

**Minutes of the Meeting of the Avon Township Planning Board**  
September 24, 2008  
Avon City Hall

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

**Pledge:** Everyone stood for the Pledge of Allegiance.

**Roll Call:** Present – Ken Mergen, Lowell Rushmeyer and Stephen Saupe. Absent – Gerry Kremers. Supervisor LeRoy Gondringer was also present.

**Approval of Agenda:** Additions to the minutes were: Sue Mauderer – variance request; James & GERALYN Dierkhising – request for a Certificate of Compliance; and discussion of a lake access dispute. Saupe moved to approve the amended agenda. Mergen seconded. Approved unanimously.

**Minutes:** Minor typos were corrected in the previous minutes. Rushmeyer moved to approve the amended minutes of the August 27, 2008 meeting. Mergen seconded. Approved unanimously.

**Business**

1. Gondringer reported that Roger Nelson had submitted an application for the open position on the Planning Board. The Supervisors will discuss this at their next meeting.
2. Dierkhising Certificate of Compliance – James & GERALYN Dierkhising appeared to request a Certificate of Compliance. They had worked with Dan Zimmermann at Stearns County and were advised they needed one to complete a land swap with their neighbors, Donald & Mary Kramer. The ultimate purpose is to insure that a building on the Dierkhising property meets setback rules. Mergen moved to recommend to the Supervisors to approve the Certificate of Compliance. Rushmeyer seconded. Approved unanimously.
3. Strenger Variance – At 8:15 PM Chairman Mergen called to order the public hearing for The Gerald & Joyce Strenger Trust concerning a variance to construct a house closer to the centerline of the road (48 feet) than is currently permitted (63 feet). Saupe reported that the hearing had been announced in the *Enterprise*, neighbors had been sent a letter, and it had been posted on the township web site for at least three weeks. No comments had been received about the variance prior to the meeting. One neighbor, Matt Milner attended the hearing and spoke in favor of the variance request. Mr. Milner indicated that at least one other neighbor to whom he spoken also supported the request. The variance is required to site the proposed new home so that it meets lake setbacks, is 20 feet from the drain field, and 10 feet from the garage. If approved, this request would grant a 15 foot variance. Mergen moved that the Planning Board recommend to the Board of Supervisors to approve the variance request. Rushmeyer seconded, citing the fact the proposed home lines up the neighbors and that it isn't unusual (i.e., size, location) compared to what neighbors have. Approved unanimously.
4. Mauderer Variance Request – Susan Mauderer appeared before the Planning Board to request a variance to site a modular home closer to the road (17 feet or 41 feet from the centerline) than is currently permitted. Ms. Mauderer lives on 368<sup>th</sup> St. in a mobile

home on 2.5 lots on Pelican Lake. She purchased at the State Fair a modular home to replace it. Gondringer indicated that 368<sup>th</sup> is a public road that is privately maintained. To fit the home on the site and meet lake setbacks, Ms. Mauderer also plans to reduce in size a pavilion that is on the site (15 x 62 feet, 45 feet from the lake). Fire code dictates the home be 10 feet from the pavilion. Rushmeyer moved to approve to the Supervisor's to hold a variance hearing to consider the request by Ms. Mauderer for a 17 foot variance from the property line. Saupe seconded. Approved unanimously. The date/time for the hearing was not set because Ms. Mauderer is considering requesting a special joint Supervisor's and Planning Board meeting on either October 16<sup>th</sup> or 17<sup>th</sup>. She will decide by the upcoming Supervisor's meeting.

5. Blattner Drive – James Schweidel contacted Saupe concerning a dispute about the use of a lot on Upper Spunk Lake. Gondringer indicated that several years ago, the township agreed to overlay this road if the residents agreed to let the township vacate the road and maintain the road themselves. There are three homes on the road and one vacant lot that was owned by the Blattner Corporation. The lot changed hands and the new owner has presumably restricted access to the out lot. Mr. Schweidel argues that he and other neighbors had an easement to use the property to access the lake. The general agreement is that for the township to act, Mr. Schweidel needs to provide a legal judgment from an attorney that there is a valid easement.
6. Noise Update: Gondringer announced that the Supervisor's had met with the sheriff concerning the noise complaint about Cone's. The sheriff can only effectively deal with it if there is an ordinance in place. Also, the sheriff reported never receiving any complaints about loud music at Cone's. Gondringer has received a few calls recently. A camper on the site apparently provides weekend housing for an owner. Cone's will likely not expand since to do so would require a conditional use permit (i.e., bars in rural townsites) that it doesn't currently have. It was generally agreed that developing a noise ordinance could be put on the agenda of the Township General Meeting in March.

**Announcements:** Gondringer announced that Avon Estates meets setback requirements (500 feet) from a feedlot. Rushmeyer announced that there was no meeting of the Joint Powers Board.

**Next Meeting:** The next Planning Board meeting will be October 29, 2008.

**Adjournment:** Rushmeyer moved to adjourn the meeting at 9:30 PM. Saupe seconded. Approved unanimously.

Respectfully submitted,

Stephen Saupe  
Deputy Clerk

Minutes amended & approved: