

**Town of May
Washington County
Planning Commission
March 31, 2016**

The Planning Commission of the Town of May met for their regular meeting on Thursday, March 31, 2016, at the May Town Hall. Members in attendance were: Steve Magner, Don Rolf, Chad Nelson, and John Arnason. Absent: Jeff Chase, Lester Rydeen, Jeanine Thatcher, and Mitch Otterson. Also present was Town Planning Consultant Nate Sparks and Board Chairman Bill Voedisch. Chairman Arnason called the meeting to order at 7:05 pm.

Public Hearing – Codification of Ordinances

Board Chairman Voedisch brought forward information about the purpose of these public hearings. The no-wake ordinances that have been passed in the past have not been codified into the Town Code, which is the purpose of this meeting

Approximately 50 residents, mostly from Lake Carnelian, appeared to voice their opinions on the ordinances. Planning Chair Arnason explained that this meeting is about putting an ordinance that already exists into the Code Book. He did pass around a sign-up sheet for individuals who are interested in being contacted if further meetings are held regarding ordinances that will affect Lake Carnelian.

Voedisch gave history on how the Town became the authority on no-wake situations on any bodies of water in the township. He advised that in July of 2014 the Town needed to put the ordinance in place on an emergency basis, and it remained in effect for approximately 17 days. The ordinance that was passed at that time has never been recorded in the Town Code, which is the purpose of this meeting. He recommended that if individuals want to amend the ordinance, they can make application to the Town and a public hearing would be held.

Arnason moved, seconded by Rolf, to open the public hearing.

Mike Burton, 19 Moonlight Bay, asked if there was a public hearing for the original Lake Carnelian ordinance. His concern was that the taxpayers had no input on the original ordinance. Voedisch replied that perhaps this is a good point, and if a public hearing is to be held at this point, the fees could be eliminated.

Rich Bushman, Moonlight Bay, stated that he does not understand how the complaints of 4 residences on the lake could be considered an emergency, especially right before the 4th of July. His opinion is that the lake has been affected by weather conditions for many years, and the residents recognize that it is manageable without intervention.

Bob Clark asked about the process and is it possible to repeal an ordinance. He wants to know if this is the responsibility of the citizens, including cost.

Jay Reding, 12295 Otchipwe, addressed the procedural way of doing all this. He sees the existing ordinance as temporary emergency, not permanent. Voedisch stated that the ordinance exists now.

Brian McGoldrick, 36 Moonlight Bay, stated that he contacted the DNR Manager Margaret Bergsrud and she informed him that any surface use ordinance proposed by local government must have a public hearing and be approved by the DNR.

Brenda Carlson, who does not live on the lake but is a user of the lake, encouraged the board to remember that this is a public lake, but it is open to the public and not owned by the Town. Her point is that they should consider not only the homeowners, but all citizens wishing to use the lake.

Wally Nelson, 14709 130th Street, recommended repealing the ordinance and starting all over. It is obvious many people don't want the ordinance, so why not start over from scratch. The board can do this.

Mike Pearson, Parade Avenue, thinks that looking the concept of simply looking at turf is arbitrary and should be removed.

A temporary resident stated that there are too many boats on the lake.

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

Magner moved, seconded by Nelson, to recommend to the Town Board:

1. To not move forward codifying the 2014 ordinance,
2. To repeal the 2014-04 ordinance, and
3. If it is determined that the Board is the no-wake authority, the commission recommends that the Town Board move forward to determine if any ordinance is required at all,
4. If an ordinance is required and the Board wishes to be the authority, that they hold a public hearing as soon as possible to seek public input as to what should be included in a new ordinance. All approved.

Public Hearing

Connor Simonet Variance

Town Planner Nate Sparks provided the following overview of the request.

Connor Simonet has made an application for a variance from the front yard setback at 12445 Partridge Ct N. The variance is to allow for an addition to the north side of the house that would result in a 10 foot encroachment into the front yard setback. The property is located at 12445 Partridge Ct N and is legally described as Lot 8, Block 1 of Carnelian Meadows. The site is 1.9 acres in size. It is located on the south side of Partridge Ct where it meets Partridge Rd in the southern portion of the Town. The site is zoned Rural Residential which requires a 40 foot setback to the right-of-way.

The applicant currently has a house of about 28' x 64' on the property. The applicant would like to construct a three stall garage with a second story room over it to the north. The current house sits about forty feet from the right-of-way and is slightly angled to the northwest. This would make any addition that follows the same angle and the front house line to encroach into the setback. The applicant is proposing a garage that has a depth of 40 feet for two of the stalls and 28 for the third and is 36 feet wide. The depth also allows for the stairway to the second level. The second level is intended to have bathrooms, an office, a great room, and other such facilities but no bedrooms. In between the new garage and existing house there is a proposed 12 foot wide addition onto the house for the transition into this area. The applicant is also intending to place the garage slightly below the current grade in order to minimize the difference in height between the existing portion of the house and the new. The addition is proposed to have siding to match the house.

There is a hedge of trees along the right-of-way line in front of the house. The applicant stated that he considered putting the addition at the setback line and turning it to the side in order to maintain the required setback. However, this configuration and the additional driveway necessary required the removal of a large percentage of the trees. Plus, the applicant states the house was less functional and less visually appealing.

The house currently sits about 150 feet to the property line to the north. The addition will not infringe upon the required setback in this area. The house sits about 160 feet to the County Road right-of-way to the rear of the house. The addition will be at a greater distance and will not infringe upon the 150 foot required setback to the centerline of this road.

The planner notes that it is not entirely uncommon to make accommodations for residents to construct additions on to houses that, due to the location or the orientation of the house, would end up violating a setback. This is especially so if it is not out of character with the neighborhood.

Because the applicant has no garage, by attaching the garage, the applicant can have a larger garage, as this lot only may have 1000 square feet of detached accessory buildings. It would appear that the attached garage built in this fashion could be considered a reasonable use.

Based upon his review of the request, Sparks recommended approval if Town Officials find that the request conforms to the Town's variance review criteria.

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

Members of the planning commission discussed with Simonet the exact design of the addition. Due to being on a cul de sac, this design has very little impact on the neighbors.

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

Rolf moved, seconded by Nelson, to recommend to the Town Board that they approve the variance request for Connor Simonet with the following conditions:

1. The proposed construction shall adhere to the submitted plans or as may be slightly modified within the parameters permitted by code.
2. The applicant shall receive all necessary permits.
3. The applicant shall seek approval from Washington County, if necessary.

All approved.

Public Hearing

Ordinance No. 2016 – 03 Codify the Town’s Permanent No-Wake Ordinance on Long Lake Passed on May 4, 1996

Magner moved, seconded by Rolf, to approve Ordinance 2016-03 as stated above. All approved.

Minutes – June 25, 2015

Nelson moved, Rolf seconded to approve the June 25, 2015 minutes. Motion carried 4-0.

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

Respectfully submitted,

Linda L. Klein
Town Clerk