereby repealed.

P&Z RESOLUTION PASSED and ADOPTED this 2nd day of June, 2025.

Deven McGhee, Secretary

Alan Fetty, Chairperson



SPECIAL USE PERMIT APPLICATION

APPLICANT(S) INFORMATION

Name(s): Todd Hydo

Address: 1326 5th 8th

Phone: 402-239-5876 Email: Hydo properties @ Gmail . Com

A site plan to include all existing and proposed improvements, dimensions, and setbacks to all property lines must be submitted as an attachment to this application.

PROPERTY OWNERSHIP ATTESTATION

I/We, Todd and Sani Hydo, hereby certify that I/we are the lawful owner(s) of real estate legally described as follows:

1326 5th 8th Beatrice Ne 68310
036 Lots 7-8 and w 1/2 vac Alley ADJ TO
said Lots Blk 18 - Riverside park addition

or will receive a conveyance thereof if this application for a Special Use Permit is granted.

SPECIAL or CONDITIONAL USE ATTESTATION

I/We, Todd and Sani Hydo, hereby apply for a Special or Conditional Use Permit for the following use:

garage / work shop 36' x 50' - 18' H - 1800sqft
garage / workshop 18' to 22' Height

I/We hereby declare that if the application is granted that the aforementioned property will be used in conformity with the zoning restrictions then in effect on the property unless a new application for a Special or Conditional Use Permit is granted.

I/We request that the Planning and Zoning Commission set a hearing date on this application, publish notice of said hearing in accordance with the zoning ordinance, and post the above described property.

If approval is granted, you must file all required documents and proper permits issued prior to commencement of work.

APPLICANT(S) SIGNATURE

I/We declare under penalties of perjury that I/we have examined this application and to the best of my/our knowledge and belief, it is correct and complete.

[Signature]

Signature

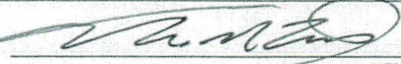
3-19-25

Date

Signature

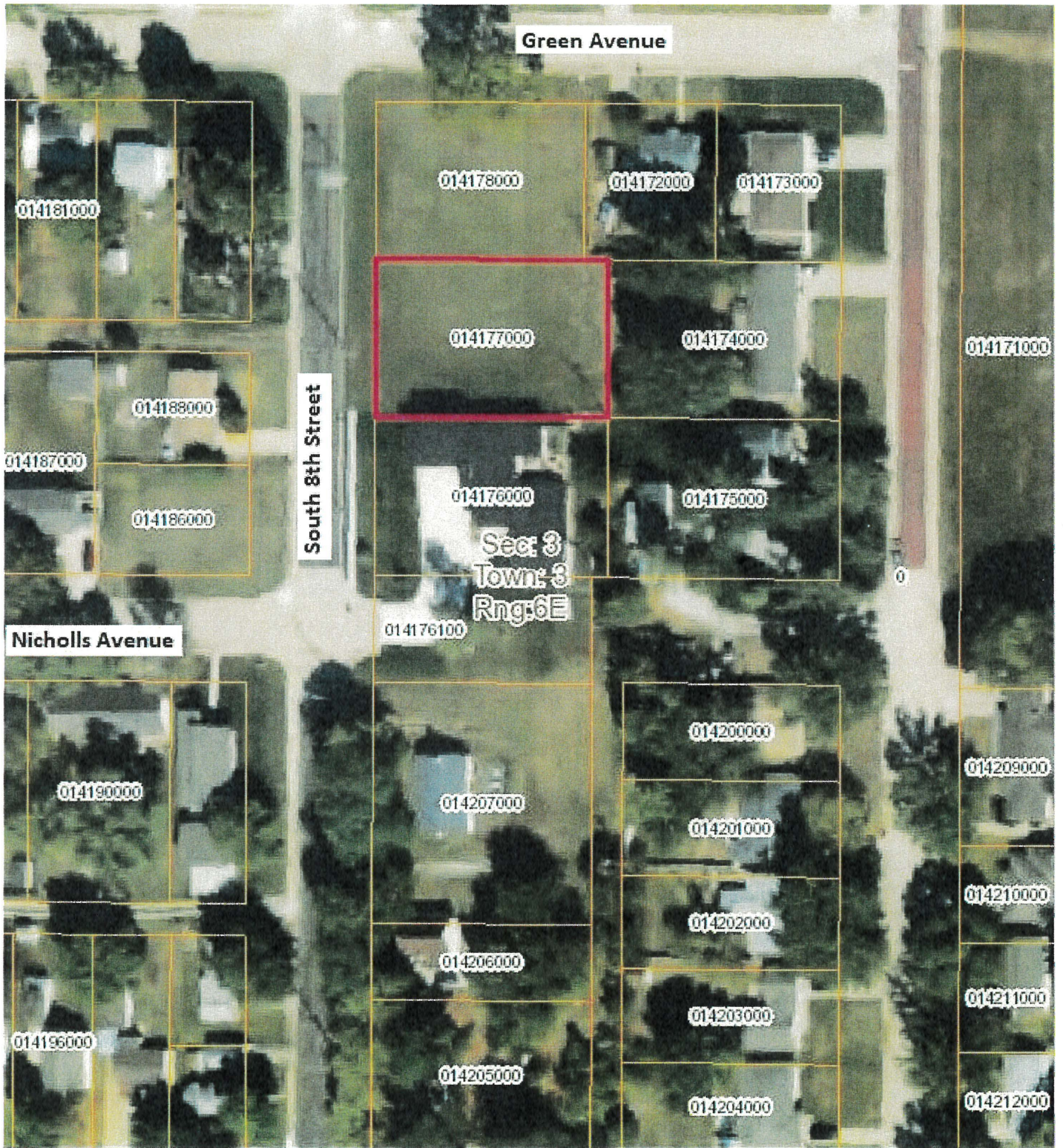
Date

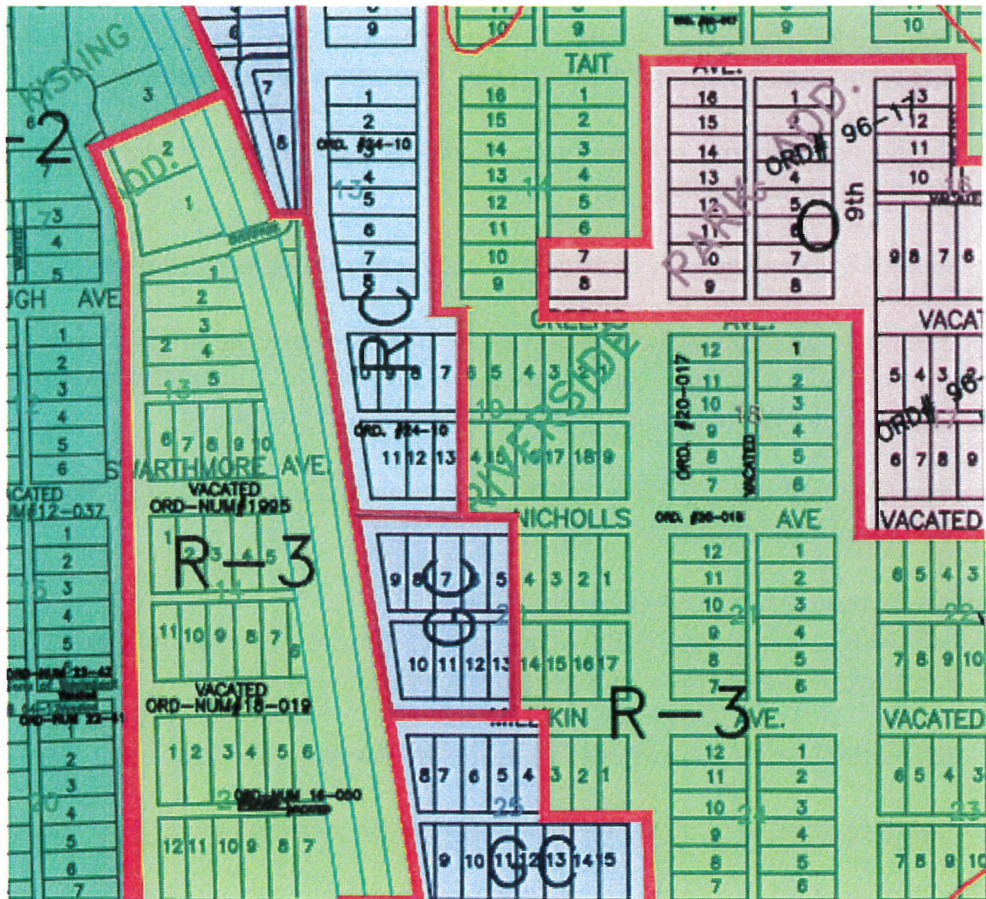
OFFICE USE ONLY

Application Fee: \$100.00 Received By: CG Date: 3/20/2021
Date Posted on Property: 5/21/25 Date of Hearing: 6/2/25
Comments: Pending Admin. Subdivision Approval
Com Dev Director:  Date: 3/20/2021

DECISION

PLANNING & ZONING COMMISSION Approved Denied the Special Use Permit this _____ day of _____, 20____.
Planning and Zoning Chairman: _____ Date: _____





accomplished in a manner approved by the State of Nebraska's Department of Environmental Quality.

7. Toxic Waste: The disposal of hazardous, toxic, or radioactive wastes as defined by the Federal Environmental Protection Agency shall be prohibited within the City of Beatrice and its extra-territorial jurisdiction.

608 Supplemental Use Regulations: Accessory Uses

A. Home Occupations

Home occupations are permitted as an accessory use in residential units subject to the following conditions:

1. External Effects: No noise, odors, bright lights, storage or other external effects attributable to the home occupation shall be noticeable from any adjacent property or public right of way.
2. Employees: A home occupation may employ a maximum of two individuals other than the residents of the dwelling unit.
3. Service Traffic: Deliveries or service by commercial vehicles or trucks over ten tons is prohibited.
4. The home occupation shall be carried on entirely within the principal dwelling unit. Operation of a home occupation shall not be carried on within a detached accessory building without approval of a Special Use permit as set forth in Section 1303.
5. Welding, vehicle body repair, mechanical repair, or rebuilding or dismantling of vehicles are not permitted as home occupations.

B. Permitted Accessory Uses: Residential Uses

Residential uses may include the following accessory uses, activities, and structures on the same lot:

1. Private garages and parking for the residential use.
2. Recreational activities and uses by residents, excluding the housing of horses.
3. Home occupations, subject to Section 608(a) of these regulations.
4. Residential convenience services for multiple-family uses or mobile home parks for use by residents only.
5. Crafts and garage sales, provided that such sales on any single property occur no more than once every 60 days; and have a maximum duration of 3 days.

C. Detached Accessory Buildings: Residential Uses

Detached accessory buildings located in the R-1, R-2, R-3, or R-4 Districts shall comply with the following requirements:

1. Detached accessory buildings shall not exceed a maximum size of 1200 square feet unless a Special Use Permit to allow a maximum size of 1800 square feet is approved as set forth in Section 1303. The square footage set forth in this subsection shall include the square footage for all detached accessory buildings located on the site.

2. A maximum of two detached accessory buildings shall be located on a site.
3. Detached accessory buildings shall not exceed a maximum of 18 feet in height, measured to the ridge of the roof, unless a 'Special Use Permit' to allow a maximum height of 22 feet to the ridge of the roof is approved as set forth in Section 1303.
4. For purposes of Section 608(c), an accessory building shall be considered to be detached unless it is constructed as an integral part of the principal dwelling unit and is connected to the principal dwelling unit by a common vertical wall. Detached accessory buildings for multiple-family dwellings shall not be subject to the requirements of subsection 608(c)(1). Gazebos and any detached accessory building that is smaller than 20 square feet shall not be subject to the requirements of Section 608(c).
5. For purposes of Section 608(c), an accessory building shall only be constructed on property which contains an existing principal dwelling unit. The removal or demolition of a principal dwelling unit shall require the removal of all accessory buildings located on the site, unless the accessory building(s) meet the requirements of all applicable codes of the City of Beatrice and are verified by the City Building Inspector.

Detached accessory buildings located in the RC, LC, GC, or CBD Districts shall comply with the following requirements:

6. Detached accessory buildings, upon sites which contain buildings used as dwelling units, shall not exceed a maximum size of 1200 square feet unless a Special Use Permit to allow a maximum size of 1800 square feet is approved as set forth in Section 1303. The square footage set forth in this subsection shall include the square footage for all detached accessory buildings located on the site.
7. A maximum of two detached accessory buildings shall be located on a site which contain a building used as a dwelling.
8. Detached accessory buildings, upon sites which contain buildings used as dwellings, shall not exceed 22 feet in height, measured at the ridge of the roof.
9. For purposes of Section 608(c), an accessory building shall be considered to be detached unless it is constructed as an integral part of the principal dwelling unit and is connected to the principal dwelling unit by a common vertical wall. Detached accessory buildings for multiple-family dwellings shall not be subject to the requirements of subsection 608(c)(6). Gazebos and any detached accessory building that is smaller than 20 square feet shall not be subject to the requirements of Section 608(c).
10. For purposes of Section 608(c), an accessory building shall only be constructed on property which contains an existing principal dwelling unit or a principal commercial, industrial, or office building which is open to the public for a minimum of twenty (20) hours per week. The removal or demolition of any dwelling unit, or commercial, industrial, or office building shall require the removal of all accessory buildings located on the site, unless the accessory building(s) meet the requirements of all applicable codes of the City of Beatrice and are verified by the City Building Inspector.



BEATRICE
CITY • BOARD OF PUBLIC WORKS

CITY HALL

400 Ella Street | Beatrice, NE 68310
Phone: 402.228.5200 Fax: 402.228.2312

ENGINEERING & COMMUNITY DEVELOPMENT

205 North 4th Street | Beatrice, NE 68310
Phone: 402.228.5250 Fax: 402.228.5252

May 21, 2025

Todd and Soni Hydo
1326 South 8th Street
Beatrice, NE 68310

RE: Special Use Permit 1,800 sq. ft. Detached Garage

Dear Todd and Soni:

The Planning and Zoning Commission of the City of Beatrice will hold a public hearing at **5:00 p.m. on Monday, June 2, 2025**, in the BPS Administration Building Board Room, 320 North 5th Street, Beatrice, Nebraska, to consider approval of your Special Use Permit Application for the construction of a 1,800 sq. ft. detached accessory structure, and to exceed the 1,200 sq. ft. maximum for detached accessory structures at property legally described as: Lots Nine (9) and Ten (10) and the West Half (W1/2) of the vacated alley adjacent to said lots, Block Eighteen (18), Riverside Park Addition, an Addition to the City of Beatrice, Gage County, Nebraska, Parcel ID 014177000.

Applicants are not required to attend said hearing, however, I would encourage you to attend should the Commissioners have questions only you can answer pertaining to your Special Use Permit application.

Please feel free to contact the Community Development Office at (402) 228-5250 or email community@beatrice.ne.gov if you have any questions.

Sincerely,

Taylor Rivera
City Attorney



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CITY • BOARD OF PUBLIC WORKS

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Phone: 402.228.5200 Fax: 402.228.2312

ENGINEERING & COMMUNITY DEVELOPMENT

205 North 4th Street | Beatrice, NE 68310
Phone: 402.228.5250 Fax: 402.228.5252

May 21, 2025

Lammel Plumbing, Inc.
200 North 7th Street, Ste. #1
Beatrice, NE 68310

RE: Special Use Permit 1,800 sq. ft. Detached Garage

To Whom It May Concern:

The Planning and Zoning Commission of the City of Beatrice will hold a public hearing at **5:00 p.m. on Monday, June 2, 2025**, in the BPS Administration Building Board Room, 320 North 5th Street, Beatrice, Nebraska, to consider approval of the Special Use Permit Application of Todd and Soni Hydo for the construction of a 1,800 sq. ft. detached accessory structure, and to exceed the 1,200 sq. ft. maximum for detached accessory structures at property legally described as: Lots Nine (9) and Ten (10) and the West Half (W1/2) of the vacated alley adjacent to said lots, Block Eighteen (18), Riverside Park Addition, an Addition to the City of Beatrice, Gage County, Nebraska, Parcel ID 014177000.

If you would like to contest, have questions, or concerns, please feel free to contact the Community Development Office at (402) 228-5250 or email community@beatrice.ne.gov.

Sincerely,

Taylor Rivera
City Attorney



BEATRICE
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ENGINEERING & COMMUNITY DEVELOPMENT

205 North 4th Street | Beatrice, NE 68310
Phone: 402.228.5250 Fax: 402.228.5252

May 21, 2025

Duane Osterholt
821 Green Ave
Beatrice, NE 68310

RE: Special Use Permit 1,800 sq. ft. Detached Garage

Dear Duane:

The Planning and Zoning Commission of the City of Beatrice will hold a public hearing at **5:00 p.m. on Monday, June 2, 2025**, in the BPS Administration Building Board Room, 320 North 5th Street, Beatrice, Nebraska, to consider approval of the Special Use Permit Application of Todd and Soni Hydo for the construction of a 1,800 sq. ft. detached accessory structure, and to exceed the 1,200 sq. ft. maximum for detached accessory structures at property legally described as: Lots Nine (9) and Ten (10) and the West Half (W1/2) of the vacated alley adjacent to said lots, Block Eighteen (18), Riverside Park Addition, an Addition to the City of Beatrice, Gage County, Nebraska, Parcel ID 014177000.

If you would like to contest, have questions or concerns, please feel free to contact the Community Development Office at (402) 228-5250 or email community@beatrice.ne.gov.

Sincerely,

Taylor Rivera
City Attorney



BEATRICE
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Phone: 402.228.5200 Fax: 402.228.2312

ENGINEERING & COMMUNITY DEVELOPMENT

205 North 4th Street | Beatrice, NE 68310

Phone: 402.228.5250 Fax: 402.228.5252

May 21, 2025

Kelly Mees
1313 South 9th Street
Beatrice, NE 68310

RE: Special Use Permit 1,800 sq. ft. Detached Garage

Dear Kelly:

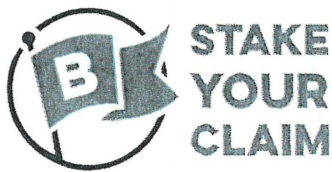
The Planning and Zoning Commission of the City of Beatrice will hold a public hearing at **5:00 p.m. on Monday, June 2, 2025**, in the BPS Administration Building Board Room, 320 North 5th Street, Beatrice, Nebraska, to consider approval of the Special Use Permit Application of Todd and Soni Hydo for the construction of a 1,800 sq. ft. detached accessory structure, and to exceed the 1,200 sq. ft. maximum for detached accessory structures at property legally described as: Lots Nine (9) and Ten (10) and the West Half (W1/2) of the vacated alley adjacent to said lots, Block Eighteen (18), Riverside Park Addition, an Addition to the City of Beatrice, Gage County, Nebraska, Parcel ID 014177000.

If you would like to contest, have questions or concerns, please feel free to contact the Community Development Office at (402) 228-5250 or email community@beatrice.ne.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Taylor Rivera'.

Taylor Rivera
City Attorney



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ENGINEERING & COMMUNITY DEVELOPMENT

205 North 4th Street | Beatrice, NE 68310
Phone: 402.228.5250 Fax: 402.228.5252

May 21, 2025

Roger Aden Rentals, LLC
1321 South 9th Street
Beatrice, NE 68310

RE: Special Use Permit 1,800 sq. ft. Detached Garage

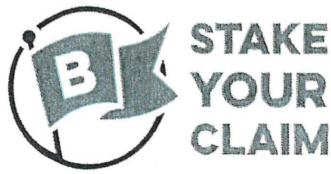
To Whom It May Concern:

The Planning and Zoning Commission of the City of Beatrice will hold a public hearing at **5:00 p.m. on Monday, June 2, 2025**, in the BPS Administration Building Board Room, 320 North 5th Street, Beatrice, Nebraska, to consider approval of the Special Use Permit Application of Todd and Soni Hydo for the construction of a 1,800 sq. ft. detached accessory structure, and to exceed the 1,200 sq. ft. maximum for detached accessory structures at property legally described as: Lots Nine (9) and Ten (10) and the West Half (W1/2) of the vacated alley adjacent to said lots, Block Eighteen (18), Riverside Park Addition, an Addition to the City of Beatrice, Gage County, Nebraska, Parcel ID 014177000.

If you would like to contest, have questions or concerns, please feel free to contact the Community Development Office at (402) 228-5250 or email community@beatrice.ne.gov.

Sincerely,

Taylor Rivera
City Attorney



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ENGINEERING & COMMUNITY DEVELOPMENT

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Phone: 402.228.5250 Fax: 402.228.5252

May 21, 2025

Church of the Promise, Inc.
1406 South 8th Street
Beatrice, NE 68310

RE: Special Use Permit 1,800 sq. ft. Detached Garage

To Whom It May Concern:

The Planning and Zoning Commission of the City of Beatrice will hold a public hearing at **5:00 p.m. on Monday, June 2, 2025**, in the BPS Administration Building Board Room, 320 North 5th Street, Beatrice, Nebraska, to consider approval of the Special Use Permit Application of Todd and Soni Hydo for the construction of a 1,800 sq. ft. detached accessory structure, and to exceed the 1,200 sq. ft. maximum for detached accessory structures at property legally described as: Lots Nine (9) and Ten (10) and the West Half (W1/2) of the vacated alley adjacent to said lots, Block Eighteen (18), Riverside Park Addition, an Addition to the City of Beatrice, Gage County, Nebraska, Parcel ID 014177000.

If you would like to contest, have questions or concerns, please feel free to contact the Community Development Office at (402) 228-5250 or email community@beatrice.ne.gov.

Sincerely,

Taylor Rivera
City Attorney

NOTICE OF HEARING

Notice is hereby given that the Planning and Zoning Commission of the City of Beatrice, Nebraska, will hold a public hearing at 5:00 p.m. on Monday, June 2, 2025, in the Board Room located in the BPS Administration Building, 320 North 5th Street, Beatrice, Nebraska, for the purpose of considering approval of the Special Use Permit Application of Mark and Kathy Setzer, for the construction of an 1,800 square foot detached garage at Parcel ID 012376200, commonly known as 905 Beaver Street.

Erin Saathoff, CMC, City Clerk

May 23, 2025

**RESOLUTION NUMBER 25-9
PLANNING AND ZONING COMMISSION**

WHEREAS, the Planning and Zoning Commission of the City of Beatrice, Nebraska (the "City") received a special use application; and

WHEREAS, on May 21, 2025, notice was mailed to all adjacent property owners providing notice of the public hearing in accordance with §1303 of the Zoning Ordinance of the City of Beatrice, Ordinance Number 94-13; and

WHEREAS, on May 23, 2025, notice of the public hearing was published in a daily newspaper having a general circulation in Beatrice in accordance with §1303 of the Zoning Ordinance of the City of Beatrice, Ordinance Number 94-13; and

WHEREAS, on May 21, 2025, notice was posted in a conspicuous place on or near the property which requested the special use permit in accordance with §1303 of the Zoning Ordinance of the City of Beatrice, Ordinance Number 94-13; and

WHEREAS, on June 2, 2025, a public hearing was held regarding the special use application filed by Mark W. Setzer and Kathy A. Setzer, husband and wife, in accordance with §1303 of the Zoning Ordinance of the City of Beatrice, Ordinance Number 94-13.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF BEATRICE, NEBRASKA:

SECTION 1. That the special use permit application filed by Mark W. Setzer and Kathy A. Setzer, husband and wife, for property legally described as:

Parcel 1: Lots One (1) and Two (2), Block Three (3), Highland Park Addition, an Addition to the City of Beatrice, Gage County, Nebraska;

Parcel 2: Lot Eight (8), Block Three (3), Highland Park Addition to the City of Beatrice, Gage County, Nebraska; and

Parcel 3: The East 227 feet of Lots Nine (9) and Ten (10), except the North Thirty-Five (35) feet of the East 227 feet of Lot Ten (10), Block Three (3), Highland Park Addition, an Addition to Beatrice, Gage County Nebraska.

Commonly known as 905 Beaver Avenue,

for the construction of an 1,800 sq. ft. detached accessory structure, be and is hereby approved. A copy of said special use application marked as Exhibit "A" is attached hereto and incorporated by reference.

SECTION 2. That said special use permit shall run with the land.

SECTION 3. That the Community Development Department shall file notice of this resolution with the Gage County Register of Deeds.

SECTION 4. That all resolutions or parts of resolutions in conflict herewith are hereby repealed.

P&Z RESOLUTION PASSED and ADOPTED this 2nd day of June, 2025.

Deven McGhee, Secretary

Alan Fetty, Chairperson



SPECIAL USE PERMIT APPLICATION

APPLICANT(S) INFORMATION

Name(s): Mark Setzer Kathy Setzer
Address: 905 Beaver Ave
Beatrice NE 68310
Phone: 402-239-2913 Email: msetz2@gmail.com

A site plan to include all existing and proposed improvements, dimensions, and setbacks to all property lines must be submitted as an attachment to this application.

PROPERTY OWNERSHIP ATTESTATION

I/We, Mark & Kathy Setzer, hereby certify that I/we are the lawful owner(s) of real estate legally described as follows:
Lots 1 & 2 & 8 & E 227' of Lots 9 & 10 Ex N 35' of
E 227' of Lot 10 B1K 3 Highland Park Add

or will receive a conveyance thereof if this application for a Special Use Permit is granted.

SPECIAL or CONDITIONAL USE ATTESTATION

I/We, Mark & Kathy Setzer, hereby apply for a Special or Conditional Use Permit for the following use:
garage & storage

I/We hereby declare that if the application is granted that the aforementioned property will be used in conformity with the zoning restrictions then in effect on the property unless a new application for a Special or Conditional Use Permit is granted.

I/We request that the Planning and Zoning Commission set a hearing date on this application, publish notice of said hearing in accordance with the zoning ordinance, and post the above described property.

If approval is granted, you must file all required documents and proper permits issued prior to commencement of work.

APPLICANT(S) SIGNATURE

I/We declare under penalties of perjury that I/we have examined this application and to the best of my/our knowledge and belief, it is correct and complete.

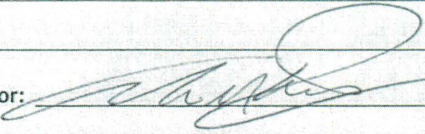
[Signature]
Signature
[Signature]
Signature

5/12/2025
Date
5/12/2025
Date

OFFICE USE ONLY

Application Fee: \$100.00 Received By: Chasei Griffin 5/12/25 Date: 5/12/2025
Date Posted on Property: 5-21-25 Date of Hearing: 6-2-25

Comments: _____

Com Dev Director:  Date: 5/15/2025

DECISION

PLANNING & ZONING COMMISSION Approved Denied the Special Use Permit this _____ day of _____, 20_____.

Planning and Zoning Chairman: _____ Date: _____

East

11th Street

Main

Beaver Ave

197 Ft Pole Building 1800 sq ft
~~22 Ft. High~~

1800 sq ft Building

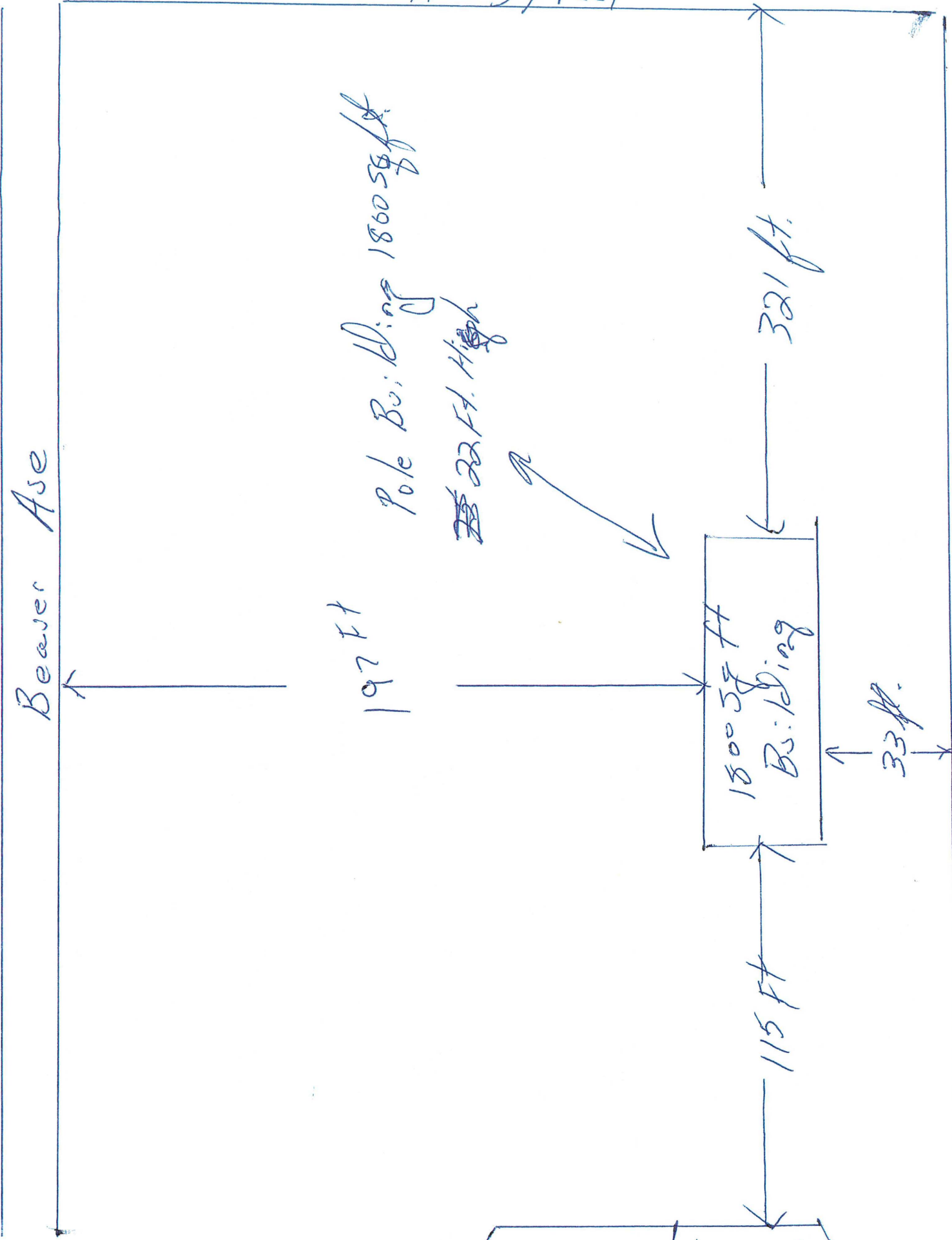
321 ft.

115 ft

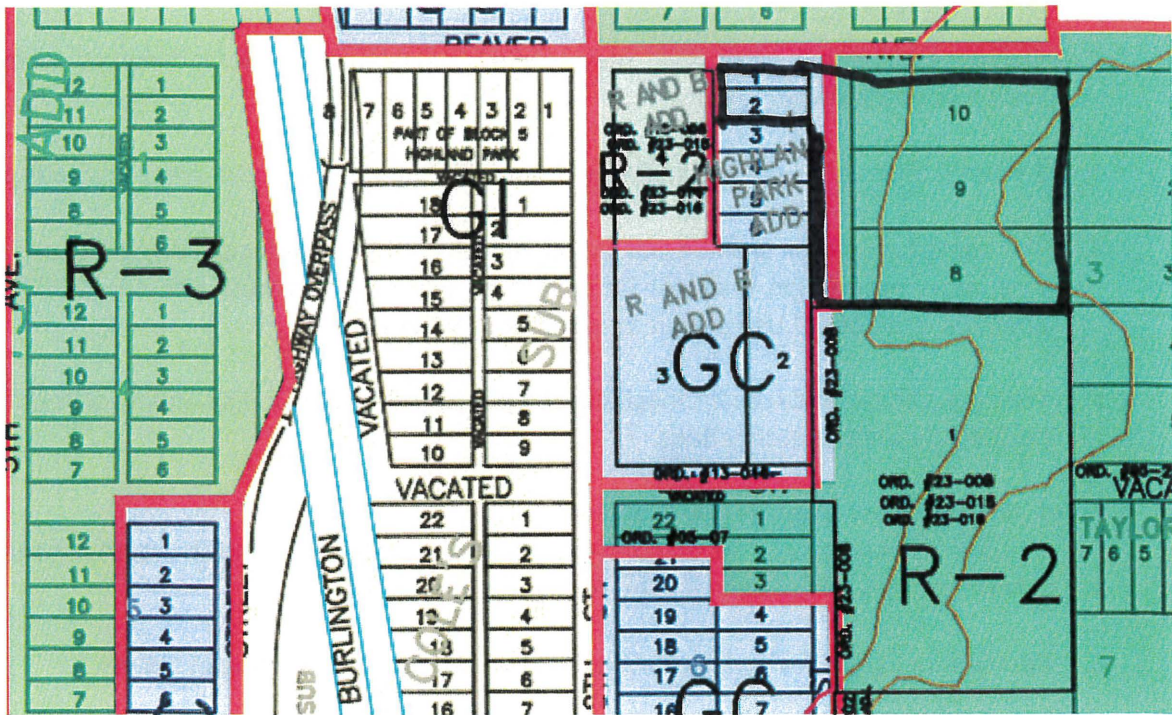
33 ft.

11th Parallel

Existing House (25)







accomplished in a manner approved by the State of Nebraska's Department of Environmental Quality.

7. Toxic Waste: The disposal of hazardous, toxic, or radioactive wastes as defined by the Federal Environmental Protection Agency shall be prohibited within the City of Beatrice and its extra-territorial jurisdiction.

608 Supplemental Use Regulations: Accessory Uses

A. Home Occupations

Home occupations are permitted as an accessory use in residential units subject to the following conditions:

1. External Effects: No noise, odors, bright lights, storage or other external effects attributable to the home occupation shall be noticeable from any adjacent property or public right of way.
2. Employees: A home occupation may employ a maximum of two individuals other than the residents of the dwelling unit.
3. Service Traffic: Deliveries or service by commercial vehicles or trucks over ten tons is prohibited.
4. The home occupation shall be carried on entirely within the principal dwelling unit. Operation of a home occupation shall not be carried on within a detached accessory building without approval of a Special Use permit as set forth in Section 1303.
5. Welding, vehicle body repair, mechanical repair, or rebuilding or dismantling of vehicles are not permitted as home occupations.

B. Permitted Accessory Uses: Residential Uses

Residential uses may include the following accessory uses, activities, and structures on the same lot:

1. Private garages and parking for the residential use.
2. Recreational activities and uses by residents, excluding the housing of horses.
3. Home occupations, subject to Section 608(a) of these regulations.
4. Residential convenience services for multiple-family uses or mobile home parks for use by residents only.
5. Crafts and garage sales, provided that such sales on any single property occur no more than once every 60 days; and have a maximum duration of 3 days.

C. Detached Accessory Buildings: Residential Uses

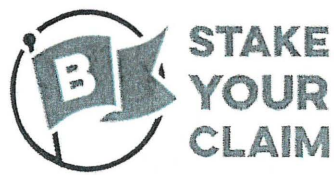
Detached accessory buildings located in the R-1, R-2, R-3, or R-4 Districts shall comply with the following requirements:

1. Detached accessory buildings shall not exceed a maximum size of 1200 square feet unless a Special Use Permit to allow a maximum size of 1800 square feet is approved as set forth in Section 1303. The square footage set forth in this subsection shall include the square footage for all detached accessory buildings located on the site.

2. A maximum of two detached accessory buildings shall be located on a site.
3. Detached accessory buildings shall not exceed a maximum of 18 feet in height, measured to the ridge of the roof, unless a 'Special Use Permit' to allow a maximum height of 22 feet to the ridge of the roof is approved as set forth in Section 1303.
4. For purposes of Section 608(c), an accessory building shall be considered to be detached unless it is constructed as an integral part of the principal dwelling unit and is connected to the principal dwelling unit by a common vertical wall. Detached accessory buildings for multiple-family dwellings shall not be subject to the requirements of subsection 608(c)(1). Gazebos and any detached accessory building that is smaller than 20 square feet shall not be subject to the requirements of Section 608(c).
5. For purposes of Section 608(c), an accessory building shall only be constructed on property which contains an existing principal dwelling unit. The removal or demolition of a principal dwelling unit shall require the removal of all accessory buildings located on the site, unless the accessory building(s) meet the requirements of all applicable codes of the City of Beatrice and are verified by the City Building Inspector.

Detached accessory buildings located in the RC, LC, GC, or CBD Districts shall comply with the following requirements:

6. Detached accessory buildings, upon sites which contain buildings used as dwelling units, shall not exceed a maximum size of 1200 square feet unless a Special Use Permit to allow a maximum size of 1800 square feet is approved as set forth in Section 1303. The square footage set forth in this subsection shall include the square footage for all detached accessory buildings located on the site.
7. A maximum of two detached accessory buildings shall be located on a site which contain a building used as a dwelling.
8. Detached accessory buildings, upon sites which contain buildings used as dwellings, shall not exceed 22 feet in height, measured at the ridge of the roof.
9. For purposes of Section 608(c), an accessory building shall be considered to be detached unless it is constructed as an integral part of the principal dwelling unit and is connected to the principal dwelling unit by a common vertical wall. Detached accessory buildings for multiple-family dwellings shall not be subject to the requirements of subsection 608(c)(6). Gazebos and any detached accessory building that is smaller than 20 square feet shall not be subject to the requirements of Section 608(c).
10. For purposes of Section 608(c), an accessory building shall only be constructed on property which contains an existing principal dwelling unit or a principal commercial, industrial, or office building which is open to the public for a minimum of twenty (20) hours per week. The removal or demolition of any dwelling unit, or commercial, industrial, or office building shall require the removal of all accessory buildings located on the site, unless the accessory building(s) meet the requirements of all applicable codes of the City of Beatrice and are verified by the City Building Inspector.



BEATRICE
CITY • BOARD OF PUBLIC WORKS

CITY HALL

400 Ella Street | Beatrice, NE 68310
Phone: 402.228.5200 Fax: 402.228.2312

ENGINEERING & COMMUNITY DEVELOPMENT

205 North 4th Street | Beatrice, NE 68310
Phone: 402.228.5250 Fax: 402.228.5252

May 21, 2025

Mark and Kathy Setzer
905 Beaver Avenue
Beatrice, NE 68310

RE: Special Use Permit Application of Mark and Kathy Setzer
Construction of an 1,800 square foot detached garage at 905 Beaver Avenue

Dear Mark and Kathy:

The Planning and Zoning Commission of the City of Beatrice will hold a public hearing at **5:00 p.m. on Monday, June 2, 2025, in the BPS Administration Building Board Room, 320 North 5th Street, Beatrice, Nebraska**, to consider approval of your Special Use Permit Application for the construction of an 1,800 square foot detached garage located at property legally described as: all of Lots One (1), Two (2) and Eight (8) and the East Two-Hundred and Twenty-Seven (227) feet of Lots Nine (9) and Ten (10), except the North Thirty-Five (35) feet of the East Two-Hundred and Twenty-Seven feet (227) of Lot Ten (10), Block Three (3), Highland Park Addition, to the City Beatrice, Gage County, Nebraska, commonly known as 905 Beaver Avenue.

Applicants are not required to attend said hearing, however, I would encourage you to attend should the Commissioners have any questions only you can answer pertaining to your Special Use Permit application.

Please feel free to contact the Community Development Office at (402) 228-5250 or email community@beatrice.ne.gov if you have any questions.

Sincerely,

Taylor Rivera
City Attorney



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ENGINEERING & COMMUNITY DEVELOPMENT

205 North 4th Street | Beatrice, NE 68310

Phone: 402.228.5250 Fax: 402.228.5252

May 21, 2025

Darryl Baker
1600 South 9th Street
Beatrice, NE 68310

RE: Special Use Permit Application of Mark and Kathy Setzer
Construction of an 1,800 square foot detached garage at 905 Beaver Avenue

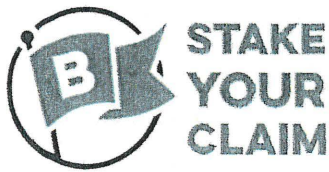
Dear Darryl:

The Planning and Zoning Commission of the City of Beatrice will hold a public hearing at **5:00 p.m. on Monday, June 2, 2025, in the BPS Administration Building Board Room, 320 North 5th Street, Beatrice, Nebraska**, to consider approval of the Special Use Permit Application of Mark & Kathy Setzer, for the construction of an 1,800 square foot detached garage located at property legally described as: all of Lots One (1), Two (2) and Eight (8) and the East Two-Hundred and Twenty-Seven (227) feet of Lots Nine (9) and Ten (10), except the North Thirty-Five (35) feet of the East Two-Hundred and Twenty-Seven feet (227) of Lot Ten (10), Block Three (3), Highland Park Addition, to the City Beatrice, Gage County, Nebraska, commonly known as 905 Beaver Avenue.

If you would like to contest, have questions or concerns, please feel free to contact the Community Development Office at (402) 228-5250 or email community@beatrice.ne.gov.

Sincerely,

Taylor Rivera
City Attorney



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ENGINEERING & COMMUNITY DEVELOPMENT

205 North 4th Street | Beatrice, NE 68310
Phone: 402.228.5250 Fax: 402.228.5252

May 21, 2025

Melvin and Barbara Lucas
1604 South 9th Street
Beatrice, NE 68310

RE: Special Use Permit Application of Mark and Kathy Setzer
Construction of an 1,800 square foot detached garage at 905 Beaver Avenue

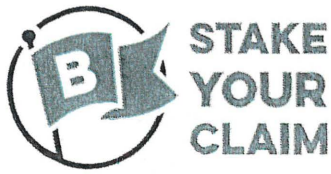
Dear Melvin & Barbara:

The Planning and Zoning Commission of the City of Beatrice will hold a public hearing at **5:00 p.m. on Monday, June 2, 2025, in the BPS Administration Building Board Room, 320 North 5th Street, Beatrice, Nebraska**, to consider approval of the Special Use Permit Application of Mark & Kathy Setzer, for the construction of an 1,800 square foot detached garage located at property legally described as: all of Lots One (1), Two (2) and Eight (8) and the East Two-Hundred and Twenty-Seven (227) feet of Lots Nine (9) and Ten (10), except the North Thirty-Five (35) feet of the East Two-Hundred and Twenty-Seven feet (227) of Lot Ten (10), Block Three (3), Highland Park Addition, to the City Beatrice, Gage County, Nebraska, commonly known as 905 Beaver Avenue.

If you would like to contest, have questions or concerns, please feel free to contact the Community Development Office at (402) 228-5250 or email community@beatrice.ne.gov.

Sincerely,

Taylor Rivera
City Attorney



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Phone: 402.228.5250 Fax: 402.228.5252

May 21, 2025

Kent Grabouski
1811 South 11th Street
Beatrice, NE 68310

RE: Special Use Permit Application of Mark and Kathy Setzer
Construction of an 1,800 square foot detached garage at 905 Beaver Avenue

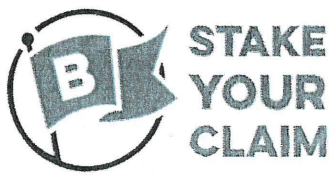
Dear Kent:

The Planning and Zoning Commission of the City of Beatrice will hold a public hearing at **5:00 p.m. on Monday, June 2, 2025, in the BPS Administration Building Board Room, 320 North 5th Street, Beatrice, Nebraska**, to consider approval of the Special Use Permit Application of Mark & Kathy Setzer, for the construction of an 1,800 square foot detached garage located at property legally described as: all of Lots One (1), Two (2) and Eight (8) and the East Two-Hundred and Twenty-Seven (227) feet of Lots Nine (9) and Ten (10), except the North Thirty-Five (35) feet of the East Two-Hundred and Twenty-Seven feet (227) of Lot Ten (10), Block Three (3), Highland Park Addition, to the City Beatrice, Gage County, Nebraska, commonly known as 905 Beaver Avenue.

If you would like to contest, have questions or concerns, please feel free to contact the Community Development Office at (402) 228-5250 or email community@beatrice.ne.gov.

Sincerely,

Taylor Rivera
City Attorney



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Phone: 402.228.5250 Fax: 402.228.5252

May 21, 2025

Andrew and Krista Haake
1700 South 9th Street
Beatrice, NE 68310

RE: Special Use Permit Application of Mark and Kathy Setzer
Construction of an 1,800 square foot detached garage at 905 Beaver Avenue

Dear Andrew and Krista:

The Planning and Zoning Commission of the City of Beatrice will hold a public hearing at **5:00 p.m. on Monday, June 2, 2025, in the BPS Administration Building Board Room, 320 North 5th Street, Beatrice, Nebraska**, to consider approval of the Special Use Permit Application of Mark & Kathy Setzer, for the construction of an 1,800 square foot detached garage located at property legally described as: all of Lots One (1), Two (2) and Eight (8) and the East Two-Hundred and Twenty-Seven (227) feet of Lots Nine (9) and Ten (10), except the North Thirty-Five (35) feet of the East Two-Hundred and Twenty-Seven feet (227) of Lot Ten (10), Block Three (3), Highland Park Addition, to the City Beatrice, Gage County, Nebraska, commonly known as 905 Beaver Avenue.

If you would like to contest, have questions or concerns, please feel free to contact the Community Development Office at (402) 228-5250 or email community@beatrice.ne.gov.

Sincerely,

Taylor Rivera
City Attorney

**RESOLUTION NUMBER 25-8
PLANNING AND ZONING COMMISSION**

WHEREAS, the Planning and Zoning Commission of the City of Beatrice, Nebraska (the "City") received a special use application; and

WHEREAS, on May 21, 2025, notice was mailed to all adjacent property owners providing notice of the public hearing in accordance with §1303 of the Zoning Ordinance of the City of Beatrice, Ordinance Number 94-13; and

WHEREAS, on May 23, 2025, notice of the public hearing was published in a daily newspaper having a general circulation in Beatrice in accordance with §1303 of the Zoning Ordinance of the City of Beatrice, Ordinance Number 94-13; and

WHEREAS, on May 21, 2025, notice was posted in a conspicuous place on or near the property which requested the special use permit in accordance with §1303 of the Zoning Ordinance of the City of Beatrice, Ordinance Number 94-13; and

WHEREAS, on June 2, 2025, a public hearing was held regarding the special use application filed by Todd A. Hydo and Soni N. Hydo, husband and wife, in accordance with §1303 of the Zoning Ordinance of the City of Beatrice, Ordinance Number 94-13.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF BEATRICE, NEBRASKA:

SECTION 1. That the special use permit application filed by Todd A. Hydo and Soni N. Hydo, husband and wife, for property legally described as:

Lots Nine (9) and Ten (10), and the West Half (1/2) of the vacated alley adjacent to said lots, Block Eighteen (18), Riverside Park Addition, an Addition to Beatrice, Gage County Nebraska.

for the construction of an 1,800 sq. ft. detached accessory structure, and to exceed the 1,200

sq. ft. maximum for detached accessory structures, be and is hereby approved. A copy of said special use application marked as Exhibit "A" is attached hereto and incorporated by reference.

SECTION 2. That said special use permit shall run with the land.

SECTION 3. That the Community Development Department shall file notice of this resolution with the Gage County Register of Deeds.

SECTION 4. That all resolutions or parts of resolutions in conflict herewith are hereby repealed.

P&Z RESOLUTION PASSED and ADOPTED this 2nd day of June, 2025.

Deven McGhee, Secretary

Alan Fetty, Chairperson



SPECIAL USE PERMIT APPLICATION

APPLICANT(S) INFORMATION

Name(s): Todd Hydo

Address: 1326 5th 8th

Phone: 402-239-5876 Email: Hydo properties @ Gmail.com

A site plan to include all existing and proposed improvements, dimensions, and setbacks to all property lines must be submitted as an attachment to this application.

PROPERTY OWNERSHIP ATTESTATION

I/We, Todd and Sani Hydo, hereby certify that I/we are the lawful owner(s) of real estate legally described as follows:

1326 5th 8th Beatrice Ne 68310
036 Lots 7-8 and w 1/2 vac Alley ADJ TO
said Lots B/H 18 - Riverside park addition

or will receive a conveyance thereof if this application for a Special Use Permit is granted.

SPECIAL or CONDITIONAL USE ATTESTATION

I/We, Todd and Sani Hydo, hereby apply for a Special or Conditional Use Permit for the following use:

garage / work shop 36' x 50' - 18' H - 1800sqft
garage / workshop 18' to 22' Height

I/We hereby declare that if the application is granted that the aforementioned property will be used in conformity with the zoning restrictions then in effect on the property unless a new application for a Special or Conditional Use Permit is granted.

I/We request that the Planning and Zoning Commission set a hearing date on this application, publish notice of said hearing in accordance with the zoning ordinance, and post the above described property.

If approval is granted, you must file all required documents and proper permits issued prior to commencement of work.

APPLICANT(S) SIGNATURE

I/We declare under penalties of perjury that I/we have examined this application and to the best of my/our knowledge and belief, it is correct and complete.

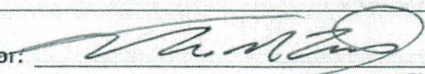
[Signature]
Signature

3-19-25
Date

Signature

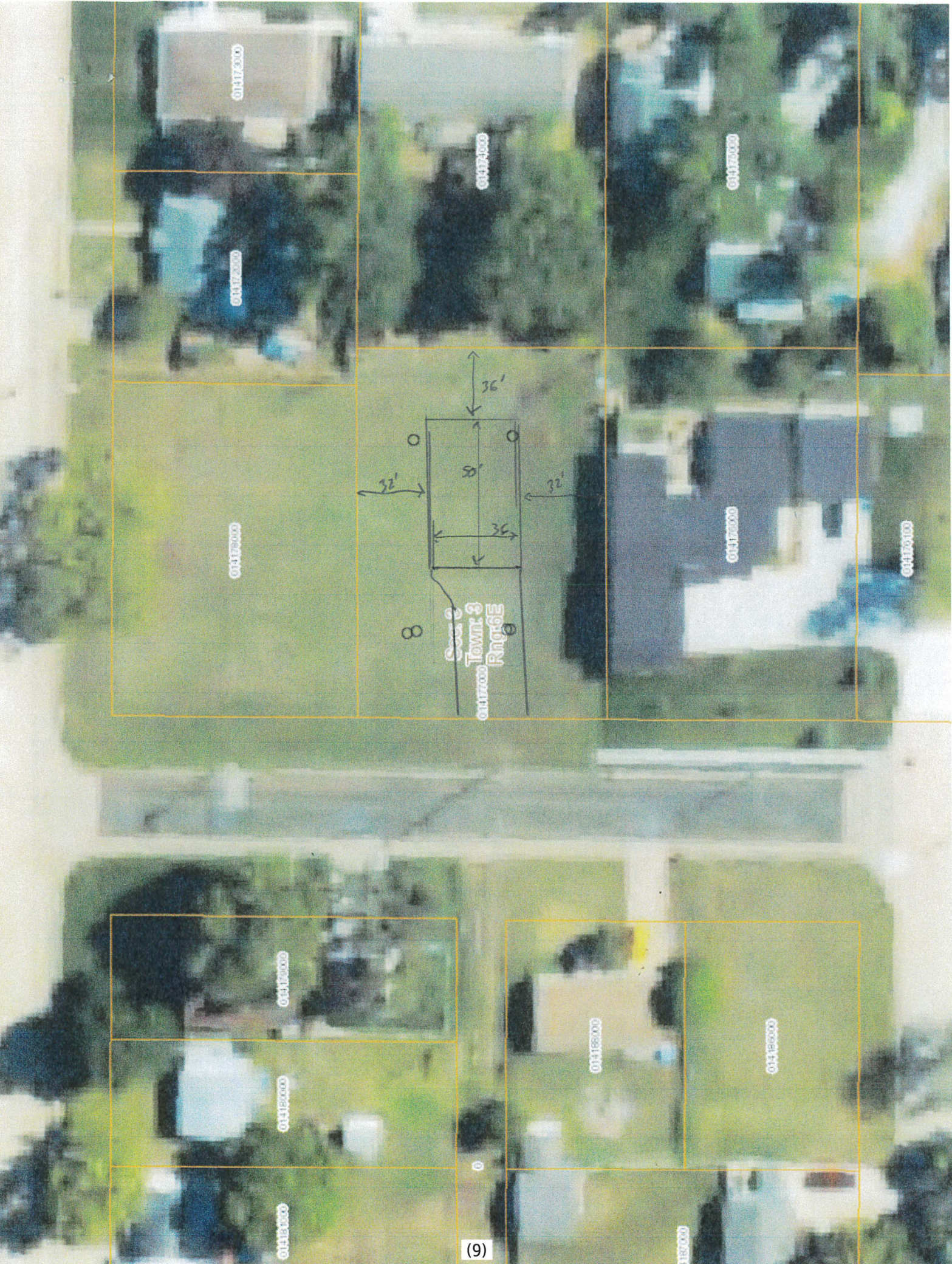
Date

OFFICE USE ONLY

Application Fee: \$100.00 Received By: CG Date: 3/20/2021
Date Posted on Property: 5/21/25 Date of Hearing: 6/2/25
Comments: Pending Admin. Subdivision Approval
Com Dev Director:  Date: 3/20/2021

DECISION

PLANNING & ZONING COMMISSION Approved Denied the Special Use Permit this _____ day of _____, 20____.
Planning and Zoning Chairman: _____ Date: _____



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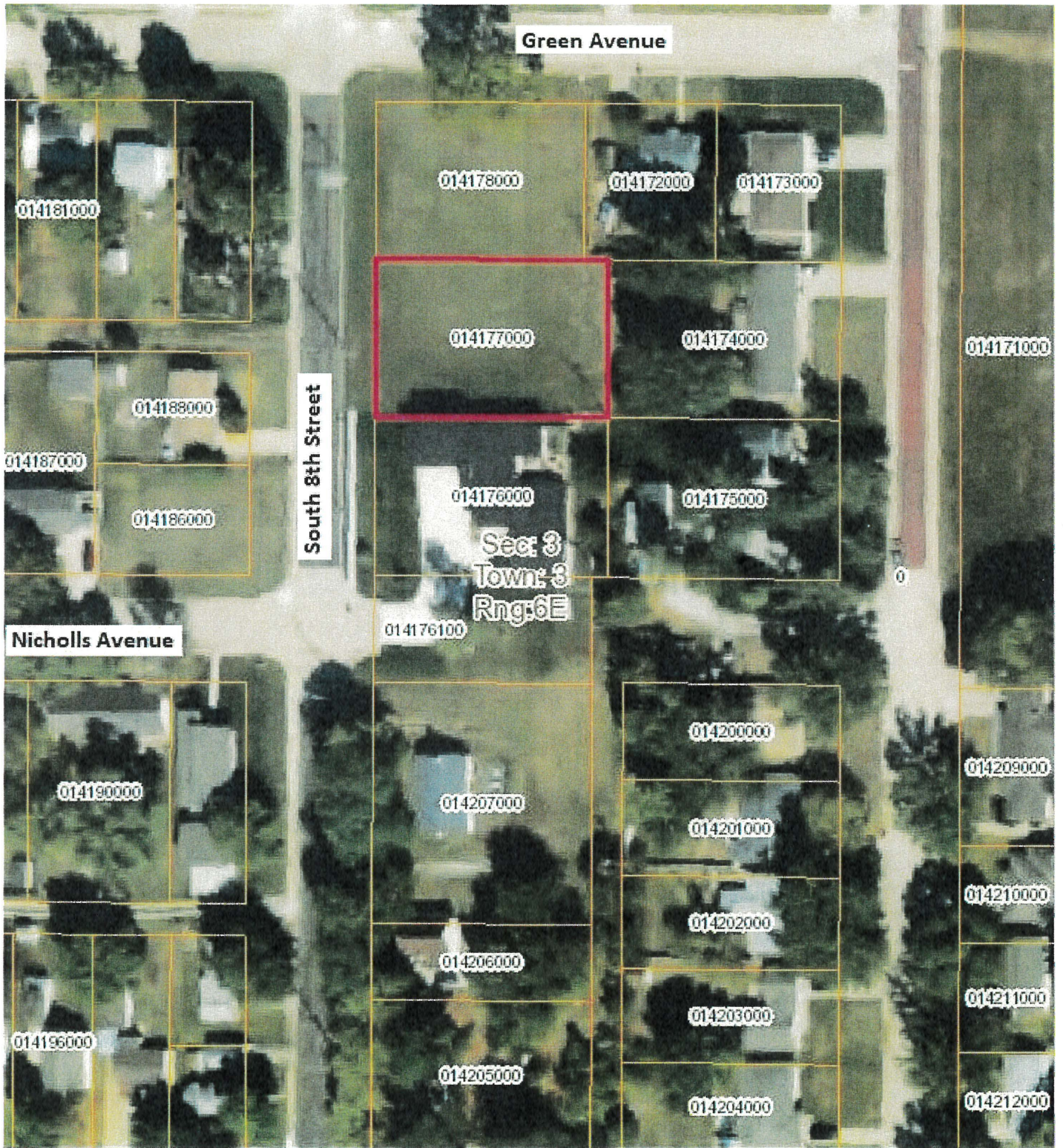
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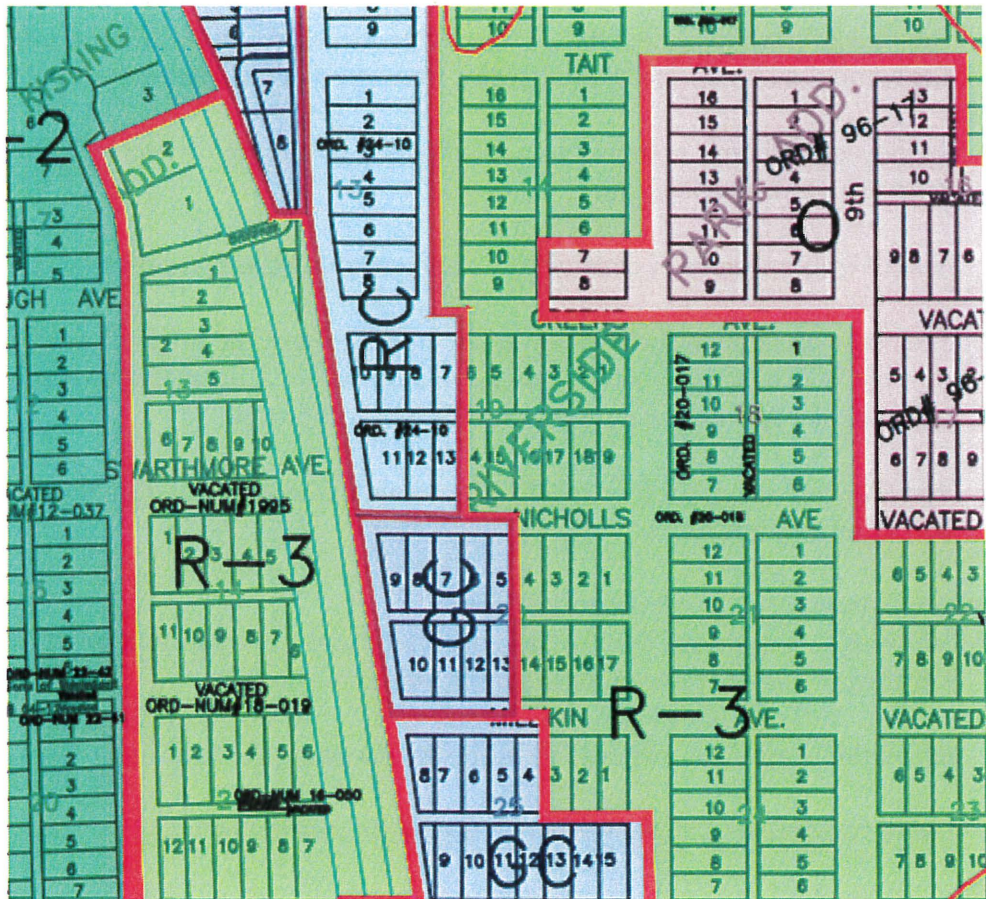
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B. Permitted Accessory Uses: Residential Uses

Residential uses may include the following accessory uses, activities, and structures on the same lot:

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C. Detached Accessory Buildings: Residential Uses

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Detached accessory buildings located in the RC, LC, GC, or CBD Districts shall comply with the following requirements:

6. Detached accessory buildings, upon sites which contain buildings used as dwelling units, shall not exceed a maximum size of 1200 square feet unless a Special Use Permit to allow a maximum size of 1800 square feet is approved as set forth in Section 1303. The square footage set forth in this subsection shall include the square footage for all detached accessory buildings located on the site.
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BEATRICE
CITY • BOARD OF PUBLIC WORKS

CITY HALL

400 Ella Street | Beatrice, NE 68310
Phone: 402.228.5200 Fax: 402.228.2312

ENGINEERING & COMMUNITY DEVELOPMENT

205 North 4th Street | Beatrice, NE 68310
Phone: 402.228.5250 Fax: 402.228.5252

May 21, 2025

Todd and Soni Hydo
1326 South 8th Street
Beatrice, NE 68310

RE: Special Use Permit 1,800 sq. ft. Detached Garage

Dear Todd and Soni:

The Planning and Zoning Commission of the City of Beatrice will hold a public hearing at **5:00 p.m. on Monday, June 2, 2025**, in the BPS Administration Building Board Room, 320 North 5th Street, Beatrice, Nebraska, to consider approval of your Special Use Permit Application for the construction of a 1,800 sq. ft. detached accessory structure, and to exceed the 1,200 sq. ft. maximum for detached accessory structures at property legally described as: Lots Nine (9) and Ten (10) and the West Half (W1/2) of the vacated alley adjacent to said lots, Block Eighteen (18), Riverside Park Addition, an Addition to the City of Beatrice, Gage County, Nebraska, Parcel ID 014177000.

Applicants are not required to attend said hearing, however, I would encourage you to attend should the Commissioners have questions only you can answer pertaining to your Special Use Permit application.

Please feel free to contact the Community Development Office at (402) 228-5250 or email community@beatrice.ne.gov if you have any questions.

Sincerely,

Taylor Rivera
City Attorney



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ENGINEERING & COMMUNITY DEVELOPMENT

205 North 4th Street | Beatrice, NE 68310
Phone: 402.228.5250 Fax: 402.228.5252

May 21, 2025

Lammel Plumbing, Inc.
200 North 7th Street, Ste. #1
Beatrice, NE 68310

RE: Special Use Permit 1,800 sq. ft. Detached Garage

To Whom It May Concern:

The Planning and Zoning Commission of the City of Beatrice will hold a public hearing at **5:00 p.m. on Monday, June 2, 2025**, in the BPS Administration Building Board Room, 320 North 5th Street, Beatrice, Nebraska, to consider approval of the Special Use Permit Application of Todd and Soni Hydo for the construction of a 1,800 sq. ft. detached accessory structure, and to exceed the 1,200 sq. ft. maximum for detached accessory structures at property legally described as: Lots Nine (9) and Ten (10) and the West Half (W1/2) of the vacated alley adjacent to said lots, Block Eighteen (18), Riverside Park Addition, an Addition to the City of Beatrice, Gage County, Nebraska, Parcel ID 014177000.

If you would like to contest, have questions, or concerns, please feel free to contact the Community Development Office at (402) 228-5250 or email community@beatrice.ne.gov.

Sincerely,

Taylor Rivera
City Attorney



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ENGINEERING & COMMUNITY DEVELOPMENT

205 North 4th Street | Beatrice, NE 68310
Phone: 402.228.5250 Fax: 402.228.5252

May 21, 2025

Duane Osterholt
821 Green Ave
Beatrice, NE 68310

RE: Special Use Permit 1,800 sq. ft. Detached Garage

Dear Duane:

The Planning and Zoning Commission of the City of Beatrice will hold a public hearing at **5:00 p.m. on Monday, June 2, 2025**, in the BPS Administration Building Board Room, 320 North 5th Street, Beatrice, Nebraska, to consider approval of the Special Use Permit Application of Todd and Soni Hydo for the construction of a 1,800 sq. ft. detached accessory structure, and to exceed the 1,200 sq. ft. maximum for detached accessory structures at property legally described as: Lots Nine (9) and Ten (10) and the West Half (W1/2) of the vacated alley adjacent to said lots, Block Eighteen (18), Riverside Park Addition, an Addition to the City of Beatrice, Gage County, Nebraska, Parcel ID 014177000.

If you would like to contest, have questions or concerns, please feel free to contact the Community Development Office at (402) 228-5250 or email community@beatrice.ne.gov.

Sincerely,

Taylor Rivera
City Attorney



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May 21, 2025

Kelly Mees
1313 South 9th Street
Beatrice, NE 68310

RE: Special Use Permit 1,800 sq. ft. Detached Garage

Dear Kelly:

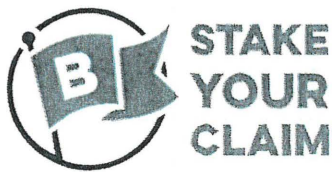
The Planning and Zoning Commission of the City of Beatrice will hold a public hearing at **5:00 p.m. on Monday, June 2, 2025**, in the BPS Administration Building Board Room, 320 North 5th Street, Beatrice, Nebraska, to consider approval of the Special Use Permit Application of Todd and Soni Hydo for the construction of a 1,800 sq. ft. detached accessory structure, and to exceed the 1,200 sq. ft. maximum for detached accessory structures at property legally described as: Lots Nine (9) and Ten (10) and the West Half (W1/2) of the vacated alley adjacent to said lots, Block Eighteen (18), Riverside Park Addition, an Addition to the City of Beatrice, Gage County, Nebraska, Parcel ID 014177000.

If you would like to contest, have questions or concerns, please feel free to contact the Community Development Office at (402) 228-5250 or email community@beatrice.ne.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Taylor Rivera'.

Taylor Rivera
City Attorney



BEATRICE
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CITY HALL

400 Ella Street | Beatrice, NE 68310
Phone: 402.228.5200 Fax: 402.228.2312

ENGINEERING & COMMUNITY DEVELOPMENT

205 North 4th Street | Beatrice, NE 68310
Phone: 402.228.5250 Fax: 402.228.5252

May 21, 2025

Roger Aden Rentals, LLC
1321 South 9th Street
Beatrice, NE 68310

RE: Special Use Permit 1,800 sq. ft. Detached Garage

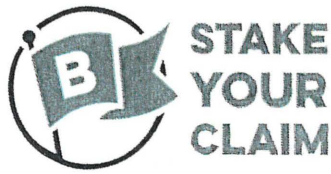
To Whom It May Concern:

The Planning and Zoning Commission of the City of Beatrice will hold a public hearing at **5:00 p.m. on Monday, June 2, 2025**, in the BPS Administration Building Board Room, 320 North 5th Street, Beatrice, Nebraska, to consider approval of the Special Use Permit Application of Todd and Soni Hydo for the construction of a 1,800 sq. ft. detached accessory structure, and to exceed the 1,200 sq. ft. maximum for detached accessory structures at property legally described as: Lots Nine (9) and Ten (10) and the West Half (W1/2) of the vacated alley adjacent to said lots, Block Eighteen (18), Riverside Park Addition, an Addition to the City of Beatrice, Gage County, Nebraska, Parcel ID 014177000.

If you would like to contest, have questions or concerns, please feel free to contact the Community Development Office at (402) 228-5250 or email community@beatrice.ne.gov.

Sincerely,

Taylor Rivera
City Attorney



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ENGINEERING & COMMUNITY DEVELOPMENT

205 North 4th Street | Beatrice, NE 68310
Phone: 402.228.5250 Fax: 402.228.5252

May 21, 2025

Church of the Promise, Inc.
1406 South 8th Street
Beatrice, NE 68310

RE: Special Use Permit 1,800 sq. ft. Detached Garage

To Whom It May Concern:

The Planning and Zoning Commission of the City of Beatrice will hold a public hearing at **5:00 p.m. on Monday, June 2, 2025**, in the BPS Administration Building Board Room, 320 North 5th Street, Beatrice, Nebraska, to consider approval of the Special Use Permit Application of Todd and Soni Hydo for the construction of a 1,800 sq. ft. detached accessory structure, and to exceed the 1,200 sq. ft. maximum for detached accessory structures at property legally described as: Lots Nine (9) and Ten (10) and the West Half (W1/2) of the vacated alley adjacent to said lots, Block Eighteen (18), Riverside Park Addition, an Addition to the City of Beatrice, Gage County, Nebraska, Parcel ID 014177000.

If you would like to contest, have questions or concerns, please feel free to contact the Community Development Office at (402) 228-5250 or email community@beatrice.ne.gov.

Sincerely,

Taylor Rivera
City Attorney

**RESOLUTION NUMBER 25-9
PLANNING AND ZONING COMMISSION**

WHEREAS, the Planning and Zoning Commission of the City of Beatrice, Nebraska (the "City") received a special use application; and

WHEREAS, on May 21, 2025, notice was mailed to all adjacent property owners providing notice of the public hearing in accordance with §1303 of the Zoning Ordinance of the City of Beatrice, Ordinance Number 94-13; and

WHEREAS, on May 23, 2025, notice of the public hearing was published in a daily newspaper having a general circulation in Beatrice in accordance with §1303 of the Zoning Ordinance of the City of Beatrice, Ordinance Number 94-13; and

WHEREAS, on May 21, 2025, notice was posted in a conspicuous place on or near the property which requested the special use permit in accordance with §1303 of the Zoning Ordinance of the City of Beatrice, Ordinance Number 94-13; and

WHEREAS, on June 2, 2025, a public hearing was held regarding the special use application filed by Mark W. Setzer and Kathy A. Setzer, husband and wife, in accordance with §1303 of the Zoning Ordinance of the City of Beatrice, Ordinance Number 94-13.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF BEATRICE, NEBRASKA:

SECTION 1. That the special use permit application filed by Mark W. Setzer and Kathy A. Setzer, husband and wife, for property legally described as:

Parcel 1: Lots One (1) and Two (2), Block Three (3), Highland Park Addition, an Addition to the City of Beatrice, Gage County, Nebraska;

Parcel 2: Lot Eight (8), Block Three (3), Highland Park Addition to the City of Beatrice, Gage County, Nebraska; and

Parcel 3: The East 227 feet of Lots Nine (9) and Ten (10), except the North Thirty-Five (35) feet of the East 227 feet of Lot Ten (10), Block Three (3), Highland Park Addition, an Addition to Beatrice, Gage County Nebraska.

Commonly known as 905 Beaver Avenue,

for the construction of an 1,800 sq. ft. detached accessory structure, be and is hereby approved. A copy of said special use application marked as Exhibit "A" is attached hereto and incorporated by reference.

SECTION 2. That said special use permit shall run with the land.

SECTION 3. That the Community Development Department shall file notice of this resolution with the Gage County Register of Deeds.

SECTION 4. That all resolutions or parts of resolutions in conflict herewith are hereby repealed.

P&Z RESOLUTION PASSED and ADOPTED this 2nd day of June, 2025.

Deven McGhee, Secretary

Alan Fetty, Chairperson



SPECIAL USE PERMIT APPLICATION

APPLICANT(S) INFORMATION

Name(s): Mark Setzer Kathy Setzer
Address: 905 Beaver Ave
Beatrice NE 68310
Phone: 402-239-2913 Email: msetz2@gmail.com

A site plan to include all existing and proposed improvements, dimensions, and setbacks to all property lines must be submitted as an attachment to this application.

PROPERTY OWNERSHIP ATTESTATION

I/We, Mark & Kathy Setzer, hereby certify that I/we are the lawful owner(s) of real estate legally described as follows:
Lots 1 & 2 & 8 & E 227' of Lots 9 & 10 Ex N 35' of
E 227' of Lot 10 B1K 3 Highland Park Add

or will receive a conveyance thereof if this application for a Special Use Permit is granted.

SPECIAL or CONDITIONAL USE ATTESTATION

I/We, Mark & Kathy Setzer, hereby apply for a Special or Conditional Use Permit for the following use:
garage & storage

I/We hereby declare that if the application is granted that the aforementioned property will be used in conformity with the zoning restrictions then in effect on the property unless a new application for a Special or Conditional Use Permit is granted.

I/We request that the Planning and Zoning Commission set a hearing date on this application, publish notice of said hearing in accordance with the zoning ordinance, and post the above described property.

If approval is granted, you must file all required documents and proper permits issued prior to commencement of work.

APPLICANT(S) SIGNATURE

I/We declare under penalties of perjury that I/we have examined this application and to the best of my/our knowledge and belief, it is correct and complete.

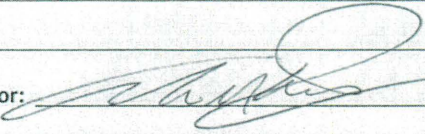
[Signature]
Signature
Kathy Setzer
Signature

5/12/2025
Date
5/12/2025
Date

OFFICE USE ONLY

Application Fee: \$100.00 Received By: Chasei Griffin 5/12/25 Date: 5/12/2025
Date Posted on Property: 5-21-25 Date of Hearing: 6-2-25

Comments: _____

Com Dev Director:  Date: 5/15/2025

DECISION

PLANNING & ZONING COMMISSION Approved Denied the Special Use Permit this _____ day of _____, 20_____.

Planning and Zoning Chairman: _____ Date: _____

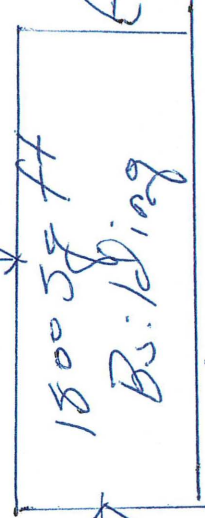
East

11th Street

Main

Beaver Ave

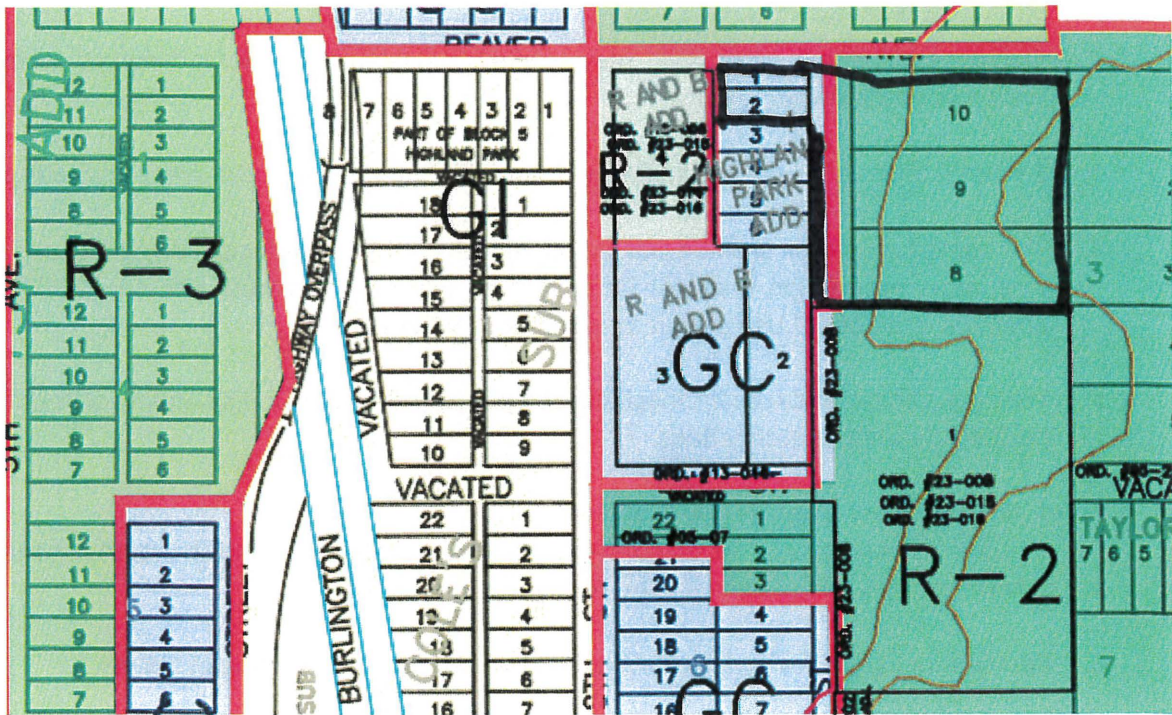
197 Ft Pole Building 1800 sq ft
~~22~~ 22 Ft. High



Existing House (25)

Main Road Line





accomplished in a manner approved by the State of Nebraska's Department of Environmental Quality.

7. Toxic Waste: The disposal of hazardous, toxic, or radioactive wastes as defined by the Federal Environmental Protection Agency shall be prohibited within the City of Beatrice and its extra-territorial jurisdiction.

608 Supplemental Use Regulations: Accessory Uses

A. Home Occupations

Home occupations are permitted as an accessory use in residential units subject to the following conditions:

1. External Effects: No noise, odors, bright lights, storage or other external effects attributable to the home occupation shall be noticeable from any adjacent property or public right of way.
2. Employees: A home occupation may employ a maximum of two individuals other than the residents of the dwelling unit.
3. Service Traffic: Deliveries or service by commercial vehicles or trucks over ten tons is prohibited.
4. The home occupation shall be carried on entirely within the principal dwelling unit. Operation of a home occupation shall not be carried on within a detached accessory building without approval of a Special Use permit as set forth in Section 1303.
5. Welding, vehicle body repair, mechanical repair, or rebuilding or dismantling of vehicles are not permitted as home occupations.

B. Permitted Accessory Uses: Residential Uses

Residential uses may include the following accessory uses, activities, and structures on the same lot:

1. Private garages and parking for the residential use.
2. Recreational activities and uses by residents, excluding the housing of horses.
3. Home occupations, subject to Section 608(a) of these regulations.
4. Residential convenience services for multiple-family uses or mobile home parks for use by residents only.
5. Crafts and garage sales, provided that such sales on any single property occur no more than once every 60 days; and have a maximum duration of 3 days.

C. Detached Accessory Buildings: Residential Uses

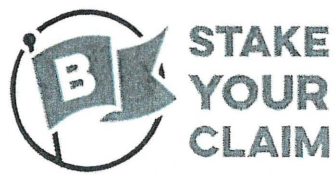
Detached accessory buildings located in the R-1, R-2, R-3, or R-4 Districts shall comply with the following requirements:

1. Detached accessory buildings shall not exceed a maximum size of 1200 square feet unless a Special Use Permit to allow a maximum size of 1800 square feet is approved as set forth in Section 1303. The square footage set forth in this subsection shall include the square footage for all detached accessory buildings located on the site.

2. A maximum of two detached accessory buildings shall be located on a site.
3. Detached accessory buildings shall not exceed a maximum of 18 feet in height, measured to the ridge of the roof, unless a 'Special Use Permit' to allow a maximum height of 22 feet to the ridge of the roof is approved as set forth in Section 1303.
4. For purposes of Section 608(c), an accessory building shall be considered to be detached unless it is constructed as an integral part of the principal dwelling unit and is connected to the principal dwelling unit by a common vertical wall. Detached accessory buildings for multiple-family dwellings shall not be subject to the requirements of subsection 608(c)(1). Gazebos and any detached accessory building that is smaller than 20 square feet shall not be subject to the requirements of Section 608(c).
5. For purposes of Section 608(c), an accessory building shall only be constructed on property which contains an existing principal dwelling unit. The removal or demolition of a principal dwelling unit shall require the removal of all accessory buildings located on the site, unless the accessory building(s) meet the requirements of all applicable codes of the City of Beatrice and are verified by the City Building Inspector.

Detached accessory buildings located in the RC, LC, GC, or CBD Districts shall comply with the following requirements:

6. Detached accessory buildings, upon sites which contain buildings used as dwelling units, shall not exceed a maximum size of 1200 square feet unless a Special Use Permit to allow a maximum size of 1800 square feet is approved as set forth in Section 1303. The square footage set forth in this subsection shall include the square footage for all detached accessory buildings located on the site.
7. A maximum of two detached accessory buildings shall be located on a site which contain a building used as a dwelling.
8. Detached accessory buildings, upon sites which contain buildings used as dwellings, shall not exceed 22 feet in height, measured at the ridge of the roof.
9. For purposes of Section 608(c), an accessory building shall be considered to be detached unless it is constructed as an integral part of the principal dwelling unit and is connected to the principal dwelling unit by a common vertical wall. Detached accessory buildings for multiple-family dwellings shall not be subject to the requirements of subsection 608(c)(6). Gazebos and any detached accessory building that is smaller than 20 square feet shall not be subject to the requirements of Section 608(c).
10. For purposes of Section 608(c), an accessory building shall only be constructed on property which contains an existing principal dwelling unit or a principal commercial, industrial, or office building which is open to the public for a minimum of twenty (20) hours per week. The removal or demolition of any dwelling unit, or commercial, industrial, or office building shall require the removal of all accessory buildings located on the site, unless the accessory building(s) meet the requirements of all applicable codes of the City of Beatrice and are verified by the City Building Inspector.



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400 Ella Street | Beatrice, NE 68310
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ENGINEERING & COMMUNITY DEVELOPMENT

205 North 4th Street | Beatrice, NE 68310
Phone: 402.228.5250 Fax: 402.228.5252

May 21, 2025

Mark and Kathy Setzer
905 Beaver Avenue
Beatrice, NE 68310

RE: Special Use Permit Application of Mark and Kathy Setzer
Construction of an 1,800 square foot detached garage at 905 Beaver Avenue

Dear Mark and Kathy:

The Planning and Zoning Commission of the City of Beatrice will hold a public hearing at **5:00 p.m. on Monday, June 2, 2025, in the BPS Administration Building Board Room, 320 North 5th Street, Beatrice, Nebraska**, to consider approval of your Special Use Permit Application for the construction of an 1,800 square foot detached garage located at property legally described as: all of Lots One (1), Two (2) and Eight (8) and the East Two-Hundred and Twenty-Seven (227) feet of Lots Nine (9) and Ten (10), except the North Thirty-Five (35) feet of the East Two-Hundred and Twenty-Seven feet (227) of Lot Ten (10), Block Three (3), Highland Park Addition, to the City Beatrice, Gage County, Nebraska, commonly known as 905 Beaver Avenue.

Applicants are not required to attend said hearing, however, I would encourage you to attend should the Commissioners have any questions only you can answer pertaining to your Special Use Permit application.

Please feel free to contact the Community Development Office at (402) 228-5250 or email community@beatrice.ne.gov if you have any questions.

Sincerely,

Taylor Rivera
City Attorney



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205 North 4th Street | Beatrice, NE 68310

Phone: 402.228.5250 Fax: 402.228.5252

May 21, 2025

Darryl Baker
1600 South 9th Street
Beatrice, NE 68310

RE: Special Use Permit Application of Mark and Kathy Setzer
Construction of an 1,800 square foot detached garage at 905 Beaver Avenue

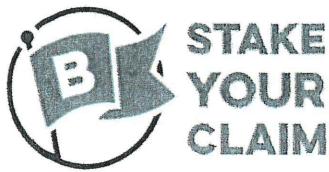
Dear Darryl:

The Planning and Zoning Commission of the City of Beatrice will hold a public hearing at **5:00 p.m. on Monday, June 2, 2025, in the BPS Administration Building Board Room, 320 North 5th Street, Beatrice, Nebraska**, to consider approval of the Special Use Permit Application of Mark & Kathy Setzer, for the construction of an 1,800 square foot detached garage located at property legally described as: all of Lots One (1), Two (2) and Eight (8) and the East Two-Hundred and Twenty-Seven (227) feet of Lots Nine (9) and Ten (10), except the North Thirty-Five (35) feet of the East Two-Hundred and Twenty-Seven feet (227) of Lot Ten (10), Block Three (3), Highland Park Addition, to the City Beatrice, Gage County, Nebraska, commonly known as 905 Beaver Avenue.

If you would like to contest, have questions or concerns, please feel free to contact the Community Development Office at (402) 228-5250 or email community@beatrice.ne.gov.

Sincerely,

Taylor Rivera
City Attorney



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Phone: 402.228.5250 Fax: 402.228.5252

May 21, 2025

Melvin and Barbara Lucas
1604 South 9th Street
Beatrice, NE 68310

RE: Special Use Permit Application of Mark and Kathy Setzer
Construction of an 1,800 square foot detached garage at 905 Beaver Avenue

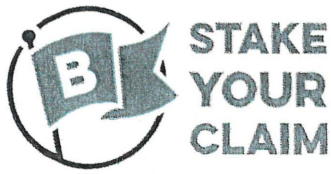
Dear Melvin & Barbara:

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Sincerely,

Taylor Rivera
City Attorney



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Phone: 402.228.5250 Fax: 402.228.5252

May 21, 2025

Kent Grabouski
1811 South 11th Street
Beatrice, NE 68310

RE: Special Use Permit Application of Mark and Kathy Setzer
Construction of an 1,800 square foot detached garage at 905 Beaver Avenue

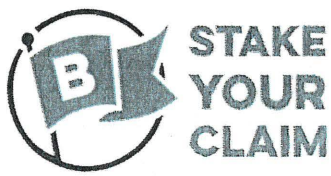
Dear Kent:

The Planning and Zoning Commission of the City of Beatrice will hold a public hearing at **5:00 p.m. on Monday, June 2, 2025, in the BPS Administration Building Board Room, 320 North 5th Street, Beatrice, Nebraska**, to consider approval of the Special Use Permit Application of Mark & Kathy Setzer, for the construction of an 1,800 square foot detached garage located at property legally described as: all of Lots One (1), Two (2) and Eight (8) and the East Two-Hundred and Twenty-Seven (227) feet of Lots Nine (9) and Ten (10), except the North Thirty-Five (35) feet of the East Two-Hundred and Twenty-Seven feet (227) of Lot Ten (10), Block Three (3), Highland Park Addition, to the City Beatrice, Gage County, Nebraska, commonly known as 905 Beaver Avenue.

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Sincerely,

Taylor Rivera
City Attorney



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205 North 4th Street | Beatrice, NE 68310

Phone: 402.228.5250 Fax: 402.228.5252

May 21, 2025

Andrew and Krista Haake
1700 South 9th Street
Beatrice, NE 68310

RE: Special Use Permit Application of Mark and Kathy Setzer
Construction of an 1,800 square foot detached garage at 905 Beaver Avenue

Dear Andrew and Krista:

The Planning and Zoning Commission of the City of Beatrice will hold a public hearing at **5:00 p.m. on Monday, June 2, 2025, in the BPS Administration Building Board Room, 320 North 5th Street, Beatrice, Nebraska**, to consider approval of the Special Use Permit Application of Mark & Kathy Setzer, for the construction of an 1,800 square foot detached garage located at property legally described as: all of Lots One (1), Two (2) and Eight (8) and the East Two-Hundred and Twenty-Seven (227) feet of Lots Nine (9) and Ten (10), except the North Thirty-Five (35) feet of the East Two-Hundred and Twenty-Seven feet (227) of Lot Ten (10), Block Three (3), Highland Park Addition, to the City Beatrice, Gage County, Nebraska, commonly known as 905 Beaver Avenue.

If you would like to contest, have questions or concerns, please feel free to contact the Community Development Office at (402) 228-5250 or email community@beatrice.ne.gov.

Sincerely,

Taylor Rivera
City Attorney