



# 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 10:33 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; Maurice R. Palmer, Trustee, the Property Owner; Alison Kuester, Applicant; and Mark Palmer. 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 Brock and Alison Kuester. Maurice R. Palmer, Trustee, is the property owner of the real estate referenced herein. The application request is to divide 5.67± acres from a parcel of farm land to residential located in a fraction of the N1/2 of the NE1/4 of Section 34, Township 19 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska.

Alison Kuester explained to the Board that the purpose for dividing the 5.67± acres from the farm land is to move back to the rural life to construct a new residential home on family property. A survey for 5.67± acres is completed. The Board asked why the divided acreage did not appear to meet the rectangular shape within the County Zoning regulations. Kuester said no particular reason just chose a spot close to highway access and left the rest as farm/pasture land. 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 group discussed several items regarding the Boone County Zoning Comprehensive Plan and the Zoning Conditional Use Permits. Some of the issues discussed were minimum lot sizes, proximity of other houses and allowable housing density in the A-1 Agricultural Primary District, lower interest rates in the secondary mortgage market for smaller acreages with residential dwellings, the need to capture developments in agriculture and housing to keep the county progressing, possibility of enforceable waivers/easement requirement to be signed in regard to residential acreages in agricultural surroundings, more clarity in zoning regulations for applicants, the past approved Conditional Use Permit applications has set a precedence and the county needs to decide on the zoning regulations and stick with the decision. The Board plans to seek legal opinion regarding some of the concerns and what changes may/may not be made to the zoning regulations.

The County Planning Commission Board recommended approval to divide 5.67± acres from the parcel of farm land to construct a new residential home on family property. The County Planning Commission noted a



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condition on the application: “Acknowledge 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 and the proximity to the other dwellings.”

Motion made by Maricle, second by Rasmussen to close said public hearing at 10:52 A.M. Roll call vote: Yeas: Maricle, Rasmussen and Luettel. Nays: None. Motion carried.

Motion made by Luettel, second by Rasmussen to table a decision to the Wednesday, October 25, 2017 Boone County Board of Commissioners meeting regarding the Conditional Use Permit submitted by Brock and Alison Kuester to divide 5.67± acres from a parcel of farm land to construct a new residential home in a fraction of the N1/2 of the NE1/4 of Section 34, Township 19 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Roll call vote: Yeas: Luettel, Rasmussen and Maricle. Nays: None. Motion carried.

Kathy Thorberg,  
Boone County Clerk