

## MINUTES

### **Madison County Joint Planning Commission**

Norfolk, Nebraska

The April 22, 2021 Meeting of the Madison County Joint Planning Commission was called to order by Chairman Acklie at 7:01 p.m. in the in the Madison County Planning Department Conference Room, 1112 Bonita Drive, Norfolk, Nebraska.

#### **Call To Order/Roll Call- Consideration and/or action on:**

**Present:** Acklie, Griffith, Oswald, Milander, Flood, Prauner and Amen

**Absent:** Abler, Westerman and Schapman.

**Also Present:** Jerry Guenther, Coleen Landman, Jim Landman, Jessie Carter, Zoning Administrator Heather McWhorter, and Zoning Office Assistant Jennie Martinez.

**Open Meetings Act:** Acklie stated that the Open Meetings Act that will be followed.

**Proof of Publication:** Acklie stated the Proof of Publication Notice was published in the Norfolk Daily News.

**Minutes-March 18, 2021:** The minutes of the March 18, 2021 Madison County Joint Planning Commission meeting were presented.

Motion made by Prauner to approve the minutes and seconded by Milander.

Vote taken. Acklie, Griffith, Oswald, Milander, Flood, Prauner and Amen vote "Aye" none vote "Nay". Motion carried.

Acklie reads the first Public Hearing.

**The purpose of this hearing is to receive public comments concerning the application of Tyler Carter for a Conditional Use Permit to Construct a garage over 1000 square feet on property described as Scranton Subdivision Lot 7, City of Battle Creek, Madison County, Nebraska. This property is located at 106 S 6th St. Battle Creek, Nebraska.**

Heather states that the applicant wants to build a 1200 square foot garage in a Medium Density Residential district located in Battle Creek requiring a CUP due to size.

Heather reads the Statement of Finding of Facts and the Recommended Conditions.

**Statement of Finding of Facts:**

- 1. This application is consistent with the Battle Creek City Comprehensive Plan, Zoning and Subdivision Regulations and the Zoning Map.**
- 2. The property is zoned R2, Medium Density Residential.**

**Recommended Conditions:**

- 1. This Conditional Use Permit is permanent and shall be registered against the lot deed with the Madison County Register of Deeds by the applicant once approved by the Battle Creek City Council.**
- 2. No building may be built until first receiving a building permit from the City of Battle Creek.**
- 3. This building shall not be used for commercial purposes.**

**7:05 p.m.** Acklie opens the Public Hearing.

Heather states that Sara Anderson from the house next door called and stated that they truly enjoy the Carters as neighbors and are in support of the Carters putting up the building. He did however have a question regarding an easement on the water lines and if the Carters plan to move the water lines.

Jessie Carter explains how the water runs and states that they do plan to move the water lines and will be taken care of before they build.

Acklie asks if it is city water.

Jessie Carter states that it is.

Acklie asks if there is anyone in favor.

Jessie Carter speaks in favor. She states that currently they have no garage and are looking to improve the looks of their property by having a place for storage and a place to park their cars. She states that the garage will have a loft area for additional storage.

Acklie asks if there is just one lot.

Jessie Carter states that there is just one lot and shows a picture of the property and points out where the garage will be located.

Oswald asks what the eave height will be.

Jessie Carter states that she is unsure but originally it was going to be too high, so they did adjust their building plans.

Heather states that the application states that it will have 16' sidewalks.

Midlander asks if it will be stick built.

Jessie Carter states that it will.

Milander asks what the dimensions of the building are.

Jessie Carter states that it is 30 X40.

Acklie asks if there are any questions.

No one speaks.

Acklie asks if there is anyone else in favor.

No one speaks.

Acklie asks if there is anyone else opposed.

No one speaks.

**7:10 p.m.** Acklie closes the Public Hearing.

Prauner makes a motion to approve. Flood seconds the motion.

Vote taken Acklie, Griffith, Oswald, Milander, Prauner, Flood and Amen vote "Aye" None vote "Nay"  
Motion Carried.

Acklie reads the second Public Hearing.

**The purpose of this hearing is to receive public comments concerning the application of James D. Lanman for a Conditional Use Permit to construct a home on less than 40 acres on LANMAN LOTSPLIT located on property described as Part of the NE ¼ of the NW ¼ less part to the state of Section 28, Township 24 North, Range 2 West of the 6th P.M. Madison County, Nebraska. This property is located at 54844 Hwy 275 Norfolk, Nebraska.**

Heather states that the applicant wants to split off a 4.64 ac tract and build a home. Heather states that the Ag Transitional zoning allows for another house in the quarter section. She states that the driveway to the properties is split as noted in the survey included in your packets so access is already available.

**Statement of Finding of Facts:**

- 1. This application is consistent with the Madison County Comprehensive Plan, Zoning and Subdivision Regulations and the Zoning Map.**

2. **The property is zoned AT Agriculture Transition and meets the density requirements for the Zoning district.**

**Recommended Conditions:**

1. **This Conditional Use Permit is permanent and may be transferred between owners.**
2. **This Conditional Use Permit allows a single-family home on less than 40 acres.**
2. **With the passage of this permit, the applicant and/or residence builder realizes that the new residence is going to be subject to livestock odors, dust, and general nuisances. This does not mean that the applicant is giving up the right to be protected by Madison County and the State of Nebraska.**
3. **The applicant should be aware it is her responsibility to remove any Nebraska Noxious Weeds found on the property at any time after the approval of this application by the County Board of Commissioners.**
4. **A zoning permit must be obtained from the Zoning Office before construction of the home begins.**
5. **A copy of the signed permit must be recorded with the County Register of Deeds office by applicant.**

**7:16 p.m.** Acklie opens the Public Hearing.

Acklie asks if there is anyone in favor.

James Lanman speaks in favor. He states that the house that he built on this property is too small and he would like to build a bigger home.

Heather states that there is not a lot of room to build a house as there is a lot of floodplain on the property. She shows on the map the area that he can build to stay out of the floodplain.

Lanman states that they will be building in the area that is not in the floodplain.

Acklie asks if there are any questions.

No one speaks.

Acklie asks if there is anyone else in favor.

No one speaks.

Acklie asks if there is anyone else opposed.

No one speaks.

**7:19 p.m.** Acklie closes the Public Hearing.

Prauner makes a motion to approve. Milander seconds the motion.

Vote taken Acklie, Griffith, Oswald, Milander, Prauner, Flood and Amen vote “Aye” None vote “Nay”  
Motion Carried.

**Other Business:**

Zoning permits are discussed.

Tiling of fields is discussed.

Reappointments are discussed.

Sessions for Comprehensive Plan meeting is discussed.

Flood makes a motion to adjourn. Oswald seconds the motion.

Vote taken Acklie, Griffith, Oswald, Milander, Prauner, Flood and Amen vote “Aye” None vote “Nay”  
Motion Carried.

**7:48 p.m.** Meeting adjourned.