

Minutes of the Meeting of the Avon Township Planning Board
July 25, 2007
Avon City Hall

Call to Order: The regular meeting of the Planning Board was called to order by Chairman Mergen at 8:00 P.M.

Pledge: Everyone stood for the Pledge of Allegiance.

Roll Call: Present – Gerry Kremers, Ken Mergen, Steve Plantenberg, Lowell Rushmeyer, Stephen Saupe; Absent – Joe Scepaniak. Supervisor Gondringer was also present.

Minutes: Corrections to the minutes were suggested by Plantenberg, Mergen, & Kremers. Rushmeyer moved to accept the minutes of the 28 June, 2007 meeting as amended. Mergen seconded and the amended minutes were approved unanimously.

Business:

Mr. Jim McDougale was present to request a variance. He proposes to make modifications to his residence within the 93 foot setback. Rushmeyer moved to recommend to the Township Supervisors to set a public hearing for August 25, 2007 at 8:15 PM for a variance for a setback from 93 feet to 68 feet. Motion seconded and approved unanimously. Mr. McDougale was requested to present to the Township Clerk a completed variance application and check for \$150 by August 1.

Public hearing – At approximately 8:15 PM Chairman Mergen officially opened the public hearing for the Olson/Studniski variance. No public responses were received by any members present. Commissioners discussed a variety of issues including the existence of possible utility easements, septic issues, alignment with other homes in the area, and potential issues with the street that had been abandoned. Plantenberg moved to close the hearing. Mergen seconded. Motion approved unanimously. The commissioners agreed that the Joint Powers Board didn't need to get involved with this issue. Mr. Olson was told that variances can not be granted for economic reasons but, among other reasons, to insure a residence shares the privileges of his/her neighbors, for safety issues, etc. Mr. Olson indicated that a major reason for not rebuilding his home on the current site is so that he can live in the existing home while the new one is built. A visitor suggested that the new home could be approved as an addition to comply with regulations. Plantenberg mentioned that that the original purpose for 93 foot setbacks was for more rural areas and that in more residential areas it was expected that variance issues similar to this one would arise from time to time. Plantenberg suggested that the home should line up with other homes. Rushmeyer said that a hardship is necessary to grant a variance. Another factor is that the Township setback regulations are different (93 feet) from the County setback which is 63 feet. Plantenberg moved to recommend to the Supervisors to approve a 70 foot setback from center of Shorewood Drive rather than 93 as specified in our MOU with county in order to insure that the new home lines up with existing homes in neighborhood and avoids potential conflicts in life safety issues. The motion is contingent upon meeting the requirements of any applicable county requirements. Kremers seconded. Vote 3 to 1 (Rushmeyer). Mergen will present the recommendation to the Board of Supervisors.

Mr. Mike Surface (1572 W. VanBurne Ave.; St. Paul, MN 55104; 651 645 9449) appeared before the Commissioners to request a variance. He plans to remove an existing cabin Two Rivers Lake and build a new one. Mr. Doug Franklin, Autumn Leaf Home Builders, accompanied Mr. Surface to discuss current plans for the new cabin which will be a modular Wisconsin home. The current ordinance requires a 60 foot setback from the roadside right-of-way but to rebuild on essentially the same spot will occur within this setback. The request was discussed, including septic issues. Plantenberg made a motion to recommend to the Supervisors to set a public hearing at 8:30 PM on 29 August, 2007 to request a setback of 43 feet from the property line roadside right-of-way from the normal 60 feet. Mergen seconded. Vote unanimous. Mr. Surface will be sent a variance application which should be returned to the Township Clerk with the variance fee (\$150).

There was a brief discussion of the original rationale for the 93 setback and whether the Township setback should be the same as the county. There seemed general agreement to leave the Township ordinance as it currently stands.

Gondringer & Mergen discussed a letter about a meeting (5th Monday) to bring to various government entities to share things back/forth about township issues, etc. Gondringer currently plans to attend.

Kremers briefly discussed issues related to property encroachment.

Saupe requested feedback on how to handle minutes and other clerical issues.

Adjournment: Rushmeyer moved to adjourn the meeting. Kremers seconded. Passed unanimously.

Respectfully submitted,

Stephen Saupe
Deputy Clerk

Minutes amended & approved: 29 August, 2007