

MINUTES

Madison County Joint Planning Commission

Norfolk, Nebraska

The June 15, 2023, Meeting of the Madison County Joint Planning Commission was called to order by Chairman Acklie at 7:03 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, Abler, Griffith, Oswald, Amen and Milander

Absent: Westerman, Brown and Flood

Also Present: Joe Barry, Gina Seifert, Brandon Seifert, Zoning Administrator Heather McWhorter, and Zoning Office Assistant Jennie Martinez

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

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

Minutes-May 18, 2023: The minutes of the May 18, 2023, Madison County Joint Planning Commission meeting were presented.

Motion made by Abler to approve the minutes and seconded by Oswald.

Vote taken. Acklie, Oswald, Griffith, Abler, Amen and Milander 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 Joe Barry for a Conditional Use Permit to construct a home on less than 40 acres on BARRY LOTSPLIT described as PT SE ¼ SW ¼ of Section 12, Township 23 North, Range 3 West of the 6th P.M., Battle Creek, Madison County, Nebraska. Property located approximately 1 mile south and ½ mile west of the City of Battle Creek along 838th Road.

Heather states that the applicant is requesting a lot split of 3 acres to build a home. The property is in an Ag Transitional district which allows for 4 homes per quarter section. This will be the 3rd home allowed.

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

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.
3. 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.
4. The applicant should be aware it is their 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.
5. A zoning permit must be obtained from the Zoning Office before construction of the home begins.
6. A copy of the signed permit must be recorded with the County Register of Deeds office by applicant.

7:06 p.m. Acklie opens the Public Hearing.

Acklie asks if there is anyone in favor.

Joe Barry speaks in favor. He states that he would like to build a house. He states that he is splitting the area where he plans to build off the rest of the farm so that he can keep it separate. He states that the creek runs through the property and the west corner is in the flood plain but the east corner is not.

Amen asks if there is a new bridge.

Barry states that there is.

Acklie asks if there is anyone else in favor.

No one speaks.

Acklie asks if there is anyone opposed?

No one Speaks.

7:08 p.m. Acklie closes the public hearing.

Milander makes a motion to recommend approval based on the above Recommended Conditions. Oswald seconds the motion.

Vote taken Acklie, Griffith, Amen, Milander Oswald, and Abler all voted "Aye". None vote "Nay". Motion carried.

Acklie Reads the next Public Hearing.

The purpose of this hearing is to receive public comments concerning the application of Brandon Seifert to construct a home on less than 40 acres on WIESE'S WEST LOT SPLIT described as PT NW ¼ NW ¼ of Section 27, Township 23 North, Range 3, West of the 6th P.M. Madison County, Nebraska. This property is located approximately 2 ½ miles south and 2 ½ miles west of the City of Battle Creek along 836 Rd Norfolk, Nebraska, Madison County, Nebraska.

Heather states that the applicant is requesting a lot split of 5.73 acres to build a home. The property is in an Ag Intensive district which allows for 2 homes per quarter section. This will be the 1st home allowed.

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

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 A1 Agriculture Intensive 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.
3. 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.
4. The applicant should be aware it is their 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.
5. A zoning permit must be obtained from the Zoning Office before construction of the home begins.
6. A copy of the signed permit must be recorded with the County Register of Deeds office by applicant.

7:10 p.m. Acklie opens the Public Hearing.

Acklie asks if there is anyone in favor.

Gina Seifert speaks in favor states that they would like to build a shouse.

Acklie asks if there are any issues with water on the property.

Gina Seifert states that the property is on a big hill therefore there is no issues with water.

Abler asks if the amendment to the regulations regarding the definitions of a shouse that was heard at the Public Hearing in May will be used during the permitting process.

Heather states that the amendment regarding definitions of a shouse heard last month passed and are now part of the regulations. She states that each applicant will receive a printout of the requirements at the time of the Zoning permit application.

Acklie asks if there is anyone else in favor.

No one speaks.

Acklie asks if there is anyone opposed.

No one speaks.

7:13 p.m. Acklie closes the public hearing.

Abler makes a motion to recommend approval based on the Recommend Conditions. Oswald seconds the motion.

Vote taken Acklie, Griffith, Abler, Oswald, Milander and Amen all voted "Aye." None vote "Nay."
Motion carried.

Other Business:

Administrators report:

Zoning permits are discussed.

Quick discussion on wind towers.

Abler makes a motion to adjourn. Griffith seconds the motion. All vote "Aye". None vote "Nay".

Meeting adjourned at 7:52 p.m.