

**Town of May  
Washington County  
Planning Commission  
September 30, 2010**

The Planning Commission of the Town of May met for their regular meeting on Thursday, September 30, 2010, at 7:00 p.m. at the May Town Hall. Members in attendance included: John Arnason, Chairman; Lester Rydeen, Steve Magner, Mark Dupre, Jyneen Thatcher, Don Rolf, and alternate Jeff Chase. Absent: Chad Nelson. Also present: Bill Voedisch, Town Board Chairman; Carie Fuhrman, NAC Planning Consultant. Chairman Arnason called the meeting to order at 7:00 p.m.

**Approval of Minutes**

Rydeen moved, seconded by Arnason, to approve minutes of the June 24, 2010, regular meeting. All approved.

**Public Hearing**

**Ordinance 2010-03 Housekeeping Ordinance to amend wording in Town Code**

Planner Fuhrman explained the nine housekeeping items requiring rewording in the Town Code.

1. Change CUP to IUP
2. Correction of awkward wording involving non-conforming setbacks.
3. Cleaning up language for CUP requirements in the application.
4. Cleaning up language in CUP applications, taking out appellate.
5. Amendments to the code requirements.
- 6.

Arnason moved, seconded by Chase to open the public hearing. Hearing no comments, Arnason moved, seconded by Rydeen to close the public hearing. All approved.

Arnason moved, seconded by Dupre, to recommend that the Town Board approve adoption of Ordinance 2010-03, Housekeeping Amendments to Town Code, as proposed and explained by Town Planner Fuhrman All approved.

**Public Hearing**

**Ordinance 2010-04 Using Outside Rather than Inside Dimension for Accessory Building Measurements**

Based on the fact that Washington County uses outside dimension when measuring, the question came up as to why the Town currently uses inside dimensions when measuring, which creates a need for a variance from Washington County.

Dupre commented that this will make some structures non-conforming. Voedisch noted that on the second page, this matter is taken care of and no one would be penalized for being non conforming. He asked if it needs to be defined exactly where you measure, which would make the ordinance complete and foolproof. Dupre also asked about Section 702, floor dimensions, he wondered if they were ever used.

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

Magner asked for the exact reason why the ordinance change has been proposed. Fuhrman noted that most codes do not have inside dimensions; most go by footprint, which makes it more consistent with other municipalities. Chase asked if the material used at the corners were to increase the size of the building, would that cause the building to not be in compliance.

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

Dupre moved, seconded by Rydeen, to recommend to the Town Board to approve Ordinance 2010-04 as recommended by the Planner and discussed by the Commission. All approved.

## **Discussion**

### **Kremmenacher Supreme Court Decision Regarding Variances**

Arnason presented the topic of approving variances and that the Supreme Court ruling stipulated that variances can only be approved if it can be shown that there is no other reasonable use of the property. This runs contrary to how the Town has been acting in the past, which is to base variance decisions on “conforms with the neighborhood” as opposed to “reasonable use.”

Fuhrman stated that some communities are changing their ordinances so they are not so strict, which would remove the need for the variance. Voedisch added the idea of using a Certificate of Compliance to cover issues previously requiring a variance, which would list a variety of requirements that would need to be met in order to receive the Certificate.

Rydeen stated that he thinks the Town should simply wait until the situation resolves itself instead instituting new ordinances to try to solve the problem. Arnason stated that this situation, the accessory building closer to the front lot line, has been the most common issue before the Town and a checklist could easily be created to state the conditions under which this would be approved.

Thatcher agreed with the Certificate of Compliance and suggested that the Town review the last 20 variances, the result, and the conditions applied to the approval. These conditions would become part of the checklist for the Certificate of Compliance.

Arnason wrapped up the discussion by suggesting that the Town Board move forward with the ordinance.

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

Respectfully submitted,

Linda L. Klein  
Town Clerk