

ATHENS TOWNSHIP
PLANNING COMMISSION MEETING
7:00 pm Athens Township Government Center
Minutes of Thursday, January 18, 2018

1. *Pledge of Allegiance:* The Pledge of Allegiance was recited.
2. *Roll Call:* The meeting was called to order at 7:00 pm by Chairman Dave Beckstrom. Members present were Dan Woodfill, Marlys Balfany, Dave Henderson, Dave Beckstrom, Cindy Anderson. Also present was Zoning Administrator, Ryan Grittman, consulting planner Stephen Grittman, applicant Darin Nelson, representatives from SoCore Energy.

Not present: Commissioner Jake Carpenter

3. *Minutes of November 11, 2017:* Motion by Commissioner Henderson to approve the minutes.

Commissioner Balfany stated that the conditions of IUP application were not in minutes. Commissioner Beckstrom said the conditions should be in report. Commissioner Henderson asked about using the resolution number instead.

Motion seconded with changes to add the conditions of the IUP using the planning report, Motion carried by a vote of 4-0

Announcements: The Town has finalized a contract with Andy Schreder to be the Town's Building Official. The Town is looking to move toward electronic permitting.

2018 zoning fee schedule was approved at the last board meeting. Most of the private zoning applications now have an escrow. This is intended to get fees passed to applicant.

Commissioner Balfany will be gone for the February meeting.

4. *Open Forum:* Chair Beckstrom opened the public forum. Seeing no residents present for the open forum, Beckstrom closed the public forum.
5. *Public Hearings:*

Nelson Variance Application - 89 253rd Lane – Front Yard Setback Variance.

Planner Grittman gave his report and referenced the planner's report dated January 18, 2018. He stated that this application is for a variance to construct a garage within the front yard setback. He stated that construction has already begun on the garage and a stop work order was issued to the site. The applicant was told to either remove the structure or apply for a variance. The applicant has chosen to apply for a variance to build approximately 56 feet from the road, when the setback is normally 120 feet.

Planner Grittmann stated that staff recommends denial of the variance request with the following findings:

- The applicant has sufficient room to build elsewhere onsite.
- The Town regulates setbacks from private road easements, and the private road easement serves 2 additional homes.
- Issue is not unique and is caused by the landowner.
- Variance could alter the essential character of the locality, as other landowners have been held to the 120-foot setback rule.
- There are no practical difficulties at play.

Planner Grittmann opened for questions from the Planning Commission

Chair Beckstrom stated the County has a similar setback ordinance to the Town Ordinance. He also stated that the building was built without a permit. He stated the variance is 56 feet from the road.

Commissioner Henderson stated that there are two levels of ordinances, urban residential and agriculture.

Commissioner Henderson stated that there are other buildings that are close to the road like this structure. He stated an example that there's a building 40 to 50 feet from the road on 253rd Ave NE

Chair Beckstrom asked if the road went in after the building was constructed.

Commissioner Henderson stated that we should change the ordinance to a smaller setback for private roads.

Chair Beckstrom asked about private drives.

Commissioner Henderson said that it's "private drive" which could be anything. He said that private drive shouldn't be in the ordinance, and that only established roads should only be in the ordinance.

Chair Beckstrom said that might not be correct.

Commissioner Henderson said that we pave private drives and if you have a building within 120 ft. you're not in compliance.

Chair Beckstrom said we should look at County ordinance for reference.

Commissioner Henderson said our term is "private drive". The issue here is that the ordinance goes too far in its regulation.

Chair Beckstrom said that the ordinance states that the setback is 120 feet from all roads including private road easements and that an easement is granted to access property across other property.

Commissioner Henderson said he would make a motion to approve the variance request.

Chair Beckstrom said you have to show a practical difficulty. Staff is saying that there are other places on the property where this structure will fit.

Commissioner Henderson said he accepts that, but not for a private road easement.

Chair Beckstrom open the public hearing for public comment.

Darrin Nelson, the applicant said that if anyone has a problem with the location he'd happy to explain his situation.

The Planning Commission did not have any comments or questions for Mr. Nelson.

Mr. Nelson said that Jim Braun did business with his father, Jim would come in and discuss the project, and later Jim would come by with a permit and collect payment.

Chair Beckstrom asked if there was discussion about the location of the garage.

Mr. Nelson said there wasn't, and that Jim wanted to know sizes, but that was it.

Commissioner Anderson asked about the number of buildings on the property.

Mr. Nelson said his father bought the property and put up 4 or 5 buildings, he passed away and left the property to him. He also stated that he's adding onto an existing building and that this is not a new structure.

Chair Beckstrom said that there's space to the left of the house. Which would be in compliance with the ordinance.

Commissioner Woodfill asked how far along the project is.

Mr. Nelson said there's a roof and sides.

Chair Beckstrom asked if the roof was put in after the stop work order.

Mr. Nelson said yes, and that he only did it so he wouldn't have to plow.

Chair Beckstrom closed the public hearing and asked for discussion from the Commissioners

Commissioner Woodfill asked if 253rd Lane goes across tracks.

Commissioner Henderson said no.

Chair Beckstrom said he's concerned about continuing construction after a stop work order was issued.

Commissioner Anderson asked how tall the structure is.

Mr. Nelson said that it has 14-foot side walls.

Chair Beckstrom asked consulting planner Stephen Grittman for advice.

Planner Stephen Grittman noted that there's supposed to be strict rules. The Commission is supposed to find practical difficulties that are not by the applicant. The findings for denial are pretty clear. He understands the direction from officials, but it's not in the boundaries to look the other way. The project doesn't meet the requirements.

Mr. Nelson asked about adding onto an existing building.

Chair Beckstrom said that the ordinance is in place and a new structure is no different than an addition. He added if the ordinance does not meet the needs, then we should change the ordinance.

Commission Henderson asked about tabling the request to explore changing the ordinance.

Commissioner Henderson said he understands the strict ordinance, but the road was installed within the setbacks, we know that the past zoning issues have been cleaned up. Commissioner Henderson said that the applicant was misled by the Township and that there's documentation to show it.

Commissioner Woodfill asked which documents show evidence.

Commissioner Henderson said we can look in the records.

Commissioner Henderson made a motion to approve variance with documentation that the Town lead the applicant astray.

Commissioner Woodfill asked about what will happen the next time an application comes forward with similar circumstances.

Commissioner Henderson said this is the last one from the transition period, but he's not sure that there's not more out there.

Commissioner Woodfill said that if we approve, it's because Staff made a mistake, but what does it leave us in the future? He said that the road was accepted, town did not put road in.

Commissioner Henderson said it was another "cleanup process" in accepting the road.

Commissioner Woodfill asked if the road is a deeded easement.

Chair Beckstrom said the easement is on the plat for the property and would show up in a survey.

The applicant was asked how many houses get access using the private easement.

Mr. Nelson said there's two other homes not including his.

Commissioner Woodfill asked about the size of easement.

Mr. Nelson said he thinks it's 33 feet.

Commissioner Woodfill asked about the future when more houses are put in. He feels that the road will end up in the hands of the Town at that point.

Mr. Nelson said there's no more buildable land back there, it's all swamp.

Motion by Henderson to approve the variance request at 89 253rd Lane to construct an addition to an existing garage within the front yard setback; motion seconded.

Motion passes 4-0

Chair Beckstrom said for the record, the autobody bus that Mr. Nelson wants to run will need a separate conditional use permit for a home occupation.

Solar Garden – Application for Zoning Text Amendment

Planner Gritman referred to his report dated January 10, 2018 and stated that SoCore energy has applied for a zoning text amendment to allow solar gardens as a conditional use permit in the Town of Athens. The text amendment is for solar gardens to be permitted as a principal use. At this time, no accessory uses are proposed.

Commissioner Henderson asked where the energy go after it's produced. Mike Bash, a representative from Connexus Energy, said it would stay local, and that the solar garden that they will be proposing is not large enough to be sent elsewhere. The project is sized to be local for the distribution grid, and not the transmitting station.

Commissioner Woodfill asked if this is specific for solar energy, Chair Beckstrom said yes.

Andrew Dahlen with SoCore Energy gave a presentation on pollinators and solar panels and the benefits to the local community.

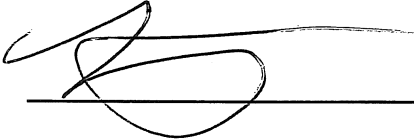
Rob Davis with Fresh Energy was present to speak about renewable energy and pollinators. Fresh Energy works to accelerate renewable energy. Mr. Davis stated that in the southwest where solar energy first started, surfacing was gravel. When solar began to expand east, these same models were used without any thought to what the ground surfacing should be. There are agricultural benefits from pollinators. Fresh Energy is working with Prairie Restorations to install prairie and wild flowers on the ground around the solar panels.

Commissioner Henderson asked if there's three companies involved in this project. Mr. Dahlen yes, Prairie Restorations, SoCore, and Connexus.

Commissioner Henderson asked about how many other locations SoCore Energy has done a project. Mr. Dahlen estimated there are 10 in Minnesota and 13 in western Wisconsin.

8. *Adjournment:* Commissioner Woodfill motioned to adjourn. Motion seconded. Motion passed 4-0 Meeting adjourned at 9:03 pm.

Minutes approved on this 15th day of February, 2018.



Ryan Grittman, Zoning Administrator



Dave Beckstrom, Planning Chair