

MINUTES OF BOARD OF ADJUSTMENT
AUGUST 14, 2003
BUFFALO COUNTY COURTHOUSE BOARDROOM
4:00 P.M.

Chairperson Bosshamer called the meeting to order at 4:05 o'clock P.M. with a quorum present on August 14, 2003 at the Buffalo County Board of Supervisors room in the Buffalo County Courthouse, Kearney, Nebraska.

Agenda for such meeting was regularly posted as required by law. Present were: Chairperson Ann Bosshamer, Dennis Farrell, Marlin Heiden, Sharon Martin and alternate Carol Porter. Absent was Lloyd Wilke who excused himself due to a conflict of interest on this hearing. Also present were Deputy County Attorney Andrew Hoffmeister, Buffalo County Zoning Administrator LeAnn Klein, Mitch Humphrey, Amy from the Kearney Hub, Joni Nickel and Max Burroughs.

The public forum was opened at 4:06 P.M. No one spoke.

Chairperson Bosshamer opened the hearing for the variance for Joni M. Nickel at 4:06 P.M. Thereafter, Board heard testimony regarding application for zoning variance submitted by Joni M. Nickel, concerning property located by property address of 40310 Kilgore Road, Gibbon, Nebraska with complete legal description as follows: A tract of land being part of Government Lot 9 and part of Government Lot 12 and accretion located in the Southeast ¼ of Section 7, Township 8 North, Range 14 west of the 6th pm, Buffalo County, Nebraska, more particularly described as follows: Referring to the Southwest corner of the Southeast 1/4 of said Section 7, thence northerly on the west line of said Southeast ¼ a distance of 996.0 feet; thence with a deflection angle to the right of 90° 53' 15" and on the North line of a public road a distance of 268.74 feet to the ACTUAL PLACE OF BEGINNING; thence continuing easterly on the North line of said public road a distance of 95.26 feet; thence with a deflection angle to the left 90° 53' 15" in a northerly direction a distance of 167.0 feet; thence left 89° 06' 45" in a westerly direction a distance of 105.6 feet; thence left 94° 31' 42" in a southerly direction a distance of 167.5 feet to the place of beginning. Chairperson Bosshamer read into the record a letter from Ron Sklenar, Highway Superintendent, that there was no opposition by Buffalo County Highway Department for this addition. Max Burroughs, representing Joni Nickel, addressed the board about the proposed addition being a 12' x 30' addition to the east side of present home built in 1995. They would need a variance of 8' extending into the road right-of-way. The side of the house is in compliance with zoning set backs. There is no other place to put addition other than on east side of present home. No one spoke in opposition. The hearing closed at 4:15 P.M.

Zoning Administrator LeAnn Klein stated they were in compliance with the Buffalo County regulations for the floodplain.

Board member Heiden questioned whether the plans as submitted included alternate or reserved leach field area as required by Nebraska Department of Environmental Control. Max stated an additional leach field could be built on the west side of property if needed.

Carol Porter questioned hardship. It was stated that there is no other area to enlarge the home due to the size of property except on the east side of this property.

Motion was made by Heiden, seconded by Farrell to allow 8' relaxation of setbacks to allow addition for Joni Nickel on property described as a tract of land being part of Government Lot 9 and part of Government Lot 12 and accretion located in the Southeast ¼ of Section 7, Township 8 North, Range 14 west of the 6th pm, Buffalo County, Nebraska, more particularly described as follows: Referring to the Southwest corner of the Southeast 1/4 of said Section 7, thence northerly on the west line of said Southeast ¼ a distance of 996.0 feet; thence with a deflection angle to the right of 90° 53' 15" and on the North line of a public road a distance of 268.74 feet to the ACTUAL PLACE OF BEGINNING; thence continuing easterly on the North line of said public road a distance of 95.26 feet; thence with a deflection angle to the left 90° 53' 15" in a northerly direction a distance of 167.0 feet; thence left 89° 06' 45" in a westerly direction a distance of 105.6 feet; thence left 94° 31' 42" in a southerly direction a distance of 167.5 feet to the place of beginning because of the following reasons:

1. Hardship is that there is no where else to build.
2. Other neighbors houses are closer to road.
3. This addition will not be any closer than existing home.

Voting yes were Heiden, Farrell, Bosshamer, Martin and Porter. Absent: Wilke. Voting no: none. Motion carried.

Moved by Farrell, seconded by Porter to approve the minutes of June 12, 2003 meeting of the Board of Adjustment. Voting yes were Farrell, Porter, Bosshamer, Heiden and Martin. Absent: Wilke. Voting no: none: Motion carried.

Moved to adjourn at 4:30 P.M. until time that Board of Adjustment is called into session again.