

By ROBERT PIERCE • Leader & Times A local family will now be allowed to put a mobile home back on the land where it was after a fire destroyed the original home.

Seward County commissioners overturned a decision from the county's zoning administrator, Marcie Weatherly, to allow Juan and Erika Hernandez to bring the structure back to property located on Road P.

County building inspector Kent Hamlin gave an overview of the item at Monday's meeting.

"The original parcel is 12.05 acres," he said. "The proposed created lot would be 3.56, and the existing lot is 8.49. The requirements for that particular zoning is a 10-acre minimum. It is considered an existing non-conform lot, and they're wanting to split the lot."

The lot was owned by Sheila Duran, and Hamlin said there are three other homes on the parcel of land.

"The Hernandezes lost their homr Dec. 28," he said. "They would like to replace the home. They purchased the property that this home sits on from the Durans."

Hamlin explained what Seward County's zoning regulations say about such cases. "Anytime you have a non-conforming use and the structure is damaged greater than 50 percent of its value, the non-conforming use right goes away," he said.

Duran simplified what the Hernandez family wants to do.

"They're wanting to get approval to put another home back on their land that they purchased," she said. "They have nowhere else to go."

Hamlin said a deed could be filed, but the zoning department could not issue a permit because of the non-conformity of the lot.

Commissioner C.J. Wettstein warned his fellow board members of what would happen if the commission chose to reverse Weatherly's decision.

"If we do something, we're going to have to treat everybody the same," he said. "I understand the people's problem. They have a house. They need to move it in."

Hamlin outlined what the commission could do with the item.

"The governing body has to either uphold the zoning administrator decision or deny it," he said.

"The subdivision regulations say that the appeal of the decision of the zoning administrator has to be made to you, but it's your decision if you would like more input. The ultimate decision is going to come back to you guys."

Commissioner Jim Rice said despite opening the county up to future cases, reversing Weatherly's decision was the right move.

"They apparently had a water well, sewer system and all the things necessary to operate that," he said. "It's on 3.5 plus acres of land. Everything was fine until the day that the house burned down, and the whole thing changed. I don't really see the harm in this particular case of letting them put a home back on that spot even though it is contrary to our rules and regulations. I knew this was a special case. We'll worry about what other 25 cases we're going to have on down the road. Each one of those will be a special case. I don't see any need for us trying to hold up progress. Those folks want to move back in there. We'll get a little tax revenue off of it. They'll be happy, and we'll be happy. I just can't see us throwing a wrench in the works just because of what the rule says."

Chairman Ada Linenbroker, the lone vote against allowing the mobile home to be moved, appeared to have great concern about what such a decision would do to future cases.

"I don't know if I want to let them start splitting lots," she said. "How are we going to stop people from splitting other lots?"

Wettstein, who made the motion, agreed with Linenbroker, but he also saw Rice's point of view.

"We have a chance of opening up a lot of things," Wettstein said. "We are setting precedence right now."

To allow the mobile home to be moved back and the lot split, the following motions were made and subsequently voted on by the commission:

- Wettstein moved to allow Juan Hernandez to set a mobile home back on the property at 4918 Road P. Vice chair Doug LaFreniere seconded the motion. The motion carried 4-1 with Linenbroker voting against;
- Wettstein moved to give a variance on the mobile home requirement and instead of the required 22 feet width, allow them to put on a 1999 Skyline 16 feet by 80 feet singlewide mobile on their lot instead. Commissioner Randy Malin seconded the motion. The motion carried 4-1 with Linenbroker voting against; and
- LaFreniere moved to reverse the zoning administrator's decision and approve the lot split application. Rice seconded the motion. The motion carried 4-1 with Linenbroker voting against.