

MINUTES OF PLANNING & ZONING COMMISSION
JUNE 20, 2019
BUFFALO COUNTY COURTHOUSE
7:00 P.M.

Chairperson Scott Brady opened the meeting at 7:02 P.M. at the Buffalo County Courthouse in Kearney, NE with a quorum present on June 20, 2019.

Present were: Scott Brady, Marlin Heiden, Tammy Jeffs, Willie Keep, Buss Biehl, Randy Vest, and Loye Wolfe

Absent: Marc Vacek

Also attending were Deputy County Attorney Andrew Hoffmeister, Zoning Administrator Jason Wozniak, and one member of the public.

Notice of the meeting was given in advance thereof by publication in the Kearney Hub, the designated method for giving notice. 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 Planning & Zoning Commission and availability of the Agenda was communicated in the advance notice. The agenda is available for anyone wanting a copy of the agenda.

Chairperson Brady announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and we do abide by the Open Meetings Act.

The public forum was opened at 7:03 P.M. Several people were present, but no one provided any comment. The public forum closed at 7:03 P.M.

Chairperson Brady opened the public hearing at 7:03 P.M. for a zoning map amendment submitted by Mitchell Humphrey on behalf of Andrew and Nancy Carlson on the following legal description: A tract of land being part of the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4) of Section 10, Township 10 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska more particularly described as follows: .
Beginning at the Southwest Corner of the Northwest Quarter of said Section 10 and assuming the West line of said Northwest Quarter as bearing N 00°22' E and all bearings contained herein are relative thereto; thence N 00°22' E on the West line of the Northwest Quarter of said Section 10 a distance of 762.0 feet; thence leaving the West line of the Northwest Quarter, N 89°59'45" E a distance of 33.0 feet to a point, said point being on the East right-of-way line of a public road (Sweetwater Road); thence S 44°49'07" E a distance of 1074.14 feet to a point that intersects on the South line of the Southwest Quarter of the Northwest Quarter of said Section 10; thence S 89°59'45" W on the aforesaid South line of the Southwest Quarter of the Northwest Quarter a distance of 795.0 feet to the place of beginning. Containing 7.242 acres, more or less, of which 0.577 acres, more or less, are presently being used for road purposes on the West side.

Mitch Humphrey of Buffalo Surveying was present to represent Andrew & Nancy Carlson. Humphrey stated they own around 7.42 acres in the corner of the Southwest Quarter of the Northwest Quarter. Their son Mike wants to build a house on the northern portion of the land. They plan to divide this into two Lots. In order for two homes to be on this 7.42 acres, it needs to be rezoned to AGR. Property will have room for a well and septic system. Area has homes on scattered sites within 2-mile radius.

Deputy County Attorney Andrew Hoffmeister stated if two dwellings are built on the same parcel, they need to be within family. In the AG zoning district, you need to be 1000 feet apart.

Willie Keep- How close is the next house?

Jason Wozniak- Half mile to the north is a house on the west side of the road.

Loye Wolfe- Did you get any letters of concern regarding the change in zoning?

Wozniak-I did not receive any letters or phone calls

Brady closed the public hearing at 7:12 P.M.

Keep-Is the reason you want to rezone because property is less than 3 acres?

Wozniak-No because the proposed home is closer than the 1000 feet between properties as stated in the zoning regulations for AG

Hoffmeister- Can build without rezoning due to family relationship however if home is damaged more than 60% or more of entire property it becomes nonconforming.

Buss Biehl-Have we done similar situation in the past?

Hoffmeister-Yes, we have. If you look at the zoning map, you can see on Daykin Road

Humphrey-We just did a similar situation with Connie Scott property north of Elm Creek.

Buss Biehl-Is there any problem with this?

Hoffmeister-We take into account the neighbors and the characteristic of the neighborhood. Adequate transportation and utilities are also taken into account.

Motion was made by Biehl, seconded by Vest to approve the zoning map amendment from Agricultural-AG to Agricultural Residential-AGR on the following legal description: A tract of land being part of the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4) of Section 10, Township 10 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska more particularly described as follows: Beginning at the Southwest Corner of the Northwest Quarter of said Section 10 and assuming the West line of said Northwest Quarter as bearing N 00°22' E and all bearings contained herein are

relative thereto; thence N 00°22'E on the West line of the Northwest Quarter of said Section 10 a distance of 762.0 feet; thence leaving the West line of the Northwest Quarter, N 89°59'45" E a distance of 33.0 feet to a point, said point being on the East right-of-way line of a public road (Sweetwater Road); thence S 44°49'07" E a distance of 1074.14 feet to a point that intersects on the South line of the Southwest Quarter of the Northwest Quarter of said Section 10; thence S 89°59'45" W on the aforesaid South line of the Southwest Quarter of the Northwest Quarter a distance of 795.0 feet to the place of beginning . Containing 7.242 acres, more or less, of which 0.577 acres, more or less, are presently being used for road purposes on the West side.

Voting yes were Biehl, Vest, Heiden, Jeffs, Keep, Wolfe, Brady,
Voting no: none.
Absent: Vacek.
Motion carried.

Chairperson Brady opened the public hearing at 7:20 P.M. for recommendation to amend the Buffalo County Zoning Regulations as previously adopted. Section 5.17 and 5.28. The setbacks for the side yard and rear yard state No Limitations. This needs removed and to be consistent with the AGR district.

Chairperson Brady closed the public hearing at 7:21 P.M.

A motion was made by Wolfe, seconded by Heiden to amend the Buffalo County Zoning Regulations as previously adopted as follows and forward to the County Commissioners with recommendation of approval.

1. Yard requirements are as follows:

- Front Yard: There shall be a minimum front yard of not less than a depth of fifty (50) feet measured from the right-of-way line.
- Rear Yard: There shall be a minimum rear yard of fifteen (15) feet or unless abutting an improved county road, state or federal highway, then the minimum rear yard shall be fifty (50) feet.
- Side Yard: There shall be a minimum side yard of ten (10) feet or unless abutting an improved county road, state or federal highway, then the minimum wide yard shall be fifty (50) feet

Voting yes: Wolfe, Heiden, Biehl, Brady, Vest, Keep Jeffs.
Voting no:
Abstain: None
Absent: Vacek.
Motion carried.

Old Business: Moved by Jeffs, seconded by Biehl to approve the minutes of the March 21, 2019 as mailed.

Voting yes: Brady, Biehl, Heiden, Jeffs, Vest, and Wolfe

Voting no: none.

Abstain: Keep

Absent: Vacek. Motion carried.

Other items discussed.

Comments on the K&S Subdivision and Trampe Estates will be held by the City of Kearney March 22, 2019 by City of Kearney Planning and Zoning. These subdivisions fall within the 2-mile jurisdiction for the City of Kearney zoning.

The next meeting of the Planning & Zoning Commission will be as needed. If items come in may be on July 18, 2019 at 7:00 P.M.

Chairperson Brady adjourned the meeting at 8:10 P.M.