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% Beth Deck  
127 N 1st St.  
Norfolk, NE 68701

Chg. \$10.50 No. 3936  
Paged General / Indexed

1490

STATE OF NEBRASKA ss This instrument filed for record this  
MADISON COUNTY ss 25 day of July / 2008 at  
8:30 o'clock A.M. and recorded in 2008-07 page 1490-  
Nancy G. Mason 1491  
Register of Deeds Deputy

CONDITIONAL USE PERMIT  
RESOLUTION NO. PC2008-4

WHEREAS, Dean Holan, filed an application for a Conditional Use Permit seeking a permit for an oversized accessory building on property which is legally described as follows:

A tract of land located in the Northwest Quarter of the Northeast Quarter of Section 16, Township 24 North, Range 1 West of the 6<sup>th</sup> P.M., Madison County, Nebraska, more particularly described as follows: Commencing at the North Quarter corner of said Section 16; thence South 89 degrees 23 minutes 11 seconds East (an assumed bearing), 77.20 feet on the North line of said Section 16 to the point of beginning; thence South 0 degrees 36 minutes 49 seconds West, 33.00 feet; thence South 30 degrees 51 minutes 14 seconds East, 385.61 feet; thence South 0 degrees 01 minutes 12 seconds West, 662.05 feet; thence South 89 degrees 36 minutes 17 seconds East, 430.93 feet; thence North 0 degrees 12 minutes 01 seconds East 609.39 feet to the Southwest corner of Siedschlag Addition, Madison County, Nebraska; thence North 0 degrees 35 minutes 36 seconds East, 413.00 feet on the West line of said Addition to a point on the North line of said Section 16; thence North 89 degrees 23 minutes 11 seconds West, 634.54 feet on said North line of Section 16 to the point of beginning.

WHEREAS, the property described above is presently included in Zoning District S-R; and

WHEREAS, the Norfolk Planning Commission conducted a public hearing on August 22, 2006, said hearing having been duly noticed: and

WHEREAS, on September 6, 2006 the Planning Commission of the City of Norfolk granted a Conditional Use Permit to Dean Holan as evidenced by Resolution No. 2006 PC-6; and

WHEREAS, the Zoning Official subsequently expressed concern that Dean Holan was not conforming with the terms of Resolution No. 2006 PC-6 and requested the rescission of the Conditional Use Permit; and

WHEREAS, in response to the Zoning Official's request pursuant to Norfolk City Code Section 27-56 the Planning Commission may leave the conditional use permit unaltered, revoke the permit, or alter the permit by adding, deleting or modifying the conditions and restrictions contained in the permit; and

WHEREAS, on July 8, 2008, the Planning Commission of the City of Norfolk conducted a properly noticed public hearing to review the Conditional Use Permit granted by Resolution No. 2006 PC-6; and

WHEREAS, based upon information provided at the public hearing the Planning Commission of the City of Norfolk is desirous of modifying the Conditional Use Permit granted by Resolution No. 2006 PC-6;

NOW THEREFORE, in consideration of the foregoing recitals, the Planning Commission of the City of Norfolk, Nebraska hereby adopts the following Resolution:

BE IT RESOLVED by the Norfolk Planning Commission of the City of Norfolk, Nebraska that the Conditional Use Permit granted by Resolution No. 2006 PC-6 for an oversized accessory building described above is hereby modified and hereinafter shall be subject to the following terms and conditions:

- (1) A building permit application for a single family residence to be built on the above referenced property shall be submitted prior to July 11, 2008;

- (2) The foundation and footings on said single family residence shall be completed prior to, or on, August 15, 2008;
- (3) Framing of the single family residence to be built on the above reference property shall be complete prior to, or on, September 30, 2008;
- (4) Said single family residential structure on this property shall be fully enclosed prior to, or on, November 1, 2008;
- (5) A certificate of occupancy for the single family residential structure on this property shall be issued prior to, or on, December 31, 2008;

This Conditional Use Permit modification herein shall be subject to the provisions of the Norfolk City Code that provide for an appeal to be taken within 15 days of the decision of the Planning Commission as well as Section 1-16 which states:

Whenever in this Code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a violation or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, or a violation or an offense, and no specific penalty is provided therefor, the violation of any such provision or the failure to perform any such act shall be punished by a fine not exceeding five hundred dollars (\$500.00), and such violator may be committed to the city or county jail until such fine and costs of prosecution are paid. Any person who violates a provision contained in Chapter 27 of this Code shall be subject to a fine not exceeding one hundred dollars (\$100.00).

PASSED AND APPROVED this 8 day of July, 2008

ATTEST:

Sue Fuchtmann  
Planning Commission Chairman

Faye Petersen  
Planning Commission Secretary

Approved as to form: Christy Schuler  
City Attorney

The foregoing instrument was acknowledged before me this 8th day of July, 2008 by Sue Fuchtmann, Planning Commission Chairperson of the City of Norfolk.

Faye Petersen  
Notary Public

