

DODGE COUNTY PLANNING COMMISSION - ~~CONDITIONAL USE PERMIT~~

Based on the record in this case of the application of Carolyn Macklin Estate for a conditional use permit, the Dodge County Planning Commission finds as follows (check as many as apply):

DISAPPROVAL - FACTUAL FINDINGS:

- 1. Does not protect the comfort, convenience, appearance, prosperity or general welfare of abutting properties and citizens.
- 2. Location and characteristics of the use will be injurious to the health, safety, morals and general welfare of the area.
- 3. Conditional use does not conform to the intent and purpose of the regulations and the comprehensive plan.
 - a. Use does not conform to regulations of the district in which it is located.
 - b. Ingress and egress are not designed to minimize congestion in the public street, road or highway.
 - c. Use is not in harmony with the character of the area and most appropriate use of the land.
 - d. Use does not conserve and stabilize the value of the property.
 - e. Use does not provide adequate open space for light and air.
 - f. Use adversely affects concentration of population.
 - g. Use congests public streets.
 - h. Use does not promote public safety, health, convenience and comfort.
 - i. Other: _____

APPROVAL - FACTUAL FINDINGS:

- 1. Conditional use protects the comfort, convenience, appearance, prosperity or general welfare of abutting properties and citizens.
- 2. Location and characteristics of the use will not be injurious to the health, safety, morals and general welfare of the area.

- _____ 3. Conditional use conforms to the intent and purpose of the regulations and the comprehensive plan.
- _____ a. Use conforms to regulations of the district in which it is located.
 - _____ b. Ingress and egress are designed to minimize congestion in the public street, road or highway.
 - _____ c. Use is in harmony with the character of the area and most appropriate use of the land.
 - _____ d. Use conserves and stabilizes the value of the property.
 - _____ e. Use provides adequate open space for light and air.
 - _____ f. Use does not adversely affect concentration of population.
 - _____ g. Use does not congest public streets.
 - _____ h. Use promotes public safety, health, convenience and comfort.
 - _____ i. Other: _____

DATED this 16 day of May, 2023.

BY: _____

DODGE COUNTY
BUILDING INSPECTION & ZONING DEPARTMENT

JEAN ANDREWS, Zoning Administrator
Flood Plain Manager

Courthouse - 435 N. Park, Room 204
Fremont, Nebraska 68025
Phone: (402) 727-2724

May 5, 2023

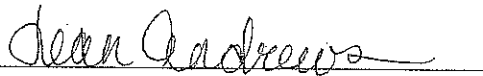
Susan Woita
8700 Pearle Rd.
Lincoln, NE 68517

Good Day!

Enclosed please find a copy of the agenda for the Planning Commission meeting to be held May 16, 2023 at 4:30 P.M. on third floor of the Courthouse, Fremont, NE. You or your representative should make an effort to attend this meeting to answer any questions the board may have. Please come to the east door of the Courthouse for admittance and go directly up to third floor. In addition, please plan to attend the Dodge County Board of Supervisors meeting on May 31, 2023 where your application will be heard at approximately 9:30 A.M.

If you have any questions, please feel free to contact my office.

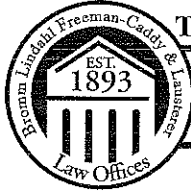
Thank you,



Jean Andrews,
Dodge County Zoning Administrator

Enclosure

Cc: Maureen Freeman-Caddy, Attorney
File



The Law Offices of

Bromm Lindahl Freeman-Caddy & Lausterer

An Organization of Professional Corporations

Curtis A. Bromm, P.C.
Loren L. Lindahl, P.C.

Maureen Freeman-Caddy, P.C., L.L.O.
Jovan W. Lausterer, P.C., L.L.O.
Joanna M. Uden

April 13, 2023

Jean Andrews
Dodge County Planning and Zoning
435 N Park, Room 204
Fremont NE 68025

RE: *Lot Split/Conditional Use Permit*

Dear Jean:

Please find enclosed the following on behalf of the Estate of Carolyn Macklin:

1. Lot Split Application.
2. Application for Conditional Use.
3. Application for No Fee Residential Registration Permit.
4. A check in the amount of \$350.00.
5. A copy of the aerial photo of the farm.
6. A copy of the Lot Split Survey done by Kirk Land Survey, LLC.

Mr. Kirk indicated that he was dropping off the actual document for you in its original format last week and Breanna Dowty with Dodge County Title indicated she would forward you the list of property owners within 300 feet on April 10th.

Please contact me if you have any questions. We are expecting this will be processed for the May meeting of the Planning Commission. If there is anything in error or needs to be modified, please let us know.

Sincerely,

BROMM, LINDAHL,
FREEMAN-CADDY & LAUSTERER

By:


Maureen Freeman-Caddy

MFC:tp
enclosures

LOT SPLIT APPLICATION
Dodge County, Nebraska

Date 3-31-2023

Property Owner's Name Carolyn Macklin Estate, c/o Susan Woita, Personal Representative

Address: 8700 Pearle Rd, Lincoln, NE 68517

Phone No. 402.440.6959

Legal Description of the Property to be split. SE ¼ 29-18-7 Dodge County

Number of Acres being split off 7.62 acres Zoning District Intensive Ag A-1

Total Number of Acres the subdivision subdivided from 160 Acres

Is a new access route needed or proposed? YES or NO

Is a vacation of streets, alleys, setback lines, access control or easement required or proposed? YES or NO

Will a lot split in significant increase in service requirements; e.g. Utilities, schools, traffic control streets, county roads, etc. or will it interfere with maintaining existing service levels? YES or NO

Will this action result in a tract without direct access to a street or county road? YES or NO

Has the lot been previously split in accordance with these Regulations? YES or NO

Applicant's Name (Print) Susan Woita, PR Estate of Carolyn Macklin

Applicant's Address 8700 Pearle Rd, Lincoln NE 68517

Applicant's Signature Susan Woita

Dodge County Planning and Zoning Administrator
435 N. Park Rm.204 Fremont, NE 68025 402-727-2724

2023 APR 15 11:10:57
DODGE COUNTY NE

OFFICE USE ONLY

Permit No. 2023-002 __

Date. 05-16-2023 Approved. __
Disapproved __

Chairman, Dodge Co. Planning Comm.

Date. 05-31-2023 Approved __
Disapproved __

Chairman, Dodge Co. Board of Superv.

Dodge County Planning and Zoning Administrator
435 N. Park Rm.204 Fremont, NE 68025 402-727-2724

APPLICATION FOR CONDITIONAL USE
Dodge County, Nebraska

Date 3-31-2023

Property Owner's Name: Carolyn Macklin Estate, c/o Susan Wolta, Personal Representative
 David Anderson, resident and proposed owner

Addresses: Susan Wolta: 8700 Pearle Rd. Lincoln, NE 68517; David Anderson: 1456 Co Rd R, Ames, NE 68621

Phone No. Susan: 402.440.6959 David: (resides at site) 402.719.1696

Pursuant to the Dodge County Zoning Regulations, application is hereby made for the following proposed use of property or structure: Residential Acreage – this property has been used for this purpose for over the last _____ years and the current resident has been in residence the past 30* years. The property will be distributed from the Estate to the Resident. Site address is 1456 Co Rd R Ames, NE 68621.

Section 29 Township 18 Range 7 Lot No. _____

Location within Section: SE 1/4 Lot Size 7.62 acres (Sq. Ft./Acres)

Estimated Cost of Structure/Use : No new structures Zoning District Intensive Ag

Will use in all other respects conform to the applicable regulations of the district in which it is located?
 Yes

Will use conform to all other applicable regulations and laws of any governmental jurisdiction? Yes

How are Adjoining Properties Used (Actual Use)

North Agriculture (row crop)

South Agriculture (row crop)

East Agriculture (row crop)

West Agriculture (row crop)

Justification

You must justify your request. Questions 1 through 4 must be answered completely.

1. What is the general character of the area? Describe Agricultural with single family acreages. The current use of the property will not be changed by this modification, the estate will distribute the acreage occupied by one of the heirs to that heir and retain the surrounding farmland for common ownership with the heir and others.
2. Can soil conditions support the proposed development? What is the soil classification of the area? There is no development proposed, no soil conditions will be impacted adversely.
3. Will use have adequate water, sewer and drainage facilities (approved by the Dodge County Board of Health, Dodge County Board of Supervisors, and the State of Nebraska Department of Health)? Yes, no change.

Dodge County Planning & Zoning Administrator
 435 N. Park, Rm. 204, Fremont, NE 68025
 (402)727-2724

4. Will ingress and egress be so designed as to minimize traffic congestion in the public streets/roads? Yes, no change. How will the proposed Zoning District affect traffic in the area? Will streets or roads need to be updated for access to the area? If yes, what will the requirements be? No change, one family residential structure on the property has been there for years.

Enclosed:

Site Plan On survey Soil Suitably Map N/A Easements None required

Conditions and requirements pending approval of application for a proposed operation and waste disposal plan from the DEQ or other applicable State Agency N/A

If Exhibits are furnished, please describe and enumerate. (Furnish Plot or Site Plan showing existing and proposed structures, easements, water courses, curb cutbacks, etc.) Survey contains a Plot Plan showing locations of existing structures.

Application Fee of \$250 (lot split \$150, CUP \$150) is Non-Refundable.

The Zoning Administrator or Building Inspector, who may be accompanied by others, is hereby authorized to enter upon the property during normal working hours for the purpose of becoming familiar with the proposed situation.

In consideration of the issuance of this Certificate, the applicant hereby certifies that the information in this application is true and correct, and hereby certifies that compliance with the zoning, subdivision and floodplain regulations which are in effect have been met.

Applicant's Signature *Jason Acosta* PR Mailing Address 8700 Pearle Rd. Lincoln, NE 68517
Applicant's Signature *Debra Ann* Mailing Address: 1456 Co Rd R, Ames, NE 68821

OFFICE USE ONLY

PERMIT NO. 2023-005

Permit when issued is Transferrable/Transferrable Upon Renewal

Date 05-16-23 Approved, _____
Approved with Added Conditions _____
Disapproved _____ Chair, Dodge County Planning Comm

Date 05-31-23 Approved, _____
Approved with Added Conditions _____
Disapproved _____ Chair, Dodge County Board of Comm

See attachment for added conditions.

ATTEST _____
Dodge County Clerk

Dated this 31 day of May 2023
Dodge County Planning & Zoning Administrator
435 N. Park, Rm. 204, Fremont, NE 68025
(402)727-2724

APPLICATION FOR NO-FEE RESIDENTIAL REGISTRATION PERMIT
(A-1, A-2, and A-3 Agricultural Districts)
Dodge County, Nebraska

"I certify that I am the applicant for a residential use permit to allow a residential use in the A-1, A-2, or A-3 Agriculture Districts. I certify that I have read the following preamble to the A-1 Agriculture-Intensive District contained in the Dodge County Zoning Regulations and that I understand that there are permitted uses and named conditional uses allowed in the A-1, A-2, and A-3 Agriculture Districts that may not be compatible with a residential use in the district. I further understand that residential uses in the A-1, A-2, and A-3 Districts are not given the same provision of services, amenities and protection from other land uses that are afforded to residential uses by the regulations of other districts and that the A-1, A-2, and A-3 District Regulations are not intended to afford such services, amenities and protections to residential uses located therein."

The A-1 Agricultural District regulations are intended to provide for the use and conservation of agricultural land, to protect the value of such land, and to protect it from indiscriminate residential and urban development and other incompatible and conflicting land uses; to conserve and protect the value of open space, wooded areas, streams, mineral deposits and other natural resources and to protect them from incompatible land uses and to provide for their timely utilization; to provide for the location and govern the establishment and operation of land uses which are compatible with agriculture and are of such nature that their location away from residential, commercial and industrial areas is most desirable; to provide for the location and govern the establishment of residential uses which are accessory to and necessary for the conduct of agriculture and to provide for the location and govern the establishment and use of limited non-agricultural residential uses. Such non-agricultural residential uses shall not be so located as to be detrimental to or conflict with other uses which are named as permitted or conditional uses in this district and are appropriate to other property in the area. The nature of the A-1 District and the uses allowed outright or by conditional use precludes the provision of services, amenities and protection from other land uses which are afforded to residential uses by the regulations of other districts, and it is not intended that the A-1 District regulations afford such services, amenities and protection to residential; uses located therein.

"I understand that if the County Board of Dodge County approves my no-fee residential registration permit application and I establish a residential use in the A-1, A-2, or A-3 Agricultural Districts that such land use has no additional rights granted to it that is granted of other uses allowed by either permit or by conditional use in the A-1, A-2, and A-3 Districts. I certify that I have been given a copy of this attachment."

Signature of Applicant David Anderson David Anderson

Address of Applicant: 1456 Co Rd R Ames, NE 68601

In witness whereof, the parties aforesaid have hereto set their hand with this application 4 day of April 2023

Date filed with Dodge County Joint Planning Commission: 05-16-23

Date filed with Dodge County Board of Supervisors: 05-31-23

Devin Anderson
Dodge County Zoning Administrator or County Building Inspector

Dodge County Planning and Zoning Administrator
435 N. Park, Fremont, NE 68025 402/727-2724

APPLICATION FOR NO-FEE RESIDENTIAL REGISTRATION PERMIT
(cont.)
(A-1, A-2, and A-3 Agricultural Districts)
Dodge County, Nebraska

Permit No. 2023-002
 Property Owner's Name Carolyn Macklin Estate
 Address c/o Susan Wichter 8700 Pease Rd Lincoln, NE 68517
 Legal Description Parcel in SE 1/4 29-18-7 Dodge County
 Lot Size and Number of Acres 7.62 acres
 Distance from Nearest Livestock Operation 1.5 miles

Single-family dwellings are not permitted on tracts without legal access to an improved road and owners must sign no-fee Residential Registration Permit Application prior to a 10-day waiting period before a building permit is granted. The Residential Use Permit is valid for the length of the building permit and must be signed and filed with the Dodge County Planning Commission and Zoning Administrator and a copy filed with the Dodge County Register of Deeds. Once the dwelling is constructed, the Residential Registration Permit is valid for the life of the dwelling. *Dwelling is already in place*

Will the Residential Use in all other respects conform to the applicable regulations of the Zoning District in which it is located? YES or NO

Applicant's Signature *David Anderson* David Anderson - Resident

Mailing Address 1456 Co Rd R Ames, NE 68621

Telephone No. 402-719-1696

OFFICE USE ONLY

David Anderson has been granted a no-fee Residential Registration Permit, under the following conditions and/or limitations, all of which must be complied with by applicant for said permit.

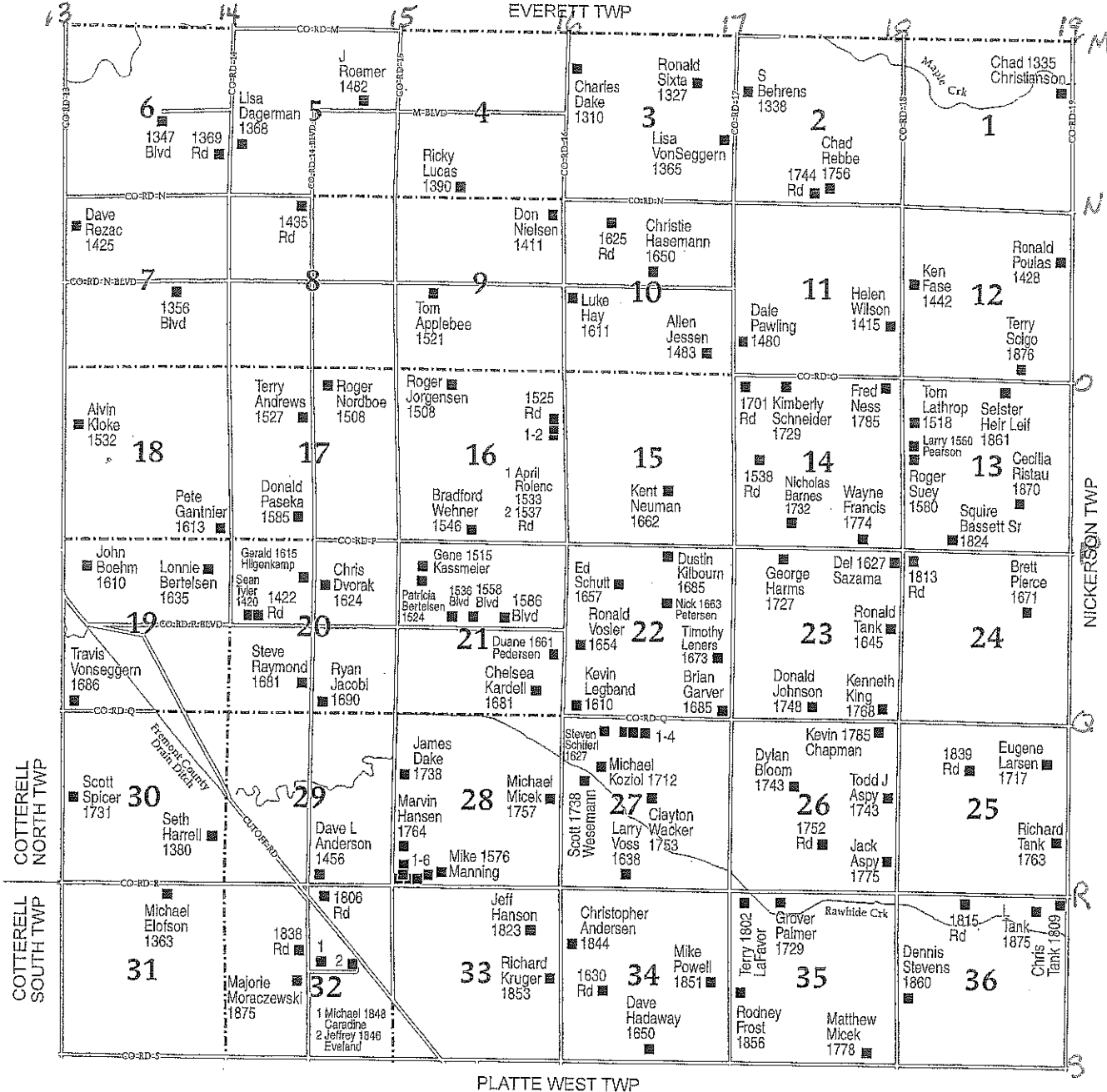
Date 05-16-23

 Chairman, Dodge County Planning Commission

Dodge County Planning and Zoning Administrator
 435 N. Park, Fremont, NE 68025 402/727-2724

(Residents - Owners or Renters)

EVERETT TWP



PLATTE WEST TWP

MAPLE TOWNSHIP

SECTION 27

- 1 DRIVER, DELMAR 1633
- 2 WACKER, ROBERT 1637
- 3 JOHNS, JEFF 1643
- 4 CASH, PAUL 1649

SECTION 28

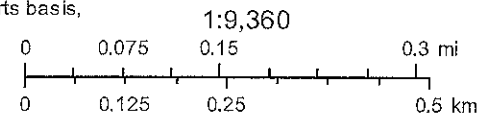
- 1 ROBERTS, MATTHEW 1788
- 2 SNYDER, LLOYD 1520
- 3 1532
- 4 STATES, RANDALL 1542
- 5 MCPHERSON, ALAN 1556
- 6 1564



March 30, 2023
14:21 PM

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

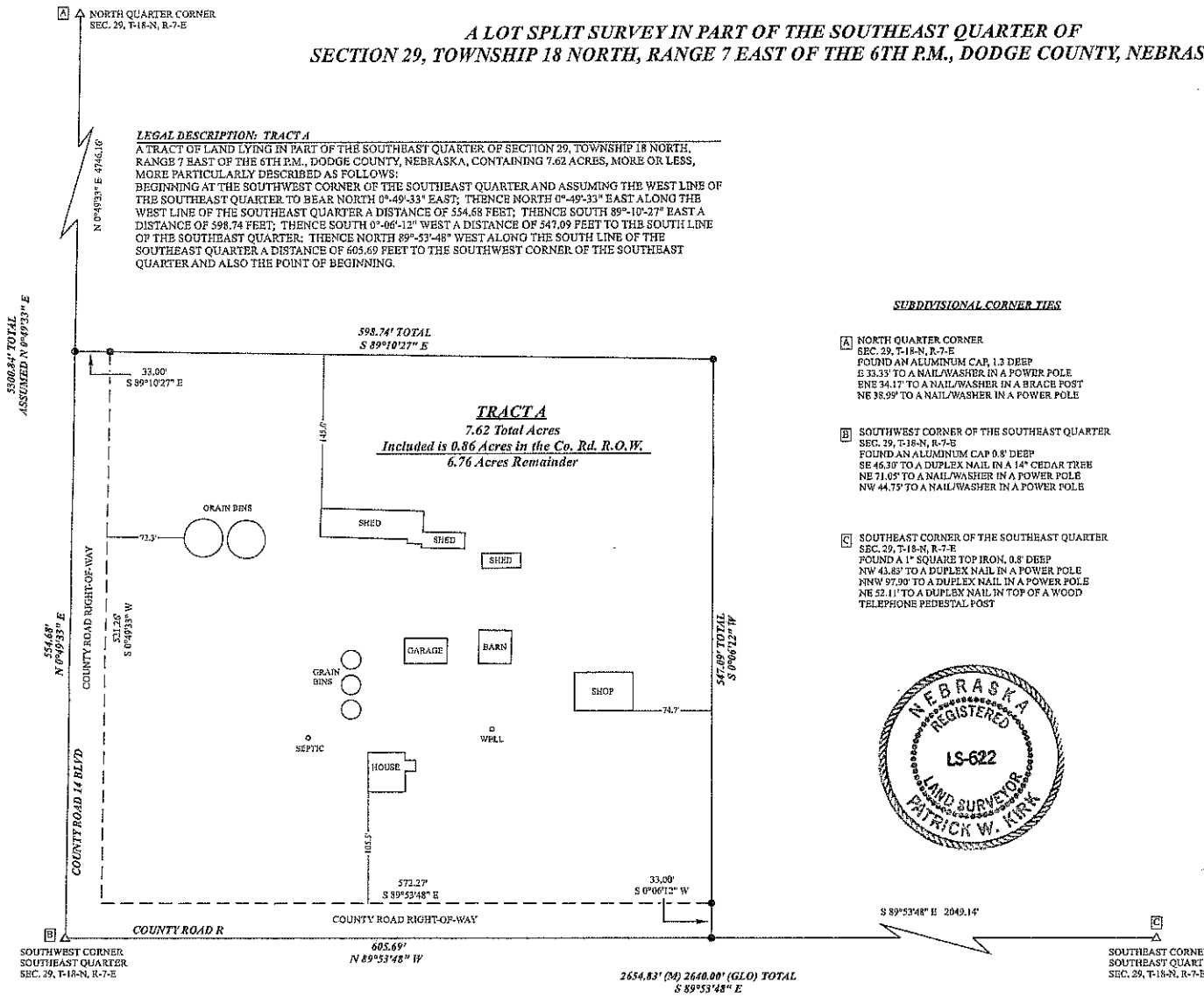
- Parcels
- Sections



**A LOT SPLIT SURVEY IN PART OF THE SOUTHEAST QUARTER OF
SECTION 29, TOWNSHIP 18 NORTH, RANGE 7 EAST OF THE 6TH P.M., DODGE COUNTY, NEBRASKA.**

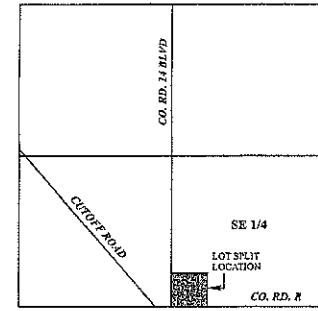
LEGAL DESCRIPTION: TRACT A

A TRACT OF LAND LYING IN PART OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 18 NORTH, RANGE 7 EAST OF THE 6TH P.M., DODGE COUNTY, NEBRASKA, CONTAINING 7.62 ACRES, MORE OR LESS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER AND ASSUMING THE WEST LINE OF THE SOUTHEAST QUARTER TO BEAR NORTH 0°-49'-33" EAST; THENCE NORTH 0°-49'-33" EAST ALONG THE WEST LINE OF THE SOUTHEAST QUARTER A DISTANCE OF 554.68 FEET; THENCE SOUTH 89°-10'-27" EAST A DISTANCE OF 598.74 FEET; THENCE SOUTH 0°-06'-12" WEST A DISTANCE OF 347.09 FEET TO THE SOUTH LINE OF THE SOUTHEAST QUARTER. THENCE NORTH 89°-53'-48" WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER A DISTANCE OF 605.69 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER AND ALSO THE POINT OF BEGINNING.

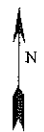


SUBDIVISIONAL CORNER TIES

- A** NORTH QUARTER CORNER
SEC. 29, T-18-N, R-7-E
FOUND AN ALUMINUM CAP, 1.3 DEEP
E 33.33' TO A NAIL/WASHER IN A POWER POLE
ENE 34.17' TO A NAIL/WASHER IN A BRACE POST
NE 38.99' TO A NAIL/WASHER IN A POWER POLE
- B** SOUTHWEST CORNER OF THE SOUTHEAST QUARTER
SEC. 29, T-18-N, R-7-E
FOUND AN ALUMINUM CAP 0.8' DEEP
SE 46.39' TO A DUPLEX NAIL IN A 14" CEDAR TREE
NE 71.05' TO A NAIL/WASHER IN A POWER POLE
NW 44.75' TO A NAIL/WASHER IN A POWER POLE
- C** SOUTHEAST CORNER OF THE SOUTHEAST QUARTER
SEC. 29, T-18-N, R-7-E
FOUND A 1" SQUARE TOP IRON, 0.8' DEEP
NW 43.85' TO A DUPLEX NAIL IN A POWER POLE
NNW 97.90' TO A DUPLEX NAIL IN A POWER POLE
NE 52.11' TO A DUPLEX NAIL IN TOP OF A WOOD TELEPHONE PEDESTAL POST



VICINITY MAP - NO SCALE
SECTION 29, TOWNSHIP 18 NORTH, RANGE 7 EAST
DODGE COUNTY, NEBRASKA



SCALE 1" = 100'

NOTE: ALL DISTANCES ARE MEASURED UNLESS OTHERWISE NOTED.

LEGEND

- △ SUBDIVISIONAL CORNER FOUND - "AS NOTED"
- PROPERTY CORNER SET - 5/8" REBAR WITH AN RLS 622 PLASTIC CAP
- GLO GENERAL LAND OFFICE RECORD DISTANCE
- (M) MEASURED DISTANCE



CERTIFICATION:
I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

NAME: Patrick W. Kirk
DATE: 7-02-2023 REGISTRATION NO. 622

DODGE COUNTY
BUILDING INSPECTION & ZONING DEPARTMENT

JEAN ANDREWS, Zoning Administrator
Flood Plain Manager

Courthouse - 435 N. Park, Room 204
Fremont, Nebraska 68025
Phone: (402) 727-2724

May 3, 2023

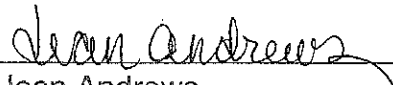
Dear Property Owner:

You are hereby notified that the Dodge County Planning Commission will hold a Public Hearing on Tuesday, May 16, 2023 at 4:30 P.M. in the Dodge County Board of Supervisors Room, 3rd Floor, Dodge County Courthouse, Fremont, NE 68025 to consider the request of Carolyn Macklin Estate c/o Susan Woita, Personal Representative at 8700 Pearl Rd., Lincoln, NE 68517 to subdivide a 7.62-acre tract and obtain a Conditional Use Permit for an existing dwelling as per Article 12 Section 2. Conditional Uses 4.2 Exemptions B. located in SE ¼ Section 29, Township 18 North, Range 7 East in Maple Township, Zoning District A-1, Intensive Ag.

The Dodge County Planning Commission will hold a public hearing on the matter at 4:30 P.M., Tuesday, May 16, 2023 in the Board of Supervisors Room, Third Floor of the Courthouse, Fremont, NE. Since your property adjoins the property that is requesting the Lot Split and Conditional Use permit, it is a requirement that we notify you of such hearing.

If you have any objections or comments of the proposal, please send them in writing to this office or appear at the meeting and express them verbally.

Thank you,



Jean Andrews,
Dodge County Zoning Administrator

DODGE COUNTY TITLE & ESCROW CO., LLC
549 NORTH MAIN STREET,
FREMONT, NE 68025
402-721-5833

NAME AND ADDRESS SEARCH

Request Made By: **Bromm, Lindahl, Freeman-Caddy & Lausterer**

We, **DODGE COUNTY TITLE & ESCROW CO., L.L.C.**, hereby certify that we have checked the records of the County Assessor of Dodge County, Nebraska, for the purpose of presenting a list to the Zoning Administrator of said County and find the following named persons are shown as property owners of land adjoining the property described as:

The Southeast Quarter of Section 29, Township 18 North, Range 7 East of the 6th P.M., Dodge County, Nebraska.

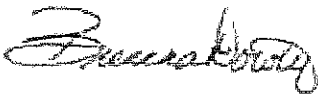
The list of names and addresses include all property owners within 300 feet of said property:

See Exhibit A

The liability of Dodge County Title & Escrow Co. is limited to the information available in the office of the County Assessor and in no way extends to the correctness of the fee simple title to subject property. A certified search of the records or a Title Insurance Policy would be required to assure the fee simple ownership and any existing liens.

Dated: April 10, 2023

DODGE COUNTY TITLE & ESCROW CO., L.L.C.



Registered Abstracter
Certificate No. 147
Order No. 230228

2023 APR 10 PM 3: 39
Dodge County, NE 68025

	Exhibit A		
Pollock Farms % Barbara Marguerite 1120 Cambridge Dr SE Grand Rapids, MI 49506-3318	SW1/4	29 - 18 - 7	270113393
Pollock Land LLC % Barbara Marguerite 1120 Cambridge Dr SE Grand Rapids, MI 49506-3318	TL 7	32 - 18 - 7	270113421
Voss Inc 1638 County Rd R Ames, NE 68621-2173	NW1/4NW1/4, SE1/4NW1/4 & TL 8	32 - 18 - 7	270113435
Susan A. Woita, ETAL David L. Anderson ETAL Tom Anderson, ETAL Lori M. Anderson, ETAL 8700 Pearle Rd Lincoln, NE 68517-9623	TL 1 & 3	32 - 18 - 7	270113407
RD Sidner Family Trust (ETAL 45%) SS Sidner Trust (ETAL 55%) % Hertz Farm Management Inc 11717 M Cir Omaha, NE 68137-2218	W1/2NE1/4, NW1/4 & SW1/4	33 - 18 - 7	270112889
Lloyd J. & Cora Snyder 1520 County Rd R Ames, NE 68621-2125	TL 5	28 - 18 - 7	270112847
Melvin E & Ann Beltz 1532 County R Ames, NE 68621-2125	TL 4 & 11	28 - 18 - 7	270112854
Matthew C & Caryn M. Roberts 1788 County Rd 15 Ames, NE 68621-2124	TL 16 (SW1/4SW1/4)	28 - 18 - 7	270112861
Nancy L. Clausen 778 Stagerun Rd Deadwood, SD 57732	TL 17	28 - 18 - 7	270112812

Marvin L. & Peggy L. Hansen 1764 County Rd 15 Ames, NE 68621-2124	TL 14	28 - 18 - 7	270112826
Gene Hansen (Life Est) Randall L. Hansen % Randy Hansen 1329 Old Lincoln HWY Ames, NE 68621-2138	NW1/4SW1/4	28 - 18 - 7	270112805
Charles M. & Sharon K. Dake 1310 County Rd 16 Hooper, NE 68031-2048	SW1/4NW1/4	28 - 18 - 7	270112777
Paula R. Kruthoff 408 Ash Ave Lake View, IA 51450-7318	E1/2SW1/4NE1/4 & S1/2SE1/4NE1/4	29 - 18 - 7	270113344
Karen A. Domina 321 W 21St Fremont, NE 68025	NW1/4NE1/4, W1/2SW1/4NE1/4 & TL 2	29 - 18 - 7	270113337
Darlene Mae Kroeger (ETAL) % Pathfinder Co 1416 E 23rd St Fremont, NE 68025-2413	S1/2SE1/4NW1/4	29 - 18 - 7	270113386