

MINUTES OF BOARD OF ADJUSTMENT  
FEBRUARY 12, 2026  
BUFFALO COUNTY COURTHOUSE COMMISSIONER'S ROOM  
4:00 P.M.

Notice of the meeting was given in advance, thereof, by publication in the legal newspaper on January 29, 2026. A copy of the proof of publication is on file in the Zoning Administrator's office. Advance notice of the meeting was also given to the Board of Adjustment and availability of the Agenda was communicated in the advance notice.

Agenda for such meeting was regularly posted as required by law.

Zoning Administrator Dennise Daniels opened the meeting at 4:04 P.M. at the Buffalo County Courthouse on February 12, 2026.

After opening the meeting, Zoning Administrator Daniels announced the term expiration for Richard "Dick" Pierce and The Board recognized his years of service. Zoning Administrator Daniels introduced and welcomed new member, M. Dale Gibbs.

After roll call, those present were: Larry Hardesty, Tammy Jeffs, Rich White, and M. Dale Gibbs. Also present were Deputy County Attorney Andrew Hoffmeister, Deputy County Attorney Josiah Davis, Zoning Administrator Dennise Daniels and a few members of the public.

Rodney Gangwish and Barb Pemberton-Riege were absent.

Quorum was met.

Zoning Administrator Daniels began the Re-Organizational Meeting of Officers. She called for nominations for a Chairperson. A nomination was made by Mr. Hardesty to appoint Tammy Jeffs for Chairperson. Zoning Administrator Daniels called for nominations three times. No other nominations were made.

A motion was made by Mr. Gibbs, seconded by Mr. Hardesty to cease nominations for the Chairperson.

Voting "Aye" were: Hardesty, Gibbs and White.

Abstain: Jeffs.

Voting "Nay": None.

Absent: Gangwish and Pemberton-Riege.

Motion passed.

Zoning Administrator Daniels declared a unanimous ballot. Motion was made by Mr. White, seconded by Mr. Gibbs, to cast a unanimous ballot for Tammy Jeffs as Chairperson.

Voting "Aye" were: Hardesty, Gibbs and White.

Abstain: Jeffs.

Voting "Nay": None.

Absent: Gangwish and Pemberton-Riege.

Motion passed.

Zoning Administrator Daniels declared Tammy Jeffs as Chairperson and turned the meeting over to Chairperson Jeffs.

Chairperson Jeffs called for nominations for Vice-Chairperson. Chairperson Jeffs nominated Mr. Hardesty for Vice-Chairperson. Chairperson Jeffs called for additional nominations three times. A motion was made by Chairperson Jeffs, seconded by Mr. Gibbs to cease nominations for Vice-Chairperson.

Voting "Aye" were: Gibbs, Jeffs, and White.

Abstain: Hardesty.

Voting "Nay": None.

Absent: Gangwish and Pemberton-Riege.

Motion passed.

Chairperson Jeffs declared a unanimous ballot. Motion was made by Mr. Gibbs, seconded by Chairperson Jeffs, to cast a unanimous ballot for Larry Hardesty as Vice-Chairperson.

Voting "Aye" were: Gibbs, Jeffs, and White.

Abstain: Hardesty.

Voting "Nay": None.

Absent: Gangwish and Pemberton-Riege.

Motion passed.

Chairperson Jeffs called for nominations for Second Vice-Chairperson. Chairperson Jeffs nominated Rod Gangwish for Second Vice-Chairperson. Chairperson Jeffs called for additional nominations three times. A motion was made by Chairperson Jeffs, seconded by Mr. Gibbs to cease nominations and declared a unanimous ballot for Rod Gangwish as Second Vice-Chairperson.

Voting "Aye" were: Hardesty, White, Jeffs, and Gibbs.

Abstain: None.

Voting "Nay": None.

Absent: Gangwish and Pemberton-Riege.

Motion passed.

Chairperson Jeffs announced we do abide by the Open Meeting Act and a copy is available for anyone wanting a copy.

Chairperson Jeffs announced that the agenda is available for anyone wanting a copy.

The public forum was opened at 4:10 P.M. No one provided any comment at this time. The public forum closed at 4:10 P.M.

Chairperson Jeffs opened the public hearing at 4:10 P.M. for a Zoning Variance, filed by Joshua Gilbertson, licensed land surveyor, on behalf of Scott R. Phillips, Successor Co-Trustee of the Lee Nell Phillips Revocable Trust Dated December 4, 1990 and Successor Co-Trustee of the Ercil D. Phillips Family Trust also known as The Phillips Family Trust, Gary D. Phillips, Successor Co-Trustee of the Lee Nell Phillips Trust Revocable Trust Dated December 4, 1990 and Successor Co-Trustee of the Ercil D. Phillips Family Trust also known as The Phillips Family Trust, Douglas E. Welliver, Christine A. Welliver, and Golfside Estates Subdivision Homeowners Association, Inc., under Buffalo County Zoning Regulations: Section 5.12 (8), regarding 4 houses per quarter section; Section 5.16 (2A) regarding minimum lot sizes in the Agriculture (AG) District; Section 5.16 (3), regarding minimum distances abutting an improved road; Section 5.17, regarding minimum front yards; AND Buffalo County Subdivision Regulations: Section 1.05 regarding all lots abutting an improved road; Section 2.23 (a) which defines a lot; Section 2.35 regarding the definition of a street; Section 4.02 (E) regarding minimum footage abutting an improved road; Section 4.03 regarding minimum road/street lengths; Section 4.07 (C) regarding allowance of lots sizes smaller than required; Section 4.07 (E) regarding frontage upon improved roadway; Section 4.11, regarding minimum access requirements; Section 4.12 (A) regarding access requirements; Section 4.12 (B) regarding minimum street width; Section 5.01 regarding minimum grading/surfacing requirements in Golfside Estates, Lots 23-24 and Lots 26-31, also known as a tract of land being part of the Southwest Quarter of Section 36, Township 11 North, Range 16 West of the 6<sup>th</sup> P.M., Buffalo County, Nebraska.

Joshua Gilbertson, licensed land surveyor, of Oak Creek Engineering, located at 4004 6<sup>th</sup> Avenue, Kearney, Nebraska, stepped forward to present the application. Mr. Gilbertson stated that the original subdivision, Golfsides Estates, was created prior to the adoption of zoning and subdivision regulations. He added that the applicants are requesting to receive several relaxations on the proposed subdivision to absolve Lot 31, which is a common lot, into the newly-created lots. He said that it is the applicants' intent to enlarge the proposed lots and propose less housing to encourage growth. He added that the applicants would like some relaxations as to not disturb or cause detriment to the adjacent properties.

Deputy County Attorney Hoffmeister inquired if the street/access is owned by adjacent landowners. Mr. Gilbertson confirmed and added that the proposal would not affect street/accesses to the existing or proposed lots.

Deputy County Attorney Hoffmeister advised the Buffalo County requires lots abut an improved road. He asked Zoning Administrator Daniels if that relaxation was added to the proposed list of relaxation. Zoning Administrator Daniels confirmed. Deputy County Attorney Hoffmeister added that although the proposed plat was being considered for relaxation, any approvals by the Board of Adjustment would not include the requirement of Buffalo County to maintain the existing roads. He added that the existing roads are only 36 feet wide.

Deputy County Attorney Hoffmeister asked if the proposed subdivision would affect current accesses, if the subdivision is approved. A gentleman from the public stepped forward. He later identified himself as Kent Palmer, who resides at 51 Golfside Drive, Kearney, Nebraska. Mr. Palmer stated that the access is a paved street, which is maintained by the property owners of Golfside Estates. He testified, on behalf of the homeowner's association, that Lot 31, which is a commons lot, should be dissolved because it is landlocked. He added that it seemed more

reasonable to absorb that particular lot into the surrounding lots and make the proposed lots larger and more appealing to buyers. Deputy County Attorney Hoffmeister added that the lots, as developed today, were less appealing and may not be economically sustainable to encourage growth, without the allowance of the relaxations.

Deputy County Attorney Hoffmeister advised that the proposed lots were less than three acres, which would require a relaxation. He added that the proposed subdivision also has more houses than four per quarter, which are required under Buffalo County Zoning Regulations. He counselled that the applicant intends to rezone the proposed tract to Agricultural – Residential (AGR – 1) District.

Deputy County Attorney Hoffmeister asked if any utility easements were occupied or would need to be relocated. Mr. Gilbertson stated that no utility easements were currently occupied and would not need to be removed or revised.

Mr. Palmer testified that the proposed subdivision would not affect any of the accesses to existing property owners or the proposed lots. He stated that there would be less, but larger lots.

Deputy County Attorney Hoffmeister asked if the applicants have had a difficult time selling the proposed lots. Mr. Scott Phillips, of 2 Prairie Hills Road, Pleasanton, Nebraska, stepped forward and answered. He stated that the lots have been in existence for 30 years and have not been sold. He added that the requirements for septic systems have become more stringent and difficult to market the smaller lots. He added that if the proposed relaxations are issued, then the applicants are hopeful the proposed lots would be more appealing to buyers.

Deputy County Attorney Hoffmeister added that the Future Land Use Map of the Buffalo County Comprehensive Plan shows the proposed tract as being zoned Agricultural – Residential 1 (AGR – 2) District. Therefore, he continued, the proposed relaxations fall within the requirements of the Buffalo County Comprehensive Plan. The Future Land Use Map, using the projector, was reviewed by The Board.

Vice-Chairperson Hardesty asked if the three-acre requirement applied to the Agricultural – Residential 1 (AGR – 1). Deputy County Attorney Hoffmeister answered that the three-acre applies to all tracts in the State of Nebraska. He added that the three-acre minimum lot size is an exempt size, state-wide, for septic tank regulation by the Nebraska Department of Water, Environment and Energy (DWEE). When a lot is comprised of less than three-acres, he continued, DEQ requires soil absorption testing. Because the lots in question are located in the AG Zoning District, he stated, the minimum lot size of that zoning district is three-acres. Also, he counselled, AGR-1, if the land in question were rezoned to AGR-1 would generally require a three-acre minimum lot size or reduced area size subject to DEQ review. The proposed lots, he added, even at their increased size, would need relaxation of minimum lot size because they do not meet the minimum lot size of the zoning district. Deputy County Attorney Hoffmeister asked Mr. Palmer if his septic system and well were spread out between his three lots and Mr. Palmer replied that his well and septic system were all on his residential tract.

Vice-Chairperson Hardesty commented that Mr. Palmer purchased three lots, instead of just one. Mr. Palmer added that he preferred to have a buffer between his residence and his neighbors.

Mr. Palmer testified that there are 13 residences along the proposed subdivision and in the homeowner's association. He added that no one was in attendance to oppose. He stated that the homeowner's association, as a whole, believe they should not be paying taxes on a tract that will benefit no one in the adjacent area.

Deputy County Attorney Hoffmeister advised that the proposed subdivision would have an economic hardship because the lots are not being maintained and are going to waste because they are not being properly developed. He added that the interior lot could create waste and generate complaints regarding non-maintenance.

Vice-Chairperson Hardesty asked why the applicants didn't create a three-acre tract with the remaining tracts. Deputy County Attorney Hoffmeister advised that creating a three-acre tract would change the characteristics of the neighborhood.

Mr. Gibbs asked if there are areas with similar issues. Deputy County Attorney Hoffmeister reviewed other grandfathered, smaller lot, pre-zoning subdivisions, but he added that they did not have a wasteful interior, landlocked lot.

Mr. Palmer reviewed the history of the golf course.

Discussion occurred regarding which lots will require revision to dissolve Lot 31.

Mr. Gibbs asked if Buffalo County maintains the accesses/roads of the proposed and existing subdivision and Deputy County Attorney Hoffmeister stated that Buffalo County does not maintain the roads/accesses and will not accept maintenance because it does not meet the county minimum requirements.

Chairperson Jeffs asked if anyone wished to provide comment.

Mr. Palmer testified that he appreciated the larger, less dense lots and that he would appreciate the commons lot be dissolved, because it was currently a wasteful tract that no one was properly maintaining.

Vice-Chairperson Hardesty reviewed the hardships: the smaller, denser lots are less marketable and harder to fulfill regulatory standards based on septic and well; marketing the remaining tracts as one large three-acre tract would change the nature of the neighborhood.

Deputy County Attorney Hoffmeister discussed the remaining duties of this board of the proposed relaxations.

- The undue hardship is the smaller, denser lots are less marketable and harder to fulfill regulatory standards based on septic and well; marketing the remaining tracts as one large three-acre tract would change the nature of the neighborhood.
- The hardship is not shared generally by other properties in the same zoning district and the same vicinity: the hardships are not the same because there are smaller lots to the north, larger lots to the southwest and much larger lots to the north.

- The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance.
- The granting of the variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or hardship.

Chairperson Jeffs closed the public hearing at 4:47 P.M.

Chairperson Jeffs stated that she appreciated the larger lots, but less density.

Mr. Gibbs stated that if the neighbors were in opposition of the proposed project, then they would be present. Seeing none, he added, it appeared that the neighbors found the proposal to be satisfactory.

Chairperson Jeffs asked if more discussion needed to occur among the board members. No one spoke.

A motion was made by Mr. Hardesty and seconded by Mr. White to approve the requests for variance under Buffalo County Zoning Regulations: Section 5.12 (8), regarding 4 houses per quarter section; Section 5.16 (2A) regarding minimum lot sizes in the Agriculture (AG) District; Section 5.16 (3), regarding minimum distances abutting an improved road; Section 5.17, regarding minimum front yards; AND Buffalo County Subdivision Regulations: Section 1.05 regarding all lots abutting an improved road; Section 2.23 (a) which defines a lot; Section 2.35 regarding the definition of a street; Section 4.02 (E) regarding minimum footage abutting an improved road; Section 4.03 regarding minimum road/street lengths; Section 4.07 (C) regarding allowance of lots sizes smaller than required; Section 4.07 (E) regarding frontage upon improved roadway; Section 4.11, regarding minimum access requirements; Section 4.12 (A) regarding access requirements; Section 4.12 (B) regarding minimum street width; Section 5.01 regarding minimum grading/surfacing requirements in Golfside Estates, Lots 23-24 and Lots 26-31, also known as a tract of land being part of the Southwest Quarter of Section 36, Township 11 North, Range 16 West of the 6<sup>th</sup> P.M., Buffalo County, Nebraska, with the stipulation that Buffalo County will not assume or accept to maintain the access ingress easement, based on the following reasons:

The strict application of the regulation would produce undue hardship. This Board finds the following to be true:

- The undue hardship is the smaller, denser lots are less marketable and harder to fulfill regulatory standards based on septic and well; marketing the remaining tracts as one large three-acre tract would change the nature of the neighborhood.
- The hardship is not shared generally by other properties in the same zoning district and the same vicinity: the hardships are not the same because there are smaller lots to the north, larger lots to the southwest and much larger lots to the north.
- The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance.

- The granting of the variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or hardship.

Voting “Aye” were: Gibbs, Hardesty, White, and Jeffs.

Abstain: None.

Voting “Nay”: None.

Absent: Gangwish and Pemberton-Riege.

Moved by Mr. White, seconded by Mr. Hardesty, to approve the minutes of the October 9, 2025 meeting, of the Board of Adjustment, as mailed.

Voting “Aye” were: Hardesty, White, Gibbs and Jeffs.

Abstain: None.

Voting “Nay”: None.

Absent: Gangwish and Pemberton-Riege.

Motion carried.

Chairperson Jeffs announced there was no new business.

Chairperson Jeffs adjourned the meeting at 4:51 P.M. until such time they will be called into session.

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Chairperson Tammy Jeffs