

WASHINGTON COUNTY BOARD OF ADJUSTMENTS MINUTES

February 28, 2019

6:00 p.m.

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

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"All members receive staff reports approximately one week prior to the meeting"

MEMBERS PRESENT

STAFF PRESENT

Gary Lambrecht
Joe McBride
Cynthia Timmermier
Chris Bilau
Kevin Barnhill

Ryan Sullivan
Teresa McBride
Lori Diefenbaugh

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COMMISSION ACTION:

Vice Chairman Timmermier called the meeting to order at 6:08 p.m.

Roll call by Ryan Sullivan, WCPZA. All members and alternate were present. Sullivan also certified that the meeting was published in the newspaper.

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

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

Sullivan introduced new members Kevin Barnhill, Gary Lambrecht, and alternate Jeff Shaner.

Election of Officers

MOTION: McBride
I move to nominate Gary Lambrecht as Chairman of the Board of Adjustments.
SECOND: Barnhill
MOTION; Lambrecht
I move to nominate Chris Bilau as Chairman of the Board of Adjustments.
SECOND: McBride
VOTE: Vote to appoint Lambrecht as Chairman
Aye – McBride, Timmermier, Bilau, Barnhill Nay – Lambrecht
MOTION CARRIED

VOTE: Vote to appoint Bilau as Chairman
Aye – McBride, Lambrecht Nay – Barnhill, Timmermier, Bilau
MOTION FAILED

MOTION: McBride
I move to nominate Cynthia Timmermier as Vice Chairman of the Board of Adjustments.
SECOND: Lambrecht
VOTE: Aye – Lambrecht, McBride, Bilau, Barnhill
Nay – Timmermier
MOTION CARRIED

With regard to the March 29, 2017 minutes, the following action was taken:

MOTION: Barnhill
I move the minutes be approved as presented
SECOND: McBride

VOTE: Aye – Lambrecht, McBride, Timmermier, Bilau, Barnhill
Nay – none MOTION CARRIED

Chairman Lambrecht 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 HEARINGS

1. Appeal Application for Mick Goslin & Beth L. Hersh-Goslin

To appeal notice of non-compliance filed by Washington County Zoning Office
(General Location: 2797 Herbert Henry Lane, Ft Calhoun, NE 68023)

Sullivan stated that he has also given the Board members a copy of the Goslin’s application request for this meeting.

Applicant was not present.

Desirae Solomon, Deputy County Attorney, addressed the board, stating that a 10 day time frame is required to request an Appeal. That time would have started with the Cease and Desist order was served on September 16th, 2018. Two things that would allow the Board to make a determination would be the ten day time limit and the lack of information provided by the applicant.

The Board discussed the procedure to be followed and what exactly the Goslins were requesting. The Board decided to go forward with the hearing.

Chairman Lambrecht opened the public hearing:

Edmond Talbot, Attorney, spoke against the appeal, noting that the WCPZA considers this a slaughter house in an agricultural zoned area in a commercial setting. He noted that the BOA could not allow any use that is not allowed in the zoning regulations.

Cory Voorhees and Neil Pane spoke against the Appeal stating concerns about traffic, smell, safety, unsanitary methods, and treatment of animals.

Cory Lewis, owner of the land, stated his opposition to the appeal and that he filed for eviction December 26th, 2018 and is trying to have the Goslins removed.

Chairman Lambrecht closed the public hearing.

Bilau asked for clarification on procedure. Solomon explained that the Goslins are not applying for a Variance. This is an Appeal, which is different from a Variance. Certified letters and a sign were not required.

Timmermier asked for information on the issues in court. Solomon explained there were three citations served to the Goslins. One has gone through the Court proceedings, the other two have not. Solomon is representing Scott VanderSchaaf, County Attorney and Ryan Sullivan, WCPZA in suits filed against them by the Goslins. She explained the proceedings that are currently going on.

MOTION: Lambrecht
I move we do not grant an appeal from the Goslins on the Cease and Desist Order.

SECOND: Barnhill

VOTE: Aye – Lambrecht, McBride, Timmermier, Bilau, Barnhill
Nay – none

MOTION CARRIED

REPORTS FROM STAFF

ITEMS FROM THE PUBLIC

Members of the public asked what would happen now that this decision has been made. Solomon stated that the County Attorney would continue to look after the safety and welfare of Washington County.

ADJOURNMENT

MOTION: Barnhill

I move to adjourn

SECOND: Timmermier

VOTE: Aye - Lambrecht, McBride, Timmermier, Bilau, Barnhill

Nay - none

MOTION CARRIED

Meeting was adjourned at 7:05 pm

Gary Lambrecht, Chairman