

Bond Case Briefs

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ZONING & PLANNING - NEBRASKA

Hochstein v. Cedar County Board of Adjustment

Supreme Court of Nebraska - March 20, 2020 - N.W.2d - 305 Neb. 321 - 2020 WL 1313824

Landowner, an operator of a livestock feeding operation (LFO), sought review of county board of adjustment's grant of zoning permit to neighbors to construct residence on their adjoining farm in agricultural intensive district.

The District Court affirmed. Landowner appealed.

The Supreme Court held that proposed residence was not a "non-farm residence" that would be subject to setback requirements from LFO.

Landowners' proposed residence on their farm adjoining neighbor's livestock feeding operation (LFO) in agricultural intensive district was necessary or incidental to the normal conduct of a farm, and thus was not a "non-farm residence" that would be subject to setback requirements from LFO under county zoning regulations, even if landowners cash leased the 240-acre tract on which residence was to be constructed to a corporate entity and residence was over three miles away from location on which landowners raised pheasants and livestock, where the permitted principal uses in district included an owner residence.