

# Minutes of the Meeting of the Avon Township Planning Commission

September 26, 2018

Avon Township Hall (16881 Queens Road, Avon)

**Call to Order:** Chair Ken Mergen called to order the meeting of the Avon Township Planning Commission at 7:00 PM in the Main Chamber of the Town Hall.

**Pledge:** The Pledge of Allegiance was recited.

**Roll Call:** Present – Will Huston, Ken Mergen, Stephen Saupe, and Sheldon Tschida.

**Approval of Agenda:** Huston moved to approve the agenda as presented. Mergen second. All in favor. Motion carried.

**Minutes:** Mergen moved to approve the minutes from the August 29, 2018 meeting as presented. Huston second. All in favor. Motion carried.

## **Public Hearings:**

**Doll Conditional Use Permit Hearing** – A public hearing to consider a request by Mr. Brent Doll for a Conditional Use Permit for a home-extended business was cancelled. Mr. Doll owns less than 10 acres, which is the minimum required for an automotive business in an A40 zoning district.

**Maciejewski Interim Use Permit Hearing** – Mergen opened a public hearing for Elmer & Genevieve Maciejewski at 7:15 PM to consider a request for an Interim Use Permit (IUP) to allow a mobile home to temporarily remain on their property at 14138 360<sup>th</sup> Street, Avon (MN) for supportive care until they no longer live there. They have received a variance from the County. There are currently three homes on the property – (a) Mr. & Ms. Maciejewski's home (1970's era); (b) another house (built ca. 1926) which the County has indicated must be removed within 15 years, and (c) the mobile home. The Maciejewski's plan to sell the south 40 acres to their grandson and want to transfer a building credit to that property.

The hearing was posted, published and letters were sent to 24 neighbors (the post office returned one letter as 'undeliverable'). Ms. Theresa Pierskalla appeared at the hearing and stated that she had "no problem" with the proposal. Mr. LeRoy Gondringer stated he supports the concept and that conditions should be put into place to insure the mobile home is removed. Mr. Maciejewski stated that those currently living in the mobile home and 1926-era home are aware that they cannot stay in those homes permanently and that they will need to move according to the terms of the agreements with the County and Town. He is willing to sign a document stating this. No other public comments were received. Mergen moved to close the public hearing. Huston second. All in favor. Motion carried.

The board considered the Findings of Fact and determined that (1) the proposal is consistent with existing Township ordinances (6.53.3) which emphasizes farming; (2) the proposal must meet all other County rules and requirements; (3) the proposal is compatible with the present land use since the structures are already present and removal of the additional buildings will improve the land use in the future. (4) No scenic views will be impacted; (5) no screening or separation distance is necessary; (6) all three residences are on one well but have separate septic systems; the latter also needs to be removed; (7) the proposal will not affect the property values of the area in which it is proposed; (8) the proposal will not generate excessive traffic or impact the safety of area roads; (9) the proposal will not affect the general health, safety and welfare of

residents; (10) the proposal conforms to the goals and objectives of the Township Comprehensive Plan because it promotes agriculture as well as helps to accommodate the elderly; (11) the proposal does not negatively impact public services and facilities such as schools, parks, streets, or utilities; (12) cleanup/reclamation is required (the mobile home and its septic system must be removed) and the applicant must provide a \$2000 financial assurance; (13) the proposal meets all pertinent County rules and requirements, and (14) the mobile home and its septic system must be removed when the Maciejewski's no longer live on the property.

Huston moved to recommend to the Supervisors approval of an IUP for Elmer & Genevieve Maciejewski to allow a mobile home to temporarily remain on their property at 14138 30<sup>th</sup> St. , Avon (MN), until they are both no longer full-time residents of the property (*i.e.*, upon their passing or no longer living there) and on the conditions that the mobile home and septic system are removed within 30 days of their leaving the property and the site is cleaned up, and that they pay a \$2,000 financial assurance to cover any costs incurred by the Township if the Town needs to remove the mobile home and septic in the event the residents do not do so. Tschida second. All in favor. Motion carried.

### **Business:**

1. **Blonigen Encroachment Agreement** – Mr. Craig Blonigen appeared to request an encroachment agreement to allow a septic holding tank to be sited three feet into the utility easement on 367<sup>th</sup> Street. Huston moved to recommend to the Supervisors approval of an encroachment agreement with Mr. Craig Blonigen to allow a septic holding tank to be placed three feet into the utility easement on 367<sup>th</sup>. Mergen second. All in favor. Motion carried.
2. **Ebnet Garage** – Mr. Tony Ebnet has constructed a garage on his property at 18424 Red Maple Drive without both a Township variance (it is too close to the road) and a County building permit. The structure also violates impervious surface rules. Mr. Ebnet and his attorney are in discussions with representatives from the County (Angie Berg) and Township (Will Huston, Supervisor Chair, and Ken Mergen, PC Chair) about whether he will seek a variance hearing or remove the garage.
3. **Glanville Smith Property** – Melissa Driscoll, Acquisition Coordinator for the Scientific and Natural Area program at the MN DNR, sent a letter stating that the St. Cloud State University Foundation has accepted their offer for the property. The DNR wants to know if the Town still supports the acquisition. The Planning Commission supports the proposal and recommends that no parking or access to the property be allowed from Tower Road.
4. **October (Halloween) Meeting** – Huston will be unable to attend.
5. **Road Maintenance Planning** – at the next meeting the Town will begin planning a study of Town roads and inventory their condition, rank roads for improvement, estimate costs, and determine if there are roads that should be vacated.
6. **Enterprise Contributions** – it was suggested that we feature the Sasquatch cutout that someone regularly displays in varying locations along Co Rd 9.

**Announcements/Reports:**

1. *none*

**Adjournment:** Mergen moved to adjourn the meeting at 8:52 PM. Huston second. All in favor. Motion carried.

**Next Meeting:** The next meeting is October 31, 2018 at 7:00 PM.

Respectfully submitted,  
Stephen G. Saupe Clerk

Signature: \_\_\_\_\_ date: \_\_\_\_\_

**Approval:**

\_\_\_\_\_ date: \_\_\_\_\_  
Planning Commission Chair – signature

\_\_\_\_\_  
Planning Commission Chair – print