

Egan v. Lancaster County, Nebraska

Additional Case Names

10:25 am

Case Number

S-19-1048

Case Audio

Download Audio

Call Date

October 1, 2020

Case Time

9:00 AM

Court Number

Lancaster

Case Location

Lincoln

Court Type

District Court

Case Summary

S-19-1048 E, Jane Egan and Janis Howlett (Appellants) v. The County of Lancaster, Nebraska, the Board of Commissioners of Lancaster County, Nebraska, the Planning Commission of Lancaster County, Nebraska and Randy Essink

Lancaster County District Court, Honorable Jodi L. Nelson

Attorneys: Gregory D. Barton, (Barton Law, P.C., L.L.O.) (Appellants) --- Jenifer T. Holloway and Daniel J. Zieg (County Attorney's Office) --- Stephen D. Mossman & Joseph A. Wilkins (Mattson Ricketts Law Firm (Appellee Essink))

Civil: Special permit

Proceedings Below: The Lancaster County Planning Department granted Appellee Essink a special use permit. Following a public hearing on appeal, the Lancaster County Board of Commissioner's granted Essink a special use permit. On appeal to the district court, Essink's special use permit was approved.

Issues: The district court erred by 1) failing to apply the 'taxpayer standing/great public interest' exception to usual 'injury in fact' requirements in assessing Appellant Egan's standing, which is contrary to law and evidence, 2) failing to apply all factors for assessing a special use permit under the zoning regulations, which is contrary to law and evidence, 3) imputing to Appellee Essink of LLP's expertise in operating large poultry production facilities, based upon their purported contractual relationship, in assessing the sufficiency of Essink's application for a special use permit, which is contrary to law and evidence, 4) failing to properly apply controlling provisions of the zoning regulations to the facts, which constitutes prejudicial, reversible error, and 5) failed to properly apply controlling Nebraska Supreme Court precedent governing 'external depreciation' to the facts, which constitutes prejudicial,

reversible error.

Schedule Code

SC
