

**MINUTES**  
**HOWARD COUNTY**  
**BOARD OF ADJUSTMENT**  
**July 21, 2021**

A meeting for the Howard County Variance Board of Adjustment was convened in open and public session on the 21<sup>st</sup> day of July 2021 in the Assembly room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Janet Thomsen called the meeting to order at 7:00p.m. The Open Meeting Act is posted in the rear of the room. Administrator Klinginsmith read the notice of meeting. A proof of publication is filed in the Howard County Clerk's Office. Roll call showed 5 members present: Janet Thomsen, Glen Killion, Mike Nelson, Rose Dixson and Terry Spilinek. Also present was Cherri Klinginsmith Howard County Zoning Administrator, David Schroeder Howard County Attorney. Members of the public included Steven & Rachael Kuszak, Mike Wetzel, Bill Schleicher, Bob Bogus and Nancy Glinsmann.

The agenda and minutes of last meeting were emailed and mailed to the Variance Board of Adjustment members prior to the meeting. A motion was made by Mike Nelson and seconded by Terry Spilinek to approve the January 20, 2021 meeting. The motion carried on unanimous voice vote.

Administrator Klinginsmith informed the board that the Zoning Board updated the Intensity of Use Regulations to allow 2 residences per quarter section in A-1 district and removed the wording for Agricultural residences and non-farm residences. You will receive new pages soon and the website is up to date with on-line regulations.

**At 7:05PM a Public Hearing was opened for Steven Kuszak requesting to sell his single lot subdivision in the SW ¼ SW ¼ of Section 7-13-10 to someone other than family.** Steve Kuszak was present to represent his request. He handed an Elevation Certificate, and pictures of the house to the board to review. The house is not livable and in bad shape and has not been lived in for 12 years. Steven stated he is established in Central City and doesn't have the finances to improve the place and it looks like an eyesore on HWY 58. A gentleman here Mike Wetzel, had interest to purchase the ground. He received the land as an estate inheritance instead of cash. There are no other residences in the quarter. Klinginsmith informed the board that the property was subdivided initially for inheritance purposes and if they wanted to sell in the future, it needed to have 80 acres with it or be bought by a family member with adjoining land to make it 80 acres. Members of the public testified that they think it should be denied as the county has regulations for a reason and this should not be allowed. They also don't want it to become a junk yard. The board asked Mike Wetzel the potential buyer what his intentions are for the lot. Mike stated he wanted to build a shed for his horses. A motion was made by Mike Nelson and seconded by Terry Spilinek to close the public hearing. Motion carried by unanimous voice vote. Terry Spilinek stated it is no fault of his own he received this land as inheritance and Steve has given us letters from the sisters that they are not interested in owning the land. Klinginsmith stated the subdivision was approved with the intentions of keeping the house with 80 acres of the family's adjoining land. If sold to someone other than family an approved variance would be required. The board discussed that there is to be no residences or living quarters allowed and the existing residence should be removed within 1 year. A motion was made by Mike Nelson and seconded by Terry Spilinek to approve the sale of property with stipulations of existing residence be removed within 1 year and a new residence cannot be rebuilt or any living quarters for the 12.9 acres in SW ¼ of Section 7-13-10. Motion carried by 5-0 Roll Call Vote. Finding of Fact Attached.

**At 7:30 PM a Public Hearing was opened for Warren Glinsmann to subdivide off ½ acre from the SW ¼ NW ¼ Section 5-14-12 to use a private truck washout.** Nancy Glinsmann was present to represent their request. The board asked Klinginsmith if Nebraska Department of Environment & Energy (NDEE) has visited the site or approved the truck washout, Klinginsmith informed the board that it is not a legal washout and would need to meet several requirements to be a legal truck washout. NDEE has sent a letter to Mr. Glinsmann informing him that a truck wash operating without required permitting or documented exclusion is in potential violation of State statute §81-1506. The board asked Nancy what the reason was for not dividing off a little more to stay within the counties 3 acre requirements. Nancy didn't

know. The board discussed that if Glinsmann's comply with NDEE they may need more than ½ acre for a truck washout. A motion was made by Glen and seconded by Rose to close the public hearing. Motion carried by unanimous voice vote. The board feels the Glinsmann's should meet with NDEE and discuss what all the truck washout entails to become legal, and if they will need more ground area than ½ acre. They agreed that the property sits in a flood zone and NDEE requirements are unknown at this point. A motion was made by Glen Killion and seconded by Rose Dixson to deny the ½ acre subdivision of SW ¼ NW ¼ Section 5-14-12, due to the land is in the floodplain, and unknown what NDEE requirements may be. Motion carried by 5-0 Roll Call Vote. Finding of Fact Attached.

A Motion was made by Glen Killion and seconded by Terry Spilinek to adjourn the meeting. Motion carried by 5-0 roll call vote.

Cherri Klinginsmith  
Howard County Zoning Administrator

Mike Nelson  
Board of Adjustment Secretary