

WASHINGTON COUNTY BOARD OF ADJUSTMENTS MINUTES

March 29, 2017

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  
Cynthia Timmermier  
Chris Bilau  
Steve Neuverth (Chairman)

Ryan Sullivan  
Teresa McBride

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COMMISSION ACTION:

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

With regard to the June 27, 2016 minutes, the following action was taken:

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

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

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

Election of Officers

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

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

Chairman Neuverth 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 Robert & Kerrie Anderson**

To allow for an extension on an expired electrical permit on tax lot 30 in Section 13-Township 19 North Range 11 East of the sixth P.M. (General location: 16334 Tyson Bend Lane, Space 14, Blair, NE)

Ryan Sullivan, WCPZA, gave a general overview of the issues involving the FEMA report (which was then given to the Board members and the applicant) and stated his attempt to satisfy FEMA's request to deal with the last three items on the CAV report. There are three trailers at Tyson Bend that need to be removed, one of them being the Anderson's. Sullivan denied the extension of the permits. There is no Floodplain Development Permit on file.

Edward Talbot, Attorney for the Andersons, addressed the Board and handed out copies of Exhibits 1-5, copies of Approved permits issued by the Washington County Planning and Zoning Office for work to be done at Space 14. He stated that the Andersons are only requesting extensions on the permits which were already granted. The Andersons had initially spoken with Doug Cook in December of 2011 regarding the replacement of a trailer that was destroyed during the flood. Permit 7665 was not issued into the computer system. May 24, 2016, the WCPZA Tanna Wirtz issued permits for electrical service to the cabin and trailer, a building permit for a deck, a building permit for a shed, and a Floodplain Permit for a three-sided shed, garden shed, deck and trailer. Talbot also provided pictures of other similar trailers in Tyson Bend. Andersons would like an extension until July 1, 2017 to finish the already approved permits.

Kerry Anderson also addressed the Board and stated that they had never been told they could not have the trailer. They were negligent in getting the work done in a timely manner, but until Kerry spoke with Sullivan she was unaware the trailer was a problem. They had started getting a flood elevation certificate but it was not completed. They had the trailer raised in an effort to meet the FEMA regulations they had been told about.

Neuverth opened the public hearing.

Kris Robinson, Washington County Building Inspector, stated that he had been to the Anderson's lot many times and found them doing work without permits. He found many things not done to code. No final inspection has been passed on any of the permits. He has not been inside the trailer. He believes the Andersons can bring things up to code if they are allowed to keep the trailer. Any electrical done has to have a permit and work has to be done by a State of NE licensed contractor and his employees, who can do the work if they are a licensed journeyman. There are no approved septic systems in Tyson Bend. No plumbing permits have ever been pulled. There can be no holding tanks without a State licensed septic contractor doing the install and pulling the septic permits.

Robinson answered questions from the Board.

Neuverth closed the public hearing.

Discussion between board members continued with them asking questions of staff and the Andersons. The discussion items involved the difference between RVs, Mobile Homes and Manufactured homes and also if there was plumbing involved in the trailer. No plumbing permit has been obtained. Sullivan was asked about and explained the ramifications of the County being put on probation by FEMA. The Board also discussed the differences in what is allowed in a Floodway vs. Floodplain. Actions by previous WCPZA were discussed since they actually approved the permits in question, and also the differences in the Floodplain after the 2012 revisions.

MOTION: Timmermier  
I make a motion to grant a variance for the structures in question and that all expired permits previously issued to applicants be extended with the following stipulations:  
1. The elevation certificate be provided by or before June 30, 2017 in a manner compliant with FEMA elevation regulations.  
2. All final inspections under the extended permits be completed by September 1, 2017.

SECOND: Taylor

DISCUSSION: Bilau moved to amend the motion to strike the word "structures" and include that no extensions would be given after the September 1, 2017 deadline. He does not want this Board to set the precedent of approving trailers in the floodplain.

MOTION TO AMEND: Timmermier  
I move to amend the motion as discussed.

SECOND: McBride

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

MOTION: Timmermier  
I make a motion to grant a variance for all expired permits previously issued to applicants with the following stipulations:  
1. The elevation certificate be provided by or before June 30, 2017 in a manner compliant with FEMA elevation regulations.  
2. All final inspections under the extended permits be completed by September 1, 2017 with no further extensions granted.

VOTE: Aye – Taylor, McBride, Timmermier, Bilau  
Nay – Neuverth

MOTION CARRIED

REPORTS FROM STAFF

Sullivan asked if the packets contained sufficient information for the Board members. Board members stated that the synopsis was very helpful and they appreciated all the information.

ITEMS FROM THE PUBLIC

ADJOURNMENT

MOTION: Timmermier  
I move to adjourn

SECOND: Taylor

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

MOTION CARRIED

Meeting was adjourned at 8:20 pm

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Steve Neuverth, Chairman