

**Town of May
Washington County
Planning Commission
January 26, 2017**

The Planning Commission of the Town of May met for their regular meeting on Thursday, January 26, 2017, at the May Town Hall. Members in attendance were: John Arnason, Chairman; Steve Magner, Jeff Chase, Lester Rydeen, Chad Nelson, and Mitch Otterson. Absent: Don Rolf and Jyneen Thatcher. Also present were Linda Klein, Town Clerk; Town Planning Consultant Nate Sparks, Town Board Chairman Bill Voedisch, and residents of the Town of May. Chairman Arnason called the meeting to order at 7:05 pm.

Approval of Minutes

Rydeen moved, seconded by Chase, to approve the minutes of the October 27, 2016, regular planning commission meeting. All approved.

Public Hearing

Matthew Hofkens Variance

Matthew Hofkens has made an application for a variance to place a detached accessory building within the side yard setback and in front of the house at 14395 136th St N. The proposed building is 26' x 46' and will replace an existing accessory structure that was constructed over the property line in the past. The accessory structure is proposed to be 196 feet south of the street frontage along 136th Street (the house sits at 208 feet) and 10 feet east of the side property line. The site is 2.9 acres in size with a home and a detached accessory building. The southern part of the property contains a wooded area.

The applicant would like to build the approximately 1200 square foot detached accessory building east of the house where an existing building is located. The applicant contends that the area behind the house is unsuitable due to the topography and the septic location. The applicant has further indicated that the existing garage is failing structurally and contains an addition that was built over the property line. This proposal is consistent with the ordinance regarding number of structures and structural size.

Section 705.05-C-1 states that on parcels between 2.5 and 5 acres in size the maximum height of a detached accessory building is 18 feet. The proposed structure is 14 feet in height at the peak of the roof according to the building plans.

Section 705.05-D states that all accessory building shall not be placed closer to the street frontage than the principal building. In this case, the proposed accessory structure is located closer to the street than the existing home. The house is about 208 feet from the right-of-way and the proposed structure is about 196 feet. This condition would qualify for a certificate of compliance as the structure is proposed to be about 90% of the front yard setback. However, since there is a variance to the side yard setback, it is being processed as such.

The structure is proposed to be 10 feet from the side lot line. Section 708.02-E-2 requires a 20-foot side yard setback, necessitating a variance. The structure being replaced is currently on the

property line. The applicant is proposing to place the structure about 16 feet from the house. This will allow for adequate space to access the septic site between the buildings.

Planner Sparks went over the requirements for granting a variance. He pointed out that the septic site is located to the rear of the existing structure. Further back there is a large ravine. Due to these constrictions, there is limited conforming space to place a detached accessory structure. The lot is also narrow, making compliance with the side yard setback difficult. It appears that the topographical issues and narrow lot shape create practical difficulties for the placement of a structure. It should be further noted that approval of the variance will eliminate the issues with the existing accessory structure. The existing accessory structure is in poor condition and over the property line.

Planning Commission Discussion

Chase asked if neighbors have any issues. Neighbors were notified, and no one attended the meeting or called in advance to object to the variance. Nelson asked if some rotation of the location for the building could alleviate the side yard setback. The applicant stated that it might also put it closer to the septic. If he did so, this would put the building about 6 feet from the house, which would qualify for an attached garage. Rydeen was on site, and he observed that putting it closer to the house might not be the best alternative. His only reservation was how the water flows.

Arnason also assessed the site and determined that the area is quite low and the building should perhaps be a little higher. Arnason noted that this new location is an improvement over the previous location. Also, the adjacent lot is for sale, so the potential buyer will be aware of the encroachment into the setback.

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

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

Otterson moved, seconded by Chase, to recommend to the Town Board that they approve the variance. Arnason proposed a friendly amendment, which was accepted, noting the practical difficulties are that this appears to be the best location on site for this structure and this will reduce the existing noncompliance of the side yard setback. The applicant shall fulfill the following conditions:

1. The proposed construction shall adhere to the submitted plans with the structure meeting the building plans with the exception of the size, which shall conform to the site plan.
2. The applicant shall receive all necessary permits.
3. The applicant shall seek approval from Washington County, if necessary.

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

Respectfully submitted,

Linda L. Klein
Town Clerk