

**Tentative** Agenda for the Board of Adjustment Meeting to be held on March 30, 2026 at 5:00 PM. This meeting will be held at the Waverly City Office Building, 14130 Lancashire, Waverly, NE 68462. A current Agenda shall be readily available for public inspection at the office of the City Clerk during normal business hours.

1. **Call to Order**
  - 1.a) Roll Call
  - 1.b) Acknowledgement of the "Open Meetings Act" poster that is posted by the south entrance
2. **Public Hearings**
3. **Public Comments**
4. **Approval of Minutes**
  - 4.a) Minutes of the January 26, 2026 Board of Adjustment Meeting
5. **Public Hearings**
  - 5.a) Public Hearing: Variance Request 26-01 to allow for the installation of a eight-foot-tall privacy fence at the property of 14730 Folkestone Street.
6. **Action by the Committee**
7. **Adjournment**

The Governing Body reserves the right to go into Executive Session at any time for the reasons outlined in State Statute 84-1410.

The following rules are established for audience members and participants at a Council meeting:

- (1) Any person wishing to address the Council shall first state their name and address.
- (2) Public comments may be for agenda or non-agenda items.
- (3) Remarks shall be limited to five (5) minutes.

**CITY OF WAVERLY**

**BOARD OF ADJUSTMENT MEETING**

**MEETING MINUTES**

**January 26, 2026 WAVERLY CITY OFFICES COMMUNITY MEETING HALL 14130 LANCASHIRE STREET**

## CALL TO ORDER

Kelly Sears called the meeting to order at 5:00 pm. Members responding to roll call were: Ron Dubas, Kelly Sears, Joe Poole and Sonny Fankhauser. Sears acknowledged the Open Meetings Act poster available in the offices and electronically. Notice of the meeting agenda was given to all members of the Board of Adjustment prior to and at the meeting. Notice of the meeting was posted at Russ's Market Express, the US Post Office, the Waverly City Office and The Voice News as well as the Waverly community website.

## APPROVAL OF MINUTES

Motion to approve the minutes of the January 27, 2025, meeting was made by Fankhauser and seconded by Dubas. Motion passed unanimously.

## ELECTION OF OFFICERS

CHAIR: Motion to elect Sears as Chair was made by Fankhauser, seconded by Dubas. Motion passed unanimously.

SECRETARY: Motion to elect Joe Poole as Secretary was made by Fankhauser, seconded by Dubas. Motion passed unanimously.

ALTERNATE: Motion to appoint Sonny Fankhauser as Designated Alternate was made by Dubas, seconded by Sears passed unanimously.

**PUBLIC HEARING**

None.

## REVIEW BOARD OF ADJUSTMENT REGULATIONS & STATE STATUES

Information was provided to the Board by Mike Palm that included the Board of Adjustment By-Laws and the Waverly Board of Adjustment Variance Request Approval or Denial Document. A brief update on the city zoning was provided by Palm.

# ADJOURNMENT

Motion was made by Dubas and seconded by Fankhauser. Motion passed unanimously at 5:08 pm.

Respectfully Submitted,

Joe Poole, Board of Adjustment Secretary

**REQUEST FOR VARIANCE  
FROM ZONING  
ORDINANCE (VARIANCE  
REQUEST)**

**City of Waverly**

**Building Department  
P.O. Box 427  
14130 Lancashire St.  
Waverly, NE 68462  
Phone 402.786.2312  
Fax 402.786.2490**



www.citywaverly.com

<b>VARIANCE REQUEST #</b>	<b>DATE</b>
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**APPLICANT INFORMATION**

Name: <u>Tracy Stake</u>	Phone: <u>402-432-7148</u>
Address: <u>14730 Folkestone Street</u>	Fax:
City: <u>Waverly</u> State: <u>NE</u>	Zip: <u>68462</u>
Email: <u>tlstake158@gmail.com</u>	

**LOCATION INFORMATION & EXPLANATION**

Legal Property Description: Melrose Second Addition  
 Lot(s): 1 Block: 1 Addition: Melrose Second Addition  
 Zoning District: R1-R1-Residential District

Please describe the intended use and the need for the variance: I want to install a 8' wood privacy fence in a portion of our back yard to provide better safety & privacy for our family. The 8' fence would only run parallel with 148th street and at the North end, turn west meet up with a existing 6' privacy fence. (See more comments on next page)

**BOARD OF ADJUSTMENT PROCEDURE**

CONTINUED ON FOLLOWING PAGE

**P A I D**  
2/17/26  
 CASH MP

**FEES**

**\$100.00 PERMIT FEE** Date Paid \_\_\_\_\_ Cash  Check # \_\_\_\_\_ Credit Card   
 Permit Fee must be paid prior to any review action.  
 By signing below, the applicant hereby agrees with the rules and procedures for filing a Variance Request with the City of Waverly.

X Tracy Stake \_\_\_\_\_ Date 2/16/2026  
 Signature of Applicant \_\_\_\_\_

**ADMINISTRATIVE USE**

Approved \_\_\_\_\_  
 Denied \_\_\_\_\_  
 Zoning Administrator Signature \_\_\_\_\_ Date \_\_\_\_\_



## BOARD OF ADJUSTMENT PROCEDURE

The Board of Adjustment shall hear and decide upon petitions for variances, and subject to such standards, principals, and procedures provided in this Ordinance, to vary the strict application of the height, area, parking, sign, or other requirements to the extent necessary to permit the owner a reasonable use of his/her land.

Only upon receipt of a written response to the following conditions shall a meeting of the Board of Adjustments be scheduled: (Additional sheets may be attached.)

- A. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district or vicinity and is not created by an action(s) of the property owner or applicant.
- YES (This means your property has a quality unique to itself which makes this request necessary.)
- NO (This means every lot is like yours.)
- B. The granting of the permit for the variance will not be a substantial detriment of the adjacent property, and the character of the district will not be changed by granting the variance.
- YES (This means your request will not harm your neighbors or the community.)
- NO
- C. Strict application of the provisions of the zoning regulations to this request will constitute undue hardship upon the owner on the property named above.
- YES (This means you think you will be harmed and unfairly limited by denial of this request.)
- NO
- D. Granting of this requested variance is based on reason and demonstratable, exceptional hardship, as distinguished from convenience, profit, or caprice.
- YES (This means you think you will be harmed and unfairly limited by denial of this request.)
- NO

Comments: Our back yard sets lower, below 148th street, than any other property across 148th street. A 6' fence will not gain us the safety and privacy for our family we are needing. It will not be tall enough due to the height of 148th street compared to the elevation of our backyard.

With society being the way it is now days we are very concerned about the heavy traffic that 148th street carries now. We just do not want the wrong person/people to see what and who (grandchildren), is in our backyard. This is for safety and privacy. There are other 8' (+/-) fences in Waverly on properties that are not exposed to such high traffic volume and low finished grades compared to street traffic height.

There is one already on the East side of 148th and it was erected for the same reasons I have mentioned & that property set higher than our backyard. Proportionally, a 8' fence in our back yard will not be any higher, in relationship to 148th St, than a 6' fence on other properties across 148th street. We have no residential properties to the North of our property. A 8' fence in our back yard will not have any impact on another property.





**City of Waverly  
Building and Zoning Department  
Variance Request Report**

Date: March 6, 2026

To: Waverly Board of Adjustment Members  
Melissa Brown, Andrew Cockerill, Ron Dubas, Sonny Fankhauser, Joseph Poole, Kelly Sears

CC: Abbey Pascoe, Stephanie Fisher, Megan Frye

From: Mike Palm, Zoning Administrator

Subject: **Board of Adjustment Meeting – Variance Request Details**

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Variance Request 26-01:

1. Mr. Stake's property is located at 14730 Folkestone St. It is a corner lot at the intersection of N 148<sup>th</sup> St. and Folkestone St. The west property line (street side yard) abuts the N 148<sup>th</sup> St. right-of-way. The north property line abuts the property owned by the Waverly School District (Waverly Intermediate School).
2. Mr. Stake is requesting to install an eight-foot-tall privacy fence along the property line abutting N 148<sup>th</sup> St. and a portion of the lot line abutting the Waverly Intermediate School.
3. Per Waverly's Zoning Regulations, the maximum height for any residential fence outside of the required front yard shall be six feet. The regulations allow for a residential fence height of up to eight feet if the portion of fence is separating the residential lot from a commercial or industrial lot.

4. **Surrounding Land Use and Zoning:**

**North:** Zoned; R-1

**South:** Zoned; R-1

**East:** Zoned; R-2

**West:** Zoned; R-1

**Use:** Waverly Intermediate School

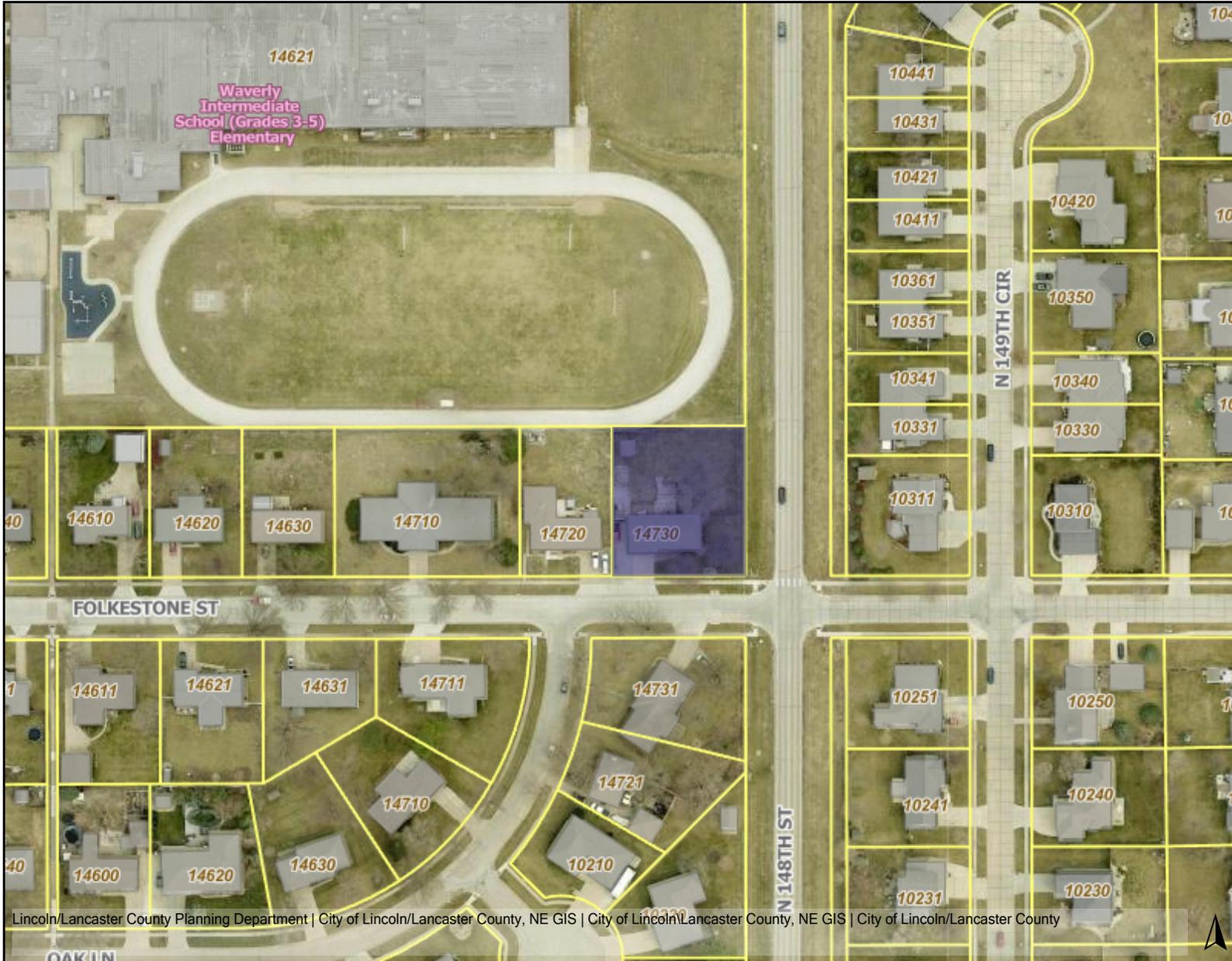
**Use:** ROW, Single-Family Residential

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**Use:** Single-Family Residential

5. Attachments:

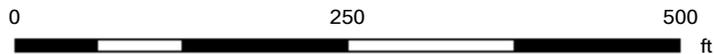
- A copy of the Variance Request
- An aerial screenshot of the property
- A copy of Waverly's fence regulations



**Legend**

- Development
  - IOLLParcels - IOLL Parcels
  - 
- Development Information
  - 
- Building Footprints
  - Footprints2024
  - 

Lincoln/Lancaster County Planning Department | City of Lincoln/Lancaster County, NE GIS | City of Lincoln/Lancaster County, NE GIS | City of Lincoln/Lancaster County



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

**Notes**

## SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

regulations for a specific zoning district. A creative subdivision must be planned and developed as a common development. A minimum separation of twenty (20) feet shall be established for all residential structures not attached to one another, unless the City Council grants a specific exception for developments proposing unique circumstances, only in as much as said development can be demonstrated to avoid detriment to Waverly's efforts to protect public health, safety, welfare, community character, property values and aesthetics.

2. Any private garage oriented to or facing a public street or private way internal to the creative subdivision must be set back a minimum of 25 feet from that public street or private way.

e. Coverage and Landscaping Requirements

Individual lots in a creative subdivision are exempt from maximum building and impervious coverage limitations and street yard landscaping requirements established for the zoning district. However, the subdivision as a whole, including streets, walks, and access ways, must comply with the building and impervious coverage regulations for its zoning district.

### 11.707 Fence Regulations

a. Location Restriction

1. Unless otherwise provided by this Ordinance or other sections of the Waverly Municipal Code, no fence shall be built on any lot or tract outside the surveyed lot lines or tract outside the surveyed lot lines.

2. No fence shall be built by a private party on public land without the specific prior approval of the City. Removal of any such fence shall be at the expense of its owner.

b. Applicability

The regulations contained in Sections 11.707(b) through 11.707(j) apply to all fences with a height above grade of 30 inches and over.

c. Required Openings

Unless otherwise provided by this Ordinance or other sections of the Waverly Municipal Code, any fence built on residential property within required front or street side yards shall contain openings constituting no less than 50 percent of the surface area of the fence.

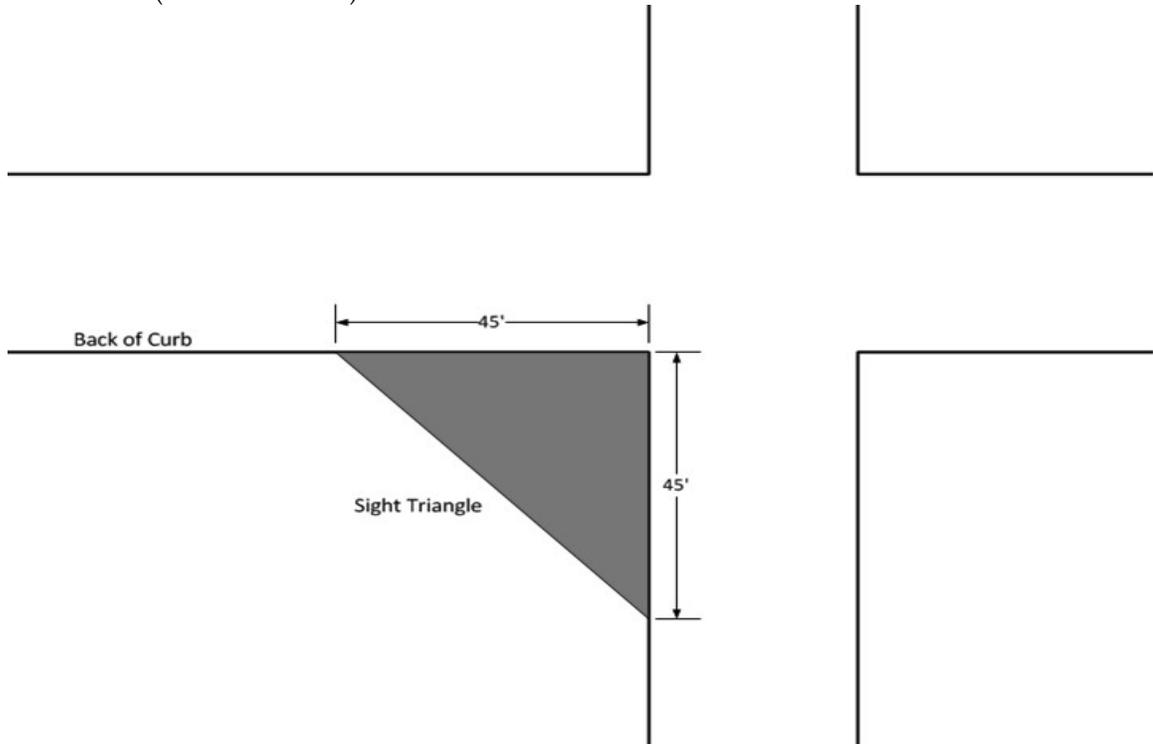
d. Sight Obstruction at Street Intersections (*Amended by Ord. 15-11, 12-8-15*)

No fence or hedge permitted or required by this article or other sections of the Waverly Municipal Code shall be built to a height of more than thirty inches (30") above the established curb grade on the part of the lot within the defined intersection sight triangle. No landscaping shall be planted in such area which will materially obstruct the view of drivers approaching the street intersection. The intersection sight distance triangles are established as:

1. For major controlled intersections (e.g. stop, yield, signals etc.) and intersections with collector streets and arterial streets, the intersection sight distance triangles shall be defined as per the AASHTO Policy on Geometric Design of Highways and Streets, latest edition. For all other minor and uncontrolled intersections (residential streets) the intersection sight distance triangles on each leg of an intersection shall be defined as a triangle formed by the adjacent curb lines of

## SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

intersecting streets and the line joining points 45 feet on each side line from their point of intersection (as shown below).



2. At intersections of a sidewalk and alley or non-residential driveway or parking lot access, the intersection sight triangle is defined as a triangle whose legs extend 10 feet back from the sidewalk along the alley or driveway, and 20 feet parallel to and along the back of the sidewalk back from the intersecting alley or driveway.

e. Facing

The finished surfaces of any fence shall face toward adjacent properties and street frontage.

f. Effect on Adjacent Properties and Drainage

1. No accessory building shall damage adjacent property by obstructing views, inhibiting solar access, or hindering ventilation.

2. Fences shall be erected and maintained so as to avoid limiting or obstructing the flow of water in natural drainage courses, or drainage ways created within easements.

g. Fence Construction on Utility Easements

## SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

Any fence erected on a tract of land subject to an easement for the construction, maintenance, operations, or replacement of any water, sanitary or storm sewer, gas line, electric power, telephone, or other utility poles, or other cables or lines shall be designed and constructed to be readily removable to permit the use of the easement. Such fences shall be subject to removal by request of the owner of the easement whenever necessary to permit access. The cost of removal or replacement shall be the responsibility of the owner of the fence.

### h. Protective Fences around Swimming Pools

A fence with a minimum height of five feet and compliant with the terms of this section shall be required around public or private swimming pools.

### i. Residential Fences

Fences constructed within residential districts or on land used for residential purposes are subject to the following provisions.

1. Height: The maximum height of a fence within a required front yard or street side yard setback shall be 42 inches. The maximum height for any fence outside of a required front yard shall be six feet.
2. Exception for Street Side Yards: On corner lots, a fence built parallel to the street side yard line but set back in conformance with the required street yard setback may have a maximum height of six feet.
3. Exception to Openness Requirement: Fences built on residential property outside of required front or street side yards may exceed of 50 percent closed construction.
4. Exception for Front Yards of Double Frontage Lots: A fence built within the required front yard of a double frontage lot may be a maximum of six feet in height and may exceed 50 percent closed construction if such lot fronts an arterial street or expressway, as defined in the Comprehensive Development Plan of the City of Waverly; and if such frontage does not provide primary access to the property.
5. Materials: Fences shall be constructed of wood, chain-link, PVC/ resin, stone or masonry materials, or ornamental metals only. Wood fences shall utilize standard building lumber only. Barbed wire and/or electrified fences are not permitted, and are defined as any fence that includes in its material barbs, blades, razors, electric current or other features specifically designed to injure or abrade an individual or animal who attempts to negotiate the fence. Wire mesh fences may be permitted to enclose tennis courts and game and recreation areas on public land and residential lots. Other materials may be used if approved by the Building Inspector.

### j. Civic, Office, Commercial, and Industrial Fences

Fences constructed in commercial and industrial districts are subject to the following special provisions:

1. The maximum height of a fence for any permitted use in any non-residential zoning district shall be eight feet.
2. Civic Uses in Residential Districts: The maximum height of fences installed as part of Primary and Secondary Educational Facilities, Day Care, and Park and Recreation Use Types, or any other use that provides secured outdoor space for the use of children within Residential Zoning Districts shall be eight feet.

## SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

3. The Board of Adjustment may approve greater fence heights on a case-by-case basis if it concludes that such permission furthers the health, safety, and welfare of the residents of the City of Waverly.

4. Barbed wire shall not be used in the construction of any fence outside of the GI General Industrial Zoning District. Barbed wire may be used in the construction of fencing in an industrial district provided that the bottom strand of the wire shall be at least six feet above ground level. Electrified fences are not permitted within the jurisdiction of the City of Waverly.

### 11.708 Outdoor Lighting (Established by Ord. 10-04, 3/1/2010)

a Purpose:

This section is intended to restrict or control the use of outdoor lighting devices and techniques which contribute to overall environmental glare, light trespass, public safety, and light pollution; affect the quality of the outdoor nighttime environment; and have a detrimental effect on astronomical observations.

b Alternative material:

This section is not intended to prevent the use of materials or techniques not specifically mentioned in this section, provided that such alternative is approved by the Zoning Administrator or the Public Works Director along public rights-of-way.

c Lighting terms.

1. **Outdoor light fixtures** shall mean outdoor artificial illuminating devices, outdoor fixtures, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include but not be limited to search-, spot-, or floodlights for buildings and structures, recreational areas, parking lots, landscape lighting, signs, street lighting, and display and service areas.

2. **Full Cutoff** shall mean a light fixture that cuts off all upward transmission of light.

3. **Fully shielded** shall mean fixtures that are shielded or designed in such a manner that light emitted by the fixture, either directly by the lamp or indirectly by the fixture, is projected below a horizontal plane running through the lowest point on the fixture where light is emitted which prevents a line of sight to the bulb when viewed from another property.

4. **Filtering** shall mean that light emitted by the lamp passes through a glass, acrylic, or translucent enclosure. Quartz glass does not meet the requirement of filtering.

5. **Lumens** shall mean measure of brightness of the illumination exiting a bulb.

6. **Spotlight** shall mean a luminaire or bulb which projects light in a specific direction in a narrow beam, typically 45 degrees or less.

7. **Flood light** shall mean a luminaire or bulb which projects light in a specific direction in a wide beam, typically 100 degrees or more.