



**CITY OF SCOTTSBLUFF**  
**Scottsbluff City Hall Council Chambers**  
**2525 Circle Drive, Scottsbluff, NE 69361**  
**BOARD OF ADJUSTMENT AGENDA**

**Regular Meeting**  
**April 16, 2026**  
**2:00 PM**

1. **Roll Call**
2. **For public information, a copy of the Nebraska Open Meetings Act is posted in the back of the room on the south wall.**
3. **Notice of changes in the agenda.** (Additions may not be made to this agenda less than 24 hours before the beginning of the meeting unless added under item 3 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. **Minutes**
  - a) Minutes Approval  
  
December 8, 2025
6. **Public Hearing**
  - a) Board of Adjustment to conduct a Public Hearing to consider a variance request for reduction of the front yard building setback on Lot 18B, Subdivision of Lots 2 and 18, Block 2, Gerge Baltes Addition, commonly identified as 211 West 38th Street.
7. **Adjournment**

Board of Adjustment MINUTES  
REGULAR SCHEDULED MEETING  
December 8, 2025  
SCOTTSBLUFF, NEBRASKA

The Board of Adjustment for the City of Scottsbluff met for a regular scheduled meeting on Monday, December 8, 2025 at 2:00 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 November 25, 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 Board of Adjustment 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 Board of Adjustment member.

- 1 Chair Raul Aguallo called the meeting to order at 2:00 PM. Roll call consisted of the following members being present; Raul Aguallo, Henry Huber, Troy Herman, Rick Wyman, "Excused": Sabrina Esparza. City Officials present were Zachary Glaubius, Development Services Director, Taylor Stephens, GIS Coordinator, Gary Batt, Code Administrator II, Logan Lund, Code Administrator I, Zachary Durbin, Development Services Assistant.
- 2 Aguallo 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 28, 2025 meeting were reviewed. **Conclusion:** a motion was made by Herman and seconded by Wayman to approve the minutes from the July 28, 2025 meeting. "Yeas:" Aguallo, Huber, Herman, Wayman "Nays:" None "Excused:" Esparza. The motion carried.
- 6 At 2:02 Aguallo opened Public Hearing item 6A; Board of Adjustment to consider a variance request for reduction of the rear yard setback on Lot 7A, Block 4, Amended Five Oaks Subdivision Replat, commonly identified as 3612 Maple Drive. Glaubius stated the Lot is an unusual "L" shape, meaning the Salmans request for an addition on the lot would encroach the rear yard setback on the northeastern property line. Glaubius stated there is a required 15 feet setback with the request to reduce it to 10 feet. Glaubius noted the reduction would only be for the southernmost 20 feet of the rear yard property line not the entire rear yard property line. Glaubius stated there is undue hardship due to the shape of the lot and the location at the end of the block. Glaubius stated a letter was submitted by Heather Beck, owner of 3614 Maple Drive, stating they have no concerns with the proposed addition. Glaubius stated staff recommends approval of the variance with the condition that the reduction is only for the southernmost 20 feet as shown in the exhibit. Aguallo addressed Salzman clarifying whether this was for a house or and addition. Salzman stated it will be an addition for a garage and pool house. The Board clarified that the structure will be connected to the main dwelling on the Lot. Bill Trumball, owner of 2012 E. 34<sup>th</sup> Street addressed the Board stating he feels the Salzman's have a great plan for the hardships of the Lot. Wayman asked if the Variance would affect any easements on the lot. Glaubius stated none of the easements will be affected only the rear yard setback. Trumball was asked if there are any other lots on the block with a similar shape, and setback requirements. Trumball stated this is the only lot with such hardship in the area.

Wayman asked if the lot line between lots 7 and 7A would be vacated. Glaubius stated that process has already been done and the entire lot is now 7A. **Conclusion:** A motion was made by Herman and seconded by Wayman to approve the requested variance to reduce the rear yard setback to 10 feet at 3612 Maple Drive with the condition that the reduction is only for the southernmost 20 feet of the rear property line. "Yeas:" Aguallo, Huber, Herman, Wayman "Nays:" None "Excused:" Esparza. The motion passes.

- 7 **Adjournment:** A motion was made by Heman and seconded by Huber to adjourn at 2:09 PM. "Yeas:" Aguallo, Huber, Herman, Wayman "Nays:" None "Excuse:" Esparza. Motion Carried.

\_\_\_\_\_  
Chairman Raul Aguallo

\_\_\_\_\_  
Zachary Glaubius, Secretary

# **City of Scottsbluff, Nebraska**

**Thursday, April 16, 2026**

**Regular Meeting**

## **Item 6.a**

**Board of Adjustment to conduct a Public Hearing to consider a variance request for reduction of the front yard building setback on Lot 18B, Subdivision of Lots 2 and 18, Block 2, Gerge Baltes Addition, commonly identified as 211 West 38th Street.**

**Staff Contact:**

**City of Scottsbluff, Nebraska  
Development Services Department**

**Application For Zoning Variance**

1. Applicant: Caitlyn Lastovica 308-632-5131  
210 W 38<sup>th</sup> Street Scottsbluff, Nebraska 69361

2. Name of Property Owner: The Last Jack Holdings, LLC 211 West 38<sup>th</sup> Street 308-632-5131  
Scottsbluff, Nebraska 69361

3. Attorney (Optional) \_\_\_\_\_  
Name/Firm Telephone Number  
\_\_\_\_\_  
Address City/State Zip

4. Location: 211 W 38<sup>th</sup> Street, Scottsbluff, Nebraska, 69361  
situated on the North side of the street between Avenue B and Avenue D.

5. Address: 211 W 38<sup>th</sup> Street, Scottsbluff, Nebraska, 69361

6. Legal Description: Lot 18B, Subdivision of Lots 2 & 18, Block 2, George Baltes Addition to the City of Scottsbluff, Scotts Bluff County, Nebraska

7. Nature of Variance: § 25-3-11 O-P OFFICE AND PROFESSIONAL; building setbacks, Front: 25'.

8. The practical difficulty or hardship to overcome by a granting of the requested variance:  
This building currently has a 23' setback. See the as-built site plan. The original plat for this property showed a 20' setback requirement. See the deed document. A small addition is needed to make the building more accessible and will encroach on the building set back, dropping the setback to 15'.

The owner wishes to remodel the interior space of the upper floor of a split-level building for use as a dental practice. The building was previously a dental practice. Currently, the only accessible way into the dental practice is through a ramp on the back of the building, which enters into a back stair area and into the back of the practice. To make the building more accessible, the owner has had an architect look at multiple options, including an elevator, A LULA (limited use, limited access) elevator, a ramp, and platform lifts. With the exception of a ramp, all the other options will take a similar amount of space. The platform lift is the most financially and operationally feasible option, and will exceed 20% of the construction budget.

The impact into the setback has been minimized as much as possible by tucking as much as possible into a corner of the building. The setback that is being impacted would be the road-facing side, across the road and on the adjacent sides of the property, have developed properties on them. There shall be no impacts to adjacent site for visibility, fire safety, traffic, or sunlight access.

OR

9. Zoning decision being appealed.

10. Present zone classification: O-P Office and Professional

11. Present use of property: Office

12. Attached:

- Copy of Plot Plan
- Legal Description if not listed above
- Filing Fee - \$150.00

13. Signature: Caitlyn M Lastovica  
(If signature is other than property owner, please attach owner's proof of acknowledgment of application)

Date Received \_\_\_\_\_

Checked for compliance  
Development Services Department  
2525 Circle Drive, Scottsbluff, NE 69361

**DENIED**  
City of Scottsbluff, Gering, Terry Town, NE  
Development Services  
Department

By: Mary Rath  
Code Administrator

3.27.2026  
Date

*Request 10' foot encroachment  
in front yard setback  
City Ordinance requires a 25'  
yard set back.*

**How to apply for a variance or appeal a zoning decision of the Development Services Director:**

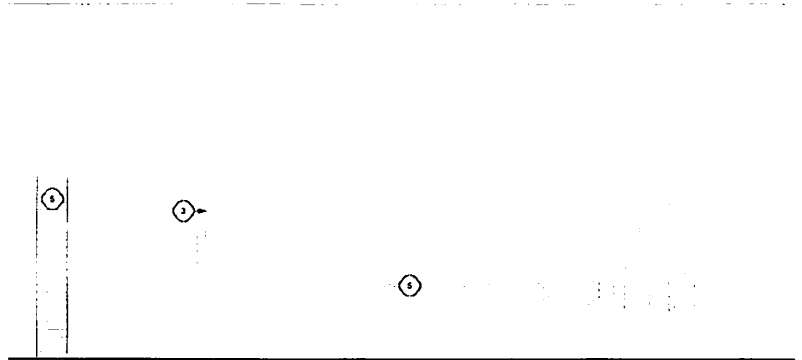
ALLOW a minimum of 30 days from the time of application for a variance prior to the next regular Board meeting for processing of your application.

1. Before an application for a variance can be processed, you must have applied for a building permit or a certificate of occupancy, and have been denied by the Development Services Director.
2. An application for a variance is addressed to the Board of Adjustment which meets the 2<sup>nd</sup> Monday of every month. A variance cannot be approved unless four Board members vote in favor of the variance.
3. Your application for a variance must include:
  - a. A copy of an order of the Development Services Director denying a building permit or a certificate of occupancy.
  - b. \$150.00 filing fee
  - c. Legal description of tract of land for which you are requesting a variance.
  - d. Name(s) of owner(s) of the property.
  - e. Statement of portion of zoning ordinance from which you are requesting a variance.
  - f. Statement of hardship which would occur if you were not granted the variance. This must state facts which, if proven, will be of a type that may authorize the Board to grant a variance under Section 19-910 of the Nebraska Statutes.
4. Your legal description will be used by the Secretary of the Board of Adjustment to make a vicinity sketch showing all properties within 300 feet of the subject property.
5. Notices of your variance request are mailed by the Secretary of the Board of Adjustment to the property owners within 300 feet. These notices must be mailed 10 days before the meeting.
6. Notice of variance request must be published in the Star-Herald 10 days prior to the Board meeting. The Secretary of the Board of Adjustment will arrange for such publication.
7. After receiving variance approval there is a 15 day appeal period before you may be issued a permit.

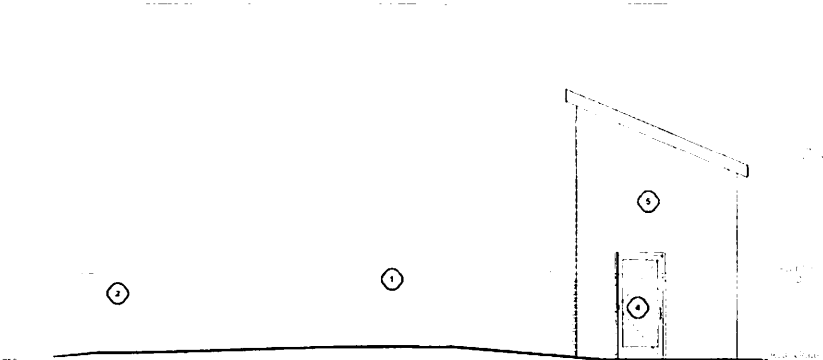








(1) North  
1/4" = 1'-0"



(3) South  
1/4" = 1'-0"



(2) East  
1/4" = 1'-0"



(4) West  
1/4" = 1'-0"

Sheet Notes:

- 1 Existing main entrance for upstairs and down stairs.
- 2 Existing entrance for MI access for downstairs.
- 3 Existing back door entrance for upstairs and downstairs. Enter on upper level with stair down to downstairs.
- 4 Proposed entrance for MI access to upstairs.
- 5 Proposed new addition.

**TRAILS WEST ARCHITECTURE**  
 Physical: 810 S. Belline Hwy E, Suite C  
 Scottsbluff, Nebraska 69361  
 Mailing: 100704 County Road D  
 Morrill, Nebraska 69350  
 Phone: 402-707-0451  
 Email: Megan@trailswestch.com

**Preliminary Plan Review-**



Consultant:  
**CIVIL ENGINEER**  
 Not Used

**STRUCTURAL ENGINEER**  
 Not Used

**ELECTRICAL ENGINEER**  
 Not Used

**MECHANICAL ENGINEER**  
 Not Used

No.	Description	Date

**Lastovica Dental Office**  
 Caitlyn Lastovica, DDS  
 211 W 30th Street, Scottsbluff, NE 69361  
**Exterior Elev.**

Project number \_\_\_\_\_ Project Number \_\_\_\_\_  
 Date \_\_\_\_\_ Issue Date \_\_\_\_\_  
 Drawn by \_\_\_\_\_ MASH  
 Checked by \_\_\_\_\_ MASH

**A200**

Scale 1/4" = 1'-0"



Physical: 818 S. Belline Hwy E, Suite C  
Scottsbluff, Nebraska 69361

Mailing: 100794 County Road D  
Morrill, Nebraska 69358

Phone: 402-707-9451  
Email: Megan@trailsarch.com

Preliminary Plan Review-



Contributors:

CIVIL ENGINEER  
Not Used

STRUCTURAL ENGINEER  
Not Used

ELECTRICAL ENGINEER  
Not Used

MECHANICAL ENGINEER  
Not Used

No.	Description	Date

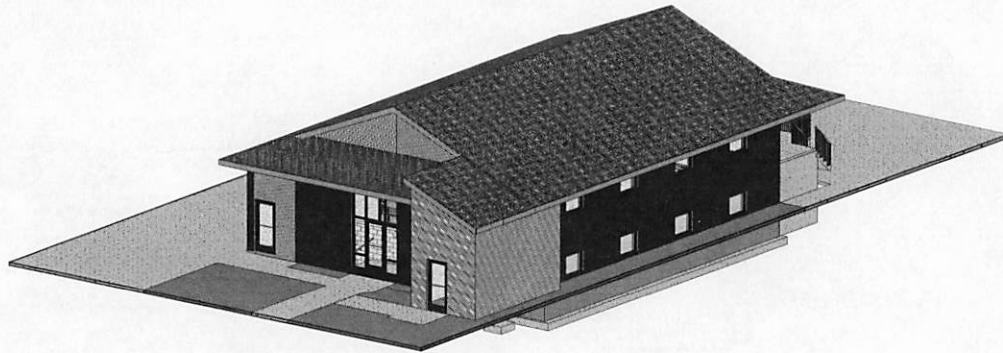
Lastovica Dental Office  
Caitlyn Lastovica, DDS  
211 W 38th Street, Scottsbluff, NE 69361

3D Views

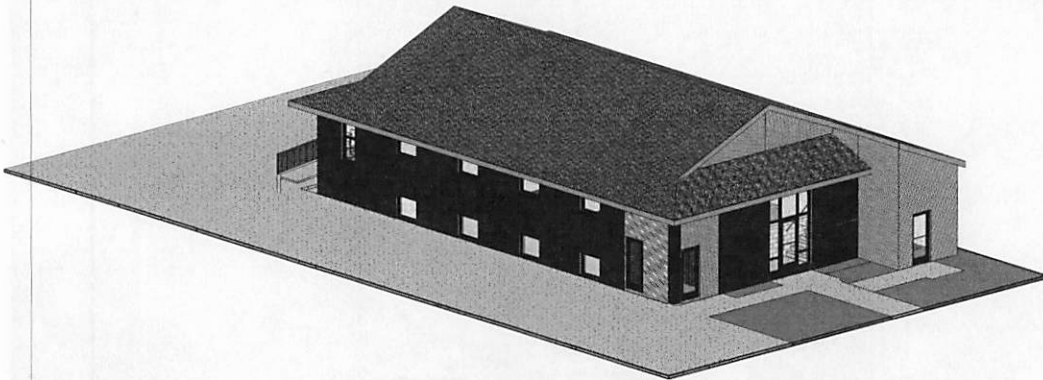
Project number	Project Number
Date	Issue Date
Drawn by	MJH
Checked by	MJH

A900

Scale



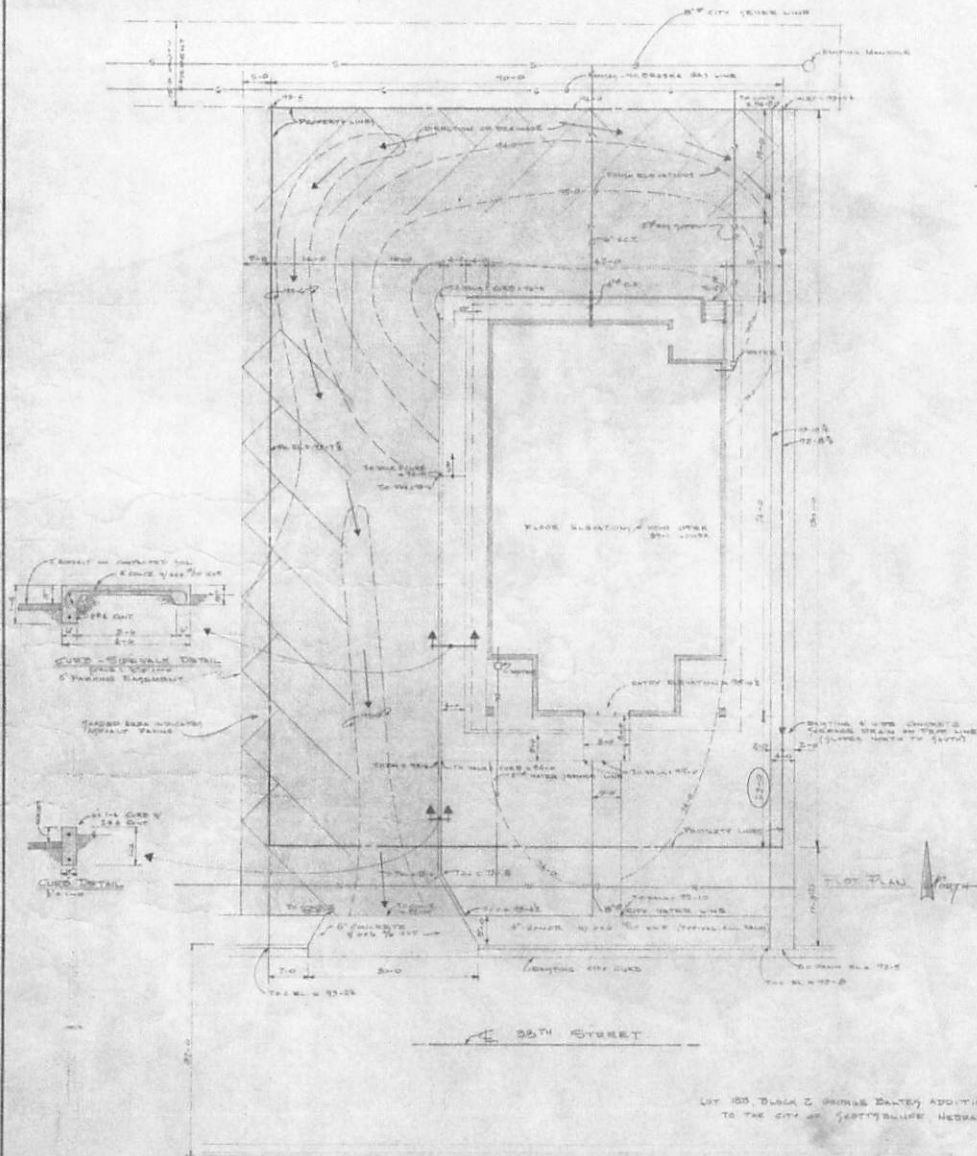
1 Exterior SE



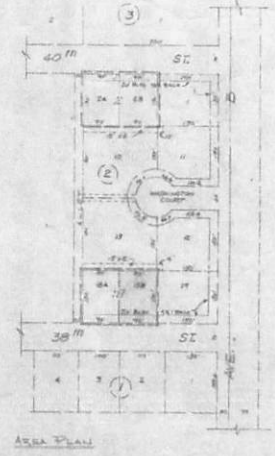
2 Exterior SW

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A DENTAL CLINIC  
 FOR  
 DR. VAN NOY AND VINEYARD  
 SCOTTSBLUFF, NE.



- 1) 20' x 20'
- 2) 10' x 10'



LOT 100, BLOCK 2, PHASE B, ADDED ADDITION  
 TO THE CITY OF SCOTTSBLUFF, NEBRASKA

V-V-N CLINIC SCOTTSBLUFF, NE

SET #68



SUBDIVISION OF LOTS 2 AND 18, BLOCK 2, GEORGE BALTES ADDITION TO THE CITY OF SCOTTSBLUFF, NEBRASKA: SHEET 2 OF 3

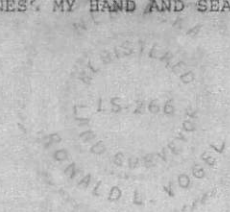
2751

SURVEYOR'S CERTIFICATE

I, Ronald L. Vogel, a competent surveyor of Scotts Bluff County, Nebraska, hereby certify that I have surveyed a SUBDIVISION OF LOTS TWO AND EIGHTEEN, BLOCK TWO, GEORGE BALTES ADDITION to the City of Scottsbluff, Nebraska, according to the recorded plat thereof, and have surveyed Lot 2 into two Lots to be known as Lots 2A and 2B and Lot 18 into two Lots to be known as Lots 18A and 18B.

That the accompanying plat is a true delineation of such survey and subdivision drawn to a scale of 100 feet to the inch. That each new Lot bears its own number. That all corners are marked with 5/8"x18" iron rods. That all dimensions are in feet and decimals. That the boundary of the Lots subdivided are shown on the Plat with a heavy dotted line.

WITNESS MY HAND AND SEAL this 14th day of September, 1970.



Ronald L. Vogel  
RONALD L. VOGEL, NEBRASKA REGISTERED  
LAND SURVEYOR L.S. 266

STATEMENT OF OWNERSHIP

We, the undersigned, being the owners of Lots 2 and 18, Block 2, George Baltas Addition to the City of Scottsbluff, Nebraska, according to the recorded plat thereof, have caused such Lots to be subdivided into Lots 2A and 2B and 18A and 18B as shown by the accompanying plat and described in the accompanying Surveyor's Certificate. The foregoing subdivision of Lots 2 and 18, George Baltas Addition to the City of Scottsbluff, Nebraska is made with the free consent and in accordance with the desires of the undersigned owners.

Dated this 14 day of SEPTEMBER, 1970:

METROPOLITAN DEVELOPMENT COMPANY,  
a Nebraska corporation

by: Bernhard Kleven  
Bernhard Kleven, President



ATTEST: Robert E. Buggren  
Secretary

ACKNOWLEDGEMENT

STATE OF NEBRASKA ) ss  
SCOTTS BLUFF COUNTY)

On this 14th day of September, 1970, before me, a Notary Public, in and for said County, personally came Bernhard Kleven, President of Metropolitan Development Company, a Nebraska corporation, to me known to be the identical person and President of such corporation whose name is affixed to the foregoing "Statement of Ownership" and acknowledged the same to be his voluntary act and deed and the voluntary act and deed of such corporation.

WITNESS MY HAND AND SEAL the day and year last above written.

L. L. Murrsmith  
Notary Public



My commission expires: May 27, 1974.

SUBDIVISION OF LOTS 2 AND 18, BLOCK 2, GEORGE BALTES ADDITION TO THE CITY OF SCOTTSBLUFF, NEBRASKA: SHEET 3 OF 3

2751

APPROVAL AND ACCEPTANCE

The accompany SUBDIVISION OF LOTS TWO AND EIGHTEEN, BLOCK TWO, GEORGE BALTES ADDITION TO THE CITY OF SCOTTSBLUFF, NEBRASKA to Lots 2A and 2B and Lot 18A and 18B is hereby approved and accepted by the Mayor and City Council of the City of Scottsbluff, Nebraska, by resolution duly passed this 28th day of September, 1970.

E. G. Thomas  
Mayor

ATTEST A. J. Ferguson  
City Clerk



2751

- NUMERICAL
- GENERAL
- TAX REG.
- PICTURED

STATE OF NEBRASKA } ss.  
 SCOTTS BLUFF COUNTY }  
 Entered on Numerical Index and filed for  
 record the 1 day of October  
 19 70, at 8:50 o'clock A.M., and  
 recorded in Book 133 of  
Deeds  
 Records on Page 403  
Mary Jo Lellis  
 REGISTER OF DEEDS  
 By \_\_\_\_\_ Deputy



CITY OF SCOTTSBLUFF  
BOARD OF ADJUSTMENT

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**TO:** BOARD OF ADJUSTMENT

**FROM:** DEVELOPMENT SERVICES

**DATE:** April 8, 2026

**SUBJECT:** Variance request to reduce 25' front yard building setback line to a 15' setback

**PUBLIC NOTICE:** This item was noticed in the paper, and mailed notification to surrounding property owners.

Photos Attached.

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The applicant, Caitlyn Lastovica of 211 W 38<sup>th</sup> Street, has applied for a variance with the Board of Adjustment. The request is to allow a building addition to the primary structure (dental clinic) to be built on Lot 18B, Subdivision of Lots 2 and 18, Block 2, George Baltus Addition, which is located in the O-P Office and Professional zoning district. The performance guidelines for O-P require a non-residential use to be setback a minimum of 25 feet from a front yard property line, which the proposed addition does not meet.

As can be observed from the aerial imagery of the property, Lot 18B is nearly completely built upon with the building and parking lot. Additionally, the property is significantly smaller than other properties in the vicinity nor does it abut an alley to the rear. Given the constraints of the built environment, lot size, and limited options for traffic circulation, it is in the opinion of the Development Services Department that the property could qualify for a variance under Nebraska Revised Statute §19-910(1). Furthermore, the intent of the variance is to increase accessibility to the building.

The variance request is for a reduction of the 25' front yard building setback by 10' to allow for the building addition. The reduction to a 15' front yard setback would likely not be noticeable as the drive-through awning on the neighboring property at 3802 Avenue B is approximately setback 15' from the 38<sup>th</sup> Street property line. This is due to it being a corner lot and only having a 12.5' side street building setback requirement.

Should Ms. Lastovica receive the variance, she will have one year in which to complete the building or she will have to return to the Board of Adjustment for a new variance. The variance is non-transferable. Work cannot begin for a period of one week after the decision of the Board to allow other parties to file a complaint in Court should they decide.

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**Recommendation:**

Approve: Make a motion to grant approval to the Variance reducing the front yard setback of 25-foot to a 15-foot front yard setback due to the shape of the property, subject to the following condition(s):

Denial: Make a motion to deny approval to the Variance reducing the front yard setback of 25-foot to a 15-foot front yard setback due to the shape of the property, subject to the following condition(s):

Table: Make a motion to table the Variance reducing the front yard setback of 25-foot to a 15-foot front yard setback due to the shape of the property, subject to the following condition(s):



211

ELEVATOR ENTRANCE

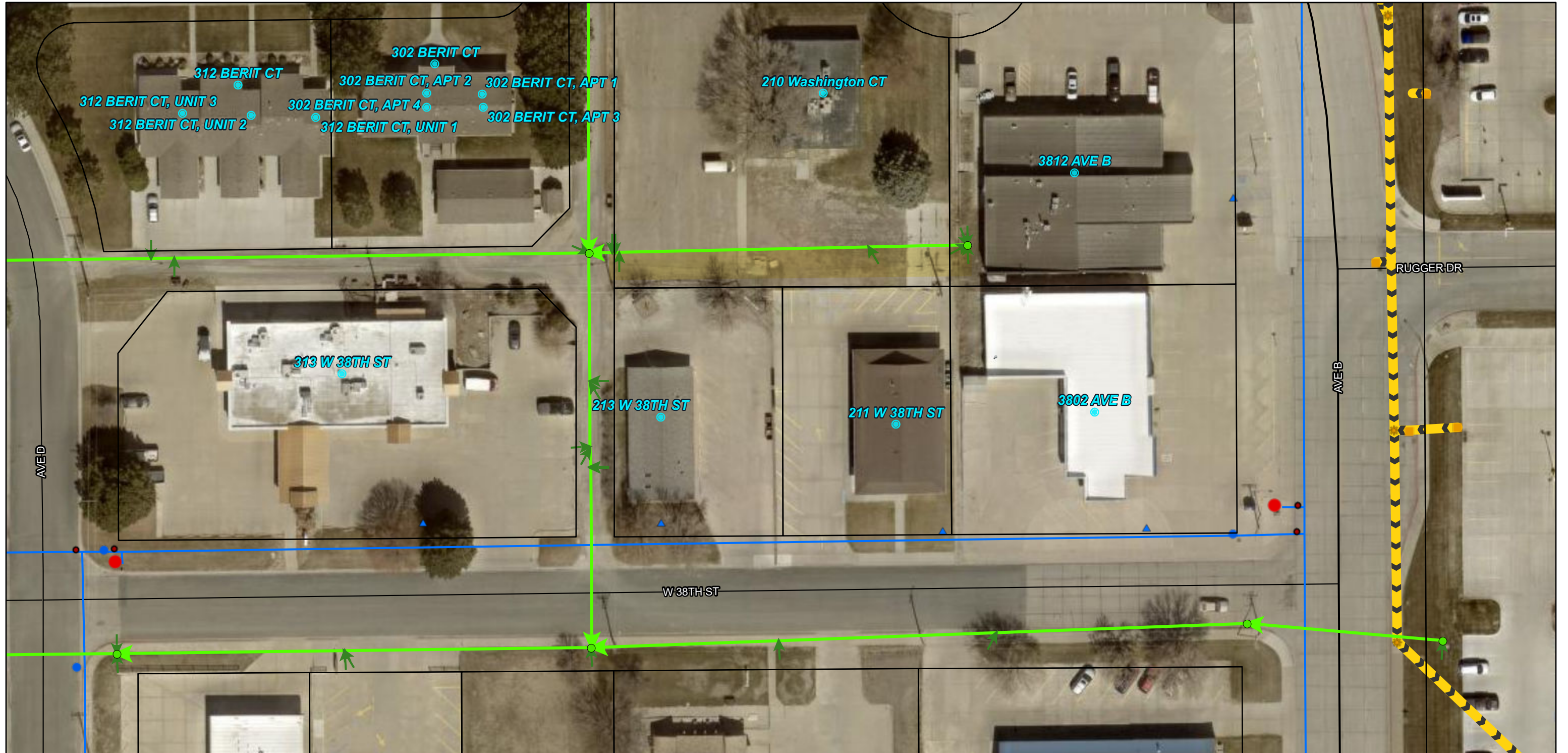
Scott's  
Health Agency

W. Scott Van Noy, D.D.S.  
Family Dentistry





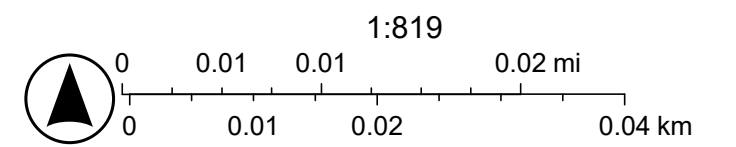
# ArcGIS Web Map



4/9/2026, 10:10:12 AM

- |                |                |                    |                            |
|----------------|----------------|--------------------|----------------------------|
| Address Novotx | Sewer Lines    | ALL OTHERS         | Street Centerlines         |
| Easement       | Water Features | Water Lines        | Main Road                  |
| Parcels        | CURBBOX        | Stormwater Manhole | Residential/Rural          |
| Sewer Manhole  | FIRE HYDRANT   | Stormwater Inlet   | World Imagery              |
| Sewer Laterals | MANHOLE        | Stormwater Line    | Low Resolution 15m Imagery |

- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations



Microsoft, Vantor