



CITY OF SCOTTSBLUFF
Scottsbluff City Hall Council Chambers
2525 Circle Drive, Scottsbluff, NE 69361
PLANNING COMMISSION AGENDA

Regular Meeting
September 8, 2025
6:00 PM

1. **Roll Call**
2. **Nebraska open Meetings Act** (For all interested parties, a copy of the Nebraska Open Meetings Act is posted on a bulletin board at the south wall of the council chambers.)
3. **Notice of changes in the agenda by the City Manager** (Additions may not be made to this agenda less than 24 hours before the beginning of the meeting unless added under Item 4 of this agenda.)
4. **Citizens with business not scheduled on the agenda** (As required by state law, no matter may be considered under this item unless council determines that the matter requires emergency action.)
5. **Approval of the Planning Commission Minutes From**
 - A. August 11, 2025
6. **Public Hearing**
 - A. Planning Commission to conduct a Public Hearing regarding a Preliminary Plat and Final Plat of Lots 1 and 2, Block 1, Papa Moon Subdivision.
 - B. Planning Commission a Public Hearing regarding a Rezone of the proposed Lots 1 and 2, Block 1, Papa Moon Subdivision from A Agricultural to R-1B Rural Residential Estate.
 - C. Planning Commission to conduct a Public Hearing regarding a Zoning Text Amendment to Chapter 25 Article 12 regarding Nonconforming Development.
7. **Staff Reports**
 - A. Staff to provide Planning Commission with update on Comprehensive Plan
 - B. Staff to provide Planning Commission with update on upcoming zoning text amendment proposals.

8. Other Business

- A. Planning Commission to recognize Linda Redfern for her service to the community on the Planning Commission.

9. Schedule a Meeting

- A. October 13, 2025

10. Adjournment

City of Scottsbluff, Nebraska
Monday, September 8, 2025
Regular Meeting

Item 5.A

August 11, 2025

Staff Contact: Zachary Glaubius

PLANNING COMMISSION MINUTES
REGULAR SCHEDULED MEETING
August 11, 2025
SCOTTSBLUFF, NEBRASKA

The Planning Commission for the City of Scottsbluff met in regular scheduled meeting on Monday, August 11, 2025 at 6:00 PM in the Scottsbluff City Council Chambers at 2525 Circle Drive, Scottsbluff, Nebraska. A notice of the meeting was published in the Star-Herald, a newspaper of general circulation in the city, on August 5, 2025. The notice stated the date, time, and location of the meeting, that the meeting was open to the public, and that anyone with a disability desiring reasonable accommodation to attend should contact the Development Services office. An agenda was kept current and available for public inspection at the Development Services office, provided the Planning Commission can modify the agenda at the meeting if it is determined that an emergency so required. A copy of the agenda packet was delivered to each Planning Commission member

- 1 Chair Becky Estrada called the meeting to order at 6:00 PM. Roll call consisted of the following members being present, Becky Estrada, Angie Aguillo, Kendall Palu, Dana Weber, Callan Wayman, Jim Zitterkopf "Absent" Mary Bowman, Dave Gompert, Henry Huber, Linda Redfern (Alternate). City Officials present were Zachary Glaubius, Development Services Director, Taylor Stephens, GIS Coordinator, Chris Perales, Fire Marshal, and Gary Batt, Code Administrator II, and Lane Miller, Administrative Services Assistant.
- 2 Estrada informed those present of the Nebraska Open Meetings Act and that a copy was located on the south wall of the Council Chambers.
- 3 Acknowledgement of any changes in the agenda: None.
- 4 Business not on the agenda: None.
- 5 The minutes from the July 14, 2025 meeting were reviewed. **Conclusion:** a motion was made by Weber and seconded by Aguillo to approve the minutes. "Yeas" Becky Estrada, Angie Aguillo, Kendall Palu, Dana Weber, Callan Wayman, Jim Zitterkopf "Nays" None "Absent Henry Huber, Mary Bowman, Dave Gompert, Linda Redfern (Alternate) "The motion carried.
- 6 Estrada introduced Item 6A regarding a recommendation on the annexation request by the Next generation Properties of Nebraska, LLC, Mountain Tower & Land, LLC, and Know How LLC for the proposed Lots 1 and 2, Block 1, Bomgaars Addition, Block 1, Country Commercial Business Park, and unplatted land located in the Southwest Quarter of Section 19, Township 22 North Range 54 West of the 6th P.M. Glaubius stated this is an annexation request initiated by Bomgaars. Bomgaars will be building a new store northeast of their current store. Glaubius stated his staff reached out to Viaero Wireless, who owns the cell towers, Bryan Frank, who owns Frank Implement and Frank Parts, and Inland Truck Parks & Service. Glaubius stated Inland declined, however everybody else voluntarily requested the annexation. Glaubius stated the City Council needs a recommendation. Glaubius stated he recommends the Planning Commission make a positive recommendation on the annexation on the four tracts of land. Estrada asked for a motion by Planning Commission.
- 7 **Conclusion:** A motion was made by Wayman and seconded by Aguillo to make a positive recommendation on approval of the annexation request by the Next Generation Properties of Nebraska, LLC, Mountain Tower & Land, LLC, and Know How LLC for the proposed Lots 1 and 2, Block 1, Bomgaars Addition, Block 1, Country Commercial Business Park, and unplatted land located in the Southwest Quarter of Section 19, Township 22 North Range 54 West of the 6th P.M. to City Council. ""Yeas" Callan Wayman, Becky Estrada, Angie Aguillo, Kendall Palu, Dana

Weber, Jim Zitterkopf “Nays” None “Absent” Mary Bowman, Dave Gompert, Henry Huber, Linda Redfern (Alternate) “The motion carried.

- 8 Estrada introduced Item 7A regarding a Public Hearing regarding the Preliminary Plat and Final Plat of Lots 1 and 2, Block 1. Bomgaars Addition, commonly identified as 230316 Highland Road. Estrada opened the public hearing at 6:02 PM. Glaubius stated both properties are on unplatted land and which requires the preliminary plat. Glaubius stated Bryan Frank’s land was initially included in the plat, however due to an land ownership issue with the triangular shaped land where Frank Implement is located, Frank withdrew from the plat. Glaubius stated there is no water main where the new store will be going so there will be a contract for public improvement with this plat. Glaubius stated Bomgaars has elected to extend Deltra Dr. down to the existing store Lot 2 so the street will be expanded and included in the contract. Glaubius stated sewer service is already provided to both lots as the sewer main runs along Highway 26 and Delta Dr. as well as Highland Rd. Glaubius stated the new Lot 1 will become zoned C-3. Glaubius stated fire hydrates and curb gutter sidewalks will be installed. There will not be a need for a cul-de-sac, but there will be a turnaround easement that will follow code. Glaubius stated this will be allowable by variance through City Council and that will be one of the conditions here with the plat. Glaubius stated the staff recommends the Planning Commission make a positive recommendation on the preliminary and final plat on Lots 1 and 2 Bomgaars additions on the following conditions. Council finds the Contract for public improvements acceptable and Council grants the variance waiving 21-1-18 to allow for the turnaround easement. Estrada closed the public hearing at 6:05 PM. Estrada asked for a motion by Planning Commission.
- 9 **Conclusion:** A motion was made by Aguallo with the two following conditions and seconded by Weber to make a positive recommendation on approval to “Yeas” Becky Estrada, Angie Aguallo, Kendall Palu, Dana Weber, Callan Wayman, Jim Zitterkopf, “Nays” None “Absent”, Mary Bowman, Dave Gompert, Henry Huber, Linda Redfern (Alternate) “The motion carried.
- 10 Planning Commission confirmed the next meeting date of September 8, 2025.
- 11 Adjournment: A motion was made by Weber and seconded by Palu to a adjourn the meeting at 6:06 PM “Yeas” Becky Estrada, Angie Aguallo, Kendall Palu, Dana Weber, Jim Zitterkopf, Callan Wayman “Nays” None “Absent” Mary Bowman, Dave Gompert, Henry Huber, Linda Redfern (Alternate) “The motion carried.

Becky Estrada, Chairperson

Zachary Glaubius, Secretary

City of Scottsbluff, Nebraska

Monday, September 8, 2025

Regular Meeting

Item 6.A

Planning Commission to conduct a Public Hearing regarding a Preliminary Plat and Final Plat of Lots 1 and 2, Block 1, Papa Moon Subdivision.

Staff Contact: Zachary Glaubius



City of Scottsbluff
Subdivision Application
Permit Identifier 2025-59SD

Type: Preliminary Plat

Applicant Name Survey Dept MC Schaff Applicant Address 818 S BELTLINE HWY
E SCOTTSBLUFF,
Nebraska

Applicant Email survey@mcschaff.com Applicant Phone 3086351926

Contact Name James D. Massey Contact Address 230975 CR J,
Scottsbluff, NE 69361

Contact Email jimmas_98@yahoo.com Contact Phone 308-631-7445

Subdivision Information

Proposed Name of Subdivision Papa Moon Subdivision

General Location/Address 230975 CR J

Legal Description Lots 1 and 2, Block 1, Papa Moon
Subdivision

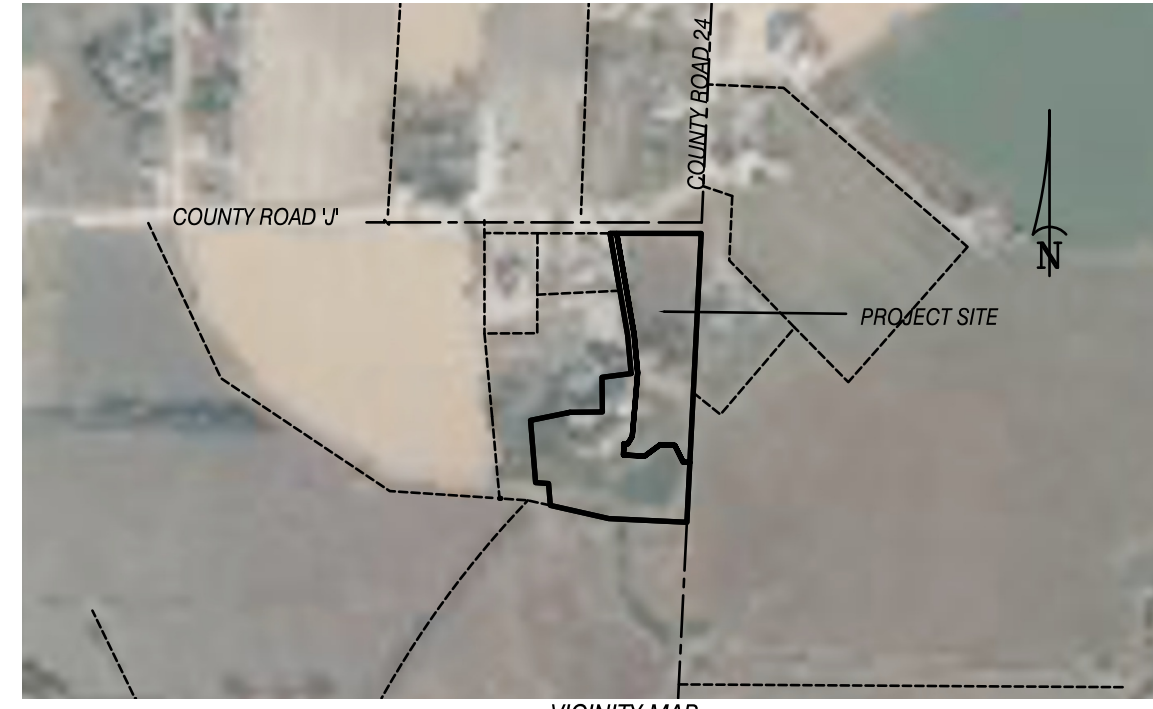
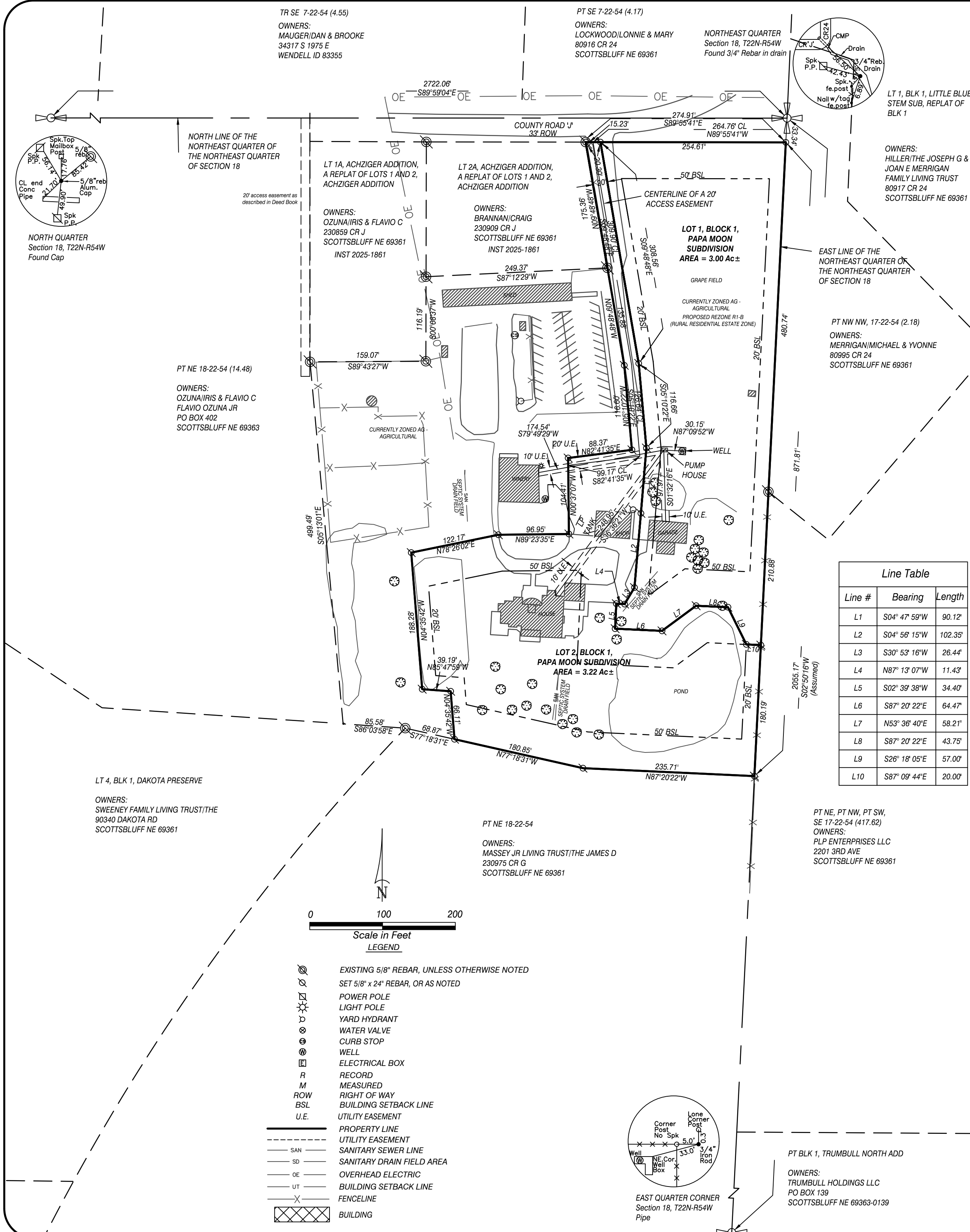
Current Zoning District(s) Agricultural

Total Area (square feet or acre) 6.16

Number of Past Replat/Plat Amendments 0

Describe the reason for the subdivision

To divide lots between family members



PRELIMINARY PLAT

LOTS 1 AND 2, BLOCK 1, PAPA MOON SUBDIVISION

SITUATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 22 NORTH, RANGE 54 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA

GENERAL NOTES

- Underground utilities shown are based on locates from the Nebraska One-Call System, on site observation, and City of Scottsbluff GIS information, and may or may not represent the true location of shown utility, or the presence of all buried existing utilities.
- Flood Plain Information: This property is located in the Flood Plain Zone X, as shown on FIRM Map, Community Panel No. 310473-0075 A, effective date June 18, 1990, Zone X refers to areas determined to be outside 500-year flood plain.
- Zoning Information: This property is zoned R-1b (Rural Residential Estate Zone) in the City of Scottsbluff, Nebraska. The Building Setback requirements as per zoning designation is as follows:
 - SETBACK REQUIREMENTS FOR ZONE R-1B (RURAL RESIDENTIAL ESTATE ZONE)
 - Front yard setback - 50 feet
 - Side street setback - 15 feet
 - Rear yard setback - 50 feet
 - Side yard setback - 20 feet

The minimum height of building allowed - 35 feet (source: Scottsbluff Municipal Code Section 25-3-4)
- Tracts will be served by private well and sanitary septic system

Line #	Bearing	Length
L1	S04° 47' 59"W	90.12'
L2	S04° 56' 15"W	102.35'
L3	S30° 53' 16"W	26.44'
L4	N87° 13' 07"W	11.43'
L5	S02° 39' 38"W	34.40'
L6	S87° 20' 22"E	64.47'
L7	N53° 36' 40"E	58.21'
L8	S87° 20' 22"E	43.75'
L9	S26° 18' 05"E	57.00'
L10	S87° 09' 44"E	20.00'

LEGAL DESCRIPTION

A Tract of land situated in the Northeast Quarter of the Northeast Quarter of Section 18, TOWNSHIP 22 NORTH, RANGE 54 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA

Commencing at the Northeast Quarter of Section 18, thence southerly on the east line of the Northeast Quarter of the Northeast Quarter of Section 18, on an assumed bearing of S02°50'16"W, a distance of 33.34 feet to the point of intersection with the south right of way line of County Road 'J', and the Point of Beginning, thence bearing S02°50'16"W, a distance of 871.81 feet, thence bearing N87°20'22"W, a distance of 235.71 feet, thence bearing N77°18'31"W, a distance of 180.85 feet, thence bearing N04°35'42"W, a distance of 66.11 feet, thence bearing N85°47'59"W, a distance of 39.19 feet, thence bearing N04°35'42"W, a distance of 188.28 feet, thence bearing N78°26'02"E, a distance of 122.17 feet, thence bearing N89°23'35"E, a distance of 96.95 feet, thence bearing N00°37'07"W, a distance of 104.41 feet, thence bearing N82°41'35"E, a distance of 88.37 feet, thence bearing N05°10'22"W, a distance of 116.60 feet, thence bearing N09°48'48"W, a distance of 135.88 feet, to the point of intersection with the southeast corner of Lot 2A, Achziger Addition, as monumented by a 3/4" Rebar, thence bearing N09°48'48"W, on the east line of Lot 2A, Achziger Addition, a distance of 175.36 feet, to the point of intersection with the south right of way line of County Road 'J', as monumented by a 3/4" Rebar, thence easterly on said south right of way line, bearing S89°55'41"E, a distance of 274.91 feet, to the Point of Beginning, said Tract containing an area of 6.22 Acres, more or less.

AND, an access easement, more particularly described as follows, Commencing at the Northeast Quarter of Section 18, thence southerly on the east line of the Northeast Quarter of the Northeast Quarter of Section 18, on an assumed bearing of S02°50'16"W, a distance of 33.34 feet to the point of intersection with the south right of way line of County Road 'J', thence westerly along the south right of way line of County Road 'J', bearing N89°55'41"W, a distance of 264.76 feet to the Point of Beginning of a 20 foot wide access easement, thence bearing S09°48'48"E, on a line parallel with the east line of Lot 2A, Achziger Addition, a distance of 309.90 feet, thence bearing S05°10'22"E, a distance of 126.64 feet, thence bearing S82°41'35"W, a distance of 99.17 feet, to the point of terminus of a 20 foot access easement.

M. C. SCHAFF & ASSOCIATES, INC.
 818 SOUTH BELTLINE HIGHWAY EAST
 SCOTTSBLUFF, NEBRASKA 69361

ENGINEERS ♦ PLANNERS ♦ DESIGNERS ♦ LAND SURVEYORS
 PH: 308-635-1926 FAX: 308-635-7807 INTERNET: WWW.MCSCHAFF.COM

**PROJECT: LOTS 1 AND 2, BLOCK 1
 PAPA MOON SUBDIVISION
 IN NE 1/4 OF NE 1/4
 SECTION 18, T22N-R54W
 SCOTTS BLUFF COUNTY
 NEBRASKA**

CLIENT: MASSEY

PROJECT NUMBER:	RM250140-00
PROJECT DATE:	JUNE 3, 2025
PROJECT MGR:	D.P.S.
PROJECT TEAM:	DS-TD

SEAL

DATE	REVISION

SHEET 1 OF 1
P-1

Developer:
 JIM MASSEY JR.
 230975 CR J
 SCOTTSBLUFF, NE 69361
 Ph. (308) 631-7445
 BY M.C. SCHAFF & ASSOCIATES, INC,
 JUNE 3, 2025



City of Scottsbluff
Subdivision Application
Permit Identifier 2025-60SD

Type: Final Plat

Applicant Name Survey Dept MC Schaff Applicant Address 818 S BELTLINE HWY
E SCOTTSBLUFF,
Nebraska

Applicant Email survey@mcschaff.com Applicant Phone 3086351926

Contact Name James D. Massey Contact Address 230975 CR J,
Scottsbluff, NE 69361

Contact Email jimmas_98@yahoo.com Contact Phone 308-631-7445

Subdivision Information

Proposed Name of Subdivision Papa Moon Subdivision

General Location/Address 230975 CR J

Legal Description Lots 1 and 2, Block 1, Papa Moon
Subdivision

Current Zoning District(s) Agricultural

Total Area (square feet or acre) 6.16

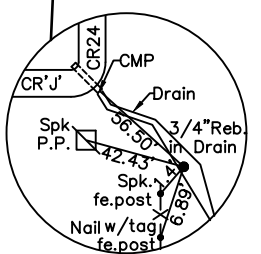
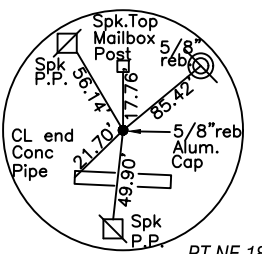
Number of Past Replat/Plat Amendments 0

Describe the reason for the subdivision

To divide lots between family members

2722.06'
S89°59'04"E

COUNTY ROAD 'J'
33' ROW



LT 1A, ACHZIGER ADDITION,
A REPLAT OF LOTS 1 AND 2,
ACHZIGER ADDITION

LT 2A, ACHZIGER ADDITION,
A REPLAT OF LOTS 1 AND 2,
ACHZIGER ADDITION

CENTERLINE OF A 20'
ACCESS EASEMENT

LOT 1, BLOCK 1,
PAPA MOON
SUBDIVISION
AREA = 3.00 Ac±

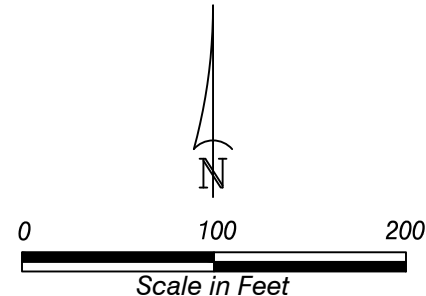
GRAPE FIELD
CURRENTLY ZONED AG -
AGRICULTURAL
PROPOSED REZONE R1-B
(RURAL RESIDENTIAL ESTATE ZONE)

EAST LINE OF THE
NORTHEAST QUARTER OF
THE NORTHEAST QUARTER
OF SECTION 18

NORTH QUARTER
Section 18, T22N-R54W
Found Cap

20' ACCESS
EASEMENT AS
DESCRIBED IN
DEED BOOK

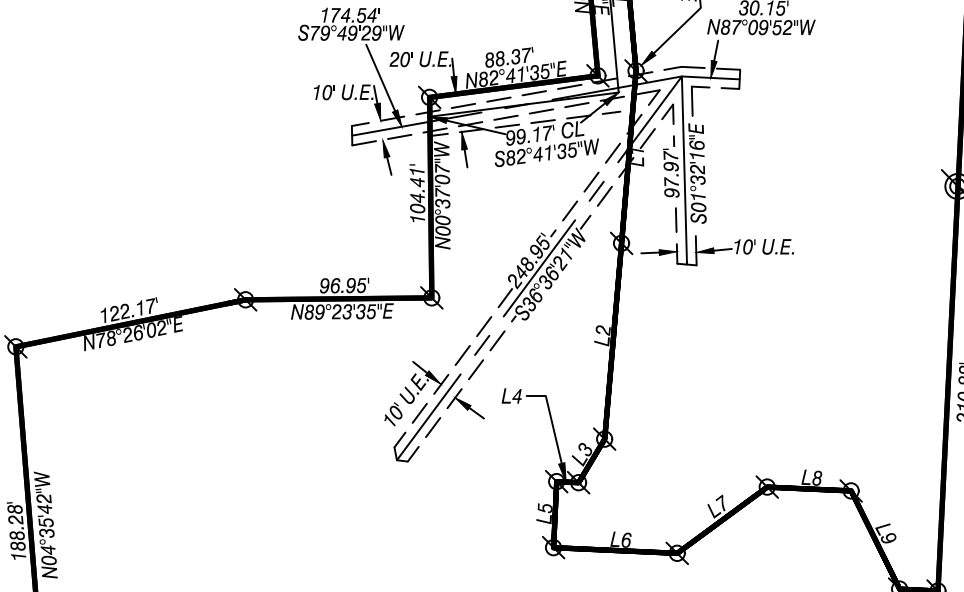
- LEGEND**
- EXISTING SECTION CORNER, AS NOTED
 - EXISTING QUARTER SECTION CORNER, AS NOTED
 - EXISTING 5/8" REBAR, UNLESS OTHERWISE NOTED
 - SET 5/8" x 24" REBAR, OR AS NOTED
 - RECORD
 - MEASURED
 - RIGHT OF WAY
 - UTILITY EASEMENT
 - PROPERTY LINE
 - UTILITY EASEMENT



NOTE: Tracts will be served by private well and sanitary septic system

Line Table		
Line #	Bearing	Length
L1	S04° 47' 59"W	90.12'
L2	S04° 56' 15"W	102.35'
L3	S30° 53' 16"W	26.44'
L4	N87° 13' 07"W	11.43'
L5	S02° 39' 38"W	34.40'
L6	S87° 20' 22"E	64.47'
L7	N53° 36' 40"E	58.21'
L8	S87° 20' 22"E	43.75'
L9	S26° 18' 05"E	57.00'
L10	S87° 09' 44"E	20.00'

499.49'
S05°13'01"E



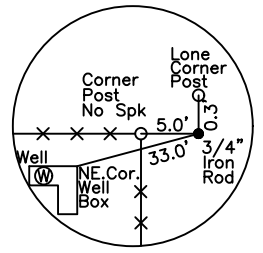
LOT 2, BLOCK 1,
PAPA MOON SUBDIVISION
AREA = 3.22 Ac±

PT NE, PT NW, PT SW,
SE 17-22-54 (417.62)

FINAL PLAT

**LOTS 1 AND 2, BLOCK 1,
PAPA MOON SUBDIVISION**

SITUATED IN THE NORTHEAST QUARTER OF THE
NORTHEAST QUARTER OF SECTION 18,
TOWNSHIP 22 NORTH, RANGE 54 WEST
OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA



EAST QUARTER CORNER
Section 18, T22N-R54W
Pipe

JOB# RM250140-00

LT 4, BLK 1, DAKOTA PRESERVE

PT NE 18-22-54

APPROVAL AND ACCEPTANCE

The foregoing plat of LOTS 1 AND 2, BLOCK 1, PAPA MOON SUBDIVISION, SITUATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 22 NORTH, RANGE 54 WEST OF THE 6TH P.M., SCOTTSS BLUFF COUNTY, NEBRASKA is hereby approved by the Mayor and City Council of the City of Scottsbluff, Scotts Bluff County, Nebraska,

by resolution duly passed this _____ day of _____, 2025.

Mayor: Betsy Vidlak

ATTEST: _____
City Clerk

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: September 3, 2025 For Hearing of: September 8, 2025



I. GENERAL INFORMATION

- A. **Applicant:** MC Schaff & Associates
818 S Beltline Highway
Scottsbluff, NE 69361

- B. **Property**
Owner: James D. Massey
230975 CR J
Scottsbluff, NE 69361

- C. **Proposal:** Preliminary Plat and Final Plat, Lots 1 and 2, Block 1, Papa Moon Subdivision

- D. **Legal Description:** Lots 1 and 2, Block 1, Papa Moon Subdivision

- E. **Location:** 230975 CR J

- F. **Existing Zoning & Land Use:** A-Agricultural | Farmstead

- G. **Proposed Zoning:** R-1B Rural Residential Estate

- H. **Size of Site:** Approximately 6.22 acres

II. BACKGROUND INFORMATION

A. General Neighborhood/Area Land Uses and Zoning:

Direction From Subject Site	Future Land Use Designation	Current Zoning Designation	Surrounding Development
North	Rural Residential	A Agricultural & R-1B Rural Residential Estate	Acreages
East	Rural Residential	A Agricultural	Acreage and Farmland
South	Rural Residential	A Agricultural	Farmland
West	Rural Residential	A Agricultural & R-1B Rural Residential Estate	Papa Moon Winery and Acreages

III. ANALYSIS

A. Comprehensive Plan: The Future Land Use Map of the Comprehensive Plan currently shows the site as Rural Residential.

1. The subdivision will be rezoned to R-1B Rural Residential Estate therefore is in compliance with the comprehensive plan.

B. Traffic & Access:

1. Access is via CR J.
2. No sidewalk is present. The subdivision is exempted as it is in the extra-territorial jurisdiction (ETJ)
3. A 30' access easement will be dedicated on Lot 2 with this plat in order for both Lot 1 and Lot 2 to utilize the existing driveway.

C. Utilities:

1. The subdivision is not served by City utilities.

IV. STAFF COMMENTS

A. The property owner is seeking to split off the existing house and another portion of the property for estate planning purposes.

B. Lot 2 has an unusual shape in order to meet §25-3-25, which requires each lot to abut a public road for a minimum width of 20 feet.

C. Lot 2 also has an unusual shape as the property owner is desiring the pond to be located on a single property instead of split between the two.

D. The minimum lot size for the R-1B District is 3 acres.

E. The winery will remain on unplatted land, which will also remain in the A Agricultural District to avoid the creation of a nonconforming use.

F. As the property is unplatted, a preliminary and final plat are needed.

G. The subdivision is located approximately one (1) mile from the corporate limits.

H. Due to the unusual shapes of the lots, they do not meet the 200 feet minimum width per §25-2-76. As the halfway point for both lots is not 200 feet wide.

- a. However, both lots meet the 200 minimum width on other parts of the two lots. It is staff's opinion that this meets the intent of code.

I. The garage on Lot 1 will become a legal nonconforming building, which will not be able to be expanded until primary building, such as a house, is constructed.

V. FINDINGS OF FACT

A. Findings of Fact to Recommend Its Approval May Include:

1. The Comprehensive Plan identifies the area as Rural Residential and the subdivision will continue to comply with the plan.
2. Lots 1 and 2 exceed the 3-acre minimum lot size.
3. Lots 1 and 2 abut a public street for the minimum width of 20 feet.

B. Findings of Fact to Not Recommend Approval May Include:

1. Lots 1 and 2 do not meet the minimum 200 feet lot width at the midway point between the front and rear lot lines.

VI. STAFF RECCOMENDATION

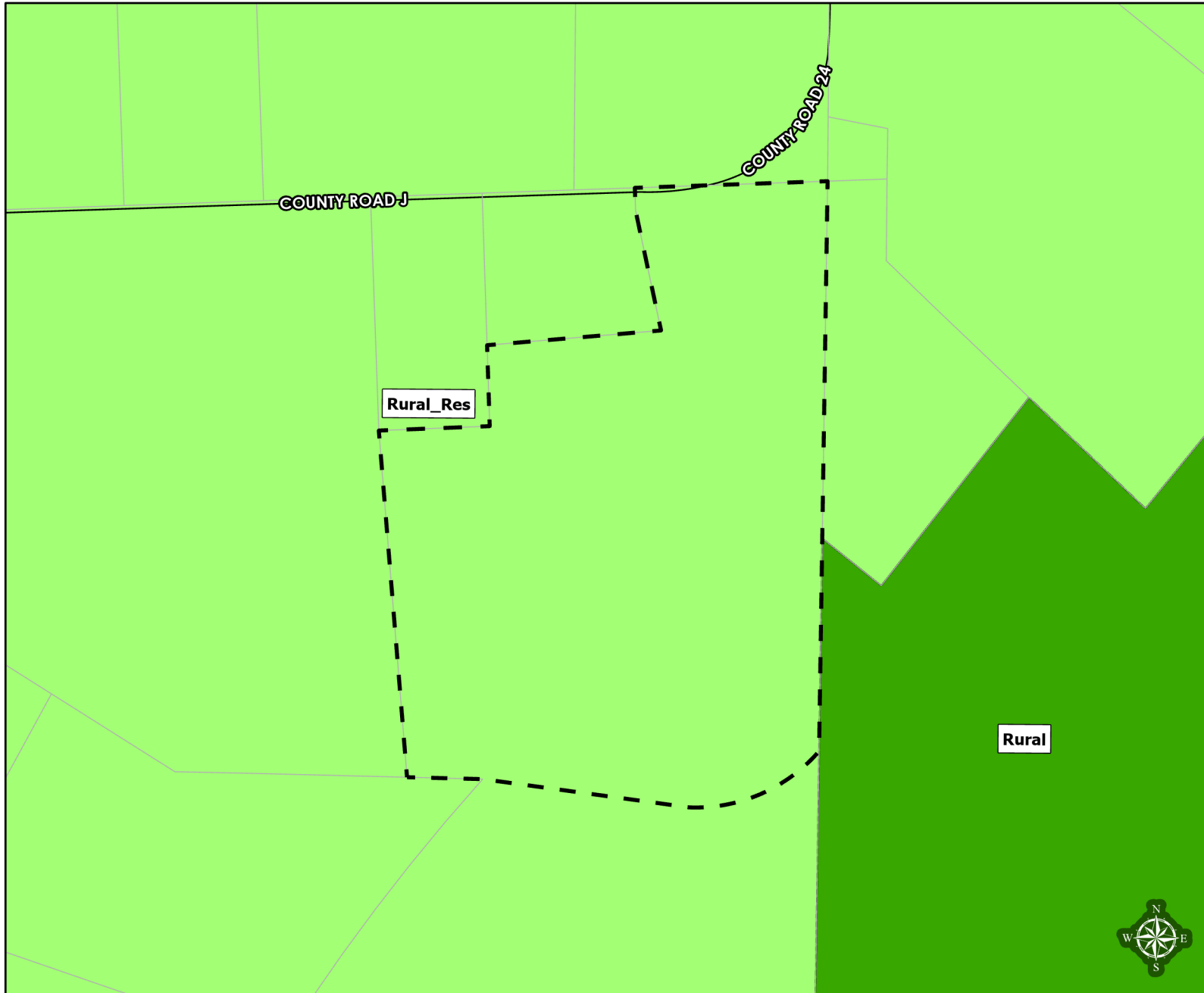
- A. Staff recommends Planning Commission make a positive recommendation to City Council to approve of the preliminary plat and final plat for Lots 1 and 2, Block 1, Papa Moon Subdivision.



- Property Location(s)
- Street Centerlines**
- Highway
- Main Road
- Residential/Rural
- Official City Zoning**
- (A) Agriculture
- (AR) Agriculture Residential
- (C-1) Central Business District
- (C-2) Neighborhood Commercial
- (C-3) Heavy Commercial
- (M-1) Light Manufacturing & Industrial
- (M-2) Heavy Manufacturing and Industrial
- (O-P) Office and Professional
- (PBC) Planned Business Center
- (R-1) Single Family
- (R-1A) Single Family Medium Density
- (R-1B) Rural Residential Estate
- (R-4) Heavy Density Multiple Family
- (R-6) Mobile Home
- Parcels
- Zoning Boundaries**
- Scottsbluff Corporate Limits
- Scottsbluff ETJ

Taylor Stephens
 City of Scottsbluff GIS
 Created on 8/28/2025
 Coordinate System: NAD 1983 (2011)
 StatePlane Nebraska FIPS 2600 Feet
 Lambert Conformal Conic

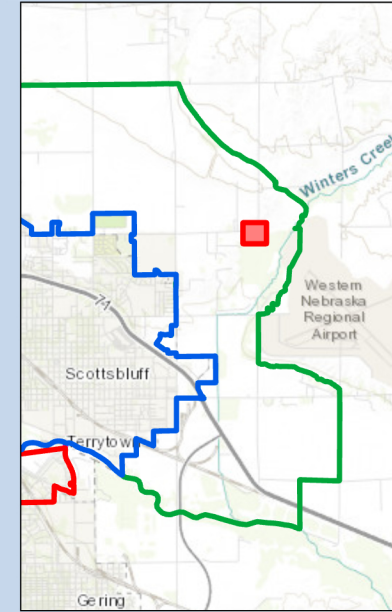
The City makes no representation or warranty as to the accuracy, timeliness, or completeness, and in particular, its accuracy in labeling or displaying dimensions, contours, property boundaries, or placement or location of any map features thereon.



- Proposed Changes
- Parcel Boundaries
- 2016 Comp. Plan Land Use**
- Automobile Commercial
- Avenue B and Hospital Campus
- Central Business District
- East Overland
- Highway 26 Commercial
- Northwest Commercial
- Residential
- Rural
- Rural Residential
- SE Industrial and Commercial
- South Broadway
- WNCC and Surrounding Area
- Street Centerlines**
- Highway
- Main Road
- Residential/Rural
- 2016 Comp. Plan Development**
- LTD (10 - 20 yrs)
- NTD (Less than 5 yrs)
- STD (5 - 10 yrs)

Taylor Stephens
City of Scottsbluff GIS
Created on 8/28/2025
Coordinate System: NAD 1983 (2011)
StatePlane Nebraska FIPS 2600 Feet
Lambert Conformal Conic

The City makes no representation or warranty as to the accuracy, timeliness, or completeness, and in particular, its accuracy in labeling or displaying dimensions, contours, property boundaries, or placement or location of any map features thereon.



- Corporate Limits
- Proposed Changes
- Street Centerlines
- CLASS**
- Highway
- Main Road
- Residential/Rural
- Parcels
- Address

Taylor Stephens
City of Scottsbluff GIS
Created on 8/28/2025
Coordinate System: NAD 1983 (2011)
StatePlane Nebraska FIPS 2600 Feet
Lambert Conformal Conic

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City of Scottsbluff, Nebraska

Monday, September 8, 2025

Regular Meeting

Item 6.B

Planning Commission a Public Hearing regarding a Rezone of the proposed Lots 1 and 2, Block 1, Papa Moon Subdivision from A Agricultural to R-1B Rural Residential Estate.

Staff Contact: Zachary Glaubius



City of Scottsbluff
Zoning Amendment Application
Permit Identifier 2025-15Z

Applicant Name	Survey Dept MC Schaff	Applicant Address	818 S BELTLINE HWY E SCOTTSBLUFF, Nebraska
Applicant Email	survey@mcschaff.com	Applicant Phone	3086351926
Contact Name	James D. Massey	Contact Address	230975 CR J, Scottsbluff, NE 69361
Contact Email	jimmas_98@yahoo.com	Contact Phone	3086317445

Property Information

General Location/Address	230975 CR J
Legal Description	Lots 1 and 2, Block 1, Papa Moon Subdivision
Current Zoning District(s)	Agricultural
Proposed Zoning District:	R-1B
Does the proposed zoning district abut the property:	Yes
Total Area (square feet or acre):	6.18

Required Information (§25-15-2)

What is the reason for/intent of the rezone request?

To subdivide existing land into 2 lots,

Would the proposed zoning district provide a service required by the neighborhood and community?

yes

Would the proposed zoning district be consistent with sound principles of land?

yes

Describe how the proposed zoning district would not be injurious to neighboring properties and buildings?

the lots would conform or be made to conform to zoning requirements for zone R-1B

Describe how the proposed zoning district would not create special hazards or problems for the neighborhood and community?

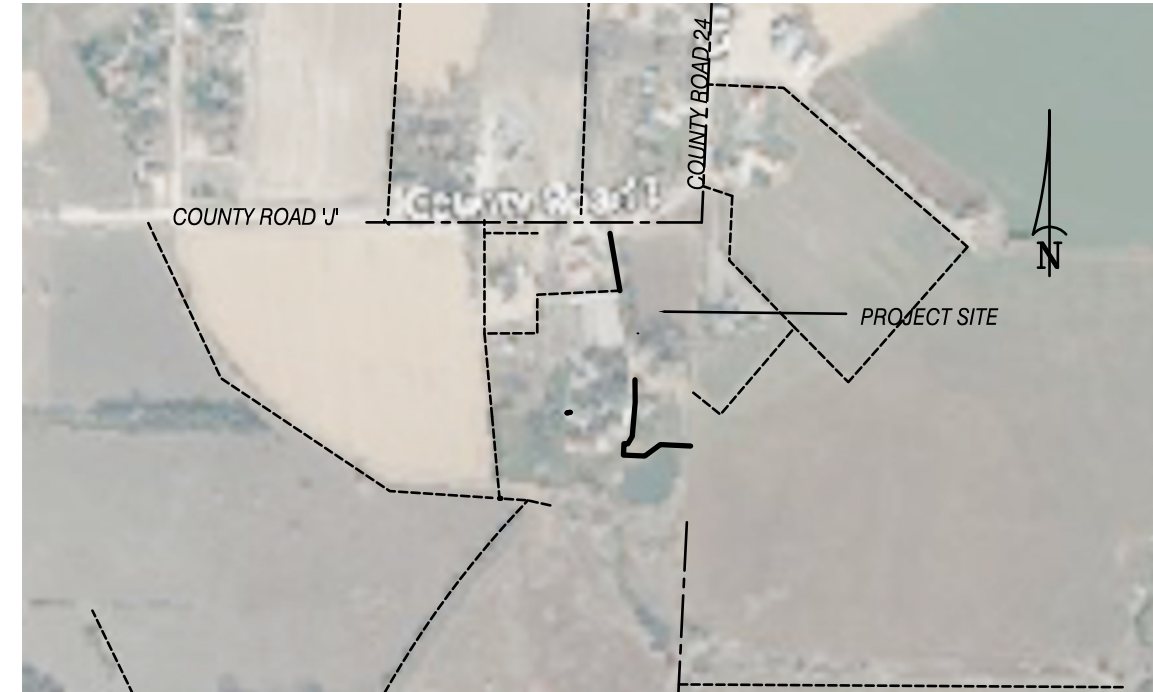
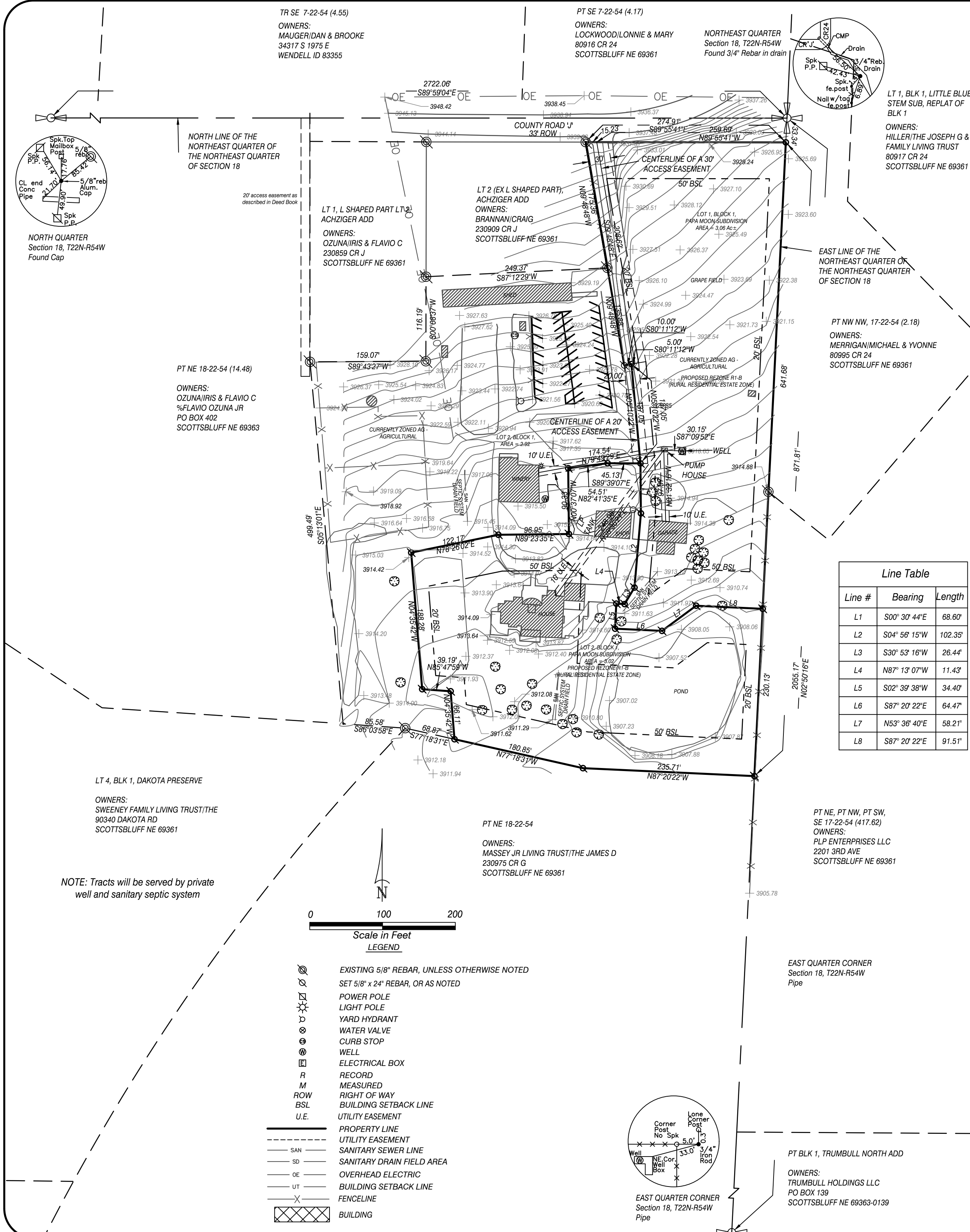
Would the proposed zoning district be harmonious and consistent with the City of Scottsbluff Comprehensive Plan for the area?

yes

Why should the rezone request be granted?

The R-1B zone will allow for the client to be able to subdivide their property .

Issued By



VICINITY MAP
REZONE

LOTS 1 AND 2, BLOCK 1, PAPA MOON SUBDIVISION

SITUATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 22 NORTH, RANGE 54 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA

GENERAL NOTES

- Underground utilities shown are based on locates from the Nebraska One-Call System, on site observation, and City of Scottsbluff GIS information, and may or may not represent the true location of shown utility, or the presence of all buried existing utilities.
- Flood Plain Information: This property is located in the Flood Plain Zone X, as shown on FIRM Map, Community Panel No. 310473-0075 A, effective date June 18, 1990, Zone X refers to areas determined to be outside 500-year flood plain.
- Zoning Information: This property is zoned R-1b (Rural Residential Estate Zone) in the City of Scottsbluff, Nebraska. The Building Setback requirements as per zoning designation is as follows:

SETBACK REQUIREMENTS FOR ZONE R-1B (RURAL RESIDENTIAL ESTATE ZONE)
 Front yard setback - 50 feet
 Side street setback - 15 feet
 Rear yard setback - 50 feet
 Side yard setback - 20 feet

The minimum height of building allowed - 35 feet
 (source: Scottsbluff Municipal Code Section 25-3-4)

LEGAL DESCRIPTION

A Tract of land situated in the Northeast Quarter of the Northeast Quarter of Section 18, TOWNSHIP 22 NORTH, RANGE 54 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA

Commencing at the Northeast Quarter of Section 18, thence southerly on the east line of the Northeast Quarter of the Northeast Quarter of Section 18, on an assumed bearing of S02°50'16"W, a distance of 33.34 feet to the point of intersection with the south right of way line of County Road J, and the Point of Beginning, thence bearing S02°50'16"W, a distance of 871.81 feet, thence bearing N87°20'22"W, a distance of 235.71 feet, thence bearing N77°18'31"W, a distance of 180.85 feet, thence bearing N04°35'42"W, a distance of 66.11 feet, thence bearing N85°47'59"W, a distance of 39.19 feet, thence bearing N04°35'42"W, a distance of 188.28 feet, thence bearing N78°26'02"E, a distance of 122.17 feet, thence bearing N89°23'35"E, a distance of 96.95 feet, thence bearing N00°37'07"W, a distance of 90.33 feet, thence bearing N82°41'35"E, a distance of 54.51 feet, thence bearing S89°39'07"E, a distance of 45.13 feet, thence bearing N05°10'22"W, a distance of 137.05 feet, thence bearing S80°11'12"W, a distance of 10.00 feet, thence bearing N09°48'48"W, a distance of 135.88 feet, to the point of intersection with the southeast corner of Lot 2, Achziger Addition, as monumented by a 3/4" Rebar, thence bearing N09°48'48"W, on the east line of Lot 2, Achziger Addition, a distance of 175.36 feet, to the point of intersection with the south right of way line of County Road J, as monumented by a 3/4" Rebar, thence easterly on said south right of way line, bearing S89°55'41"E, a distance of 274.91 feet, to the Point of Beginning, said Tract containing an area of 6.16 Acres, more or less.

AND, an access easement, more particularly described as follows, Commencing at the Northeast Quarter of Section 18, thence southerly on the east line of the Northeast Quarter of the Northeast Quarter of Section 18, on an assumed bearing of S02°50'16"W, a distance of 33.34 feet to the point of intersection with the south right of way line of County Road J, thence westerly along the south right of way line of County Road J, bearing N89°55'41"W, a distance of 259.69 feet to the point of Beginning of a 30 foot wide access easement, thence bearing S09°48'48"E, on a line parallel with the east line of Lot 2, Achziger Addition, a distance of 308.62 feet, to the point of terminus of a 30 foot wide access easement, thence bearing S80°11'12"W, a distance of 5.00 feet, to the Point of Beginning of a 20 foot wide access easement, thence bearing S05°12'22"E, a distance of 137.05 feet, to the point of terminus of a 20 foot access easement.

Line #	Bearing	Length
L1	S00° 30' 44"E	68.60'
L2	S04° 56' 15"W	102.35'
L3	S30° 53' 16"W	26.44'
L4	N87° 13' 07"W	11.43'
L5	S02° 39' 38"W	34.40'
L6	S87° 20' 22"E	64.47'
L7	N53° 36' 40"E	58.21'
L8	S87° 20' 22"E	91.51'

M. C. SCHAFF & ASSOCIATES, INC.
 818 SOUTH BELTLINE HIGHWAY EAST
 SCOTTSBLUFF, NEBRASKA 69361

ENGINEERS ♦ PLANNERS ♦ DESIGNERS ♦ LAND SURVEYORS
 PH: 308-635-1926 FAX: 308-635-7807 INTERNET: WWW.MCSCHAFF.COM

**PROJECT: LOTS 1 AND 2, BLOCK 1
 PAPA MOON SUBDIVISION
 IN NE 1/4 OF NE 1/4
 SECTION 18, T22N-R54W
 SCOTTS BLUFF COUNTY
 NEBRASKA**

CLIENT: MASSEY

PROJECT NUMBER: RM250140-00
PROJECT DATE: JUNE 3, 2025
PROJECT MGR: D.P.S.
PROJECT TEAM: DS-TD

SEAL

DATE	REVISION

SHEET 1 OF 1
P-1

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: September 3, 2025 For Hearing of: September 8, 2025



I. GENERAL INFORMATION

- A. Applicant:** MC Schaff & Associates
818 S Beltline Highway
Scottsbluff, NE 69361

- B. Property**
Owner: James D. Massey
230975 CR J
Scottsbluff, NE 69361

- C. Proposal:** Rezone proposed Lots 1 and 2, Block 1, Papa Moon Subdivision from A Agricultural to R-1B Rural Residential Estate

- D. Legal Description:** Lots 1 and 2, Block 1, Papa Moon Subdivision

- E. Location:** 230975 CR J

- F. Existing Zoning & Land Use:** A-Agricultural | Farmstead

- G. Proposed Zoning:** R-1B Rural Residential Estate

- H. Size of Site:** Approximately 6.22 acres

II. BACKGROUND INFORMATION

A. General Neighborhood/Area Land Uses and Zoning:

Direction From Subject Site	Future Land Use Designation	Current Zoning Designation	Surrounding Development
North	Rural Residential	A Agricultural & R-1B Rural Residential Estate	Acreages
East	Rural Residential	A Agricultural	Acreage and Farmland
South	Rural Residential	A Agricultural	Farmland
West	Rural Residential	A Agricultural & R-1B Rural Residential Estate	Papa Moon Winery and Acreages

III. ANALYSIS

A. Comprehensive Plan: The Future Land Use Map of the Comprehensive Plan currently shows the site as Rural Residential.

1. The subdivision will be rezoned to R-1B Rural Residential Estate therefore is in compliance with the comprehensive plan.

B. Traffic & Access:

1. Access is via CR J.
2. No sidewalk is present. The subdivision is exempted as it is in the extra-territorial jurisdiction (ETJ)
3. A 30' access easement will be dedicated on Lot 2 with this plat in order for both Lot 1 and Lot 2 to utilize the existing driveway.

C. Utilities:

1. The subdivision is not served by City utilities.

IV. STAFF COMMENTS

- A. The property owner is seeking to split the farmstead off from the farmland for selling purposes.
- B. The farmland is already reserved land for a Agricultural Estate Dwelling Site located 2201 W. 42nd Street, therefore a plat and rezone is needed to split the farmstead from the farmland.
- C. The subdivision is adjoining to the corporate limits. However, the City is not pursuing annexation at this time due to the significant distance to the nearest water main.
- D. The rezone is an extension of the existing R-1A District located to the east and south east of Block 1.

V. FINDINGS OF FACT

A. Findings of Fact to Recommend Its Approval May Include:

1. The Comprehensive Plan identifies the area as Rural Residential and the subdivision will continue to comply with the plan.
2. Lots 1 and 2 exceed the 3-acre minimum lot size.
3. Lots 1 and 2 abut a public street for the minimum width of 20 feet.

B. Findings of Fact to Not Recommend Approval May Include:

1. Lots 1 and 2 do not meet the minimum 200 feet lot width at the midway point between the front and rear lot lines.

VI. STAFF RECCOMENDATION

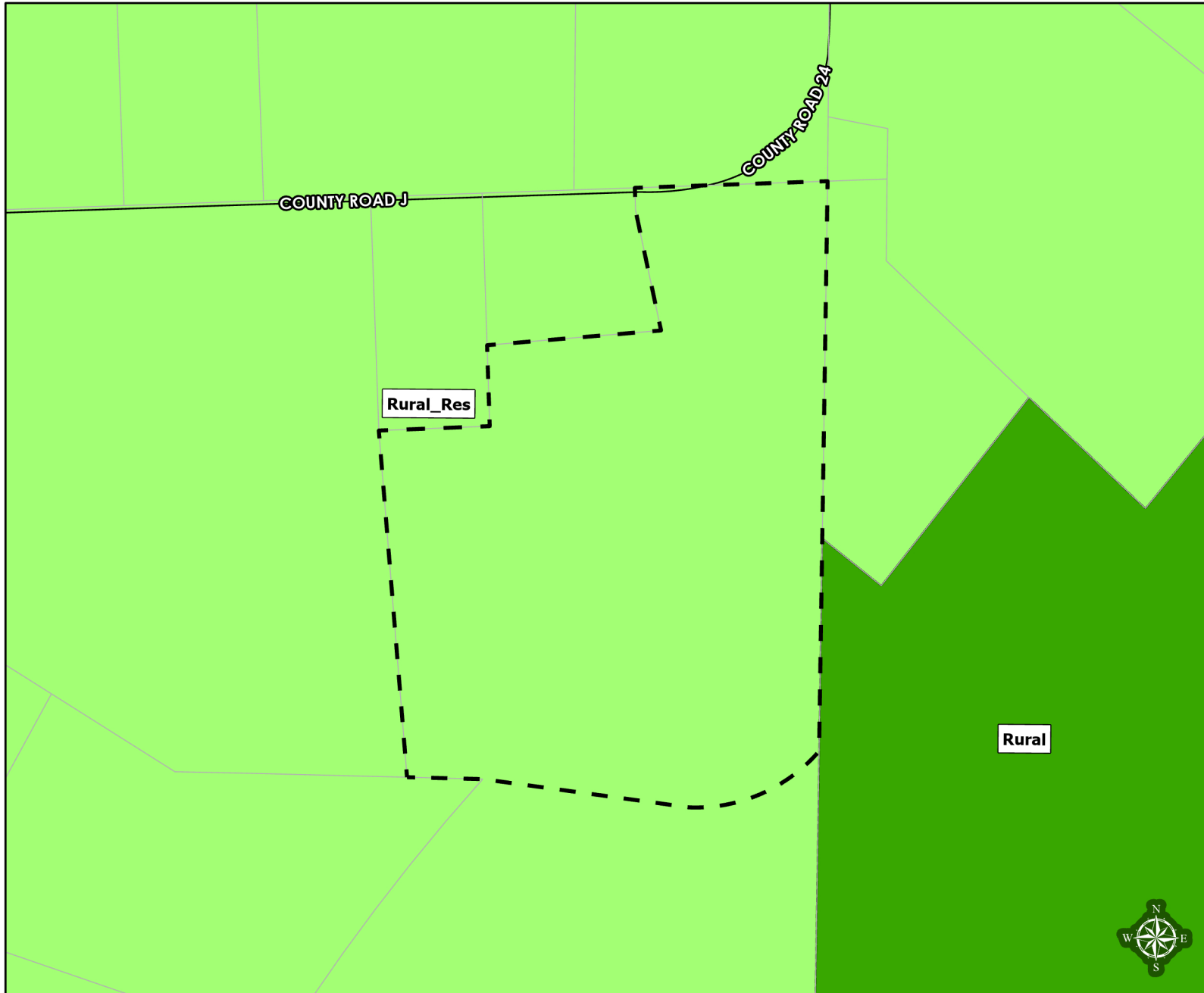
A. Staff recommends Planning Commission make a positive recommendation to City Council to approve of the rezone of Lots 1 and 2, Block 1, Papa Moon Subdivision from A Agricultural to R-1B Rural Residential Estate.



- Property Location(s)
- Street Centerlines**
- Highway
- Main Road
- Residential/Rural
- Official City Zoning**
- (A) Agriculture
- (AR) Agriculture Residential
- (C-1) Central Business District
- (C-2) Neighborhood Commercial
- (C-3) Heavy Commercial
- (M-1) Light Manufacturing & Industrial
- (M-2) Heavy Manufacturing and Industrial
- (O-P) Office and Professional
- (PBC) Planned Business Center
- (R-1) Single Family
- (R-1A) Single Family Medium Density
- (R-1B) Rural Residential Estate
- (R-4) Heavy Density Multiple Family
- (R-6) Mobile Home
- Parcels
- Zoning Boundaries**
- Scottsbluff Corporate Limits
- Scottsbluff ETJ

Taylor Stephens
 City of Scottsbluff GIS
 Created on 8/28/2025
 Coordinate System: NAD 1983 (2011)
 StatePlane Nebraska FIPS 2600 Feet
 Lambert Conformal Conic

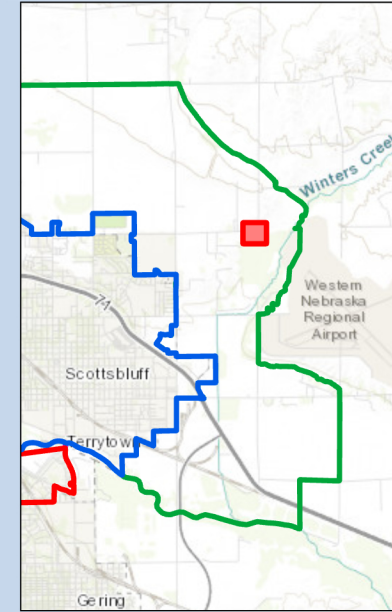
The City makes no representation or warranty as to the accuracy, timeliness, or completeness, and in particular, its accuracy in labeling or displaying dimensions, contours, property boundaries, or placement or location of any map features thereon.










- Proposed Changes
- Parcel Boundaries
- 2016 Comp. Plan Land Use**
- Automobile Commercial
- Avenue B and Hospital Campus
- Central Business District
- East Overland
- Highway 26 Commercial
- Northwest Commercial
- Residential
- Rural
- Rural Residential
- SE Industrial and Commercial
- South Broadway
- WNCC and Surrounding Area
- Street Centerlines**
- Highway
- Main Road
- Residential/Rural
- 2016 Comp. Plan Development**
- LTD (10 - 20 yrs)
- NTD (Less than 5 yrs)
- STD (5 - 10 yrs)

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-  Corporate Limits
 -  Proposed Changes
- Street Centerlines
- CLASS**
-  Highway
 -  Main Road
 -  Residential/Rural
 -  Parcels
 -  Address

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City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: September 3, 2025 For Hearing of: September 8, 2025



I. GENERAL INFORMATION

- A. Chapter 25 Article 12 is the section of Zoning Code pertaining to Nonconforming Uses.
- B. The revised Article 12 will expand on other nonconforming situations within the City's zoning jurisdiction.

II. STAFF COMMENTS

- A. With current code, the nonconforming section is solely for the enforcement of nonconforming uses, which leaves significant ambiguity for nonconforming buildings, lots, and parking facilities.
- B. Staff reviewed the nonconforming sections of other first-class cities in Nebraska for comparison.
- C. Staff preferred the nonconforming sections for Grand Island and Kearney.
 - i. Kearney expanded the nonconforming section to include buildings and lots.
 - ii. Grand Island set a date for determining whether a use is nonconforming.
- D. Staff expanded Article 12 to include
 - i. Nonconforming Lots
 - ii. Nonconforming Buildings
 - iii. Nonconforming Uses
 - iv. Nonconforming Off-Street Parking Facilities
- E. Nonconforming Lots
 - i. New 25-12-2 is similar to current 25-12-16.
 - ii. Date is tied to the adoption of Article 12
 - iii. Added a section 25-12-3 regarding acquisition of portions of lots for public use
- F. Nonconforming Buildings and Structures
 - i. Date is tied to February 6, 2000
 - 1. Ordinance 3639 which repealed and replaced Chapter 25 was adopted on February 7, 2000.
 - ii. This section covers buildings which are nonconforming rather than uses like the current Article 12.
 - iii. Applicable examples would be:
 - 1. Buildings located to close to property line or in a building setback
- G. Nonconforming Uses
 - i. Date is tied to February 6, 2000.
 - 1. Staff has used the 2000 as the date based of most recent adoption of Article 12
 - ii. Simplifies the section on when a building housing a nonconforming use is damaged.
 - iii. Mirrors language of Nebraska State Statutes
- H. Nonconforming Off-Street Parking Facilities
 - i. This section was created by staff as a means to allow property owners to avoid pursuing a variance for the off-street parking facility article.

III. STAFF RECCOMENDATION

- A.** Staff recommends the Planning Commission make a positive recommendation to City Council on the adoption of the revised Chapter 25 Article 12 regarding Nonconforming Development.

ARTICLE 12: NONCONFORMING DEVELOPMENT

Section

- 25-12-1 Article; purpose
- 25-12-2 Nonconforming lots; lots of record
- 25-12-3 Nonconforming lots; reductions due to public acquisition
- 25-12-4 Nonconforming structure or building; applicability
- 25-12-5 Nonconforming structure or building; continuation
- 25-12-6 Nonconforming structure or building; enlargements or additions
- 25-12-7 Nonconforming structure or building; moving
- 25-12-8 Nonconforming structure or building; repair
- 25-12-9 Conversion of nonconforming building
- 25-12-10 Manufactured homes; exception
- 25-12-11 Nonconforming structure or building; floodway overlay zone
- 25-12-12 Nonconforming uses; continuation
- 25-12-13 Nonconforming uses; burden to show facts
- 25-12-14 Nonconforming uses; extension; enlargement prohibited
- 25-12-15 Nonconforming uses; abandonment
- 25-12-16 Nonconforming uses; building condition; right to repair
- 25-12-17 Nonconforming uses; damage to structure/building
- 25-12-18 Floodplain overlay zones; uses
- 25-12-19 Nonconforming uses; conditional use permit
- 25-12-20 Nonconforming off-street parking facilities; applicability
- 25-12-21 Nonconforming off-street parking facilities; allowed; conditions
- 25-12-22 Nonconforming off-street parking facilities; special hazards; variances

§ 25-12-1 ARTICLE; PURPOSE.

The purposes of the Nonconforming Development regulations are:

(A) To allow for reasonable use of legally created lots of record that do not meet current minimum requirements for their respective zoning districts.

(B) To provide for reasonable use of legally constructed structures that do not meet current site development regulations for their respective zoning districts.

(C) To allow for the reasonable continuation of legally established uses that do not meet current use regulations for their respective zoning districts.

(D) To limit the continuation and provide for the gradual replacement of nonconforming uses.

(a) Nonconforming Lots

§ 25-12-2 NONCONFORMING LOTS; LOT OF RECORD

Nonconforming lots of record existing at the time of the adoption or amendment of this Article, shall be exempt from the minimum lot area and lot width requirements of each zoning district. Such lots may be developed with any use allowed by the regulations of the district and must comply with all other site development regulations set forth by this chapter.

§ 25-12-3 NONCONFORMING LOTS; REDUCTIONS DUE TO PUBLIC ACQUISITION

If a portion of a legally existing lot in any district is acquired for public use, the remainder of this lot shall be considered a conforming lot.

(b) Nonconforming Structures and Buildings

§ 25-12-4 NONCONFORMING STRUCTURE OR BUILDING; APPLICABILITY

These regulations pertaining to nonconforming structures and buildings apply to buildings and structures that were constructed legally under regulations in effect on February 6, 2000.

§ 25-12-5 NONCONFORMING STRUCTURE OR BUILDING; CONTINUATION

A lawful nonconforming structure or building existing on the effective date of this section may be continued, repaired, maintained, or altered subject to the provisions of this article.

§ 25-12-6 NONCONFORMING STRUCTURE OR BUILDING; ENLARGEMENTS OR ADDITIONS

(A) A lawful conforming structure or building may be added to or enlarged if the enlargement or addition, when considered independently of the existing building complies with all applicable setback, height, off-street parking, and impervious coverages.

(B) No permitted addition to a nonconforming structure may place a wall within ten (10) feet of a window of an adjacent pre-existing residential district.

(C) Nonconforming buildings shall be limited to one (1) addition or enlargement pursuant to these regulations.

§ 25-12-7 NONCONFORMING STRUCTURE OR BUILDING; MOVING

A lawful nonconforming building or structure shall not be moved in whole or in part to another location on its lot or tract unless every part of the structure conforms to all site development regulations applicable to its zoning district.

§ 25-12-8 NONCONFORMING BUILDING OR STRUCTURE; REPAIR

A lawful conforming building damaged by fire, explosion, storm, or other calamity, except flood damages, may be repaired and reconstructed provided there is no increase in the degree of nonconformity.

§ 25-12-9 CONVERSION OF CONFORMING BUILDING

A conforming building shall not be changed in any way that will result in a nonconforming development.

§ 25-12-10 MANUFACTURED HOMES; EXCEPTION

Manufactured homes shall comply with these provisions; provided, a manufactured home may be replaced at any time by a more recent manufactured home; provided, further, if the manufactured home is in a Floodplain Overlay Zone or Floodplain District, it shall comply with all of the provisions of Article 19 of this chapter, as amended, applicable to manufactured homes.

§ 25-12-11 NONCONFORMING STRUCTURE OR BUILDING; FLOODWAY OVERLAY ZONE

(A) No structure in a Floodplain Overlay Zone which, although lawful immediately prior to the enactment of Article 19 of this chapter, is not in conformity with all provisions of such Article 19 of this chapter as amended, may be enlarged or otherwise altered except in conformity with the requirements of such article as amended; provided, the ground floor area of any structure in existence on June 26, 1978, may be enlarged:

- (1) If the enlargement does not exceed 25% or 250 square feet, whichever is greater; and
- (2) If, in addition, the value of the structure after the enlargement does not exceed 150% of the value of the structure before the enlargement.

(c) Nonconforming Uses

§ 25-12-12 NONCONFORMING USES; CONTINUATION

A Any nonconforming use lawfully existing on the February 6, 2000 of these regulations may continue, subject to the limitations of this Chapter.

B. Whenever the use of a premises becomes nonconforming through a subsequent change in Chapter 21 or Chapter 25, such use may be continued.

§ 25-12-13 NONCONFORMING USES; BURDEN TO SHOW FACTS

The burden to show the facts necessary to establish the existence of a nonconforming uses, and of a right to continue the nonconforming use, shall be upon the person asserting that the lot, tract, building, or structure enjoys such status.

§ 25-12-14 NONCONFORMING USES; EXTENSION; ENLARGEMENT PROHIBITED

(A) A lawful nonconforming use may be extended throughout the same building if no structural alteration of such building is proposed or made for the purpose of such extension.

(B) A building or structure housing a lawful nonconforming use may not be added to or enlarged.

§ 25-12-15 NONCONFORMING USE; ABANDONMENT

(A) If any structure or property used as a lawful nonconforming use becomes vacant or unused for a continuous period of twelve (12) months, any subsequent use must conform to all use regulations applicable to the property's zoning district.

(B) If a structure housing a nonconforming use converts to a conforming use, it forfeits any further claim to nonconforming use rights.

§ 25-12-16 NONCONFORMING USES; BUILDING CONDITION; RIGHT TO REPAIR

(A) A building or structure whose use is nonconforming shall be kept in sound condition

(B) Repairs and maintenance of a structure occupied by a nonconforming use may be made, provided that no structural alterations are made other than those required by law.

§ 25-12-17 NONCONFORMING USES; DAMAGE TO STRUCTURE/BUILDING

Should a structure occupied by a lawful nonconforming use be damaged to the extent that the cost of restoration exceeds sixty percent (60%) of the replacement cost of the structure, the nonconforming use shall no longer be permitted.

§ 25-12-18 FLOODPLAIN OVERLAY ZONE; USES.

A use of any structure or building or other use of premises in a Floodplain Overlay Zone which existed and was lawful immediately prior to the enactment of [Article 19](#) of this chapter, and which still existed on November 12, 1979, may be continued even if it was not, and is not, in conformity with all provisions of such article or amendments thereof; provided, no such use, if discontinued for a period of one year, may be re-established. Any use which does not conform to the provisions of Article 19 of this chapter or any amendment thereof may not be changed to another non-conforming use.

§ 25-12-19 NONCONFORMING USES; CONDITIONAL USE PERMIT

A lawful pre-existing use which would require a Conditional Use Permit in its zoning district shall be presumed to have the appropriate Permit and shall be considered a conforming use. The use shall be subject to the regulations governing lapses or revocation of Permits, set forth in Chapter 25 Article 13.

(d) Nonconforming Off-Street Parking Facilities

§ 25-12-20 NONCONFORMING OFF-STREET PARKING FACILITIES; APPLICABILITY

These regulations pertain to lots of record, which due to the built nature of the lot, cannot comply with number of required off-street parking stalls found in Article 5 of this chapter, and compliance with Article 5 cannot be achieved via a special permit for shared parking or parking exception.

§ 25-12-21 NONCONFORMING OFF-STREET PARKING FACILITIES; ALLOWED; CONDITIONS

- (A) Nonconforming off-street parking facilities on lots of record may be permitted for principal permitted uses and conditional permit uses, provided one (1) or more of the following conditions below are met:
 - (1) A building or structure built prior to February 6, 2000, exceeds 50% lot coverage;
 - (2) The layout of the lot of record due to buildings or structures built prior to February 6, 2000, prevents compliance with the parking stall dimension and maneuvering width requirements of Article 5 of this chapter, and;
- (B) Compliance with Article 5 cannot be achieved via the provisions of § 25-5-2 and/or § 25-5-4, and;
- (C) The property owner of said lot of record mitigates special hazards and problems related to the parking of vehicles in the near vicinity.

§ 25-12-22 NONCONFORMING OFF-STREET PARKING FACILITIES; SPECIAL HAZARDS; VARIANCES

- (A) In the event a lot of record with nonconforming off-street parking facilities causes special hazards or problems related to parking of vehicles in the near vicinity, the Development Services Director or designee shall notify the property owner via certified letter;

- (B) The certified letter shall include notice of the special hazard, an order of abatement, and time specified to abate the special hazard;
- (C) If abatement is not completed within specified time, and the property owner wants to continue the current use of the property, the property owner shall submit an appeal application to the Board of Adjustment.