

**TOWN of MAY  
WASHINGTON COUNTY  
PLANNING COMMISSION  
November 29, 2012**

The Planning Commission of the Town of May met for their regular meeting on Thursday, November 29, 2012, at 7:00 pm at the May Town Hall. Members in attendance were: Chairman John Arnason, Don Rolf, Chad Nelson, Steve Magner, Mark Dupre, Lester Rydeen, Jyneen Thatcher, William Still, alternate. Absent: Jeff Chase, alternate. Also present: Linda Klein, Town Clerk. Chairman Arnason called the meeting to order at 7:00 pm.

**Approval of Minutes** – Arnason moved, seconded by Rydeen, to approve minutes of the September 27, 2012, planning commission meeting, noting that Lester Rydeen was in attendance. All approved.

**Public Hearing**

**Ben Andreski Variance**

Nate Sparks, Town Planner, went through the following background information regarding the requested variance.

Benjamin Andreski has submitted an application for a variance at his property located at 17750 Olinda Trail. The variance is to replace a failed foundation at the front of his house and also place an addition on to the front of his house, which currently lies inside the 150 foot setback requirement from the County Road 3 centerline. His goal is to repair the foundation and expand the living space of his house. Because the attached garage is in the rear, the only place to expand the living space is in the front. He is proposing to reconstruct the front in such a manner that it extends six feet towards the road.

Currently, the house is located 128 feet from the centerline of Olinda Trail, 113 feet from the property line, and 63 feet from the edge of the right-of-way easement. The ordinance requires that the structure be no closer than 40 feet from the right-of-way and 150 feet from the centerline. As situated, the house is inside the required 150 feet from the centerline.

The applicant's proposed addition would place the house six feet closer to the road. This would put the setback to the centerline at 122 feet. The setback from the right-of-way would be 57 feet and still meet the requirements of Section 708.02.E.2, which requires 40 feet from the front lot line. The setback from the side is required to be 20 feet and the applicant is proposing to meet this standard, as the house is currently 60 feet from the side lot line.

Sparks reviewed May Town variance criteria balanced against the amendment to State Statues based on the Krummenacher ruling. When reviewing variances, the Town must now consider whether or not the proposal is a reasonable use and if there are "practical difficulties" present that prevent conformity to the strict terms of the ordinance. The notion of "hardship" is replaced with "practical difficulties," with all other aspects of the variance ordinance remaining.

Sparks concluded that the placement of the house addition is reasonable, and the existing location of the house presents a practical difficulty, as the house is currently inside the 150 foot centerline setback. Further, since the roofline “A” faces the road, doing an “L” expansion to not go closer to the road becomes impractical because of the odd roof abutments that would be necessary, also a “practical difficulty.”

Finally, CR 3 was reconstructed several years ago, shifted and widened. This home, which meets the setback to ROW but fails the centerline setback, may have been conforming before that road expansion. In conclusion, Sparks recommended approval.

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

### **Planning Commission Discussion**

Rydeen has experience with this site, and has no problem with this plan. He owns property across the road. Thatcher asked about well and septic in relation to house. Andreski said well is to the west and septic to north. She also asked if there is a structural problem that would make it difficult to build at the same location. Andreski does not believe so. Rolf asked if the County has looked at it; Sparks indicated the County did not seem concerned, but would look at it if and when the Town approves. Arnason stated that this is about as good a situation as any to grant a variance, given the limited scope of the non-conformance.

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

Arnason moved, seconded by Nelson, to recommend to the Town Board that they approve the requested variance from setback from center line of county road subject to the following conditions:

1. The applicant shall maintain a 122 foot setback from the street centerline.
2. The applicant must obtain all permits and approvals, including that of Washington County.

All approved.

Rydeen moved adjourn, seconded by Rolf. All approved.

Respectfully submitted,

Linda L. Klein  
Town Clerk

Approved by: \_\_\_\_\_  
John Arnason, Planning Commission Chairman