

SARPY COUNTY PLANNING DEPARTMENT

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Sarpy County Board of Adjustment Meeting Minutes March 21, 2011

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Sarpy County Board of Commissioners
Sarpy County Courthouse
1210 Golden Gate Drive
Papillion, Nebraska 68046

Dear Commissioners:

The Sarpy County Board of Adjustment convened at the call of Chairperson, Sharon Hansen, on March 21, 2011 at 7:01P.M. in the Sarpy County Board Room at the Sarpy County Courthouse, Papillion, NE. Chairperson Hansen called the meeting to order with the following members present: Donna Dostal, Gene Mackey, Doug Hill and Del Reibold. Also in attendance were Sarpy County Planning Director Rebecca Horner, Planner, Todd Swirczek, Nicole O'Keefe, Deputy County Attorney and Recording Secretary, Sandra Logue.

Chairperson Hansen gave notice of the Open Meeting Law.

Chairperson Hansen asked for a motion to approve the minutes of the February 14, 2011, Board of Adjustment meeting.

Mackey moved, seconded by Reibold to approve the minutes of the February 14, 2011 meeting as submitted. ***Ballot: Ayes – Dostal, Hansen, Mackey and Reibold. Nays - none. Abstain - Hill. Absent - none. Motion carried.***

REGULAR AGENDA ITEMS:

- A. **Dowd Grain Company, Inc., Duane J. Dowd, Trustee, Grand Prix, Inc., Duane J. Dowd and Lawrence W. Dowd, for the appeal of the October 10, 2010 decision and determination of the Sarpy County Planning and Building Department to issue Building Permit #31704 to Morton Buildings for the construction of a commercial/industrial building on Lot 1, Commerce Business Centre Replat 3, Sarpy County, Nebraska.**

Chairperson Hansen asked if there were any staff updates.

Rebecca Horner, Director of Planning, advised no.

Chairperson Hansen wanted to make sure that everyone had a copy of the letter Dowd had mailed out. The board and Horner advised yes.

Hill advised that he did receive a call from Dowd this afternoon as Dowd wanted to assure that Hill was going to be at the meeting and received all the information.

Chairperson Hansen advised Mr. Dowd had the floor.

Dowd advised the board that the only issue he really has with the plat is the platting date of lot 1 of the Commerce Business Centre.

Mr. Dowd discussed the materials he submitted.

Chairperson Hansen asked that she wanted to know if Dowd was disputing the definition of the plat or replat in section 32.3.

Dowd indicated that he believed that the item is not under qualification with Section 32, due to his interpretation of a plat and replat.

Chairperson Hansen advised that if he didn't have anything else, they would ask questions.

Dowd advised he did not have anything else.

Nicole O'Keefe, Deputy County Attorney, stated she is speaking on behalf of the Sarpy County Planning Department and discussed the materials she submitted.

***Chairperson Hansen opened the public hearing at 7:45 p.m.**

Chairperson Hansen called for public comment.

Steve Christensen, manager of Volvo, came up to speak. He discussed how long the company has been in Sarpy County and this is the only issue that they have had over the years. They did everything in good faith and to comply with the regulations. They are willing to do what needs to be done to continue to grow as a company and keep their good name.

Chairperson Hansen advised Mr. Dowd that he could rebut.

Dowd advised again that the definition needs to be changed for plat or replat and states this in the court of appeals.

Chairperson Hansen determined all public comment had been received.

***Chairperson Hansen closed the public hearing at 7:57 p.m.**

Chairperson Hansen opened discussion with the board.

Dostal advised that she wanted to comment that the board's job is to see if the permit is in compliance with the ordinance. That they are not arguing the definition of plat or replat. She also advised that she drove by the property and in reading the highway corridor, in her opinion, the property is in compliance with the regulations.

After some discussion on the definitions of a plat, replat and admin plat, and if the property was already in compliance,

Chairperson Hansen advised that the requested action that Dowd is asking for is to reverse the administrative decision to issue the building permit by finding its issuance in violation of the Sarpy County Zoning Regulations Section 32 Highway Corridor Overlay District.

Chairperson Hansen asked if there was anyone who would like to make a motion to either reverse or not reverse the administrative decision.

Donna Dostal moved, seconded by Del Reibold to deny the requested action to reverse the administrative decision to issue the building permit by finding its issuance in violation of the Sarpy County Regulations Section 32 Highway Corridor Overlay District.

Chairperson Hansen asked that based on the findings that it meets the Regulations of Section 32 Highway Corridor Overlay District did it meet the excepted language of the Highway Corridor Overlay.

Dostal advised she would like to amend her motion that the existing permit meets the language of Sec 32 of the regulations and it does meet the acceptance language of Section 32 of the regulations.

Chairperson Hansen asked Reibold if that was sufficient for his second.

Reibold answered yes.

Chairperson Hansen asked if there were any questions on the motion or the second, and if not, please vote.

Motion as amended to deny the requested action to reverse the administrative decision to issue the building permit by finding its issuance in violation of the Sarpy County Regulations Section 32 Highway Corridor Overlay District. Ballot: Ayes – Hansen, Dostal, Hill, Reibold. Nays – Mackey. Absent – None. Motion carried. (4-1)

B. Vote: Discussion and Vote of Rules and Procedures of the Board of Adjustment.

Nicole O'Keefe went over the Rules and Procedures with the Board.

Chairperson Hansen advised if there were no questions or discussion was there a motion to adopt these rules and procedures.

Doug Hill moved, seconded by Donna Dostal to adopt the rules and procedures. **Ballot: Ayes – Hansen, Dostal, Hill, Makey, Reibold. Nays – None. Absent – None. Motion carried. (5-0)**

Respectfully Submitted,

DRAFT