



Boone County Board Minutes



MINUTES OF PUBLIC HEARING PROCEEDINGS ZONING APPLICATION FOR CONDITIONAL USE PERMIT

Hilary K. Maricle, Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Monday, October 16, 2017 at 9:32 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Luettel, second by Commissioner Maricle to open said public hearing. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Present for roll call were Commissioners Ken Luettel, Hilary K. Maricle and Alan Rasmussen. Also present for said hearing to answer any questions were Mary Ziemba, County Planning and Zoning Administrator; Mark Wagner, Boone County Planning Commission Board member; and Roslyn Bode, Applicant. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Chairman Maricle acknowledged the publication notice for the record.

The following attended the public hearing with several questions in regard to the County Zoning Regulations in general for all Conditional Use Permit Applications in the past, now and future: Jack Dailey, Mark Niewohner, Jim Dickerson, Jeff Jarecki, Michael Reichmuth, Virgil Reichmuth, Keith Reichmuth, Sandi Reichmuth and Lee Reichmuth.

The purpose of the public hearing is to hear testimony in favor of, opposition to, and to answer questions concerning the approval or denial of an Application for Conditional Use Permit submitted by Robert and Roslyn Bode. The Marjorie Bode estate is the property owner of the real estate referenced herein. The application request is to divide 3.87± acres from a parcel of agricultural land for the existing residence located on the SE1/4SE1/4 of Section 2, Township 22 North, Range 7 West of the 6th P.M., Boone County, Nebraska.

Roslyn Bode explained to the Board that the purpose for dividing the 3.87± acres from the farm ground is to separate the existing residence where they have lived for forty-six years for estate purposes. A survey for 3.87± acres is completed. The Board asked why the divided acreage did not appear to meet the rectangular shape within the County Zoning regulations. Bode said no particular reason just went with the residential building sight area and left the corner for farmable crop ground. The Boone County Planning and Zoning regulations require conditional use permits in order to split off any parcels of less than 20 acres within the A-1, Agricultural Primary District, which gives priority to agricultural land uses. Wagner pointed out that the current regulations require rectangular shaped lot splits and that this requirement has not been enforced in the past, but is still part of the regulations.

The County Planning Commission Board recommended approval to divide 3.87± acres from the parcel of farm ground for the existing residence. The County Planning Commission noted a condition on the application: “Acknowledging the fact that it does not meet the minimum requirements of the rectangular shape lots (Article 12: A-1 Agricultural – Primary District, Section 4. 4.1 A (1)). The lot shall be in rectangular shape pursuant to the changing of the rectangular shaped lots by the Boone County Commissioners.”

Motion made by Luettel, second by Rasmussen to close said public hearing at 9:50 A.M. Roll call vote: Yeas: Luettel, Rasmussen and Maricle. Nays: None. Motion carried.

Motion made by Rasmussen, second by Luettel to approve the Conditional Use Permit submitted by Robert and Roslyn Bode and waive the County Zoning rectangular shape regulation to divide 3.87± acres from a parcel of agricultural land for the existing residence located on the SE1/4SE1/4 of Section 2, Township 22 North, Range 7 West of the 6th P.M., Boone County, Nebraska, for estate purposes. Roll call vote: Yeas: Rasmussen, Luettel and Maricle. Nays: None. Motion carried.



Boone County Board Minutes



Kathy Thorberg,
Boone County Clerk