

Approved May 5, 2015

MINUTES
HARVEY COUNTY REGIONAL PLANNING COMMISSION
HARVEY COUNTY BOARD OF ZONING APPEALS
Harvey County Courthouse
Community Room
April 14, 2015
7:00pm

Members Present: Larry Goering, Jack Bender III, Carol Buller, Bonnie Wendling, Wayne Allison, Philip Kimerer, Lynne Vigil, Harlan Foraker, and Dorothy Thiessen,

Members Absent: Duane Miles & Teresa Thach

Staff Present: Gina Bell, Karen Jacobs

Guest: Ivan Thiessen, Mary Harper, Frank Harper, Chad Lehman, David Blaha, Don Gruver.

Minutes from the Dec. 2, 2014 meeting were approved. Philip Kimerer made the motion and Carol Buller made the second.

Application for CUP has been made by Frank and Mary Harper. CUP-15-1 for “The Barn at Sedgwick, LLC”

Jack Bender disclosed that he personally knew the applicants. The barn was originally permitted as an ag building. But building was starting to appear to be a business with advertising on Facebook for events at the business. A letter from the applicant she they are still trying to figure out where they are going. Bell said it appeared that they would have adequate parking for the business. She did ask the Harpers what type of sewer the building was using as no permit was ever issued. The Harpers replied an infiltrator system.

Frank Harper said when they rebuilt the barn they had no intention of it being what it is now. He said the current barn and its use was an evolution of ideas that came about by wanting to preserve the heritage of the barn. They are not open certain hours and have no regular scheduled activities. He said they had interest from the community to use the building and it has grown from there. Harper said he wanted to use the building for storage in the beginning but his wife had other ideas. Kimerer asked if the structure had been change to a business on the tax roles or if they had an LLC. They said yes they did have an LLC as an avenue of security not because of wanting it to be a business. The Harpers did not know if it was being taxed as a business. Parking was discussed and it was determined that there was more than adequate parking and that there was never a need for parking to happen on Ridge Road.

Harper said when it came to limitations they wanted to know what they could or could not do. The loft of the barn contains beds and commission discussed if having a bed and breakfast would be a problem. Bender reported that the church had sponsored an overnight at the facility. Other events that had been held there included a wedding, art classes and an antique sale. The Harpers reported they did not charge for those events but did recover some of their expenses.

Advertising for the property had been done on Facebook by Mary as well as on her blog on her website.

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Foraker spoke up and said it is a business. Kimerer agreed saying they had gone to the lengths of acquiring an LLC and tax number so there for it is a legitimate business.

Bell had given a recommendation to set conditions that no parking would be allowed on Ridge Road and adequate parking would be available for events. She also recommended that they limit the business to not allow a bed and breakfast or personal residence in the barn.

Bender made the motion to approve the CUP with the condition that adequate parking would be provided. Kimerer seconded the motion and CUP 15-1 for THE BARN IN SEDGWICK at 8426 S. Ridge Rd. passed unanimously.

Bell informed the Harpers that they CUP now goes before the county commissioners in two weeks for final approval.

The next items on agenda was CUP15-2 and CUP15-3 asking permission to build 300 ft guyed communication towers for Harvey County 911 in an agricultural district. CUP15-2 was on land owned by Earl and Denise Findley and CUP15-3 was on land owned by Barry and Sharon Lehman. HPB Properties, LLC is building the towers and will lease the tower for Harvey County 911 to put their new communication radio system on.

Bell said the proposed towers both on Findley's land at 2103 N. Sand Hill Road, Burrton, and on Lehman's land at 5462B N. Meridian, Newton, did not meet setback requirements. She said a variance has been filed for both and will come before the commission next month. The Sandhill location is too close to the road but can not be moved back due to a creek and a pipeline. The Meridian location does not meet the set back on the adjoining property owners land. David Blaha with Hayden Towers said that there were no houses within the fall zone of the towers and no proposed risks. He said when large towers like this have a fault causing them to fall, gravity takes over and they fall straight down. Blaha said he has worked with Motorola on other towers for the 800 mhz systems and the other counties were very pleased with the outcome. Don Gruver, 911 communications, said they brought in Motorola and their engineers to figure out the best locations to put towers so that the least amount of towers would need to be built for the best coverage. Hayden will own the towers and Harvey County will lease them. The towers are both eligible for co-location, however at this time there is no request for co-location. The Sandhill tower is 300 feet and the set back is at 210 feet. The Lehman's tower is also 300 feet with a set back of 197 feet.

Gruver said it was a last resort to build additional towers. But noted that lease fee to go on existing towers was astronomical. He said the system was necessary to join the state radio system. Gruver said since the requirement to go to narrow band, Harvey County has lost half of their coverage in the county. He said there are even areas within the city of Newton that the police do not get a signal. Gruver said this should help remedy that problem and allow local law enforcement and emergency responders to communicate seamlessly with other counties and state departments.

Vigil moved to approve CUP 15-2 and CUP-15-3 pending approval of the variance. Allison seconded the motion. The commission voted unanimously to approve the CUPs.

Old Business: Goering had question about the building permits for 2014. He questioned why some fees were higher than others and did not understand why some were charged the same for a lesser valued building than other. Bell told Goering that she would get an answer for him as soon as she could but since it was just now

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being brought to her attention and she did not have the ability to check on the items at the meeting it could not be answered immediately.

New Business: Election of Officers. Vigil made a motion to nominate Philip Kimerer as chairman. Wayne Alison seconded the motion. The vote for Kimerer was unanimous with Kimerer abstaining from the vote.

Vigil nominated Goering as vice chairman. Bender seconded the motion. Goering abstained from voting. The vote was unanimous.

Meeting adjourned approx. 8:15 p.m.