

MINUTES OF BOARD OF ADJUSTMENT
MARCH 13, 2014
BUFFALO COUNTY COURTHOUSE BOARD ROOM
4:08 P.M.

Zoning Administrator Klein opened the meeting at 4:08 P.M. at the Buffalo County Courthouse Board Room on March 13, 2014.

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

Klein asked for nominations for Chairperson. A motion was made by Martin, seconded by Riege to appoint Larry Fox for Chairperson. Voting yes were Martin, Riege, Heiden and Weiss. Absent: Larry Fox and Lloyd Wilke.

Klein asked for nominations for Vice-Chairperson. A motion was made by Heiden, seconded by Weiss to appoint Lloyd Wilke for Vice-Chairperson. Voting yes were Heiden, Weiss, Martin and Riege. Absent: Larry Fox and Lloyd Wilke.

Klein asked for nominations for Second Vice-Chairperson. A motion was made by Riege, seconded by Heiden to appoint Sharon Martin for Second Vice-Chairperson. Voting yes were Riege, Heiden, Martin, Weiss and Wilke. Absent: Larry Fox.

Lloyd Wilke arrived at 4:09 P.M.

Klein turned the meeting over to Vice-Chairperson Wilke.

Vice-Chairperson Wilke 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 4:10 P.M. No one was present. The public forum closed at 4:10 P.M.

Vice Chairperson Wilke opened the public hearing at 4:10 P.M. submitted by Troy Rice on behalf of Timothy Thompson for a tract of land being part of the Southeast Quarter of the Southeast Quarter of Section 4, Township 11 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska more particularly described as follows: Beginning at the Southeast corner of the Southeast Quarter of said Section 4, thence westerly on the South line of said Section 4 a distance of 386.5 feet; thence with a deflection angle of the right of 90° 00' and in a northerly direction a distance of 283.44 feet; thence right 47° 53' and in a northeasterly

direction a distance of 77.89 feet; thence left 04° 34' and in a northeasterly direction a distance of 500.53 feet to a point on the East line of Section 4; thence southerly on said East line a distance of 700.0 feet to the place of beginning.

Troy Rice was present and told the Board he didn't realize he needed a zoning permit for his house that he has started on. The reason he put the house at this location was because of the existing utilities and the expense of moving them. He is asking for the relaxation of the setbacks.

Heiden asked how far this house was from the other house. If it is closer than 1000' it cannot be there.

Hoffmeister said this is being approved on the relative exemption. Troy Rice and Timothy Thompson are cousins and an additional home is allowed in the Agricultural zoning on the relative exemption.

Martin asked if this road could be closed. Klein stated there are people to the north that use this road to reach their property.

Martin asked Rice if he didn't realize he needed a zoning permit. Rice replied he didn't know he needed a permit.

Rice told the Board he placed the home at the present location because there are buried electrical lines and also a water line that runs south of the existing home. He said there was a mobile home that use to be at this location. The septic is located east of the home and the leech field is also in the road right-of-way.

Heiden told Rice he also needs a secondary line for the septic. Rice told the Board the septic should be registered with the State. There is a 1000 gallon tank currently installed for the septic.

Hoffmeister asked if the leech field and the septic are currently located on the County right-of-way. Rice replied that it was situated on the County right-of-way.

Heiden questioned the location of the other two homes at this location.

Rice told the Board currently the farmers in this area are farming the road right-of-way.

Martin questioned what the hardship would be. Rice replied the hardship would be he would need a new foundation and he also would have to move the utilities.

Rice said he had hoped to put a cement slab on the west side of the home for a drive-way.

Martin said if this was approved and 60% of this home would be damaged or destroyed, it could not be re-built at the same location.

Klein stated she had checked with the Highway Department and they said this is an approved road. It probably is a 4 rod road.

Heiden asked if he would ever split off this home from the existing property. Rice said he would move the home off the parcel of ground before he would split it off.

Heiden asked if it was sheet rocked. Rice said it was not sheet rocked nor was the electrical or plumbing done. There are no interior walls.

Riege asked about the trailer that is located at this location. Rice said it would be moved as soon as the house is finished.

Wilke closed the public hearing at 4:40 P.M.

Hoffmeister told the Board the applicant is asking to relax the setbacks from the County road 22.25 feet according to the survey completed by Trenton Snow. Hoffmeister referred to Section 9.3 subsection 3 of the Buffalo County Zoning Regulations. He told the Board it would take a vote of 4 affirmative votes to pass.

Heiden asked what the hardship would be. Monetary would not be a hardship. Heiden said the variance would need to be approximately 27'.

Martin said they would be setting a precedent if they would approve this variance.

Riege has issues with the septic system being on County right-of-way.

Motion was made by Weiss, seconded by Martin to grant the variance to relax the setback on the following legal description: for a tract of land being part of the Southeast Quarter of the Southeast Quarter of Section 4, Township 11 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska more particularly described as follows: Beginning at the Southeast corner of the Southeast Quarter of said Section 4, thence westerly on the South line of said Section 4 a distance of 386.5 feet; thence with a deflection angle of the right of 90° 00' and in a northerly direction a distance of 283.44 feet; thence right 47° 53' and in a northeasterly direction a distance of 77.89 feet; thence left 04° 34' and in a northeasterly direction a distance of 500.53 feet to a point on the East line of Section 4; thence southerly on said East line a distance of 700.0 feet to the place of beginning.

Voting yes were Weiss, Martin. Voting no: Heiden, Wilke and Riege. Absent: Fox. Motion denied.

This home will need to be moved off the road right-of-way to comply with the Buffalo County Zoning Regulations.

This action may be appealed to District Court.

Rice asked if the foundation needs to be removed. He was advised to at least fill in the foundation for safety purposes. It was suggested to have Mr. Snow survey where the home can be placed.

Moved by Heiden, seconded by Martin to approve the minutes of the January 2, 2014 meeting of the Board of Adjustment as mailed. Voting yes were Heiden, Martin, Weiss, Wilke and Riege. Voting no: none. Absent: Fox. Motion carried.

Vice-Chairperson Wilke adjourned the meeting at 5:05 P.M. until such time they will be called into session.