

MINUTES  
HARVEY COUNTY REGIONAL PLANNING COMMISSION  
HARVEY COUNTY BOARD OF ZONING APPEALS  
Harvey County Courthouse  
Community Room  
September 3, 2013  
7:00pm

Members Present: Clifford Kirk, Larry Goering, Dorothy Thiessen, Bonnie Wendling, Wayne Alison, Philip Kimerer, Jack Bender, Duane Miles

Members Absent: Harlan Foraker, John Reed, Lynne Vigil, Teresa Thach, Chad Fuqua, Dr. William Wilson

Staff Present: Gina Bell, Julie O'Flynn

Others Present: Shelwyn Becker, Kayla Becker, Andrea Unzicker, Wilbert Dirks, BethAnn Kingsley

At 7:00pm Chairman Clifford Kirk called the meeting to order.

Cliff Kirk moved to approve the July 2, 2013 minutes. Duane Miles made a motion to approve and Philip Kimerer seconded. The board voted unanimously to approve the minutes and the motion was carried.

Cliff Kirk opened discussion on Case #VP13-01 concerning a request by Tom Unzicker for a variance to the setback requirement for a new building from 200 feet from the centerline of K-15 to 100 feet. Gina Bell read the staff report and Cliff opened questions for the Director. Gina showed a map of the property explaining that they need the variance so they can build the accessory building out of the floodplain.

The floor was opened for questions to the applicant. Phil Kimerer asked what the building would be used for. The building will be approximately 20x40 feet and used as a pottery studio. Cliff Kirk asked what is between the building site and the highway. There is a low fence and some trees. Larry Goering asked if the recent heavy rains had affected the building site and there had been minimal water in the area.

Cliff Kirk opened the public hearing and no one was present to speak for or against so the public hearing was closed.

The Planning Commission had no further questions so Jack Bender made a motion to approve the Variance per conditions 1-5 on the Staff Report. Duane Miles seconded the motion and the board voted unanimously to approve. Motion carried. Gina Bell will check to see if this matter will need further approval from the Board of County Commissioners.

Cliff Kirk opened discussion on Case #VP13-02 concerning a request by Shelwyn & Kayla Becker for a variance to the 40 acre for a new home rule. Gina Bell read the Staff Report and Cliff opened questions to the Director. Gina showed the map and Phil asked to see the property with the LIDAR elevations. Dorothy Thiessen asked how many acres are on the property and there are 24. Larry Goering wanted to know what class the land was and it is believed to be class 1 or 2.

Cliff opened the floor to questions for the applicant. Cliff asked when the property was purchased. Shelwyn Becker stated he had purchased the property 3 years ago. Jack asked if they had made any improvements and they have only been grazing cattle. Jack wanted to know if they knew about the 40 acre rule when they bought the property and Shelwyn is unsure if they were told at the time of purchase but believes they might have been. It was also stated that neighbor Merlin Unruh would sell them additional land to make up the difference but it would be taking farm ground out of production. It was asked if that sale would bring Merlin's acreage below the 40 rule but it would not. Jack wanted to know where the driveway would go and that would be located South of the creek.

Cliff opened the public hearing. No one present was opposed to the variance. Wilbert Dirks, a neighbor, spoke up in favor of the variance. The public hearing was closed.

The Commission reviewed the information. Bonnie Wendling felt the land should be left as pasture and not be built on. Phil believes the 24 acres is a good amount and the owners shouldn't have to purchase additional land which would be taken out of cultivation. Jack discussed the lack of 40 acre lots for people to buy and build on and that we need to keep families in Harvey County.

There were no more questions so Philip Kimerer made a motion to approve the variance per conditions 1-5 of the Staff Report. Wayne Alison seconded the motion. The Board voted 5 for and 3 against. Motion passed. Gina will check to see if this matter needs further approval from the Board of County Commissioners.

Old Business – Jack Bender asked about the racetrack issue. John Stutzman has deeded over the land to Speedy. This issue is going to take time so we can make sure we have all the necessary information.

New Business – Gina discussed issues with the 40 acre building rule and land splits and how the Commission needs to look over these regulations and see what should be updated. Jack Bender wanted the Board to be aware that he had outside contact with Marsha Hill who discussed selling her property with him.

Clifford Kirk adjourned the meeting at 8:20pm.