

MINUTES
HOWARD COUNTY
BOARD OF ADJUSTMENT
October 20, 2021

A meeting for the Howard County Variance Board of Adjustment was convened in open and public session on the 20th day of October 2021 in the Assembly room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Janet Thomsen called the meeting to order at 7:30p.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. Members of the public included Lynette Marshall.

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 July 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.

At 7:35PM a Public Hearing was opened for a request to have property grandfathered in prior to the Intensity of use regulations changed. Located in the SW ¼ of 35-14N-10W. Lynette Marshall was present to represent her request. Lynette said she started in June of 2020 and went to the planning and zoning and they said they would approved my request to build the first non-farm residence, but she needed to get it surveyed. She asked her nephew to find a surveyor and a couple months went by and she hadn't heard anything, so she checked on-line and had left a message with the county surveyor, Tim Aitken and she never heard anything back, so she assumed because of the covid thing they were busy and didn't pursue. After all that, Lynette met with administrator Klinginsmith in June of 2021 and Klinginsmith informed Lynette that the regulations had changed to only allow two houses per quarter section. So she dropped it and then a few weeks later she went back to the zoning administrator and asked if there was anything she could do. The administrator referred her to apply for a variance. Lynette also mentioned as a single person she would like to remain on her farm. If she had family there but not under her roof that would help her maintain the property. The board members asked if she had livestock, she stated no and she rents the property out, but would like help in maintaining the property not rented out. The board asked the administrator how a residence being placed on the property affects manure application. The administrator stated there is no stock piling of manure within ¼ mile of residence and with application the manure must be 300' away from residence and 100' from a well. After much discussion the board suggested to require if a house would be built in a subdivision to require that the house be 300' from the north property line and the well be 100' from north property line. Terry Spilinek made a motion to close the public hearing and Glen Killion seconded the motion. The motion carried on unanimous voice vote. Terry Spilinek made a motion to approve based on the conditions of the future residence would have to be built 300' of north property line and a well 100' of north property line. Mike Nelson seconded the motion. A roll call vote was taken. Terry Spilinek-yes, Mike Nelson-yes, Glen Killion-yes, and Janet Thomsen-yes. Rose Dixson-abstain. The motion carried 4-0. Finding of fact attached. Administrator Klinginsmith informed Lynette that she would be receiving a letter of approval. She will have one year to start the process of applying for the subdivision and zoning permit application.

Cherri Klinginsmith
Howard County Zoning Administrator

Mike Nelson
Board of Adjustment Secretary