

# Howard Planning and Zoning Minutes



## MINUTES HOWARD COUNTY PLANNING & ZONING February 17, 2021

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 17<sup>th</sup> of February, 2021. Due to COVID-19 some members of the zoning board attended by zoom.

Chairman Terry Spilinek called the meeting to order at 7:00 P.M. The Open Meeting Act was recognized. Administrator Klinginsmith read the Notice of Meeting. A proof of publication is filed at the Howard County Clerk's office. Roll call showed 8 members present: Daryl Anderson, Ken Kozisek, Terry Spilinek, Randy Kauk, and Jack Reimers. Virtually in attendance were Jeff Christensen, Chris Kosmicki, and Ron Kulwicki. Those absent were: Dave Sack. Also present were Cherri Klinginsmith, Planning & Zoning Administrator and members of the public included: Josh & Lindsey Dzingle.

The Agenda and Minutes were mailed to the Board Members prior to the meeting. A motion was made by Jack Reimers and seconded by Ken Kozisek to approve the minutes of the January 20, 2021 meeting. The motion carried on unanimous voice vote.

Administrator's comments: Klinginsmith stated that her secretary has resigned and her last day was February 11, 2021. A search committee of the Zoning Administrator, one County Commissioner and three UNL Extension Educators will be interviewing this week for the position replacement.

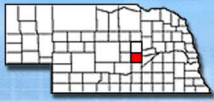
**A discussion was held with Josh and Lindsey Dzingle:** Josh Dzingle was present to clarify that he would like to build a home on the SW  $\frac{1}{4}$  of section 26-16-12 on his grandma's land, which he plans on purchasing. The land of 160 acres would then have 2 dwellings under the same ownership. Klinginsmith wanted to verify that if Josh proves that he is an Ag operation and is the owner of the 160 acres that he can build a 2<sup>nd</sup> home on the same parcel per A-1 zoning regulations Section 3.0 1a. 2. The zoning board agreed that it would meet the requirements and be allowed.

**Floodplain Discussion:** Klinginsmith informed the board that FEMA has approved Howard County's Floodplain Ordinance. There isn't any additional changes that can be made after FEMA's approval, so she will be sending this to the County Commissioners for them to review and approve. Once approved, Klinginsmith will send the signed copy to Nebraska Department of Natural Resources and it will be filed in their State/Federal records. She will then have the zoning regulation manual updated.

**A-1 (Agricultural district) Intensity of use regulations discussion:** Administrator Klinginsmith emailed a copy of sample wording changes for limiting the number of residences per quarter section in A-1 as discussed at the January 20<sup>th</sup> meeting. Items reviewed were

- Section 2 -Permitted Principal Uses: allowing only 2 dwellings per quarter section wording.
- Conditional Uses #1, possibly allowing three dwellings in a quarter section within one (1) mile of a state highway with a conditional use permit.
- Section 3- Intensity of use regulations, rewording for allowing 2 houses per quarter section, and removing the wording of allowing additional dwellings for agricultural operations.
- Also possibly removing wording for additional dwellings on an agricultural operation in A-2 and A-3

After some discussion the board wanted to change the third dwelling distance from a highway from one (1) mile to half (1/2) mile. More discussion will be had at the March meeting before making any major decisions. See attached suggested regulation changes.



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**Acreage sold with less than 3 acres discussion:** Administrator Klinginsmith stated it was brought to her attention that in the SW  $\frac{1}{4}$  of section 18-13-10 that an adjoining land owner gave the owner of 1 acre of land, one more acre for a total of 2 acres without being subdivided. The original 1 acre tract was prior to zoning regulations, so by adding another acre, it is still a non-conforming tract. Klinginsmith wanted to know are there any penalties or consequences? After discussion it was agreed to not do anything, however if the land owner wants to build a structure they will need to purchase 1 more acre to meet current regulations prior to any future building.

**Additional dwelling in an Ag Operation discussion:** Klinginsmith stated in the NW  $\frac{1}{4}$  section 35-13-9 there is 120 acres with 1 non-farming residence of 3 acres and a home on the 117 acres. The landowner of the 117 acres wants to build a 2<sup>nd</sup> home. There are no other residences in the remaining quarter section. Klinginsmith verified that as long as the landowner keeps ownership of the 2<sup>nd</sup> home it will be allowed. Once the permit is issued, it will be attached to the deed, that the two homes must stay under the same ownership to meet the current zoning regulations of Section 3.0 1a. 2. The zoning board agreed.

**Discussion of a possible home based business in the N  $\frac{1}{2}$  SE  $\frac{1}{4}$  section 15-14-11.** Klinginsmith stated that a notice of organization was listed in the paper for an auto body repair and paint shop. Klinginsmith stated this is only allowed if this is a home based business, once employees are hired, the landowner will need a conditional use permit. The board agreed that if it is the secondary use to the land and no outside employees working there, it would be allowed without a C.U.P. Klinginsmith stated she would give the land owner a call to verify.

With no further business Randy Kauk made a motion to adjourn and Jack Reimers seconded the motion. The next meeting will be tentatively scheduled for 8:00 p.m. on March 17, 2021

Cherri Klinginsmith, Administrator  
Acting Secretary