

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

The Planning Commission of the Town of May met for their regular meeting on Thursday, December 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 Chad Nelson. Absent: Alternate Jeff Chase and Carie Fuhrman, Town Planner. Also present: Bill Voedisch, Town Board Chairman; John Pazlar, Supervisor; Pete Kluegel, Building Inspector. Absent Carie Fuhrman, Town Planner. Chairman Arnason called the meeting to order at 7:00 p.m.

Approval of Minutes

Because none of the members had received September minutes prior to the meeting, Arnason proposed that they review both September and December minutes at the next meeting.

Public Hearing

Ordinance 2010-05 An Ordinance Establishing a Certificate of Compliance to grant setback relief for accessory buildings

Chairman Arnason provided background information for why this ordinance has been crafted, which was the recent Supreme Court ruling regarding acceptable rationale for variances. This ruling stated that variances cannot be granted unless there truly is no other reasonable use of the property in question.

Board Chairman Bill Voedisch brought forward the proposed ordinance, reprising Arnason's comments regarding the Supreme Court ruling. The Town Attorney suggested the drafting of this Certificate of Compliance (C of C) ordinance, which allows for accessory structures to potentially be placed closer to the road than the primary residence, when meeting certain distinct standards, without actually applying for a variance.

The proposed ordinance has been drafted by the planner, attorney, and Voedisch. Voedisch went over the new code pages, identifying each sub-section and the reasoning behind it. A form will be created giving all the details of the request, reason why, and if they meet the necessary standards, which is determined by the judgment of the Town Board member at the site and the Town Building Inspector. Final approval rests with the Town Board at their next meeting.

Dupre asked if they had considered a definition list to cover exactly what the C of C is. Rolf asked about the checklist and narrative and wondered if photos, sketches, etc. would be required. Voedisch replied that a survey will be necessary and a sketch of the setback requirement and where the building will be placed. Dupre asked about the term, and Voedisch stated that granting the C of C will be part of the building permit and will run with the land.

Thatcher encouraged making the C of C less restrictive (just referring to accessory structures) and leaving it open to other possible uses in the future. Voedisch stated that this could be done

now, or it could be redrafted if another request of this type were to come in. She also suggested that the applicant be prepared for and encouraged to suggest screening and abatement issues rather than leaving the burden of this decision with the board or building inspector. This could be part of the check list. Arnason also suggested requiring an aerial photo as part of the application, and Rydeen further added that it must be a “quality” photo.

Arnason stated that he is surprised that this process will effectively eliminate the actual repercussions of the Supreme Court decision, meaning that the new ordinance simply sidesteps the variance process by creating a new way of considering the accessory building setback application. Rydeen commented that he is concerned this takes away some of the Planning Commission functions. John Pazlar stated that this might be considered a “bridge” or “bandaid” while waiting for further action regarding the Supreme Court decision. Voedisch stated that Attorney Snyder believes this process is defensible in court.

Arnason suggested that another way to do this would be to simply amend the code using some of the language used in the proposed new ordinance rather than going through the complicated C of C process.

Arnason moved, seconded by Dupre, to open the public hearing. All approved. Hearing no further discussion, Arnason moved, seconded by Rydeen, to close the public hearing. All approved.

Arnason moved, seconded by Dupre, to recommend to the Town Board that they approve Ordinance 2010-05 as presented, with a couple of additions to the application form: (1) proposal from applicant on how they intend to screen the building; (2) requirement of adding an aerial photo (color) showing existing buildings and clearly defined lot lines to the application; (3) add a definition of C of C to the general definition section in Section 702. All approved.

Hearing no further business, Arnason moved, seconded by Dupre, to adjourn. All approved.

Respectfully submitted,

Linda L. Klein
Town Clerk