

Dawson County Board of Zoning Adjustment

Minutes of Meeting January 26th, 2023.

The meeting was called to order at 6:01 p.m., by the Chairman Richard Moomey, who then called attention to the Nebraska open meetings Act being posted on the wall.

Introduction of 2 new members was made. Greg Wichelt and Wade Craig were newly appointed by the Dawson County Board of Commissioners on January 13th, 2023, each for a term of 3 years, and having replaced Lawrence Wendelin and Tony Smith.

Roll call was taken, those present were board members Richard Moomey, Mike Muth, Drew Price, Greg Wichelt and Wade Craig. Absent was Galyn Olmhausen.

Also present was Deputy County Attorney Katherine Kuhn and Zoning Administrator Pam Holbrook.

The Chair asked for a motion to approve the minutes as presented for the prior meeting held Sept. 20th, 2022. Board member Drew Price motioned to approve said minutes, seconded by Greg Wichelt. All in favor, motion carried.

Next agenda item, election of officers. A motion was made by Wade Craig to recommend Richard Moomey as Chairman, Drew Price for Vice Chairman, Greg Wichelt as Secretary and Galyn Olmhausen as alternate board member. Seconded by Richard Moomey. All in favor, motion carried.

With no old business to discuss, Pam Holbrook presented the new amendments to the Zoning Regulations that had been made since the last meeting.

The regular meeting was closed at 6:12 p.m., and the Public Hearing was opened. Variance Application 012623, made by Rick Lemmon with Willow Island Land & Cattle was presented. Mr. Lemmon explained that he is seeking a Variance of the Zoning Regulations. He owns Lot A & Sublot A of the Replat of lots 62-66 of Midway Wildlife and Recreation Club. Sublot A is Zoned RR (Rural Residential) and allows for a maximum of 25' of buildable height on accessory structures. He is asking for 35' which meets the maximum allowable buildable height that is imposed by Central Nebraska Public Power & Irrigation District, who also regulate Zoning of Midway.

Mr. Lemmon further explained, the use of the proposed Accessory structure would be for storage of Recreational vehicles and boats, which according to the Dawson County Zoning Regulations is an allowable use in the RR Zoning District.

Mr. Moomey read aloud 2 letters of opposition that Ms. Holbrook had received. One made by Bruce Nelsen and Scott & Janna Zimbelman with concerns that the increased height would impede views. The latter made by Bruce Nelsen, individually, stating an objection to any building on the East lots as it would be a matter of safety and would create an obstruction to on-coming traffic.

Rebuttal was made with Mr. Lemmon stating that he is consistently met with opposition regarding the two gentleman and anything pertaining to change in the neighborhood. He believes that Dawson County should consider that C.N.P.P.&I.D, owners of the land, allow for 35' of building height, and that neither of

these gentleman would have a view impeded, stating further, that the new structure would not even be visible from any point of Mr. Nelsen or the Ziblemans' homes.

Mr. Lemmon asked if any members had done an on site evaluation and explained that the topography of land where the project is to take place actually sits 9-12' lower than the adjacent lands with existing structures. Ms. Holbrook agreed with this statement as she had done a prior inspection regarding the original Zoning Permit Application process. Wade Craig stated that he was aware of this as well from a prior visit.

A question was posed by Mr. Lemmon. Why does Dawson County allow 35' for primary structures but only 25' for accessory? Ms. Holbrook recalled discussing this with the consultant during the Comp Plan updating process and suggested that it is a practice to have the Primary structure visually stand apart from the Accessory.

With no public comments, the Hearing was closed at 6:30 p.m., the regular meeting opened, and motion was made by Wade Craig to approve Variance 012623 based on the unique topography of the land, that it meets all 4 criteria listed in Sec. 7.04 (c) of the Dawson County Zoning Regulations and further meets all minimum required setbacks of Dawson County and also that of C.N.P.P&I.D. Seconded by Drew Price. All in favor, motion carried.

With no further business, the meeting was adjourned at 6:35 p.m.

Greg Wichelt – Secretary