

**Town of May
Washington County
Planning Commission
September 24, 2009**

The Planning Commission of the Town of May met for their regular meeting on Thursday, September 24, 2009, at 7:00 p.m. at the May Town Hall. Members in attendance included: John Arnason, Chairman; Steve Magner, Mark Dupre, Jyneen Thatcher, Lester Rydeen, and alternates Chad Nelson and Mike Dupont. Absent: Don Rolf. Also present: 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 Dupre, to approve minutes of the July 30, 2009, regular meeting as presented. All approved.

Public Hearing

Richard Clauson Variances

Richard Clauson has requested approval of a variance to allow a detached accessory building to be located closer to the front lot line than the principal building and to exceed the maximum square footage allowed for detached accessory buildings on a parcel of such size. The property is located at 16955 Kimbro Avenue North and is zoned Rural Residential. The parcel is 4.91 acres (213,768 square feet) in size and is surrounded by three public rights-of-way. The property currently contains a single family home with an attached garage and a detached accessory building. The applicant is proposing to construct a new log home with an attached garage and carport and remove the existing home and construct a second accessory building on the foundation of the existing home.

The proposed accessory building and home meet the property line setback requirements. The required wetland setback is being determined by the Washington County Conservation District. The existing accessory building would be located closer to the west property line than where the home is proposed to be located, and the second accessory structure will be located closer to the west and south property lines than where the home is proposed to be located.

The existing accessory structure has been in its location for years. In relationship to the existing home, it is considered an existing, non-conforming structure. The location of the new accessory structure is much more flexible – there are several other alternative locations to place a new accessory structure and home so that the new building is further from both front lot lines than the home. The applicant's preference is to locate the new accessory building on the existing home foundation and to locate the new home much further from the front property lines. Utilizing the existing home foundation for the new accessory building is an economical solution but is not considered a hardship.

Planning Commission Discussion

Carie Fuhrman provided an overview of the request. Thatcher asked if the address would be changed to 169th Street. The applicant noted the driveway would be coming off 169th Street. Arnason summarized the three variances: two variances for accessory structures closer to front lot lines and one variance for square footage. Arnason moved, seconded by Thatcher, to open the public hearing. All approved.

John and Chris Meininger, 10363 169th Street N, stated that they have lived on their property for 26 years and feel that Clausons are causing disruption to the area. Logs were delivered at 5:30 am on a Sunday morning, with semis idling in front of their house. She showed the commission pictures from her front window showing the impact of placing a pole barn in the desired location. Their basic objection was placement of the building.

Lynn Kelley, 16950 Kimbro, stated she has lived here for 30 years and did not think that the Clauson proposal posed any problems. She is on the corner of Kimbro and County Rd. 4, directly across from Clauson's property to the west. She advises that the property has been cleaned up since Clauson moved in.

Richard Clauson, 16955 Kimbro, the applicant, brought forward a map of the proposed activity. He does have a semi truck and camp trailer that need to be parked. He would prefer putting them in a pole barn rather than leaving them outside. He has lived 3 miles west of the property for 20 years and has not had problems with neighbors. He also provided current pictures of what he proposes to do.

The applicant stated that economic advantages were not the only reasoning behind his requests. He also cited health conditions in his family which disallow living close to a dirt road. He stated that his solution is also more "green" because it has less impact on moving the land. Mr. Clauson also disagreed with several of the planner's statements and provided his opinions to the commission on a variety of issues.

Mr. Wilsey, who lives southeast of the property stated that this property has been an eyesore for many years. He believes that what the applicant intends to do will benefit most people in the area and will improve the land.

Meiningers stated that two other residents could not attend, but they are objecting to the placement of the pole barn. They also wonder about the sawmill in the yard to construct the log house, how long that will be there, and the noise associated.

Town Board Chair Bill Voedisch stated that the Town operates under the same square footage restrictions as the County, so the applicant would also need to go before the County for the same variance. In a previous Denmark Township case, the County denied an overage previously granted by Denmark. The County looks for strict hardship in size variances. In the case of the setback variance from Kimbro, he stated that they are probably on solid ground, as there has always been a building there. The variance from

setback on 169th does, however, conflict with code. Voedisch also noted that the existing 26 x 40 building could be doubled in length and still stay within the 2,000 square foot maximum. Using inside dimensions, the doubling of this building would allow room for parking the semi and trailer.

Rydeen noted that the Town denied a previous accessory structure which was in a similar situation on a corner lot. He felt the Town should be consistent in this situation. He also did not understand using the foundation from the existing home to put up a pole shed for parking the semi. The applicant stated it would be for storage, a root cellar, or a tornado shelter.

Thatcher asked if the resident's objection was to the pole barn, and the resident confirmed that placement of the pole building is their primary objection. She also noted that pine trees on the west side may need to be removed in order to accommodate expansion of the existing pole building.

Voedisch stated that the applicant will need a variance to complete the expansion of the existing building, but he has not applied for such a variance. The planner advised that the published notice did specify the correct variance request, and this change in plan would still fit within the language of the publication.

Arnason summarized by saying that the commission does not appear to be leaning toward approval of all the variances. He noted that this application does not appear to have the same amount of hardship that the commission has viewed in similar requests that have been approved. The rest of the commission agreed. He concluded by saying that moving the house forward some, and adding onto the existing structure, would be more acceptable and he suggested the applicant give this option serious consideration.

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

Magner moved, seconded by Dupre, to recommend to the Town Board that they approve a variance for an addition or expansion (to the north and east only) of the existing accessory structure (not to exceed 2,000 square feet) and closer to Kimbro than the principal structure; and to deny the variance to exceed the 2,000 foot maximum and deny the variance for accessory structure closer to 169th than personal residence with Findings of Fact as follows:

1. The existing accessory structure is an existing, non-conforming structure; it was conforming at the time it was built.
2. An addition to the existing accessory building would be consistent and in character with the surrounding neighborhood.
3. The spirit and intent of the ordinance is met.

The following conditions shall apply:

1. The expanded accessory structure and carport shall meet the required height standards.
2. No living space shall be established in any of the accessory buildings.

3. A Development Agreement and Letter of Credit shall be received by the Township to ensure the removal of the existing home.
4. Appropriate screening shall be provided, as determined by the Town Board. All approved.

Public Hearing

Small Business/Kennel – CUP to Interim Use

Arnason provided an introduction to the reasoning behind this ordinance change. In the past, a CUP for small business or kennel would transfer with the land to a new owner. An Interim Use Permit, however, would sunset when the existing owner sells the property, and a new owner would need to reapply if they wish to continue operating such a business or kennel.

Voedisch went over the proposed ordinance with the commission.

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

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

Arnason moved, seconded by Dupre, to recommend to the Town Board that they approve this ordinance with a few word changes identified in the discussion with Voedisch.

All approved.

Arcola Mills Site Visit

Arnason proposed meeting at Arcola Mills at 6 pm before the October PC meeting. All agreed.

Arnason moved, seconded by Rydeen, to adjourn. All approved.

Respectfully submitted,

Linda L. Klein
Town Clerk