

Dawes County Zoning Board of Adjustments

Meeting Minutes

12/11/2017

The meeting of the Dawes County Zoning Board of Adjustments was called to order at 7:00 pm on December 11, 2017. The meeting was held in the Dawes County Courtroom of the Dawes County Courthouse at 451 Main St, Chadron, NE.

Roll call was taken. Present were Bat Pourier, Weston Burch, Tate Hagman, Doug Butler and Casey Schuhmacher. Also present were Lindy Coleman, Zoning Administrator and Adam Edmund, County Attorney. Lindy Coleman took the minutes of the meeting. Also present were guests, see attached list

The Agenda was read and a motion was made by Casey Schuhmacher and Seconded Weston Burch to approve the agenda. Roll call vote was taken and agenda was approved.

Bat Pourier called on Adam Edmund to provide his legal opinion. Adam's overview of the law said Zoning Regulations separate the parcels in to 2 parcels and that 9 dogs on each parcel should be allowed in his opinion. Nebraska statutes state Conditional Use appeals go to the commissioners.

Bat Pourier stated that comments should be limited to 5 minutes each person.

Shelby Kriss was first to comment. She wants the permit issued and for them to be allowed to keep their pets.

Dillon Lesmeister was recognized and stated this was the 4th time to talk against this issue. He commented on parcel boundary definitions, separate buildings and water issues. What was the need for 30 dogs? Maintained that regardless of what was said dogs were being trained. He presented copies of internet sales items "toys" that are produced by Matt and Shelby for sale on the internet. Break sticks and hides being produced and sold.

Don Mandelko was recognized. He wanted to know the reason for declining the special use permit. Is there evidence that the dogs are mean?

Bat Pourier was recognized and asked about the dogs being chained and/or tethered?

Casey Schuhmacher was recognized and asked where dogs lived before?

Jim Brodrick was recognized and made comments to clarify previous questions.

Don Mandelko was recognized and expressed his concern over the County refusing special use permits based on emotion and things that are not fact.

Carrie Sayaloune was recognized and expressed her concerns with children. Making break sticks and why do they need them. There is not enough room for that many animals on the property. Less than three acres and have 29 dogs plus goats, horses and pigs.

Matt Brodrick was recognized. He commented about the number of dogs in town in a small area. Parting sticks as making money and touched on types of dogs he has.

Jerry Schumacher was recognized and supported the need for data. Concerned with waste management, raw feed concerns and neighborly consideration.

Jim Brodrick commented on the 2 parcels because Adam said they could have that, and raw diet, the feces breaks down faster than normal.

Jerry Schumacher wanted to know what the waste management process was.

Shelby Kriss stated that she cleaned up poop daily, takes to town to dumpsters.

Matt Brodrick addressed road kill tags, no illegal meats given to dogs and that livestock go in creeks too.

Denita Julius was recognized and pointed out that in reviewing the Zoning Regulations, it is for the health and safety of residents of Dawes County and having 29 dogs did not promote that.

Dillon Lesmeister stated his opinion on data gathering.

Jim Brodrick stated that no one from the county has been out to see the dogs at Matt and Shelby's. Stated these dogs were not the same as the pit bulls that were in town that attacked that woman.

Carrie Sayaloune pointed out that 29 was too many dogs and that when you had that many dogs together they had a pack mentality and that not only were kids in danger but livestock as well. Dogs want to eat what they are trained with.

Weston Burch had a question on county zoning.

Adam Edmund restated that there are 2 parcels, 2 tracts of land.

Matt Brodrick stated there were 3 wells in the property.

Lindy Coleman asked about the number of dogs at this point.

Matt Brodrick answered there were still 29 dogs.

Doug Butler pointed out about following the laws.

Tate Hageman asked if dogs were in and out or if they were the same dogs.

Matt Brodrick stated they were the same dogs.

Open Discussion regarding laws.

Dillon Lesmeister was recognized and stated that if we can't change the laws we need to enforce what we do have. Again stated we had had this meeting more than once and Matt and Shelby were not being held to the County's regulations.

Tara Sayaloune was recognized and stated that everyone had to follow the law, everyone should be law abiding citizen.

Adam Edmund explained that an appeal stays the enforcement of the law. 18 is his opinion with 9 on each parcel, this is not a criminal appeal.

Open Discussion regarding parcels and appeals.

Don Mandelko had questions about dogs at large and the number of dogs.

Matt Brodrick stated that they were always going to live there and that there were always going to have dogs.

Carrie Sayaloune stated that they should have to follow the law with buildings just like everyone else does.

Casey Schuhmacher questioned liabilities-how much?

Adam Edmund stated that liabilities for the dogs were with Matt and Shelby. Stated again they should be allowed 9 dogs per tract, they have 2 tracts and can have 18 dogs.

Jim Brodrick called for a statement from Bat Pourier regarding a statement he made in the last meeting. Said Bat's statement was sexist and uncalled for.

Bat Pourier denied making a sexist remark asking to check the records.

Dillon Lesmeister pointed out that in the initial complaint that the parcels were joint owned.

Adam Edmund restated that the parcels are under separate ownership that Matt and Shelby had taken the steps to separate the properties.

Jerry Schumacher questioned whether a decision could be made today.

Lindy Coleman stated that the Conditional Use Permit Appeal would be on the January 9, 2018 commissioner meeting agenda if at all possible and that notice of the meeting would be in the paper.

Further Open Discussion

Weston Burch made a motion to allow 9 dogs per parcel with 2 parcels in question for a total of 18 dogs.

Casey Schuhmacher seconded the motion.

Roll call vote was taken and the motion passed.

Weston Burch made a motion to adjourn the meeting.

Doug Butler seconded the motion.

Roll call vote was taken and the motion to adjourn was passed.

Meeting Adjourned.

Respectfully submitted,
Lindy Coleman