

MINUTES OF BOARD OF ADJUSTMENT  
DECEMBER 19, 2013  
BUFFALO COUNTY COURTHOUSE BOARD ROOM  
4:00 P.M.

Chairperson Fox called the meeting to order at 4:00 P.M. in the Buffalo County Courthouse Board Room on December 19, 2013.

Agenda for such meeting was regularly posted as required by law. Present were: Larry Fox, Sharon Martin, alternate Barb Pemberton Riege, Richard Weiss and Lloyd Wilke. Absent: Marlin Heiden. Also present were Buffalo County Deputy Attorney Andrew Hoffmeister, Deputy County Attorney Kari Fisk and one member of the public.

Chairperson Fox announced we do abide by the open meeting act and copies are available for anyone wanting to see it.

Notice of the meeting was given in advance thereof by publication in the legal newspaper. 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. The agenda is available for anyone wanting a copy of the agenda.

The public forum was opened at 4:00 P.M. No one was present. The public forum closed at 4:00 P.M.

Chairman Fox opened the hearing at 4:01 P.M. Surveyor Mitchell Humphrey was present to represent the applicants, Bryce and Tessie Zeller and Anthony and Chelsea Gengenbach. The legal description is Lot Eight (8) and Lot Nine (9), Block Two (2), a subdivision being part of the East ½ of Section 24, Township 9 North, Range 17 West of the Sixth Principal Meridian, Buffalo County, Nebraska. Humphrey told the Board this property is in the vicinity of Yellow Rose Lane and 63<sup>rd</sup> Rd. These lots were created prior to our current zoning so they don't meet the lot sizes and are under the three acre minimum. That is the reason we are here today. The Zellers and Gengenbachs want to have an equal trade of .05 acres. They need the variance to allow the trade to happen. If lots were three acres, we wouldn't be here but because they are under the three acre minimum we are required to obtain the variance. The Gengenbachs have a driveway that goes onto this site and because of the power pole they have to maneuver to get into their garage. They have worked out an agreement with the Zellers to exchange property. If the variance is granted, they will move the power pole to straighten out the driveway so they can access their property better. If the variance is approved, they will then take a minor subdivision before the County Board for their approval.

Martin asked if they want to move the power pole over. Humphrey said they would straighten the driveway and move the power pole. They also would re-grade the driveway.

Riege asked if their power supply was underground. Humphrey replied he thought it was.

Fox said the grade work would be quite extensive.

It appears the wells are on the front of the property and the septic systems are on the back of the lots.

Hoffmeister stated these streets are compliant and are 66' in width.

Chairman Fox closed the public hearing at 4:15 P.M.

Motion was made by Martin, seconded by Riege to grant the variance on the property exchange of 0.05 acres on the following legal description to relax the minimum lot size of Section 5.36:

Legal description for the west tract: Lot Nine (9), Block Two (2), Bridle Acres Second Subdivision, a subdivision being part of the East 1/2 of Section 24, Township 9 North, Range 17 West of the Sixth Principal Meridian, Buffalo County, Nebraska, EXCEPT THEREFROM part of said Lot Nine (9), Block Two (2), Bridle Acres Second Subdivision, a subdivision being part of the East Half of Section 24, Township 9 North, Range 17 West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Beginning at the Southeast Corner of Lot 9, Block 2, Bridle Acres Second Subdivision, and assuming the East line of Lot 9 as bearing N 00° 10' 28" E and all bearings contained herein are relative thereto; thence N 00° 10' 28" E and on the East line of said Lot 9 a distance of 128.64 feet; thence leaving the East line of said Lot 9, N 89° 48' 15" W a distance of 16.24 feet; thence S 00° 10' 28" W a distance of 128.70 feet to a point on the South line of Said Lot 9; thence N 89° 58' 09" E and on the South line of said Lot 9 a distance of 16.24 feet to the place of beginning. TOGETHER WITH part of Lot Eight (8), Block Two (2), Bridle Acres Second Subdivision, a subdivision being part of the East 1/2 of Section 24, Township 9 North, Range 17 West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Southeast Corner of Lot 9, Block 2 Bridle Acres Second Subdivision, and assuming the East line of Lot 9 as bearing N 00° 10' 28" E and all bearings contained herein are relative thereto; thence N 00° 10' 28" E and on the East line of said Lot 9 a distance of 128.64 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 00° 10' 28" E on the East line of said Lot 9 a distance of 181.71 feet to the Northeast Corner of said Lot 9, said point being on a non-tangent 3467.00 foot radius curve, concave Southerly, said point also being the Northwest Corner of said Lot 8; thence Easterly on the North line of said Lot 8 and on said non-tangent curve forming a central angle of 00° 12' 53" an arc distance of 13.00 feet to a point being N 84° 36' 20" E a chord distance of 13.00 feet from the Northwest Corner said Lot 8; thence leaving said non-tangent curve, S 01° 06' 13" W a distance of 183.00 feet, thence N 89° 48' 15" W a distance of 10.00 feet to the place of beginning.

Legal description for the east tract: Lot Eight (8), Block Two (2), Bridle Acres Second Subdivision, a subdivision being part of the East Half of Section Twenty-four (24), Township Nine (9) North, Range Seventeen (17) West of the Sixth Principal Meridian, Buffalo County, Nebraska, EXCEPT THEREFROM part of said Lot Eight (8), Block Two (2), Bridle Acres Second Subdivision, a subdivision being part of the East 1/2 of Section 24, Township 9 North, Range 17 West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Southeast Corner of Lot 9, Block 2, Bridle Acres Second Subdivision, and assuming the East line of Lot 9 as bearing N 00° 10' 28" E and all bearings contained herein are relative thereto; thence N 00° 10' 28" E and on the East line of said Lot 9 a distance of 128.64 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 00° 10' 28" E on the East line of said Lot 9 a distance of 181.62 feet to the Northeast Corner of said Lot

9, said point being on a non-tangent 3467.00 foot radius curve, concave Southerly, said point also being the Northwest Corner of said Lot 8, thence Easterly on the North line of said Lot 8 and on said non-tangent curve forming a central angle of  $00^{\circ} 12' 53''$  an arc distance of 13.00 feet to a point being  $N 84^{\circ} 36' 20'' E$  a chord distance of 13.00 feet from the Northwest Corner of said Lot 8; thence leaving said non-tangent curve,  $S 01^{\circ} 06' 13'' W$  a distance of 183.00 feet; thence  $N 89^{\circ} 48' 15'' W$  a distance of 10.00 feet to the place of beginning. TOGETHER WITH part of Lot Nine (9), Block Two (2), Bridle Acres Second Subdivision, a subdivision being part of the East Half of Section 24, Township 9 North, Range 17 West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Beginning at the Southeast Corner of Lot 9, Block 2, Bridle Acres Second Subdivision, and assuming the East line of Lot 9 as bearing  $N 00^{\circ} 10' 28'' E$  and all bearings contained herein are relative thereto; thence  $N 00^{\circ} 10' 28'' E$  and on the East line of said Lot 9 a distance of 128.64 feet; thence leaving the East line of said Lot 9,  $N 89^{\circ} 48' 15'' W$  a distance of 16.24 feet; thence  $S 00^{\circ} 10' 28'' W$  a distance of 128.70 feet to a point on the South line of said Lot 9; thence  $N 89^{\circ} 58' 09'' E$  and on the South line of said Lot 9 a distance of 16.24 feet to the place of beginning.

1. This variance will not increase or decrease the noncompliance.
2. The character of the district will not be changed by granting the variance.
3. There will be no impact on surrounding properties.

Voting yes were Martin, Riege, Fox, Weiss and Wilke. Voting no: None. Absent: Heiden. Motion carried.

A copy of these minutes will be filed with the Register of Deeds and a copy will be sent to the applicants.

Moved by Wilke, seconded by Martin to approve the minutes of the April 11, 2013 meeting of the Board of Adjustment as mailed. Voting yes were Wilke, Martin, Fox, Riege and Weiss. Voting no: none. Absent: Heiden. Motion carried.

Chairperson Fox adjourned the meeting at 4:19 P.M. until such time they will be called into session.