

WASHINGTON COUNTY BOARD OF ADJUSTMENTS MINUTES

February 17, 2016

6:00 p.m.

Supervisors Room, County Courthouse, 1555 Colfax Street, Blair, Nebraska

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“All Commission members receive staff reports approximately one week prior to the meeting”

MEMBERS PRESENT

STAFF PRESENT

David Taylor
Joe McBride
Chris Bilau
Cynthia Timmermier

Tanna Wirtz
Teresa McBride

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COMMISSION ACTION:

Vice Chairman Taylor called the meeting to order at 6:00 p.m.

With regard to the June 15, 2015 minutes, the following action was taken:

MOTION: McBride
I move the minutes be approved as presented
SECOND: Bilau
VOTE: Aye – Taylor, McBride, Bilau and Timmermier
Nay – none MOTION CARRIED

With regard to the agenda, the following action was taken:

MOTION: Taylor
I move we approve the agenda as presented.
SECOND: Bilau
VOTE: Aye – Taylor, McBride, Bilau and Timmermier
Nay – none

Wirtz stated that it was time for the Election of officers.

Election of Officers

MOTION: Taylor
I move to nominate Steve Neuverth as Chairman of the Board of Adjustments.
SECOND: McBride
VOTE: Aye – Taylor, McBride, Bilau and Timmermier
Nay – none MOTION CARRIED

MOTION: Taylor
I move to nominate Chris Bilau as Vice Chairman of the Board of Adjustments.
SECOND: McBride
VOTE: Aye – Taylor, McBride, Bilau, and Timmermier
Nay – none MOTION CARRIED

Vice Chairman Taylor welcomed everyone and stated this meeting will be conducted in accordance with the Nebraska Open Meetings Act and a copy of that Act is posted in the room; and noted that copies of material the Board has is also available on the counter in the back.

PUBLIC HEARING

1. Variance Application for Gordon & Gale Husk

Lot Split without Rezoning:

To allow for a lot split of a triangular shaped parcel Tax Lot 21 Section 16-Township 19 North Range 11 East of the sixth P.M. The adjacent 22.44 acres, tax lot 15 is being split and the variance is necessary for tax lot 15 to gain access to US Hwy 75. (general location: 6 miles north of Blair on US Hwy 75).

Wirtz explained that Gordon and Gale Husk are planning to split TL 15 but since they cannot create a landlocked parcel, they must first split TL 21. The lots cannot be combined because the section line runs between TL 15 and TL 21. If approved, the new TL21N and TL21S would need to be contiguous parcels meaning they would always stay with the new TL 15N and TL 15S.

Taylor opened the public hearing

Gordon Husk addressed the Board. They are trying to settle the estate of their parents. The triangle piece of land, TL 21, was created when the State ran the Highway through the middle of the property. The land on the East of the Highway was sold leaving TL 21 on the West side of the Highway. Husk and his brother want to divide TL 15. There is a perpetual easement on TL 21S so that TL21N is not landlocked.

Taylor asked if the Board had done this type of thing before. Wirtz stated they had and since this is a commonly occurring problem, she would suggest addressing this type of situation in the Zoning regs. Wirtz explained the size of the lots, the placement of the easement and the contiguous parcel agreement.

Husk stated that they will be sharing one entrance to the Highway.

Discussion from the Board:

The Board discussed the size of the lots and how the lots would be split. Bilau asked about building restrictions on the newly created lots. Wirtz stated the lots would not be large enough for any building to take place.

McBride asked if the permanent easement would satisfy the requirement for the property not to be landlocked. Wirtz stated it is not the common practice of the County to use easements to avoid a parcel being landlocked.

Husk stated he had talked to the Roads Department and they have no problem with the easement along the fence. However, if someone were to build on either lot there would have to be a permanent driveway put in to reach the easement. There would only be one driveway to the Highway.

Taylor asked about the possible zoning changes. Wirtz explained that when you have repetitive problems that are not unique situations, that needs to be addressed in the zoning regs. That is not an issue for this Board.

Taylor closed the public hearing.

MOTION: McBride
 I make a motion to grant the variance request for the TL21 split with a contiguous parcel agreement and permanent easement addressed on the survey so that current TL21 and current TL15 would always be contiguous.

SECOND: Taylor

VOTE: Aye – Taylor, McBride, Bilau and Timmermier
 Nay – none

MOTION CARRIED

State Statues addressed:

9.09.01 A statement of the particular requirements of the County’s Zoning Resolution that prevents the requested activity: The minimum size parcel created by a lot split shall not be less than 3 acres. (The triangle size lot is 1.43 acres but was created by Hwy 75. The lot is nonconforming. The contiguous agreement will require the newly created lots to stay connected.)

9.09.02 A statement of the characteristics of the subject property which prevents compliance with the specific requirement of the County’s Zoning Resolution: The property is triangular shaped and nonconforming in size. (The lot was created by Hwy 75).

9.09.03 A statement of the minimum variance to the requirements of the County’s Zoning Resolution that would allow the specific activity: A minimum variance of a onetime lot split with restrictions (Variance grants a onetime lot split with conditions of a contiguous parcel agreement and a permanent easement)

9.09.04 A statement of the unnecessary hardship and practical difficulty that would result if certain specific requirements of the County’s Zoning Resolution was applied to the subject property and County’s Zoning Resolution: It is apparent that the triangular shaped parcel was created when Hwy 75 was established. The parcel restricts access to the adjacent parcel lying in section 17.

9.09.05 A statement by the applicant attesting to the truth and correctness of all information: The applicants attest that the statements and documentation are true and correct.

REPORTS FROM STAFF

Wirtz gave an update on the Board members. Dan Koziol has passed away and David Taylor was appointed to fill his term. Tim Walraven has been appointed as an alternate so we have a full Board. McBride mentioned that some written guidelines would be good to have for direction for the Board. Wirtz stated that public meeting laws do exist and would cover some things. Wirtz has not found Bylaws for this Board at this time, but Terri Stanford is looking into that. Timmermier stated that if you have four people you can have a meeting, with someone being appointed as the Chairman. All votes would need to be unanimous for an item to pass. Parliamentary procedures would cover questions also. Since this Board can meet when they want, practically we would just wait till everyone was there.

ADJOURNMENT

MOTION: Timmermier
I move to adjourn
SECOND: McBride
VOTE: Aye – Taylor, McBride, Bilau and Timmermier
Nay – none

MOTION CARRIED

Meeting was adjourned at 6:35 pm

David Taylor, Vice Chairman