Harvey County Court House – Community Room

March 13, 2018

* **Meeting Called to Order at 7 p.m. by Chair Lynne Vigil.** Members present were Lynne Vigil, Jack Bender, Mike Koehn, Pat Wendling. Trinity Muth Carol Buller, Phil Kimerer. Absent- Wayne Alison, Duane Miles. Also attending were Director Gina Bell and Secretary Karen Jacobs.
* Guests: Eric Shelly, Sonya and Verlin Seifkes, Michael Southern, Mandee Schauf, Howard Koehn, LaVerne Goering, Cathline Goering, Gary Littlejohn, Marcia Mathews, Amber Holguin, Erick Erwin, Sharon Erwin, Joanne Ruggiero, Randy Matthews, Troop 143 leaders and members, Ron Decker, Jerry Decker, Dave Lowden, Michelle Masters.
* **Agenda was approved with a motion by Wendling and second by Buller. Voting was unanimous 6-0.** Voting in favor of agenda approval wasBuller, Kimerer, Bender, Wendling, Muth, Koehn. Chair Vigil did not vote- choosing to vote only if needed to break a tie.
* **Chair Vigil called for a motion to approve the minutes from Feb. 13, 2018. Bender made the motion to approve the minutes. Wendling seconded the motion. The motion carried with a 6-0 vote.** Voting Aye were Buller, Kimerer, Bender, Wendling, Muth, Koehn.
* **Administrator Update-** Bell reported that the office had recoved for the most part from the cyber attack. Most of the information was retrieved. GIS is taking a little longer to get back to its former state as layers have to be redrawn. Bell said there could be a wedding venue case in May.
* **Close as Planning Commission/Open as Zoning Appeals:** **Motion was made by Bender to close as planning commission and open as board of zoning appeals. Muth seconded the motion. Motion carried with a 6-0 vote.** Voting Aye were Buller, Kimerer, Bender, Wendling, Muth, Koehn.
* **CASE NO V18-1-** Applicant Howard Koehn is requesting a variance from the minimum lot size on a previously divided original parcel in the A-1 Agricultural Zoning District Regulations, Art. 9.10C. Specifically the applicant is requesting a building right on an original parcel that is less than 40 acres. Koehn claims former zoning director Rod Compton approved his property for a building permit. Koehn said the adjoining property built first and his building right was given to them without his knowledge. The adjoining property was part of Koehn’s property and was allowed to split off at some point. The easement for the other property is on Koehn’s ground. Koehn has been living in his agriculture building at the said advice of Compton since the building right was taken. The property therefore already has all utilities and septic in place. Koehn wants to sell the property to someone who is interested in building a home south of the buildings that are there now. After hearing Koehn’s case, the board decided they needed more evidence of the promise of a building permit since no records were found in the zoning office. Koehn said he could have the realtor Backhaus, confirm what he is saying. The board asked for a statement from Backhaus confirming permission to build. **The case was tabled until more evidence could be brought to the board for a decision. Motion for the table was made by Muth and seconded by Koehn. Motion carried with a 6-0 vote.** Voting Aye were Buller, Kimerer, Bender, Wendling, Muth, Koehn.
* **Close as Zoning Appeals/Open as Planning Commission – Bender made the motion to close the board of zoning appeals and open as the planning commission. Wendling seconded the motion. Motion carried with a 6-0** vote. Voting Aye were Buller, Kimerer, Bender, Wendling, Muth, Koehn.
* **Old Business- Review CUP 17-4 –** The applicant is returning to give an overview of the paintball zombie hunts in connection with a corn maze and pumpkin patch. Last year CUP-17-4 was approved with a review in one year. Muth requested approval without a yearly review. He said the business was very successful and they had invested more than $40,000 in the zombie hunt. He said most of the income was donated to charities and benefits for a cancer survivor. LaVerne Goering and Cathline Goering spoke in opposition to the course. They were unhappy with the safety aspect of crossing the street, increased traffic, lack of lighting and that it doesn’t fit into Agriculture Zoning. All of the issues were addressed by Muth and his partners Gary Littlejohn and Dave Lowden. Michelle Masters spoke to the planning commission about the benefit for her daughter in favor of the course. Randy Matthews spoke up and said he was also in favor of the zombie hunt continuing. Littlejohn, who is a law enforcement officer, said safety is not an issue. He said kids are not left unattended, the parking lot is lighted, the pumpkin patch is lighted and there is a pole at the end of the drive with a light as well as the concession stand. **Wendling made a motion to extend CUP 17-4 without yearly review requirements. Koehn seconded the motion. Motion carried with a 5-0 vote with Muth abstaining from voting. .** Voting Aye were Buller, Kimerer, Bender, Wendling, Koehn.
* **New Business-** None
* **Chair Vigil called for a motion to adjourn. Kimerer made the motion to adjourn. Buller seconded the motion. Motion passed 6-0.** Voting in favor were Buller, Kimerer, Bender, Wendling, Muth and Koehn.