MINUTES OF BOARD OF ADJUSTMENT
APRIL 11, 2024
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. 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.

Interim Chairperson Barb Pemberton-Riege opened the meeting at 4:00 P.M. at the Buffalo County Courthouse on April 11, 2024.

After roll call, those present were: Rod Gangwish, Barb Pemberton-Riege, Richard Pierce, Larry Hardesty, and Rich White. Also present were Deputy County Attorney Andrew Hoffmeister, Deputy County Attorney Josiah Davis, Zoning Administrator Dennise Daniels and members of the public.

Randy Vest was absent.

Quorum is met.

Interim Chairperson Pemberton-Riege turned the Re-Organizational Meeting of Officers over to Zoning Administrator Daniels. She called for nominations for a Chairperson. A nomination was made by Mr. Gangwish to appoint Barb Pemberton-Riege for Chairperson. Zoning Administrator Daniels called for nominations three times.

A Motion was made by Mr. Gangwish, seconded by Mr. White to cease nominations for the Chairperson.
Voting "Aye" were: Gangwish, Pierce, Hardesty, and White.
Abstain: Pemberton-Riege.
Voting "Nay": None.
Absent: Vest.

Motion passed.

Zoning Administrator Daniels declared a unanimous ballot. Motion was made by Mr. Pierce, seconded by Mr. Gangwish to cast a unanimous ballot for Barb Pemberton-Riege as Chairperson.

Voting "Aye" were: Gangwish, Hardesty, Pierce, and White.
Abstain: Pemberton-Riege.
Voting "Nay": None.
Absent: Vest.

Motion passed.

Zoning Administrator Daniels declared Barb Pemberton-Riege as Chairperson and turned the meeting over to Chairperson Pemberton-Riege.

Chairperson Pemberton-Riege called for nominations for Vice-Chairperson. Mr. Pierce nominated Mr. Gangwish for Vice-Chairperson. Chairperson Pemberton-Riege called for additional nominations. A motion was made by Mr. Pierce, seconded by Mr. Hardesty to cease nominations and cast a unanimous ballot for Rod Gangwish for Vice-Chairperson.

Voting "Aye" were: Pemberton-Riege, Pierce, Hardesty, and White.
Abstain: Gangwish.
Voting "Nay": None.
Absent: Vest.

Motion passed.

Chairperson Pemberton-Riege called for nominations for Second Vice-Chairperson. Vice-Chairperson Gangwish nominated Mr. Pierce for Second Vice-Chairperson. Chairperson Pemberton-Riege called for additional nominations. A motion was made by Vice-Chairperson Gangwish, seconded by Mr. White to cease nominations and cast a unanimous ballot for Richard Pierce for Second Vice-Chairperson.

Voting "Aye" were: Gangwish, Pemberton-Riege, Hardesty, and White.
Abstain: Pierce.
Voting "Nay": None.
Absent: Vest.

Motion passed.

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

Chairperson Pemberton-Riege announced that there was an amendment to the agenda and that agenda is available for anyone wanting a copy.

Moved by Second Vice-Chairperson Pierce to approve the amended agenda and seconded by Vice-Chairperson Gangwish to accept the amended agenda.

Voting "Aye" were: Gangwish, Pemberton-Riege, Hardesty, Pierce, and White.
Abstain: None.
Voting "Nay": None.
Absent: Vest.

Motion passed.

The public forum was opened at 4:05 P.M. No one provided any comment at this time. The public forum closed at 4:05 P.M.

Chairperson Pemberton-Riege opened the public hearing at 4:05 P.M. for a Zoning Variance, received from Aaron Adams and Brittany Jepsen Adams, who are requesting a variance under the Buffalo County Subdivision and Zoning Regulations, Section 1.06, of the Subdivision Regulations requiring the creation of a subdivision of land whereby the smallest parcel created or remaining be more than ten (10) acres, net of any private and/or public road reservation, dedication, right-of-way, or occupation and such land abuts dedicated and maintained public road or street or private streets, situated on a tract of land part of Tract 2, Linger's Subdivision, in part of the Northeast Quarter of the Northwest Quarter in Section Thirty–One (31), Township Nine (9) North, Range Thirteen (13) West of the Sixth Principal Meridian, Buffalo County, Nebraska.

Furthermore, Section 5.12 (7) of the Zoning Regulations requires that to acquire a zoning permit to place a residence in the AG District, the residence must be placed on a parcel of land abutting a public road. The essence of the applicant's request is that they want to construct a residence on land that they purchased that does not comprise ten (10) acres, net of roads. The area of the land that they purchased is slightly less than ten (10) acres after the right of way of an abutting 4-rod width road is deducted from the land that they purchased. The zoning permit that would allow them to move a residence on to the land that they have purchased was denied by the Zoning Administrator because the land that they purchased, being less than 10-acres is area, net of roads, is not a "parcel" allowed to be created under Buffalo County's Subdivision Regulations and it not being a "parcel" under the Zoning Regulations, a Zoning Permit was not issued.

Deputy County Attorney Hoffmeister asked if The Board would consider the packet, as prepared by Zoning Administrator Daniels, presented and stamped, as "Exhibit 1". The amended agenda was labelled as "Exhibit 2" and the Application for Zoning Variance, along with accompanying documents, was labelled as, "Exhibit 3".

Chairperson Pemberton-Riege requested that any parties, presenting this application, step forward. Aaron Adams and Brittany Jepsen Adams, along with their attorney, Ms. Allison Seiler, stepped forward to present the application.

Ms. Seiler explained that her clients, the Adams, purchased, approximately 10.036 acres of land from Larry Rachow on February 6, 2024, which is part of Tract 2, in Linger's Subdivision. She added, the full and complete legal description has been set forth in the application.

Ms. Seiler stated that for the last year and a half, they have looked at purchasing this tract of land and moving a Victorian residence. She stated that the applicants submitted an Application for Zoning on February 2, 2024, to move the house. She added that it was denied on February 22, 2024, because the subdivided tract doesn't comply with subdivision regulations and didn't qualify for an exemption.

Ms. Seiler stated that the tract would not qualify for any exemption, except the 10-acre exemption under Buffalo County Subdivision Regulations, Section 1.06, that states, "The creation of a subdivision of land whereby the smallest parcel created or remaining be more than ten (10) acres, net of any private and/or public road reservation, dedication, right-of-way, or occupation and such land abuts dedicated and maintained public road or street or private streets".

Ms. Seiler referenced the Buffalo County GIS site, which was being projected on the wall, where the parcel of land was located.

Ms. Seiler explained that the subdivided tract was, in totality, 10.036 acres, but less right of way of 0.42 acres of dedicated road, equaled out to 9.62 acres. She added that the applicants were short of the 10 acres by, approximately, 0.38 acres, or one-third of an acre.

Ms. Seiler stated that the applicants have filed an Application for Variance to request a relaxation of Buffalo County Subdivision Regulations, Section 1.06, to exempt this tract from subdivision regulations.

Ms. Seiler referenced Buffalo County Zoning Regulations, Section 9.31 (3), which provides interpretation and criteria for the Buffalo County Board of Adjustment.

Ms. Seiler, then, reviewed Buffalo County Zoning Regulations, Section 9.31(3a), which considers the strict application of the regulation would produce undue hardship.

Ms. Seiler discussed Buffalo County Zoning Regulations, Section 9.31(3b), that such hardship is not shared generally by other properties in the same zoning district and the same vicinity. She stated that the parcel is unique because there is a strip of trees and grass to the south of the subject property and is not ideal for farming. She said it was intent of the applicants to, later, purchase more land due to the inefficiency of the land for farming.

Ms. Seiler added that all of the lands that surround the subject tract are for very different uses and are unique.

Ms. Seiler explained the applicants' intent was to use the land for residential purpose and to move the house. She said strictly applying the subdivision regulations would prevent the residential use because the applicant can't satisfy the other subdivision regulations.

Ms. Seiler advised that the applicants are, also, against time constraints. She said that the applicants need to move the residence before planting, which has already begun, or before the irrigation moratorium in June, because the residence will need to be moved across a cornfield. Delays in the process, she added, could delay the residence, further, from being moved. Her clients, she continued, are currently residing in a fifth-wheel camper with their three children. She said that this situation, also, creates a unique circumstance. The denial of the permit has created a hardship for the family as they have resided in a camper for the last year and a half.

Ms. Seiler highlighted Buffalo County Zoning Regulations, Section 9.31(3)(c), that 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. She said that this area of Buffalo County is unique and uses are plentiful and diverse. She added that the residential use will not cause detriment to the surrounding areas. She continued, the applicants are only short one-third of an acre and in the Buffalo County Zoning Regulations, a residence is allowed on a lot of 3 acres or more, which the subject property is 3 acres or more.

Ms. Seiler added that the subject property does abut a road, which is a requirement.

Ms. Seiler advised all residences must be situated over a mile from any livestock confinement operation and she stated that the applicants' proposed residence is at least a mile away from any livestock confinement operation.

Ms. Seiler stated that all residences, in the Agriculture District, must be situated 1,000 feet apart from other residences in the same quarter section. She added the applicants have satisfied that requirement, as well. She said the neighbors will not be impacted by the relaxation.

Ms. Seiler referenced the setback requirements in the Agriculture District. She stated that residences need to be, at a minimum, of 50 feet from the property line for the front yard and the applicants have satisfied this requirement, along with the 15-foot rear setbacks, and 10-foot side setbacks.

Ms. Seiler stated that The Board should consider if the authorization would be detrimental the public safety, health, or welfare. She said that adding one residence would not create substantial development or significantly increase traffic on the county roads.

Ms. Seiler said that another consideration should be, that this situation is not of so general or reoccurring nature to make it reasonably practical to adopt an amendment to the resolution. She added that the applicants are only one-third of an acre short. She added the applicant purchased that particular tract because they did not want to create a hardship for the farmer and remove valuable farmland.

Ms. Seiler reviewed the fifth factor, which is that the hardship is created by the physical characteristic of the property or the property immediately adjacent. She added that the strip of grass and trees were the only way to gain additional acres without taking farmland.

Ms. Seiler stated that applicants would purchase more land, if necessary, to satisfy the 10 acres necessary under Buffalo County Subdivision Regulations, but the issue at hand was the time constraints under a new deed of trust, negotiation of purchase price, new survey, and partial reconveyance, along with filing a new Application for Zoning Permit before the moratorium ends.

Ms. Seiler referenced the final consideration, which states that variance would vary provisions in subdivision regulations, zoning regulations, or the comprehensive plan, or the zoning map. She referenced Buffalo County Subdivision Regulations, Section 1.07, which states, "Sec. 1.07 PURPOSE This resolution is to provide for the harmonious development of Buffalo County, except those areas under the jurisdiction of any city or village; for the coordination of streets, roads or highways within subdivisions with other existing or planned streets, roads or highways for adequate open spaces, for traffic, recreation, light and air; and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience or prosperity. It is also the purpose of this resolution to provide known access to all parcels of real estate." She added the proposed variance is not going to impact any of the intent of the subdivision regulations.

Ms. Seiler added that the proposed use of a residence is a use-by-right in the Agriculture District to allow the applicant and their family to reside.

Ms. Seiler explained the variance is a temporary solution, to allow the applicants to begin construction. She added the applicants intend to purchase the remaining one-third of an acre to remain in compliance with Buffalo County's regulations.

Deputy County Attorney Hoffmeister inquired why the applicants were unable to add another 30 feet to the west and Mrs. Adams explained that they were under the impression that they were required to have 10 acres, without consideration of right-of-way.

Mr. Adams added that they intend to reside on the 3-acre tract, so Mr. Rachow is able to farm the remaining portion of the 10-acre tract. Ms. Seiler added that the applicants wish to allow Mr. Rachow the opportunity to farm as many acres as possible.

Deputy County Attorney Hoffmeister explained the applicant has attempted to plat over a tract of land, Linger's Subdivision without properly vacating Linger's. He added that the property owners, directly to the east, were required to vacate and plat over their tract of land for a subdivision. Mr. Adams explained that he was under the impression they were only required to have a minimum of 10 acres. Deputy County Attorney Hoffmeister explained that the tract to the east, was required to dedicate another seven feet for an administrative subdivision.

Mr. Gangwish asked Deputy County Attorney Hoffmeister about the taxation of land and if the right-of-way is included in the taxation. Deputy County Attorney Hoffmeister explained that landowners are not taxed on road right-of-ways. Discussion occurred regarding the taxation and valuation of right-of-ways.

Ms. Seiler added that state statute allows for the smallest acres being 10 acres or less for exemption, but the counties can create their own subdivision regulations. She added the state statute does not clarify that right-of-ways need to be removed and if the variance is approved, then the authorization would still be in compliance with state statute.

Mr. Hardesty asked how the applicants were made aware of the 10-acre requirement. Mr. Adams explained that they had, originally, worked with a surveyor in Buffalo County, Trenton Snow. Upon original discussion, Mr. Adams continued, Mr. Snow informed the applicants that the 3-acre minimum was a lengthy process and would put a time constraint on their project. Mr. Snow was, later, not used as the surveyor. The applicants, then, went to Larry Rachow, and inquired if he would be willing to sell extra acres to avoid the subdivision process. Mr. Rachow agreed, he testified, under the condition that Mr. Rachow was able to farm the remaining portion of the 10-acre tract. He added that he spoke with The Zoning Administrator's office on several occasions, along with several other individuals, to discuss the requirements of the project. He said they were under the impression that they would be required to have, only, 10 acres and could avoid the subdivision regulations. He said they used the existing landscape to create the southern boundary of the tract of land. He said he was unaware of the requirements until he received the denial letter from the zoning administrator.

Mr. Hardesty asked Mr. Adams why they were unable to acquire an additional 20 feet of land and the situation could be resolved. Mr. Adams explained that the process had begun in September of 2023, but with negotiations between attorneys, the applicant was unable to close until February 5, 2024. He added that the length of the process had created issues and time constraints in the project. He said that the financial hardship, along with the time constraints,

were creating a hardship for their family. Mr. Adams explained that the close quarters for their family has created an additional hardship.

Mr. Hardesty inquired if purchasing the additional 20 feet would take as long as the original purchase and Mrs. Adams explained that she believed it would, potentially, take longer, as they would have to hire another surveyor and get a new survey, recreate a new contract, negotiation, and closing. Mr. Adams explained that he was concerned about additional financial hardships including closing costs. He added that he has had a contractor lined up and a house mover prepared, and they just need authorization.

Mr. Hardesty asked who their house movers were and Mr. Adams explained it was Williams (Midwest) House Movers out of Hastings, Nebraska. He added that he has gone through the appropriate channels with Dawson Public Power, as well.

Mr. White inquired the distance to move the house and Mr. Adams, as well as Mrs. Adams, advised, between three and four miles. He added that they were purchasing the residence from Don and Linda Keiper. He stated that when they found the house, they intended to move and remodel it. Discussion occurred regarding the history of the residence.

Chairperson Pemberton-Riege asked if anyone had questions. No one spoke.

Deputy County Attorney Hoffmeister inquired why the applicant had not considered a minor subdivision request and Ms. Seiler explained that the surveyor would not have adequate time to reproduce a new survey to be compliant with the minor subdivision.

Deputy County Attorney Hoffmeister reviewed the requirements of minor subdivisions and the history of Linger's Subdivision.

Chairperson Pemberton-Riege asked the applicants how much value each acre possessed and Mr. Adams stated that they paid $10,000 an acre. Chairperson Pemberton-Riege reviewed additional possible costs association with the project. Ms. Seiler explained the applicants have, also, had emotional costs associated, as well.

Chairperson Pemberton-Riege asked if any of the board members wished to speak. No one spoke.

Chairperson Pemberton-Riege asked if anyone from the public wished to speak.

Linda Keiper addressed the Board. She explained that she and her husband, currently, own the residence that the applicants have purchased. She testified that the applicants are the ideal owners of the residence and will restore it accordingly.

Deputy County Attorney Hoffmeister asked Ms. Keiper where the residence is located and Ms. Keiper confirmed that it is in Buffalo County. Deputy County Attorney Hoffmeister advised, if the residence is located in Buffalo County, an Application for Zoning Permit is required. Mr. Adams stated that, if a permit is required, the house movers have accepted responsibility to submit the application.

Ms. Keiper thanked the Board for their time.

Mr. Hardesty inquired about contingencies and Deputy County Attorney Hoffmeister counselled on the difficulties of contingencies.

Mr. Hardesty commented that he sympathized with the applicants' situation, but expressed concern of the precedent that may be set with this variance. Ms. Seiler testified she understood The Board's position, but she stated she believes that they have proven their case. She added, further, the applicants have agreed to purchase the remaining acres that they are short, but time was an issue for the applicants.

Mr. Adams expressed frustration with the variance and permitting process.

Deputy County Attorney Hoffmeister, again, reviewed the situation with the neighbor to the east, who was required to vacate Linger's Subdivision and re-subdivide. He counselled The Board needs to be consistent in how these situations are held to avoid preference of one applicant or another.

Ms. Seiler added the applicants are only short one-third of an acre.

Discussion occurred why vacation is required.

Mr. Adams requested clarification on dedicating additional right-of-way for the subdivision. Deputy County Attorney Hoffmeister stated it is required for road widening.

Vice-Chairperson Pierce commented he was in favor of approving the variance, due to the emotional stress of the applicants.

Chairperson Pemberton-Riege inquired if anyone else wished to speak.

Larry Rachow, who deeded the property to the applicants, stepped forward to speak. He stated he would sell additional acres to the applicants.

Mr. Adams expressed concern about the verbiage in the Buffalo County Subdivision Regulations, of the interpretation of 10-acre minimum requirement. He explained he believed it was misleading and confusing.

Mr. Hardesty asked if Mr. Rachow would be willing to sell them another 20 feet of land and Mr. Rachow agreed.

Discussion occurred on possible resolutions and the history of Linger's Subdivision.

Mr. Hardesty asked if the applicants how long they estimated timing to take to request and complete a new survey. Ms. Seiler advised, in her experience, that it could take between six to eight weeks. She added, the timing before the moratorium ended, to move the house, was the primary issue.

Mr. Adams expressed concern that they were under the impression that they were following the requirements of the law, and they believe they were misled on several occasions.

Discussion occurred regarding the requirements and distance the residence would be need to be moved.

Chairperson Pemberton-Riege asked if anyone wished to ask questions.

Mr. White expressed concern of creating a precedence by approving the variance, but, also, empathized with the applicants.

Deputy County Attorney Hoffmeister advised the applicants they should dedicate an additional seven feet to the county, which is a similar requirement for the neighbor, who was required to subdivide to the east.

Dawn Adams stepped forward to comment. She testified that the applicants will follow through with purchasing the additional land they are required to have, but were against time restraints. She added that, with the time restrictions, the applicant is just requesting a relaxation from the regulations to allow for time to move the house from the existing owner's property to the new owner's property. She explained that the applicants were not malicious in their intent and were completely unaware.

Ms. Adams confirmed that they intend to purchase the additional acres that are required, but are looking for a relaxation of the regulation for time.

Deputy County Attorney Hoffmeister stated one concern that he had for the County was whether the proposed residence would be close to 39th Street. It would be advisable for this Board to require that as a condition of granting this variance:

1. The applicant submits a Quit Claim Deed to the County for an additional seven feet of right of way of the south side of 39th Street.

2. The applicant agree that a ten-foot perimeter easement exist for utilities.

3. The proposed residence be 57 feet from the now existing south right of way of 39th Street.

He noted that these provisions would be required of the Applicants if an Administrative Subdivision method of land development were used.

Vice-Chairperson Pierce stated he believes the undue hardship was time for the applicant.

Chairperson Pemberton-Riege closed the public hearing at 5:08 P.M.

Mr. Hardesty commented that the Board should consider a resolution other than approval, due to the precedence being set. Chairperson Pemberton-Riege agreed.

Mr. White stated he agreed with both perspectives regarding setting a precedence and trusting the applicants to purchase the remainder of the land.

Vice-Chairperson Gangwish stated he believed the applicants were only one-third of an acre short and he believed the applicants were going to purchase the remaining portion to satisfy the regulations and that the applicant should be, at a minimum, of 57 feet back from the property line.

Mr. Hardesty inquired if a permit to move the house was required, would the applicant have any issues submitting that application and Deputy County Attorney Hoffmeister counselled that if the residence is situated in Buffalo County's jurisdiction that the applicant should have no issues with that request. However, if the house to be moved, was removed from an area that Buffalo County's zoning jurisdiction covered, the removal of that house would require a zoning permit.

Deputy County Attorney Hoffmeister asked Zoning Administrator Daniels if she remembered the distances of setbacks and Zoning Administrator Daniels explained she did not have those distances immediately available. Mr. Adams added that the residence would be situated, approximately, 200 feet from the property line.

Chairperson Pemberton-Riege explained that the applicants were not at fault in their situation, as they made any attempt to follow the regulations accordingly.

A motion was made by Vice-Chairperson Pierce, seconded by Vice-Chairperson Gangwish, to approve the request, providing the applicant is, at a minimum, of 57 feet from the property line, for the variance under Buffalo County Subdivision Regulations, Section 1.06, requiring the creation of a subdivision of land whereby the smallest parcel created or remaining be more than ten (10) acres, net of any private and/or public road reservation, dedication, right-of-way, or occupation and such land abuts dedicated and maintained public road or street or private streets, situated on a tract of land part of Tract 2, Linger's Subdivision, in part of the Northeast Quarter of the Northwest Quarter in Section Thirty–One (31), Township Nine (9) North, Range Thirteen (13) West of the Sixth Principal Meridian, Buffalo County, Nebraska.

This Board finds that there was an undue hardship of time concerning their request to place a residence upon the subject property that they now own. This hardship is based upon difficult timelines that would be caused for the applicants to create a parcel that is either exempted or created by the subdivision of land processes mandated with the Subdivision Regulation. This relaxation solely applies to the request to place a residence on the subject property and not the underlying aspects and processes as to how the land is now, or was previously subdivided. Simply put, they should be allowed to place their proposed residence on the subject property.

The placement of this residence on the subject property in the circumstances as represented by the Applicant is:

1. An unusual situation or where strict adherence to the general regulations would result in substantial injustice or hardship; in this situation, a lot line could be simply moved which would create a parcel. That would have taken substantial time and possibly cause the residence not to be moved until after summer. This extra time is a private detriment with little public benefit.

2. The authorization of the variance will not be of substantial detriment to adjacent or nearby property; in this situation, there is subdivided land to the abutting parcel to the east of the subject property. The placement of Applicant's residence will not harm that property. Otherwise, it is surrounded by Agricultural uses.

3. The authorization of the variance will not be detrimental to the public safety, health, or welfare. There was no showing of detriment, other than a relaxation of the creation of "parcel" standard, to be exempt of Buffalo County's subdivision regulation might reappear with another applicant claiming to also own almost 10-acres broken off. The County's potential harm of the residence not be 50 feet from the right of way should there be a need for an 80-foot usual width of road after required subdivision processes is solved, or at least minimalized, by Applicant's proposed 200 feet front yard.

4. The situation is not of so general or recurring in nature, as to make reasonably practicable the formulation of general regulations to be adopted as amendment(s) to this resolution; The creation of the 10-acre tract, which included the road right of way was done by inadvertence. The same lot size could have been created through either an Administrative Subdivision process that would have created additional road width or Minor Subdivision Change process that would have resulted in a simple change in the lot line that would create two separate lots. This break off shall be considered the one break opportunity for the Applicant's lot and the remainder of Rachow's land owned in Tract 2, Linger's Subdivision as it is located north of Interstate 80. Should Applicant desire to subdivide the less than 10-acre parcel at additional smaller tracts, all of Buffalo County's Subdivision/Zoning regulations would apply.

5. The hardship is created by the physical character of the property, or of the property immediately adjacent thereto. Personal or self-inflicted hardship shall not be considered grounds for the authorization of a variance; this hardship was created, in part by the Applicant, for not recognizing the "net of road" provision. However, that provision is of a minor nature when compared to the timeframe that they must abide with regulations to move the residence to this property.

6. The variance will not in any manner vary the provisions of the Subdivision Regulation, Zoning Resolution, Comprehensive Plan, or Zoning Map. Applicant lacks less than one-half of an acre to have an area of a subdivided area of land that is exempt from Buffalo County's Subdivision Regulations. In spirit, they complied. The same result could have occurred with use of vacating part of Tract #2 of Linger's Subdivision, then replatting with an Administrative Subdivision or a Minor Subdivision Change that created two lots from a previously subdivided parcel of property.

Voting "Aye": Hardesty, Gangwish, Pierce, White, and Pemberton-Riege.
Absent: Vest.
Abstain: None.
Voting "Nay": None.

Motion carried.

Moved by Mr. White, seconded by Vice-Chairperson Pierce to approve the minutes of the December 14, 2024 meeting, of the Board of Adjustment, as mailed.

Voting “Aye”: Hardesty, Gangwish, Pierce, White, and Pemberton-Riege.
Absent: Vest.
Abstain: None.
Voting “Nay”: None.

Motion carried.

Chairperson Pemberton-Riege adjourned the meeting at 5:24 P.M. until such time they will be called into session.

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Chairperson Barb Pemberton-Riege