

KEITH COUNTY PLANNING COMMISSION

MINUTES

MARCH 3, 2016

Chairman Koontz called the meeting to order at 7:30 p.m. with a quorum present. Chairman Koontz noted the Nebraska Open Meeting Law was posted for all to read.

Roll Call: S. Allen, Ayres, Brodbeck, Elliott, Holscher and Koontz.

Excused Absence: C. Allen, Holz and Spurgin.

Staff: J. Quinlivan.

County Board Liaison: C. Johnson.

County Attorney R. Fair also present.

Guests: See attached list.

Chairman Koontz called for a review of the agenda as mailed. There being no deletions or additions; motion by Holscher to approve as mailed, second by Allen, all present voting in the affirmative.

Chairman Koontz called for a review of the February 4th, 2016 minutes. Motion by Ayres to approve the minutes as written, second by Elliott; all present voting in the affirmative.

Chairman Koontz opened the first hearing: A request for Special Exemption #16-1 to permit the construction of an accessory building in the front yard of Lot 5, Sandy Beach Terrace. Staff reviewed with the Commission that section of the zoning regulations providing for a Special Exemption, the 'tests' behind a decision to recommend approval, the request itself which is 30x30 garage, adjacent land uses, comprehensive plan, neighborhood objection and access to the rear. Mr. Gary Bush Jr. speaking as the applicant noted that access to the rear of the lot was difficult although there is ROW, a street has not been established. It is his intent to use the existing drive under garage as living quarters necessitating the need for a garage, in addition the lay of the land inhibits access due to snow and rain runoff. Mr. Loy Bauman, who owns the home adjacent, voiced objection noting that the garage would reduce his view of the lake, reduce the value of his property and access to rear available via road adjacent his property. Mr. Don Skinner, renter of Loy Bauman's residence also voiced opposition noting the garage of that size would be detrimental to the value of property in the area. Question by Commissioner Allen: is it possible to construct in east side yard? Mr. Bush responded by stating that the home was not configured for a garage on that side and the lot was too narrow for expansion to the west. There being no further discussion, Chairman Koontz called the question: motion by Elliott to recommend denial based on the findings that it did not meet the comprehensive plan, nor the 'tests' described in the zoning ordinance, additionally access could be gained from the rear of the lot, second by Brodbeck. All present voting in the affirmative. Staff noted that the recommendation would go to county board on March 16th, 2016. County Attorney Randy Fair in review of the action noted that the Special Exception came dangerously close to being considered a 'variance'. A variance can only be adjudicated through the Board of Zoning Adjustment and suggested that the Commission consider removing that portion from the zoning ordinance to alleviate a potential legal issue.

Chairman Koontz opened the second hearing: Recommendation regarding the International Building Code. Motion by Holscher to remove the tabling action from the February meeting, second by Brodbeck,

all present voting in the affirmative. Discussion followed regarding those chapters to be included and those to be excluded from the International Building Code (IBC), International Existing Building Code (IEBC) and the International Residential Building Code (IRBC). Motion by Holscher to recommend approval of the IBC which would include a minimum residential dwelling size of 900 square feet, excluding those chapters as outlined included Appendix J, second by Ayres, all present voting in the affirmative. Motion by Elliott to recommend approval of the IEBC excluding those chapters as outlined, second by Holscher, all present voting in the affirmative. Motion by Elliott to recommend approval of the IRBC excluding those chapters as outlined, second by Ayres; all present voting in the affirmative.

Chairman Koontz asked Keith Marvin to review the opening chapters to the revision of the Keith County Comprehensive Plan. Mr. Marvin reviewed the Population, Economic and Housing sections. Commission members discussed at length the changes noted on the agricultural portion and the impact on the zoning ordinance. Mr. Marvin also discussed the idea of a Planning Commission '101' how to session with himself, Mr. Dave Ptak and possibly Harry Milligan in the near future. Staff noted that there may be room in the budget particularly in May or June. Also new commission members should be present and would benefit. The '101' session was put on hold pending budget review.

Chairman Koontz and staff thanked retiring members Scott Allen for his 12 years of service, Jim Ayres for his 8 years of service and in absentia Cindy Allen for her 6 years of service.

There being no further business motion by Holscher to adjourn, second by S. Allen.

ATTEST: _____
Keith County Zoning Administrator

Dean Koontz, Chairperson

Date

Planning Commission
 March 3, 2016
 Meeting

Name	Agenda Item
KEITH MARVIN	Discussion
Caleb Johnson	liason
Randy Fair	County Atty
Gary E Bush	Discussion
Ashley Bush	Discussion
Austin Candy	Discussion
Gary Bush Jr	Discussion
Shannon Niepath	quest
Loy Baumann	quest Discussion
Jean Baumann	Discussion
Donald Skinner	Discussion.