

MINUTES

Dawes County Zoning Commission

November 12, 2019 1902 hrs.

Location: Meeting room located on the first floor of the Dawes County Courthouse
Meeting called to order by Chairman, Brian Taylor

In Attendance

Roll Call:

Present—Rosalene Tollman (arrived at 1910 hrs. after vote to approve agenda), Brian Taylor, Andrew Norman, Weston Burch, Casey Schuhmacher, Jerry Schumacher,

Absent: Luke Norman, Dillon Lestmeister, Sam Holmgren

Also present: Zoning Administrator, Lindy Coleman, Steve Bassee, Ron Dyer, Jan Hale, Emmett Hale, Sandy Hamaker, Bud Hamaker , Jamie Hamaker, and Joe Golden

Approval of Agenda

Chairman Brian Taylor announced that the meeting was regulated by, and in compliance with, the Nebraska Open Meetings Act and pointed out where a copy of the Act was displayed in the meeting room.

Motion to approve the agenda by Casey Schuhmacher second by Weston Burch.

Roll call vote: Ayes—Brian Taylor, Andrew Norman, Casey Schuhmacher, Jerry Schumacher, Weston Burch.
Nays—None. **Motion Adopted**

Approval of Minutes

Motion to approve the Minutes of the May 01, 2018 meeting by Weston Burch, second by Casey Schuhmacher.

Roll call vote: Ayes—Rosalene Tollman, Brian Taylor, Andrew Norman, Casey Schuhmacher, Jerry Schumacher,. Nays—None. **Motion Adopted**

Correspondence

No correspondence has been received.

New Business

1. Joseph Golden—3 acre parcel variance

Mr. Golden owns one small parcel (parcel ID 230002368) that is divided by Pinedale road which is south of the Chadron State Park entrance between Highway 385 and Camp Norweska Road. He wishes to get approval from the zoning commission to split the parcel into two separate parcels (.33 ac. And 1.63 ac.) in the event that he should decide to sell part of the existing parcel that lies on one side of the road.

Because the parcel as it currently exists is less than 3 acres in size (the minimum size for a parcel in the Residential District) it was grandfathered as meeting the minimum requirements when the zoning regulations were implemented. In order to establish a separate parcel that would be under the minimum size limit Mr. Golden would need to be granted a variance to the regulations.

Secretary Schumacher pointed out that according to the definition of a "Variance" included in the zoning regulations, "A variance is a relaxation of the terms of this Zoning Resolution that may be granted by the Board of Adjustment under the provisions of Section 20." He explained that (1) the provisions relating to subdivisions and the Board of Adjustment are found in sections 19 and 21 respectively, not 20 (Airport Zoning), and (2) since the authority for considering variances to the Zoning Resolution appears to lie with the Board of Adjustment, not the Zoning Commission, it is not within the authority of the Zoning Commission to address Mr. Golden's request.

Upon further discussion, the Zoning Administrator explained that this is a preliminary request, not a request for a final decision, and referenced Section 19.05 a (1) "Before filing a preliminary plat the subdivider shall consult with the Planning Commission or its staff for advice regarding general requirements affecting the proposed development."

Since a sale is not imminent the commission agreed with the proposal in principle which would need to be more fully developed prior to a final decision.

2. Conditional Use Permit-2019-15 Hamaker Campground

The Hamakers are proposing to build an RV campground on a 7 acre part of their property 10 miles south of Crawford, at the intersection of North Belmont Road and Highway 2/71, and have, at the direction of the Zoning Administrator, submitted information and an application for a conditional use permit for review by the Zoning Commission prior to recommending to the County Commissioners approval or disapproval of the proposal.

Secretary Schumacher explained that the zoning regulations list "Mobile Home and RV parks" as requiring a conditional use permit within the Agriculture District, "in accordance with Section 12" (Sec. 5.03(r)). However, Section 12 is entirely devoted to mobile home parks and contains no further mention of RV parks. Mobile home parks are designed for permanent residence, while RV parks are designed for shorter term use in a recreation setting primarily. Therefore, Mr. Schumacher explained that requiring a conditional use permit under the provisions of Section 12 may not be appropriate and suggested instead that the Hamaker's proposal should be more appropriately considered a proposal for "Recreational Lodging Facilities," which are an allowed use in the Agricultural District (Sec. 5.02 (t)) and do not require a conditional use permit under the Dawes County Zoning Regulations.

Mr. Dyer and Mr. Basse asked if the development increases the value of the Hamaker's property, what would the affect be on neighboring properties. Lindy Coleman, county assessor, responded that since there is no sale involved there would be no change.

Casey Schuhmacher noted that the Hamaker's have done a good job of working to ensure that they have the necessary information and have done an exceptional job of contacting neighboring landowners to let them know of their proposal.

Sandy Hamaker also stated that they had been working with the Department of Transportation and have received permission to provide direct access to the proposed RV campground from Highway 2/71.

Weston Burch made a motion to recommend to the County Commissioners that the proposal be approved without the need for a conditional use permit. Seconded by J. Schumacher.

Roll call vote: Ayes—Tollman, Taylor, Andrew Norman, Burch, Casey Schuhmacher, Jerry Schumacher.
Nays—None. **Motion Adopted.**

3. Next Meeting Date: As needed

4. Adjourn: J. Schumacher moved for adjournment, seconded by Weston Burch.

Roll call vote: Ayes—Tollman, Taylor, Andrew Norman, Burch, Casey Schuhmacher, Jerry Schumacher.
Nays—None. **Motion Adopted.**

Meeting adjourned at 2000 hrs.