HITCHCOCK COUNTY PLANNING COMMISSION

January 21, 2021
Trenton, Nebraska

Pursuant to the adopted By-Laws and Rules of Procedure, the Hitchcock County Planning Commission met on Thursday, January 21, 2021 in the Community Room, Hitchcock County Courthouse, 229 East D Street, Trenton, Nebraska for its annual re-organizational meeting. Notice of the meeting was given in advance thereof by publication in the *Hitchcock County News*, the designated method for giving notice. Notice of this meeting was given to the Chair and all members of the Board. Availability of the agenda was communicated in the advance notice and in the notice to the Chair and the Board of this meeting. Agendas are posted on the County's website www.hitchcockcounty.ne.gov. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Chair Dustin Ladenburger called the meeting to order at 7:00 p.m. and the roll was called. Those present were Aaron Kolbet, Dustin Ladenburger, Dustin Webb, Tom Monnahan, Robert Brown and Wayne Merrill. Chair declared a quorum. Also present was Recording Secretary Margaret Pollmann and Zoning Administrator Darin Morgan.

Chair advised all in attendance, that a current copy of the Nebraska Open Meetings Act was available for review, indicated the location of such copy in the room where the meeting was being held and offered the following statement: *It is the policy of the board that the formation of public policy is public business and may not be conducted in secret. The board conducts its business in accordance with the open meetings act.*

The minutes of the January 16th, 2020 meeting were previously reviewed by the board. Chair inquired as to any additions or corrections. Monnahan moved to waive the reading of said minutes, and accept and approve the January 16th, 2020 meeting minutes. Webb seconded the motion and the following members voted in favor of the motion: Kolbet, Ladenburger, Webb, Monnahan, Brown, and Merrill. Motion carried.

Chair opened the floor for nominations for Chair for the calendar year 2021. Kolbet moved to retain current officers, those being Dustin Ladenburger, Chair, Dustin Webb, Vice Chair and Wayne Merrill, Secretary. Monnahan seconded the motion and the following members voted in favor of the motion: Monnahan, Ladenburger, Webb, Merrill, Kolbet, and Brown. Motion carried and Dustin Ladenburger was declared Chair, Dustin Webb was declared Vice Chair and was declared Secretary for calendar year 2021.

Zoning Administrator Darin Morgan offered an activity report for 2020 and advised as to status of a pending conditional use application. Various building activities were discussed.

New Business: Chair Ladenburger advised as to the 2021 Nebraska Planning and Zoning Association Conference to be held September 15th, 16th, and 17th in Kearney. General discussion was held on zoning issues relating to Hitchcock County.

The next reorganizational meeting will be held on Thursday, January 20, 2022. The Chair may call a meeting of the Planning Commission at such other times as needed to conduct necessary business.

There being no further business before the Commission, Chair Ladenburger adjourned the meeting at 7:10 p.m.

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Dustin Ladenburger, Chair Wayne Merrill, Secretary

HITCHCOCK COUNTY BOARD OF ADJUSTMENT

Trenton, Nebraska
January 21, 2021

Pursuant to the adopted By-Laws and Rules of Procedure, the Hitchcock County Board of Adjustment met on Thursday, January 21, 2021 at 3:00 p.m. in the Community Room, Hitchcock County Courthouse, 229 East D Street, Trenton, Nebraska for its annual re-organizational meeting. Notice of the meeting was given in advance thereof by publication in the *Hitchcock County News*, the designated method for giving notice. Notice of this meeting was given to the Chair and all members of the Board. Availability of the agenda was communicated in the advance notice and in the notice to the Chair and the Board of this meeting. Agendas are posted on the County's website www.hitchcockcounty.ne.gov. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Chair Jacob Miller called the meeting to order at 3:05 p.m. and publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy in the room where the meeting was being held. The roll was called. Those present were Alex Pollmann, Jacob Miller, Paul Forch, Robert Brown, and Chris Williamson. Paul Dwyer was absent. Chair declared a quorum. Also present was Recording Secretary Margaret Pollmann.

The minutes of the January 16th, 2020 meeting were previously reviewed by the board and Miller moved to dispense with reading said minutes and to accept and approve said minutes. Forch seconded the motion and the following members voted in favor of the motion: Miller, Pollmann, Forch, Brown, and Williamson. Motion carried.

Chair Miller opened the floor for nominations for Chair for calendar year 2021. Member Forch moved to retain current officers, those being Chair, Jacob Miller, Vice Chair Paul Forch, and Secretary Alex Pollmann. Member Pollmann seconded the motion and the following members voted in favor of the motion: Pollmann, Forch, Brown, Williamson and Miller. Motion carried.

Recording Secretary Pollmann advised as to a pending conditional use and a conservation easement that once complete, will be addressed by the planning commission and discussion was held on the same.

New Business Chair Miller advised as to the 2021 Nebraska Planning and Zoning Conference to be held September 15th, 16th, and 17th in Kearney, Nebraska.

The next reorganizational meeting will be held on Thursday, January 20, 2022. The Chair may call a meeting of the Board of Adjustment at such other times as needed to conduct necessary business.

There being no further business, Miller moved to adjourn at 3:22 p.m. this date. Forch seconded the motion and the following members voted in favor of the motion: Brown, Pollmann, Williamson, Miller, and Forch. Motion carried.

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Jacob Miller, Chair Alex Pollmann, Secretary

HITCHCOCK COUNTY PLANNING COMMISSION

March 15, 2021
Trenton, Nebraska

The Hitchcock County Planning Commission met on Monday, March 15, 2021 at 7:00 p.m. in the Community Room, Hitchcock County Courthouse, 229 East D Street, Trenton, Nebraska as duly published in the *Hitchcock County News* on March 4th, 2021.

Opening Statement was read by Chair Ladenburger. *It is the policy of this board that the formation of public policy is public business and may not be conducted in secret. The board conducts its business in accordance with the open meetings act.*

Chair Ladenburger called the meeting to order at 7:00 p.m.

Chair Ladenburger requested roll call. Those answering roll call were Tom Monnahan, Dustin Webb, Aaron Kolbet, Wayne Merrill, Robert Brown, and Dustin Ladenburger. Chair declared a quorum present and proceeded with the meeting. Also present, Zoning Administrator Darin Morgan, County Attorney D. Eugene Garner and Recording Secretary Margaret Pollmann.

The minutes of the January 21st, 2021 meeting were reviewed. Member Monnahan moved to waive reading of the minutes and approve the same as submitted. Member Webb seconded the motion. Roll call vote: Brown, Aye; Webb, Aye; Kolbet, Aye; Monnahan, Aye; Merrill, Aye; Ladenburger, Aye. Motion carried.

Chair Ladenburger opened the public hearing at 7:15 p.m. to hear the applicant and all comments thereon from the public in attendance and to receive evidence regarding the Application for Conditional Use submitted by SMJ International, LLC for a cellular communications monopole tower being 199' high with lightening rod within 100' by 100' lease area to be located beginning at the Northeast corner of the Southwest Quarter (SW¼) of Section Twelve (12), Township Two (2) North, Range Thirty-five (35) West of the 6th P.M., Hitchcock County, Nebraska on approximately 15 acres owned by the Village of Stratton. Deb Brown for SMJ International joined via phone conference.

The following were received by the commission and marked as exhibits accordingly:

1. Zoning Administrator Darin Morgan's *Memorandum* dated February 24th, 2021 - Exhibit "A";
2. Hitchcock County Clerk's *Certificate of Service* dated March 4, 2021 relating to Notice of Public Hearing mailed to land owners and interested persons – Exhibit "B".
3. Hitchcock County Clerk's *Certificate of Service* dated March 1st, 2021 relating to public meeting and public hearing notices delivered to the *Hitchcock County News* – Exhibit "C".
4. Hitchcock County Clerk's *Certificate of Service* dated March 4, 2021 relating to Notice of Public Hearing mailed to applicant SMJ International, LLC. – Exhibit "D".

Representing applicant SMJ International, LLC, Deb Brown presented the Application for Conditional Use via phone conference.

Chair Ladenburger asked if there were any comments from the proponents of the application. There were none. Chair asked if there were any comments from opponents of the application. There were none. Chair asked if there were any comments from those representing a neutral position. Attorney Garner inquired as to any extra jurisdictional or conflict of interest issues and discussion was held on the same.

Attendees Charlene and Tuesday Forch offered an ASCS map of two locations they felt may be more accessible than that of the proposed site. Chair Ladenburger advised as to the Planning Commission's responsibility in the conditional use process. Ms. Brown advised as to the process by which US Cellular chose the proposed location and the reason for the same.

Chair Ladenburger closed the public hearing at 7:27 p.m. and re-entered regular Planning Commission proceedings.

Chair inquired if any board members have any conflict of interest regarding the application being considered. There were none.

Member Webb moved to recommend to the Hitchcock County Board of Commissioners, APPROVAL of the Application for Conditional Use submitted by SMJ International, LLC for a cellular communications monopole tower being 199' high with lightening rod within 100' by 100' lease area to be located beginning at the Northeast corner of the Southwest Quarter (SW¼) of Section Twelve (12), Township Two (2) North, Range Thirty-five (35) West of the 6th P.M., Hitchcock County, Nebraska on approximately 15 acres owned by the Village of Stratton as set forth in the site plans presented with said Application with the following condition(s)

1. Said tower shall comply with any applicable airport hazard height limitations and shall be setback from the right-of-way of any public roadway, from the nearest property line of any undeveloped lot of record of less than 20 acres in area or any public use area and from the nearest wall of any neighboring church, school, or residential dwelling unit by a distance equal to or exceeding the height of said tower;
2. The applicant shall exercise and take all reasonable necessary steps to insure that there is no interference for adjoining residential landowners and to correct any interference if it occurs; and
3. Refer to Memorandum dated February 24, 2021 submitted by Darin Morgan, Hitchcock County Zoning Administrator.
4. Written documentation from the Village of Stratton requesting Hitchcock County Board of Commissioners consider this conditional use application notwithstanding that the land is located within the one mile extra territorial jurisdiction of the Village of Stratton, due to conflict of interest as the land is owned by the Village of Stratton and that the Village of Stratton either (a.) waives jurisdiction to consider said application or (b.) that the Village of Stratton does not exercise authority over said one mile extra territorial limits.

The motion was seconded by Kolbet.

Discussion was held. The Hitchcock County Planning Commission finds that the requested conditional use of said land is consistent with the Hitchcock County Comprehensive Plan and is permitted as a conditional use in the AG-General pursuant to Section 501.6 (3) on those conditions as recommended in the *Memorandum* submitted by Zoning Administrator Darin Morgan and set out as above.

Chair asked for roll call on Member Webb motion to recommend APPROVAL of the Application for Conditional Use submitted by SMJ International, LLC. Roll call vote as follows: Monnahan, Aye; Brown, Aye; Kolbet, Aye; Webb, Aye; Merrill, Aye; Ladenburger, Aye. Motion carried.

Member Merrill moved to authorize and direct Chair of the Hitchcock County Planning Commission to execute the formal written recommendation of the Planning Commission for and on behalf of the full body of the Planning Commission. The motion was seconded by Monnahan and after consideration, the roll call was taken on the motion as follows: Ladenburger, Aye; Webb, Aye; Kolbet, Aye; Monnahan, Aye; Brown, Aye; Merrill, Aye. Motion carried.

The Commission is in receipt of a proposed conservation easement acquisition referral from the Hitchcock County Board of Commissioners wherein Clint and Kayla Schafer have offered to sell to the Middle Republican

Natural Resources District, 71 certified irrigated acres (water only) from a well on the W ½ of the SW ¼ of Section 29, Township 4 North, Range 32 West of the 6th P.M. in Hitchcock County, Nebraska.

Attorney Garner advised as to the process relating to conservation easements. Discussion held regarding the purpose of conservation easements.

Member Webb moved to find that the proposed conservation easement relating to the sale of 71 certified irrigated acres (water only) by and between Clint and Kayla Schafer (Grantor) and the Middle Republican Natural Resources District (Grantee) from a well on the W ½ of the SW ¼ of Section 29, Township 4 North, Range 32 West of the 6th P.M. in Hitchcock County, Nebraska conforms with Hitchcock County's Comprehensive Zoning Plan. Member Kolbet seconded the motion and the roll was called: Ladenburger, Aye; Brown, Aye; Monnahan, Nay; Merrill, Aye; Webb, Aye; Kolbet, Aye. Motion carried.

There was no old or new business.

There being no further business before the Commission, Chair Ladenburger adjourned the meeting at 7:55 p.m. this date

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Dustin Ladenburger, Chair

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Wayne Merrill, Secretary

HITCHCOCK COUNTY BOARD OF ADJUSTMENT

Trenton, Nebraska
October 4, 2021

The Hitchcock County Board of Adjustment met on Monday, October 4, 2021 at 3:00 p.m. in the Community Room, Hitchcock County Courthouse, 229 East D Street, Trenton, Nebraska.

Chair Miller called the meeting to order and read the open meetings statement as follows: *It is the policy of this board that the formation of public policy is public business and may not be conducted in secret. This board conducts its' business in accordance with the open meetings act.*
Chair publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy in the room where the meeting was being held.

Notice of the meeting was given in advance thereof by publication in the Hitchcock County News, the designated method for giving notice. Notice of this meeting was given to the Chair and all members of the Board. The agenda was also posted on the County's website http://www.hitchcockcounty.ne.gov. Availability of the agenda was communicated in the advance notice and in the notice to the Chair and the Board. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

The roll was called and the following members were present: Jacob Miller, Alex Pollmann, Paul Dwyer, Chris Williamson and Robert Brown. Chair declared a quorum. Also present were County Attorney D. Eugene Garner, recording secretary Margaret Pollmann. Chair Miller declared a quorum was present.

Member Pollmann moved to dispense with the reading of the January 21, 2021 meeting minutes as they had been previously reviewed and to approve and accept said minutes. The motion was seconded by Dwyer. The following members voted in favor of the motion: Pollmann, Miller, Dwyer, Williamson, and Brown. Motion carried.

Chair Miller recessed the meeting at 3:10 p.m. in order to enter into a public hearing to hear the applicant and all comments thereon from the public in attendance and to receive evidence regarding the Application for a Variance to the requirement of zoning regulations filed by Chris Ott for a variance to minimum lot area for single family residence in a Rural Commercial/Industrial (RCI) District on land located in Part of the W½ of the SW¼ of Section 32, Township 3 North, Range 33 West of the 6th P.M., Hitchcock County, Nebraska (100'x100') and referred to in said application as *36104 Bass Blvd*.

Chair Miller called for roll of those present for public hearing: Brown, Dwyer, Williamson, Pollmann, and Miller were present. Chair Miller advised that the hearing was being conducted under the open meetings act.

Applicant Chris Ott presented his application for variance on the above-described property and addressed questions posed by the Board. Attorney Garner advised applicant as to the Board of Adjustment's duties under Section 907, specifically this Board's duty to make certain findings on the variance request. The Board inquired as to possible future construction on this property i.e. garage, out buildings and applicant indicated he had no plans at this time. Extensive discussion held on the history of the Laker's North Shore Subdivision.

Chair Miller asked for comments from the public supporting the variance request.
Terry and Mary Ginn offered supporting comments.

Chair Miller asked for comments from the public opposing the variance request. There were none.

Chair Miller asked for comments from the public representing a neutral position to the variance request. Member Dwyer inquired as to assessed value. County Assessor Terra Riggs was present and advised that the lot was taxed on a square footage rate, the same as the platted lots located in the Laker's North Shore Subdivision.

The following exhibits were received by Chair Miller for consideration by the board:

- Exhibit #1 - Meeting Notice & Notice of Public Hearing
- Exhibit #2 – Certificate of Mailing on Notice of Hearing
- Exhibit #3 – Zoning Administrator's Memorandum dated September 13th, 2021

Chair Miller asked for any further documents to be offered for consideration. There were none.

Chair Miller declared the public hearing concluded at 3:59 p.m. this date and re-entered board of adjustment meeting proceedings.

Chair Miller reconvened the public meeting at 4:00 p.m. this date.

Chair Miller inquired as to whether any of the board members had a conflict of interest regarding the application being considered. There were none.

Attorney Garner advised as to Article 9, Section 907 of the Zoning Regulations relating to the Board of Adjustment powers and duties specifically, finding requirements.

Motion by Pollmann to find that the application for variance submitted by Chris Ott is complete and in compliance with the requirements of this Hitchcock County Zoning Regulations. Motion was seconded by Brown and after consideration the following members voted in favor for the motion: Brown, Williamson, Pollmann, Miller, and Dwyer. Motion carried.

Member Dwyer moved to make the following findings pursuant to Hitchcock County Zoning Regulations Section 907.03:

1. The strict application of the regulations would produce undue hardship as the subject property is a 100' x 100' lot in the RCI District having been previously taxed as a residential lot and although purchased after the RCI District was enacted, the applicant has expended substantial financial resources towards the development of the subject property as a single-family residential property;
2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity as the adjoining property are all larger than 2 acre tracts or were previously platted in the Laker's North Shore Subdivision filed April 1, 1997 and recorded in Book 79 of Miscellaneous on Page 248, as 100' x 100' or smaller lots;
3. The authorization of such variance shall not be of substantial detriment to adjacent properties and the character of the district will not be changed by the granting of the requested variance:
    a. as neighboring properties are already zoned and this property will be residential as are adjacent properties;
    b. the owners of immediately adjacent properties have stated to this Board that they are not opposed to granting of this variance as it will not be detrimental to their property; and
    c. other properties in the Laker's North Shore Subdivision are of residential use and the Castaway Parkway Subdivision which is partially in the RCI District also has similar residential uses;

4. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of the owner's convenience, profit or caprice in that the applicant unsuccessfully attempted to obtain additional acres and the subject property is and has been assessed by the County as residential and taxed as such for the last several years; and
5. The condition and situation of the property concerned and the intended use of the property is not of so general or recurring nature as to make reasonably practical the formulation of a general regulation to be adopted as an amendment to Hitchcock County Zoning Regulations in that there are no other properties located in the RCI zoning district which are 100' x 100' or smaller lots.

Member Pollmann seconded the motion, whereupon the motion came on for discussion.

Upon conclusion of discussion on the motion, Chair called for a roll call vote and the following members voted in favor of the motion: Pollmann, Dwyer, Williamson, Brown, and Miller. Motion carried.

Motion by Brown to find that the particular reasons set forth in the application for the variance justify the granting of the variance in accordance with the limitations for granting such variance as described in Section 907, Subsection 3, Paragraph A of the Hitchcock County Zoning Regulations and that the variance is the minimum variance that will make possible the reasonable use of the land involved. The motion was seconded by Miller and after consideration, the following members voted in favor of the motion: Dwyer, Brown, Williamson, Pollmann, and Miller. Motion carried.

Motion by Dwyer to find that the granting of the variance will be in harmony with the purpose and intent of the Hitchcock County Zoning Regulations and will not be injurious to adjacent lands or otherwise detrimental to the public welfare. The motion was seconded by Williamson and after consideration, the following members voted in favor of the motion: Williamson, Dwyer, Brown, Pollmann, and Miller. Motion carried.

Member Dwyer moved to grant and authorize the variance requested by Chris Ott for a variance to the minimum 2 acre lot area for a single family residence in the Rural Commercial/Industrial (RCI) District on that 100' x 100' parcel of real estate located in Part of the W½ of the SW¼ of Section 32, Township 3 North, Range 33 West of the 6th P.M., Hitchcock County, Nebraska (Parcel #440000291 as identified by the Hitchcock County Assessor) based on the above listed findings and conditioned upon the applicant acting upon said authorization within one (1) year from the date of authorization of such variance and that if such authorized variance has not been acted upon by the applicant within said time limitation such authorization shall automatically be revoked. Member Williamson seconded the motion whereupon the motion came on for discussion.

Attorney Garner advised that at least three affirmative votes were necessary to grant and authorize the variance request before the Board.

Chair Miller read Darin Morgan, Zoning Administrator's, Recommendation from "Memorandum" dated September 13, 2021 as follows: *"It is the recommendation of the Zoning Administrator, based on dates noted in Section 6 above, this parcel cannot be considered as a non-conforming lot of record and pursuant to Article 7 Non-Conforming Uses, section 701 Intent, it is the intent of the resolution that, with the exception of residential structures, non-conformities shall not be enlarged, expanded or extended nor be used as grounds for adding other buildings, structures or uses prohibited in the zoning district in which such non-conformities are located."*

Chair Miller advised that the variance before the board was for a residential home only and does not include any future additional structures including garages or any other type of out buildings.

Upon conclusion of discussion, Chair Miller asked for a roll call vote on the motion and the following members voted in favor of the motion: Brown, Pollmann, Miller, Williamson and Dwyer. Motion carried.

Chair Miller inquired as to Agenda Item #9 “New Business”. There was none.
Chair Miller inquired as to Item #10 “Old Business”. There was none.

With no further business before the Board, member Miller moved to adjourn at 4:56 p.m. Member Williamson seconded the motion and the following members voted in favor of the motion: Brown, Williamson, Miller, Pollmann, and Dwyer. Motion carried.

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Alex Pollmann, Secretary Margaret Pollmann, Recording Secretary

HITCHCOCK COUNTY BOARD OF ADJUSTMENT

Trenton, Nebraska
October 4, 2021

The Hitchcock County Board of Adjustment met on Monday, October 4, 2021 at 3:00 p.m. in the Community Room, Hitchcock County Courthouse, 229 East D Street, Trenton, Nebraska.

Chair Miller called the meeting to order and read the open meetings statement as follows: *It is the policy of this board that the formation of public policy is public business and may not be conducted in secret. This board conducts its' business in accordance with the open meetings act.*
Chair publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy in the room where the meeting was being held.

Notice of the meeting was given in advance thereof by publication in the Hitchcock County News, the designated method for giving notice. Notice of this meeting was given to the Chair and all members of the Board. The agenda was also posted on the County's website http://www.hitchcockcounty.ne.gov. Availability of the agenda was communicated in the advance notice and in the notice to the Chair and the Board. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

The roll was called and the following members were present: Jacob Miller, Alex Pollmann, Paul Dwyer, Chris Williamson and Robert Brown. Chair declared a quorum. Also present were County Attorney D. Eugene Garner, recording secretary Margaret Pollmann. Chair Miller declared a quorum was present.

Member Pollmann moved to dispense with the reading of the January 21, 2021 meeting minutes as they had been previously reviewed and to approve and accept said minutes. The motion was seconded by Dwyer. The following members voted in favor of the motion: Pollmann, Miller, Dwyer, Williamson, and Brown. Motion carried.

Chair Miller recessed the meeting at 3:10 p.m. in order to enter into a public hearing to hear the applicant and all comments thereon from the public in attendance and to receive evidence regarding the Application for a Variance to the requirement of zoning regulations filed by Chris Ott for a variance to minimum lot area for single family residence in a Rural Commercial/Industrial (RCI) District on land located in Part of the W½ of the SW¼ of Section 32, Township 3 North, Range 33 West of the 6th P.M., Hitchcock County, Nebraska (100'x100') and referred to in said application as *36104 Bass Blvd*.

Chair Miller called for roll of those present for public hearing: Brown, Dwyer, Williamson, Pollmann, and Miller were present. Chair Miller advised that the hearing was being conducted under the open meetings act.

Applicant Chris Ott presented his application for variance on the above-described property and addressed questions posed by the Board. Attorney Garner advised applicant as to the Board of Adjustment's duties under Section 907, specifically this Board's duty to make certain findings on the variance request. The Board inquired as to possible future construction on this property i.e. garage, out buildings and applicant indicated he had no plans at this time. Extensive discussion held on the history of the Laker's North Shore Subdivision.

Chair Miller asked for comments from the public supporting the variance request.
Terry and Mary Ginn offered supporting comments.

Chair Miller asked for comments from the public opposing the variance request. There were none.

Chair Miller asked for comments from the public representing a neutral position to the variance request. Member Dwyer inquired as to assessed value. County Assessor Terra Riggs was present and advised that the lot was taxed on a square footage rate, the same as the platted lots located in the Laker's North Shore Subdivision.

The following exhibits were received by Chair Miller for consideration by the board:

- Exhibit #1 - Meeting Notice & Notice of Public Hearing
- Exhibit #2 – Certificate of Mailing on Notice of Hearing
- Exhibit #3 – Zoning Administrator's Memorandum dated September 13th, 2021

Chair Miller asked for any further documents to be offered for consideration. There were none.

Chair Miller declared the public hearing concluded at 3:59 p.m. this date and re-entered board of adjustment meeting proceedings.

Chair Miller reconvened the public meeting at 4:00 p.m. this date.

Chair Miller inquired as to whether any of the board members had a conflict of interest regarding the application being considered. There were none.

Attorney Garner advised as to Article 9, Section 907 of the Zoning Regulations relating to the Board of Adjustment powers and duties specifically, finding requirements.

Motion by Pollmann to find that the application for variance submitted by Chris Ott is complete and in compliance with the requirements of this Hitchcock County Zoning Regulations. Motion was seconded by Brown and after consideration the following members voted in favor for the motion: Brown, Williamson, Pollmann, Miller, and Dwyer. Motion carried.

Member Dwyer moved to make the following findings pursuant to Hitchcock County Zoning Regulations Section 907.03:

1. The strict application of the regulations would produce undue hardship as the subject property is a 100' x 100' lot in the RCI District having been previously taxed as a residential lot and although purchased after the RCI District was enacted, the applicant has expended substantial financial resources towards the development of the subject property as a single-family residential property;
2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity as the adjoining property are all larger than 2 acre tracts or were previously platted in the Laker's North Shore Subdivision filed April 1, 1997 and recorded in Book 79 of Miscellaneous on Page 248, as 100' x 100' or smaller lots;
3. The authorization of such variance shall not be of substantial detriment to adjacent properties and the character of the district will not be changed by the granting of the requested variance:
    a. as neighboring properties are already zoned and this property will be residential as are adjacent properties;
    b. the owners of immediately adjacent properties have stated to this Board that they are not opposed to granting of this variance as it will not be detrimental to their property; and
    c. other properties in the Laker's North Shore Subdivision are of residential use and the Castaway Parkway Subdivision which is partially in the RCI District also has similar residential uses;

4. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of the owner's convenience, profit or caprice in that the applicant unsuccessfully attempted to obtain additional acres and the subject property is and has been assessed by the County as residential and taxed as such for the last several years; and
5. The condition and situation of the property concerned and the intended use of the property is not of so general or recurring nature as to make reasonably practical the formulation of a general regulation to be adopted as an amendment to Hitchcock County Zoning Regulations in that there are no other properties located in the RCI zoning district which are 100' x 100' or smaller lots.

Member Pollmann seconded the motion, whereupon the motion came on for discussion.

Upon conclusion of discussion on the motion, Chair called for a roll call vote and the following members voted in favor of the motion: Pollmann, Dwyer, Williamson, Brown, and Miller. Motion carried.

Motion by Brown to find that the particular reasons set forth in the application for the variance justify the granting of the variance in accordance with the limitations for granting such variance as described in Section 907, Subsection 3, Paragraph A of the Hitchcock County Zoning Regulations and that the variance is the minimum variance that will make possible the reasonable use of the land involved. The motion was seconded by Miller and after consideration, the following members voted in favor of the motion: Dwyer, Brown, Williamson, Pollmann, and Miller. Motion carried.

Motion by Dwyer to find that the granting of the variance will be in harmony with the purpose and intent of the Hitchcock County Zoning Regulations and will not be injurious to adjacent lands or otherwise detrimental to the public welfare. The motion was seconded by Williamson and after consideration, the following members voted in favor of the motion: Williamson, Dwyer, Brown, Pollmann, and Miller. Motion carried.

Member Dwyer moved to grant and authorize the variance requested by Chris Ott for a variance to the minimum 2 acre lot area for a single family residence in the Rural Commercial/Industrial (RCI) District on that 100' x 100' parcel of real estate located in Part of the W½ of the SW¼ of Section 32, Township 3 North, Range 33 West of the 6th P.M., Hitchcock County, Nebraska (Parcel #440000291 as identified by the Hitchcock County Assessor) based on the above listed findings and conditioned upon the applicant acting upon said authorization within one (1) year from the date of authorization of such variance and that if such authorized variance has not been acted upon by the applicant within said time limitation such authorization shall automatically be revoked. Member Williamson seconded the motion whereupon the motion came on for discussion.

Attorney Garner advised that at least three affirmative votes were necessary to grant and authorize the variance request before the Board.

Chair Miller read Darin Morgan, Zoning Administrator's, Recommendation from "Memorandum" dated September 13, 2021 as follows: *"It is the recommendation of the Zoning Administrator, based on dates noted in Section 6 above, this parcel cannot be considered as a non-conforming lot of record and pursuant to Article 7 Non-Conforming Uses, section 701 Intent, it is the intent of the resolution that, with the exception of residential structures, non-conformities shall not be enlarged, expanded or extended nor be used as grounds for adding other buildings, structures or uses prohibited in the zoning district in which such non-conformities are located."*

Chair Miller advised that the variance before the board was for a residential home only and does not include any future additional structures including garages or any other type of out buildings.

Upon conclusion of discussion, Chair Miller asked for a roll call vote on the motion and the following members voted in favor of the motion: Brown, Pollmann, Miller, Williamson and Dwyer. Motion carried.

Chair Miller inquired as to Agenda Item #9 “New Business”. There was none.
Chair Miller inquired as to Item #10 “Old Business”. There was none.

With no further business before the Board, member Miller moved to adjourn at 4:56 p.m. Member Williamson seconded the motion and the following members voted in favor of the motion: Brown, Williamson, Miller, Pollmann, and Dwyer. Motion carried.

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Alex Pollmann, Secretary Margaret Pollmann, Recording Secretary

HITCHCOCK COUNTY PLANNING COMMISSION

December 14, 2021
Trenton, Nebraska

The Hitchcock County Planning Commission met on Tuesday, December 14, 2021 at 7:00 p.m. in the Community Room, Hitchcock County Courthouse, 229 East D Street, Trenton, Nebraska as duly published in the *Hitchcock County News* on December 2, 2021.

Opening Statement was read by Chair Ladenburger. *It is the policy of this board that the formation of public policy is public business and may not be conducted in secret. The board conducts its business in accordance with the open meetings act.*

Chair Ladenburger called the meeting to order at 7:00 p.m.

Chair Ladenburger requested roll call. Those answering roll call were Dustin Ladenburger, Tom Monnahan, Dustin Webb, Aaron Kolbet and Wayne Merrill. Alternate Robert Brown was not present. Chair declared a quorum present and proceeded with the meeting. Also present, applicant Paul Dwyer, Terry and Mary Ginn, Tracy and Kari Peter, County Attorney, D. Eugene Garner and Recording Secretary Margaret Pollmann.

The minutes of the March 15, 2021 meeting were reviewed. Member Monnahan moved to waive reading of the minutes and approve the same as submitted. Member Webb seconded the motion. Roll call vote: Webb, Aye; Kolbet, Aye; Ladenburger, Aye; Monnahan, Aye. Merrill, Aye. Motion carried.

Chair Ladenburger opened the public hearing at 7:05 p.m. to hear the applicant and all comments thereon from the public in attendance and to receive evidence regarding the Application for Conditional Use submitted by Paul Dwyer to expand *Castaway Parkway Subdivision Filing #2* located in the South Half (S ½) of Section Thirty-two (32), Township Three (3) North, Range Thirty-three (33) West of the 6th P.M., Hitchcock County, Nebraska.

Zoning Administrator Darin Morgan had previously submitted his *Memorandum* to the Commission and said document was reviewed by members present.

Applicant Paul Dwyer presented his Application for Conditional Use and responded to questions posed by the board.

Chair Ladenburger asked if there were any comments from the proponents of the application. Terry Ginn and Mary Ginn voiced support and asked questions as roads and access as their property adjoins the subject property.

Chair Ladenburger asked if there were any comments from opponents of the application. There were none.

Chair Ladenburger asked if there were any comments from those representing a neutral position. There were none.

Chair received the following exhibits and the same were marked accordingly:

Exhibit "A" Hitchcock County Clerk's *Certificate of Service* dated November 24th, 2021 relating to Notice of Public Hearing mailed to applicant Paul Dwyer.

Exhibit "B" Hitchcock County Clerk's *Certificate of Service* dated November 24th, 2021 relating to Notice of Public Hearing mailed to land adjacent land owners and interested persons.

Exhibit "C" Zoning Administrator Darin Morgan's *Memorandum* dated November 23rd, 2021.
Exhibit "D" Warranty Deed recorded at Book 76 Page 133.

Chair Ladenburger closed the public hearing at 7:23 p.m. and re-entered regular Planning Commission proceedings.

Chair inquired if any board member had a conflict of interest regarding the application being considered. There were none.

Member Webb moved to recommend to the Hitchcock County Board of Commissioners, APPROVAL of the Application for Conditional Use submitted by Paul Dwyer, Member, on behalf of Diamond J Enterprises LLC to expand *Castaway Parkway Subdivision Filing #2* located in the South Half (S ½) of Section Thirty-two (32), Township Three (3) North, Range Thirty-three (33) West of the 6th P.M., Hitchcock County, Nebraska. Application with the following condition(s)

1. Refer to the *Memorandum* dated November 23, 2021
2. Recording of final survey plat for *Castaway Parkway Subdivision Filing #2*

The motion was seconded by Kolbet. Discussion was held.

The Hitchcock County Planning Commission finds that the requested conditional use of said land is consistent with 501.06 (9) and (10) of the Hitchcock County's Comprehensive Plan.

Chair asked for roll call on Member Webb's motion to recommend APPROVAL of the Application for Conditional Use submitted by Paul Dwyer. Roll call vote as follows: Monnahan, Aye; Kolbet, Aye; Ladenburger, Aye; Webb, Aye; Merrill, Aye.
Motion carried.

Member Webb moved to authorize and direct Chair of the Hitchcock County Planning Commission to execute the formal written recommendation of the Planning Commission for and on behalf of the full body of the Planning Commission to the Hitchcock County Board of Commissioners. The motion was seconded by Merrill. After discussion, the roll call was taken on the motion as follows: Webb, Aye; Ladenburger, Aye; Kolbet, Aye; Monnahan, Aye; Merrill, Aye. Motion carried.

Old Business: There was none.

New Business: Attorney Garner advised as to new Department of Revenue, Property Tax Division requirements relating to conservation and preservation easements and how said requirements will affect the Planning Commission.

The next regularly scheduled meeting is the Annual Meeting to be held, Thursday, January 20, 2021. A meeting may be called by the Chair at such other times as the Commission determines it is necessary to conduct its affairs, responsibilities and duties.

There being no further business before the Commission, Chair Ladenburger adjourned the meeting at 8:30 p.m.

Dustin Ladenburger, Chair
Wayne Merrill, Secretary