

# Howard Planning and Zoning Minutes



## MINUTES HOWARD COUNTY PLANNING & ZONING January 18, 2012

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 18<sup>th</sup> of January, 2012 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 7:00 P.M. Roll call showed 7 members present: Jeff Christensen, Daryl Anderson, Ron Kulwicki, Terry Spilinek, Jack Reimers, Kenneth Kozisek & Lauren Scarborough. Those absent were: Dave Sack & Randy Kauk. Also present were Franz Trumler, Planning & Zoning Administrator, Cherri Klinginsmith, Secretary, and County Attorney, David Schroeder. The Open Meeting Act is posted in the rear of the room. Administrator Trumler read the Notice of Meeting. A proof of publication is filed at the Howard County Clerks office. The Agenda was mailed to board members prior to the meeting. The minutes from the August 17<sup>th</sup>, 2011 meeting were read. A motion was made by Jeff Christensen and 2<sup>nd</sup> by Jack Reimers to approve minutes. The motion passed on a unamously voice vote.

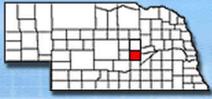
The first item on the Agenda was election of officers. A motion was made by Ken Kozisek and 2<sup>nd</sup> by Jack Reimers to nominate Terry Spilinek as Chairman. The motion carried on a majority voice vote. A motion was made by Jeff Christensen and 2<sup>nd</sup> by Ken Kozisek to nominate Jack Reimers as Vice Chairman. The motion carried on a majority voice vote. A motion was made by Ken Kozisek and 2<sup>nd</sup> by Jeff Christensen to nominate Daryl Anderson as Secretary. The motion carried on a majority voice vote. The Chairman of the Planning and Zoning Board will also be the representative to Variance board. The P & Z Officers are as follows for 2012 year:

Chairman – Terry Spilinek	Reappointed for 2012: Dave Sack	2012 - 2014
Vice-Chairman – Jack Reimers	Jeff Christensen	2012 - 2014
Secretary – Daryl Anderson	Lauren Scarborough	2012 – 2014

Old Business: Administrator Trumler informed the board of Jay Pederson’s two modular homes and possibly wanting to add a 3<sup>rd</sup>. It was discussed that if Jay owns all the land could his son put another house there, we discussed and thought yes, because it is family and he helps out with farming activities. However, the 2<sup>nd</sup> home is now being rented out and he is out of compliance to which Jay is correcting this issue. We do need to discuss these situations more at a future date to set specific guidelines for farm operation VS family.

At 7:15 P.M. the first item on the Agenda was a Public Hearing on a Single lot Subdivision application by Mike & Ashley Lynch, owner is Leo A. Blaha, Trustee of the Leo A. Blaha Marital Trust. This Subdivision, called the **Lynch Acres Subdivision** with 3.00+- acres will be located in the S ¾ of the SW ¼ of Section 15-14N-11W of the 6<sup>th</sup> P.M. in Howard County. Administrator Trumler read the Notice of Meeting. Kim Kosmicki, Mike & Ashley Lynch were present to answer any questions and present the plat to the board. Mr. Lynch informed the board that they want to move the house in town at 222 Custer Street to the farm. The board asked where will the access roads be? The applicant wishes to have access on Odell road rather than 10<sup>th</sup> avenue; however that is a minimum maintenance road. The board informed them to call the road department and see if this is even possible, and should state their reasoning and pictures for their request to the department of roads and commissioners. There was no opposition present. Hearing closed at 7:23 P.M. A motion was made by Ron Kulwicki and 2<sup>nd</sup> by Jack Reimers to approve the application. A roll call vote was taken and the motion carried 7-0. A Finding of Fact was completed. (See Attached)

At 7:25 P.M. the Public Hearing on a Single lot Subdivision application by the owners Timothy & Carla Gruber. This Subdivision, called the **Lot 1, of Section 10, Twn 15 N, Range 10W, Howard Co, NE Subdivision** with 0.86+- acres will be located in the NW ¼ of Section 10-15-10 of the 6<sup>th</sup> P.M. in Howard County. Administrator Trumler read the Notice of Meeting. Administrator Trumler represented the applicant



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to answer any questions & present the plat to the board. Administrator informed the board that prior to land to the North being sold there was an easement to allow access to pasture. County Attorney Mr. Schroeder added this subdivision will allow the new owners to the North to have access to the pasture, without settling issue in court, and have additional ground to be added to ground purchased. There was no opposition present. Hearing closed at 7:38 P.M. A motion was made by Daryl Anderson and 2<sup>nd</sup> by Jeff Christensen to approve the application. A roll call vote was taken and the motion carried 7-0. A Finding of Fact was completed. (See Attached)

At 7:41 P.M. the Public Hearing on a Single lot Subdivision application by owners Michael & Jean Thede. This Subdivision called the **Cottonwood Lane Subdivision** with 4.52 acres +- will be located in the NW ¼ of Section 36-14-9W of the 6<sup>th</sup> P.M. in Howard County. Administrator Trumler read the Notice of Meeting. Michael Thede was present to answer any questions & present the plat to the board. Mr. Thede informed the board that they have bought this section of ground and want to sell off the existing building site. The easement is added to the plat for land owners protection due to whoever buys the building site understands the irrigation water may hit some of the property. There was no opposition present. Hearing closed at 7:48 P.M. A motion was made by Lauren Scarborough and 2<sup>nd</sup> by Ron Kulwicki to approve the application. A roll call vote was taken and the motion carried 7-0. A Finding of Fact was completed. (See Attached)

The board discussed the dilemma of owners letting family members build on a corner of the property, if the building site needs to be sold in the future, how can it be kept in compliance. The Administrator informed the board he would let applicants know the risk of building on someone else's ground. If needed to sell in the future, the site would need to be sold with 20 + acres if a non-farming subdivision already exist in that quarter. The County Attorney restated it is a legal issue for the applicant to handle, not the county. The board agreed that this subject needs to be reviewed more in the future.

The final item on the agenda was a discussion on Subdivision regulations and setting up a deadline for the final Plat to be recorded with the Register of Deeds. After discussion it was the consensus to write regulations for the plat to be filed within 3 months of approval and a possible 3 month extension if needed. The Administrator stated he would write something up on this next month for review, for a possible public hearing.

A motion was made by Jeff Christensen and 2<sup>nd</sup> by Ron Kulwicki to adjourn at 8:35 P.M.

The next meeting is scheduled for February 15, 2012 at 7:00 P.M.

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Cherri Klinginsmith, Acting Secretary