

March 27, 2006

MINUTES OF MEETING
BOARD OF ADJUSTMENT OF SARPY COUNTY, NEBRASKA

A meeting of the Board of Adjustment of Sarpy County, Nebraska was convened in open and public session at the call of Chairman Hansen at 7:00 P.M. on March 27, 2006 (having been rescheduled from March 20, 2006 due to inclement weather) at the Courthouse in Papillion, Nebraska. Present: Gene Benash, Sharon Hansen, David Fanslau, Gene Mackey and Alan Berns. Chris Vance, representing the County Clerk's office and Pat Heng, Attorney representing the Board of Adjustment were present.

Notice of the meeting was given in advance thereto by publication in the Midlands Newspapers, Inc. dba Bellevue Leader, Papillion Times, Gretna Breeze and Springfield Monitor on March 8, 2006, a copy of the Proof of Publication is on file in the County Clerk's office. Notice of the meeting was simultaneously given to all members of the Board of Adjustment of Sarpy County, Nebraska. Availability of the agenda was communicated in the published notice and in the notice to members of the Board of Adjustment of this meeting. All proceedings were taken while the convened meeting was open to the attendance of the public.

Roll call attendance was taken.

Fanslau moved, seconded by Berns, to approve the minutes of the January 23, 2006 meeting as submitted. Ayes: Mackey, Fanslau, Hansen, Benash & Berns. Nays: None.

Fanslau moved, seconded by Mackey, to accept evidence submitted into the record. Ayes: Mackey, Fanslau, Hansen, Benash & Berns. Nays: None.

Chairman Hansen introduced agenda item #4: Raymond Hunter, Sandra Hunter, Kenneth Tex, Stephanie Tex, Kevin Rice, and Lori Rice for the appeal of the determination of the Sarpy County Board of Commissioners denying their Application for a Change of Zone from AG to AGR & RE 2 on the following described property, to wit: Being a platting of the E ½ of the SE ¼ of the SW ¼ and the SW ¼ of the SE ¼ of Sec. 4, Twp. 12N, Rng. 11E of the 6th P.M., Sarpy County, Nebraska (174th Street & Cornish Road).

Pat Sullivan, representing Raymond Hunter, Sandra Hunter, Kenneth Tex, Stephanie Tex, Kevin Rice, and Lori Rice, appeared before the Board and requested that both agenda items #4 and #5, be heard as one item.

Chairman Hansen introduced agenda item #5: Raymond Hunter, Sandra Hunter, Kenneth Tex, Stephanie Tex, Kevin Rice, and Lori Rice for the appeal of the determination of the Sarpy County Board of Commissioners denying their Application for a Preliminary Plat of a subdivision to be known as Cornish Acres on the following described property, to wit: Being a platting of the E ½ of the SE ¼ of the SW ¼ and the SW ¼ of the SE ¼ of Sec. 4, Twp. 12N, Rng. 11E of the 6th P.M., Sarpy County, Nebraska (174th Street & Cornish Road).

Pat Sullivan, submitted documentation and exhibits, requested they be accepted into the record and addressed the issue before the Board.

Cindy Gilbert, Planning and Building Department, addressed the Board.

Lynn Moorner, Attorney representing Schramm Association for a Viable Environment (SAVE), submitted documentation, an exhibit and addressed the Board.

Brett Charles, Sarpy County Deputy County Attorney, representing the Sarpy County Board, presented exhibits and addressed the Board.

Rick Houck, Sarpy County Planning and Building Director, addressed the Board and answered questions.

Jarel Vinduska, President of Schramm Association for a Viable Environment (SAVE), addressed the Board.

Susan Bliss addressed the Board.

John Knapp addressed the Board.

Pat Sullivan offered rebuttal comments.

Chairman Hansen closed the public hearing.

Discussion followed.

Chairman Hansen advised that either party would have 15 days to appeal the Board's decision to District Court.

Mackey moved to approve the application for the permit to overrule the Sarpy County Commissioners decision based on freedom. MOTION FAILED FOR LACK OF A SECOND.

Fanslau moved, seconded by Mackey, that the Sarpy County Board's decision should be reversed in regards to the Application for a Change of Zone from AG to AGR & RE 2 on the following described property, to wit: Being a platting of the E ½ of the SE ¼ of the SW ¼ and the SW ¼ of the SE ¼ of Sec. 4, Twp. 12N, Rng. 11E of the 6th P.M., Sarpy County, Nebraska (174th Street & Cornish Road) based on the Board of Adjustment's jurisdiction to hear the case, the Sarpy County Comprehensive Plan, Zoning Ordinances and Subdivision Regulations. Ayes: Mackey, Fanslau, Hansen & Benash. Nays: Berns. MOTION PASSED.

Fanslau moved, seconded by Mackey, that the Sarpy County Board's decision should be reversed in regards to the Application for a Preliminary Plat of a subdivision to be known as Cornish Acres on the following described property, to wit: Being a platting of the E ½ of the SE ¼ of the SW ¼ and the SW ¼ of the SE ¼ of Sec. 4, Twp. 12N, Rng. 11E of the 6th P.M., Sarpy County, Nebraska (174th Street & Cornish Road) based on the Board of Adjustment's jurisdiction to hear the case, the Sarpy County Comprehensive Plan, Zoning Ordinances and Subdivision Regulations. Ayes: Mackey, Fanslau, Hansen & Benash. Nays: Berns. MOTION PASSED.

At 9:20 P.M. Fanslau moved, seconded by Berns, to adjourn. Ayes: Mackey, Fanslau, Hansen, Benash & Berns. Nays: None.

ATTEST:
Chris Vance, Board of Adjustment Secretary
Representing the County Clerk

Sharon Hansen, Chairman
Board of Adjustment