

Minutes of the Meeting of the Avon Township Planning Commission

May 25, 2011

Avon Township Hall

Call to Order: Chairman Mergen called to order the regular meeting of the Planning Commission at 7:30 P.M. in the main Chamber of the Town Hall.

Pledge: Clerk Saupe led the Pledge of Allegiance.

Roll Call: Present – Ken Mergen, Roger Nelson, Gerry Kremers, Lowell Rushmeyer, and Stephen Saupe.

Approval of Agenda: Rushmeyer moved to approve the agenda as presented. Nelson second. All in favor. Motion carried.

Minutes: Mergen moved to approve the minutes of the April 27, 2011 meeting. Rushmeyer second. All in favor. Motion carried.

Public Hearing: At 8:00 PM, Chair Mergen opened a public hearing for Mr. Jeremiah Smith who was requesting an Interim Use Permit (IUP) to install a double-wide modular-home on the Ed Ritter farm where he works. The plan is to use the same well as the main house and to install a new septic to which both homes could eventually connect. Mr. William Patefield (Albany, MN) sent an email in support of the proposal. Kremers moved to close the public hearing. Nelson second. All in favor. Motion carried. The Findings of Fact showed that the IUP: (a) is consistent with existing County ordinances; (b) won't affect the scenic view or the neighbors and is compatible with the current agricultural zoning; (c) provides adequate setbacks and addresses pertinent environmental concerns; (d) has no impact on local property values; (e) has no impact on public health, traffic or safety; (f) conforms to the Town's comprehensive plan; and (g) has minimal, if any, impact on existing public services. In addition, the IUP should be subject to review if there is a change of property ownership, requires a termination date, must meet all applicable County regulations, and should meet all conditions in Avon Township Zoning Ordinance #2. Nelson moved to recommend a 10-year IUP. The motion failed for lack of a second. After discussion, Mergen moved to recommend to the Supervisors a 20-year long IUP for Mr. Jeremiah Smith to install a mobile home on the farm of Mr. Ed Ritter with the conditions that the modular home may not be used as a rental property and must be occupied by someone engaged in the farm operation. Kremers second. Vote was four in favor, one (Nelson) opposed. Motion carried. The Clerk will transfer the application to the appropriate forms. The Town needs to check if a renewal of the IUP would require the applicant going through the entire process again.

Business:

1. **MOU Discussion** – Ms. Heidi Winskowski, Stearns County Environmental Services, appeared to discuss the new drafts of the Township "Land Use and Zoning Ordinance Number 4" and the Memorandum of Understanding (MOU) between the County and Town. These drafts were updated to make them compatible with the new County 439 Ordinance and to include recommendations from recent discussions between Town officials and the County. The Town will continue to handle all conditional use permits (CUP's) and IUP's outside the Shoreland Overlay area and also variances for road setbacks. If the variance is within Shoreland, the Town must insure the septic is certified. Ms. Winskowski went through the revised documents highlighting changes that had been made. Additional changes that she will make in response to the discussions are: (a) delete Zoning District R-10 (p 15); (b) add that the typical Town setback is 93 feet from the centerline of the road (c) add that 30 feet is the setback in R1 (section 9.9). Ms. Winskowski will make the changes within the next week or so and return the documents to the Town. Final approval will require a public hearing, likely at a Supervisor's meeting. There was also a general discussion of how to divide responsibilities between Town and County.

2. **Casey Variance Request** – Mr. Mark Casey appeared to request a variance to build a detached garage on his property on Spunk Lake Road closer to the road than current ordinance permits. Mr. Casey provided drawings for

the proposed project and highlighted the presence of a historic wall that would separate the proposed garage from the road. There is some question about the actual size of the right-of-way based on the plat map. Mergen moved to recommend to the Supervisors to set a public hearing on June 27, 2011 at 8:00 PM to consider a request by Mr. Mark Casey for a variance to build a garage closer to the road than current ordinance permits. Rushmeyer second. All in favor. Motion carried. Mergen indicated that variances are granted based on hardship or extenuating circumstances.

3. **Baker Project** – Ms. Lisa Baker postponed her appearance to request a conditional use permit to operate a horse boarding facility at her property.

Announcements:

1. none

Adjournment: Rushmeyer moved to adjourn the meeting at 9:15 PM. Nelson second. All in favor. Motion carried.

Next Meeting: The next meeting is June 27, 2011 at 7:30 PM.

Respectfully submitted,
Stephen Saupe, Clerk

Minutes amended & approved:

Ken Mergen, Chair

date

Stephen Saupe, Clerk