

**Town of May
Washington County
Planning Commission
July 30, 2009**

The Planning Commission of the Town of May met for their regular meeting on Thursday, July 30, 2009, at 7:00 p.m. at the May Town Hall. Members in attendance included: John Arnason, Chairman; Kate Donner, Don Rolf, Steve Magner, Mark Dupre, Jyneen Thatcher, Lester Rydeen, and alternate Mike Dupont. Absent: alternate Chad Nelson. Also present: Nate Sparks, sitting in for Carie Fuhrman, NAC Planning Consultant; Bill Voedisch, Town Board Chairman, and citizens of the Town of May. Chairman Arnason called the meeting to order at 7:00 p.m.

Approval of Minutes

Arnason moved, seconded by Thatcher, to approve minutes of the June 25, 2009, regular meeting as presented. All approved.

Public Hearing

Chris & Tara Thompson Variance

Chris and Tara Thompson have submitted an application for a variance to construct a detached accessory building closer to the front lot line than the principal building. The property is located at 13381 177th Street North, is 17.5 acres in area, and is zoned Rural Residential. The proposed building would be 1,152 square foot (32 by 36 foot). According to the County, the parcel is 17.5 acres in area. Currently, the property contains a single family home and a 96 square foot detached accessory building/shed. A 17.5 acre site is allotted two (2) detached accessory buildings, along with one single story shed of up to one hundred twenty (120) square feet. Therefore, this application meets the accessory building number regulation. According to a site visit, given the terrain, locating the accessory building behind the home does not appear plausible. The proposed location appears to be well away from the septic drainfield, would not be seen from the road, and is a reasonable location for the building.

Nate Sparks, NAC, summarized the request for the commission. He stated that when the house was built, there were issues with the location, as the property has severe topographical issues and also issues with wetlands and thick wooded areas and flooding. The house was pushed back as far as possible to make it a safe and useable location for the property owner. All other aspects of the building meet the code. Site visits confirm there are no locations behind the house where this could reasonably go. The terrain of the property is the hardship.

Planning Commission Discussion

Arnason moved, seconded by Rydeen, to open the public hearing. All approved.

Arnason noted that he had visited the property and observed the terrain and the slopes.

He stated that this is not an unreasonable request, given the distance of the house from the road. Thatcher pointed out that wetland setbacks require 75 feet of uncleared vegetation between the building and the adjacent wetlands. Town Board Chairman Voedisch brought up previous wetland issues on an adjacent property back in 2001. He had walked the property and determined that the building will be safe from any water impacts except in the event of a 500 year event. Harlan Krinke stated that since the ordinance is intended to protect the person driving by from seeing the building instead of the house, and since it is fully wooded, would the setback apply. Arnason stated that, regardless of visibility, the variance is still needed.

Magner moved, seconded by Arnason, to close the public hearing. All approved.

Magner moved, seconded by Dupre, to approve the request with the conditions listed below and based on the Findings of Fact also listed below. All approved, with Rydeen recusing himself due to being a neighbor.

Findings of Fact:

- Undue hardship would be caused by strict Ordinance enforcement as the property owners would not be allowed a detached accessory building for storage, which is a reasonable use of a property.
- The plight of the landowner is due to the natural physical conditions unique to the land: the heavily wooded landscape and frequent elevation changes.
- No other reasonable alternatives exist as the woods and topography reduce the buildable locations on the site.
- The hardship in this case is the limited buildable area on the property and is not solely economic in nature.
- The proposed building will not be seen from neighboring properties or from 177th Street North. As such, the project adheres to the spirit and intent of the Ordinance as it will not be visually obtrusive and the appearance and rural character of the community shall be protected.

Conditions:

1. The applicant shall receive a building permit from the Township prior to construction.
2. The building shall be constructed of similar material and style to that of the principal building.
3. The height of the building shall conform to Ordinance standards.
4. No living space shall be created within the detached accessory building.
5. A barrier of 75 feet of uncleared vegetation will exist between the building and the adjacent wetland.

Hearing no further business, Arnason moved, seconded by Thatcher, to adjourn.

Respectfully submitted,
Linda Klein, Town Clerk