

Minutes of the Meeting of the Avon Township Planning Commission

August 30, 2023

Avon Township Hall (16881 Queens Road, Avon)

Call to Order: Chair Lori Yurczyk called to order the meeting of the Avon Township Planning Commission (PC) at 7:00 PM in the Main Chamber of the Town Hall. The meeting, like all Town meetings, was also available via Zoom at the following URL: <https://us02web.zoom.us/j/8325486945> (PIN: AvonTown).

Pledge: The Pledge of Allegiance was recited.

Roll Call: Present – Craig Blonigen, Rich Sanoski, Stephen Saupe, Andrew Wensmann, and Lori Yurczyk (*Chair*). Also present: LeRoy Gondringer, Kelly Martini

Approval of Agenda: Jeff Lange temporarily withdrew from the agenda a request for a Certificate of Compliance (item 7.b. removed), and John Blattner requested consideration of a septic encroachment agreement (added as item 7.b.). Sanoski moved to approve the agenda as amended. Blonigen second. All in favor. Motion carried.

Minutes: Blonigen moved to approve the minutes from the July 26, 2023 meeting as presented. Wensmann second. All in favor. Motion carried.

Public Hearings: *Michaletz Trust – Variance*

At about 7:15 PM, Yurczyk opened a public hearing to consider a request by Scott & Gail Michaletz for a variance to construct an addition to a garage 10 feet closer to the center-of-the-road of 185th Avenue than is currently permitted by ordinance. The Michaletz's want to build the addition parallel to the existing garage into the road right-of-way for aesthetics reasons, convenience and lower building cost, it would be easier to enter the garage from the driveway, and fewer trees would need to be removed for the construction. However, this means the addition would extend into the road right-of-way. However, their second choice would be to build the garage at a slight angle to the house to keep the structure entirely out of the road right-of-way; they have received a Construction Site Permit from the County for this if that is the option they select, and/or the Township denies the variance. The Michaletz plan to retire to this home and want additional space which includes an office and fitness center. Mr. Michaletz said that the building would still be 20 feet from the property line.

185th Avenue was never built, however, the road still exists on paper. The Michaletz's have an approved easement with James Ehrlichman, owner of the adjoining property at 36954 188TH AVE, to access the County road (154).

The Michaletz's submitted a completed variance application including legal address. Announcement of the public hearing was published and posted. In addition, 45 letters were mailed to property owners within one-quarter mile of the Michaletz property (3 letters were returned by the USPS as "Unable to Forward"). No comments by either phone, email, text or letter, were received from the public. Sanoski moved to close the public hearing. Blonigen second. All in favor. Motion carried.

The PC considered the Findings of Facts for a Variance and agreed that:

1. The proposed use is allowed in the zoning district in which the subject property is located.
2. The variance is in harmony with the general purpose and intent of the application ordinance.
3. The terms of the variance are consistent with the comprehensive plan.

4. The property owner proposes to use the property in a reasonable manner.
5. The plight of the landowner is not due to circumstances unique to the property and are created by the property owner because the Michaletz have an option to move the structure from the road right-of-way.
6. The variance, if granted, will not alter the essential character of the locality.
7. The need for the variance involves more than economic hardship. Though it would cost more to build the structure without the variance, the Michaletz's cite driveway access, tree removal, and aesthetic reasons for the variance.

The PC noted that an extension of the driveway would be built on what appears to be the Ehrlichman property. The Township should be certain that this is acceptable. Mr. Michaletz was requested to provide a copy of the easement agreement.

Wensmann moved to recommend to the Supervisors to approve a variance for Scott & Gail Michaletz to construct an addition to a garage 10 feet closer to the center of 185th Avenue than is currently permitted by ordinance on the condition that they provide the easement agreement that shows the driveway addition is an approved condition of the agreement. Blonigen second. All in favor. Motion carried.

Business:

1. **Pierskalla Certificate of Compliance** – Mark Pierskalla (Trustee for the Theresa S. Pierskalla REV Trust) and John Meagher (Realtor), attended the meeting to request a certificate of compliance for an administrative subdivision with attachment. Mr. Meagher presented a completed application for a certificate of compliance. The Pierskalla Trust owns three parcels north of 360th Street, a minimum maintenance road west of Co Rd 155. These parcels are: 03.00860.0006 (40 acres), 03.00860.0000 (37.4 acres), and 03.00860.0008 (2.6 acres). They propose attaching parcel 03.00860.0008 to 03.00860.0000 and then splitting them into two equal parcels of about 20 acres. A survey from O'Malley & Kron was provided to show the plan and copies were distributed to each PC member. When asked about the quality of the land, Mr. Meagher responded that about 8 acres are buildable that includes a small amount of marginal tillable land that is mostly gravel, and not very productive. He also said that a septic certification wasn't required for the administrative subdivision. One PC concern is that the three parcels adjoin a minimum maintenance road that appears to run to the west edge of the western-most parcel (03.00860.0006). Any buyer of these properties should be alerted to the nature of this road. Blonigen moved to recommend to the Supervisors approval of the Certificate of Compliance for the Theresa S. Pierskalla REV Trust for an administrative subdivision with attachment that would create two approximately 20-acre parcels by combining 03.00860.0008 and 03.00860.0000 and then splitting them in half as proposed by the survey presented at the meeting. Wensmann second. All in favor. Motion carried.
2. **Blattner Encroachment Agreement** – John Blattner appeared at the PC meeting to request an encroachment agreement to site an 8' x 63' Rockbed Mound system 15 feet into a utility corridor in the Township road right-of-way at his property at 32277 Nob Hill Drive, Avon, MN 56310. The PC examined the septic design (Edwards Retreat-Plat Two. Block One) prepared for Mr. Blattner by Watab Inc. The PC noted that the easement would be along the east edge of the property adjacent to a private road. The PC identified no concerns. Sanoski moved to recommend to the Supervisors approval of a 15-foot encroachment of the proposed 8' x 63' Rockbed Mound system into the utility easement corridor at 32277 Nob Hill Drive, Avon, MN. Blonigen second. All in favor. Motion carried.
3. **Sanoski Driveway Permit** – Rich Sanoski appeared at the PC meeting to request a driveway permit for his property on Peach Drive (address to be determined). The driveway will be crushed tar and approximately 35 feet from the curve on Peach Drive. Koopmeiners will be asked to inspect the proposed location to

ensure that the driveway is adequately set back from the curve for safety, and that the drive doesn't require a culvert. The PC identified no other concerns. Blonigen moved to recommend to the Supervisors a driveway permit for Rich & Brenda Sanoski, 34171 Smiley Drive, Albany, MN 56307 to site a driveway approximately 35 feet from the curve on Peach Drive for their parcel 03.00927.0050, address to be determined, on the condition that the proposed location is inspected to determine if it is an adequate distance from the curve for safety and whether or not a culvert is required. Wensmann second. Four in favor. One (Sanoski) abstain. Motion carried.

4. **LRIP Grant Ideas** – MNDOT is offering Local Road Improvement Program (LRIP) grant funding for road improvement. Grant proposals are due early December. The Township has been planning to apply for LRIP funding to resurface Queens Road since spring 2022, though progress stopped when the LRIP grants were not offered in 2022. The PC brainstormed ideas to prepare a successful proposal including sending a letter to Queens Road residents and likely frequent users (i.e., Post Office, fire department, school buses, farm traffic, residents on adjacent roads like 160th), recruiting them to sign a petition in support of funding a proposal. A letter drafted in 2022 was edited. It was also recommended to include a self-addressed and stamped envelope to make it convenient to return the petition. Ideas to include in the proposal would be safety concerns including the number of accidents on the road (contact the Sheriff or Chad Klocker), and vehicle traffic on the road (count cars). The Clerk will contact the County highway department about an automated counter; alternately Koopmeiners could perhaps do counts at intervals. The Township could recruit additional signatures on the website and through our social media platform (i.e., Facebook) or newspaper. Other options include going door-to-door for signatures. Stories from residents about the poor quality of the road could help strengthen our case (i.e., some farmers avoid driving machinery on the road due to its poor quality). One possibility was to recruit support in a newsletter, though this probably wouldn't be as effective.
5. **Xcel Powerline Project on Norway Road** – Pre-existing power poles will be replaced. The PC identified no specific concerns/problems.
6. **Solar Garden Moratorium** – The PC reviewed the resolution drafted by the attorney. Blonigen moved to express support for Resolution 08-09-23-1 and for the Supervisors to consider establishing a subcommittee to study the moratorium. Wensmann second. All in favor. Motion carried.
7. **Christmas 2024 Meeting Date** – the Avon FD is putting together the calendar for 2024 and noted that the December 2024 meeting is scheduled for Christmas night. The general consensus was to recommend to the Supervisors to reschedule this meeting one week earlier (December 18, 2024).

Reports/Announcements:

- *none*

Next Meeting: The next PC meeting is September 27, 2023 at 7:00 PM (see 'Call to Order' for the Zoom log-in).

Other Meetings: Other Upcoming Meetings/Events (see 'Call to Order' for the Zoom log-in) include:

- Supervisors Meeting – September 6, 2023
- Joint Planning Commission – October 30, 7 PM, Avon Township Hall

Adjournment: Sanoski moved to adjourn the meeting at 8:50 PM. Blonigen second. Meeting adjourned.

Respectfully submitted,

Stephen G. Saupe, Clerk

date: September 5, 2023

Approval:

Lori Yurczyk, *Planning Commission Chair – signature*

date: _____