

BRIDGEWATER TOWNSHIP
PLANNING COMMISSION MEETING
Bridgewater Township Government Center
Thursday, June 28, 2018
Official Minutes

- ❖ John Klockeman called the meeting to order at 7:00
- ❖ Members present were John Klockeman, Bruce Morlan, Larry Alderks, Kurt Schrader, Ray Larson, Frances Boehning, John Holden, Carolyn Braun, and Jim Braun.
- ❖ Guests present were Gary Ebling, Glen Castore, Mr. Berens from Rice County.
- ❖ Bruce Morlan made a motion to approve the agenda, Ray Larson seconded, all approved.
- ❖ Bruce Morlan made a motion to approve the minutes of June 7, 2018, Larry Alderks seconded, all approved.

- ❖ Open Forum: None.

- ❖ Public Hearings
 - Rice County Environmental Services – Set Back Variance.
 - The public hearing was opened at 7:06pm
 - Jim Braun reviewed the project and need for the variance.
 - The variance is requested as the new building will be within the current set back from Coe Avenue.
 - A Rice County representative reviewed the current, past, and future of the Rice County landfill.
 - Public Hearing was closed at 7:20pm.
 - Jim Braun reviewed the conditions of the variance.
 - Bruce Morlan made a motion to approve the variance with the conditions noted by Jim Braun, Ray Larson seconded.
 - Larry Alderks expressed concern regarding the request for the set back. If construction has not begun, why can the building not be relocated. Jim Braun reviewed the limitations of the property and the desirability of keeping the building further from the river.
 - The vote was called; the majority approved with Larry Alderks voting No. The variance will now move to the Board of Supervisors for approval.

- ❖ The Planning Commission adjourned for a short recess at 7:25pm to allow the Board of Supervisors to meet.
- ❖ The Planning Commission regrouped at 7:30pm.

❖ Old Business

- Non-Agricultural Structures regulations.
 - A discussion was held regarding if non-ag buildings on non-ag lots should be required to have architectural attributes. Current ordinance does not require anything in the residential clusters.
 - Carolyn Braun noted that this could be included in the discussion when we review changes to the ordinance while reviewing the codification.
 - Other ideas for future discussion include:
 - Camping
 - Pop up places along the future bike trail
 - Address Hoover dump site
 - A suggestion was made to review Rice Counties current list of permitted uses.
- Further discussions with under-ground Communication Companies
 - Jim Braun reviewed recent discussions with communication companies. They will not be completing any future internet access work until a new bonding bill is passed through the legislature.

❖ New Business

- Discussions on an Interim Use Permit for a Towing Service on 140th Street.
 - Jim Braun reviewed the history of the property and past concerns regarding the owner.
 - Mr Braun noted that a towing service is allowed by the township ordinance.
 - The current owner was advised to apply for an Interim Use Permit.
 - Discussion was held regarding the possibility of placing a limit on the number of cars allowed in the fenced area.
- Larry Alderks Questions
 - Larry Alderks requested clarification regarding properties split between zones. For example, what would a property split between ag and residential be zoned as? Per Jim Braun, if the property is less than 11 acres, it should be zoned residential. Residential zoned areas should be platted.
 - Larry Alderk questioned how an area could be re-zoned? Per Jim Braun, without further parameters, this cannot be adequately answered.
- Code Compliance
 - Jim Braun reviewed the non-compliant building and noted that the township will be pursuing legal action as past requests to clean the property have not been effective.
 - The house on 1st Timberlane was reviewed. Jim Braun reviewed the original permit which was for a new roof and bathroom renovations. It was learned that

the new owners are a Porte Rican company. The house has been gutted without a proper permit. Jim Braun noted that the property has not been secured and the indoor pool is open to the elements. Jim Braun will follow up with owners to ensure proper procedures are followed.

❖ Miscellaneous:

○ 10 Year Strategic Plan:

- Glen Castore reviewed the history and work done so far on the 10 year plan.
- Efforts to meet with Northfield to review the Annexation Agreement were reviewed.
- The need for a new comp plan was discussed. The Planning Commissioners requested the Board of Supervisors to specify what the focus should be and a timeline.
- Bruce Morlan reviewed the possibility of looking into future cluster housing areas.
- The Planning Commission requested a future work session with the Board of Supervisors to review the focus of the comp plan.

❖ Adjourn – Bruce Morlan made a motion to adjourn, Larry Alderks seconded, all approved.

STAFF REPORT

To: Bridgewater Township Planning Commission From: Jim Braun, Zoning Administrator
Date: June 5, 2018

RONALD THOMPSON - AFTER THE FACT VARIANCE

After the last Planning Commission Meeting, I realized that the Commission needed more information on variance approvals or dis-approvals . Carolyn and I as Staff to the Commission have searched with the help of an Information Memo from the League of Minnesota Cities that applies well to the request of Ronald Thompson (Enclosed). In this report we will outline information that will be valuable to the Commission in order to make a reasonable recommendation to the Board of Supervisors to either approve the request or deny the request.

As I said at the past meeting, Ronald Thompson will be fined for not having a permit. When asked Ronald did not continue on with his garage project but stopped immediately. He did respond to the "certified mail" as soon as he received it and then asked what would need to be done in order to complete his project. We did not have to use legal enforcement to stop work on the project. The fee for the variance hearing was paid at application and he knows that there will be a significant fine attached to a building permit if the variance is allowed. Once completed he has met the terms of the Ordinance and it should not be held against him in the variance approvals.

After the past meeting I heard from some Commissioners and Supervisors that they felt the motion that was brought forward was in reaction to testimony given by a neighboring parcel owner. Please refer to the pamphlet from the League of Cities (Page 5, C. Neighborhood opinion) .

The pamphlet describes a three factor test that applies to all variances (Page 2, A. Practical difficulties). This describes the three factors of the test that must be satisfied. They are as follows:

1. Reasonableness: For example, if the variance application is for a building too close to a lot line or does not meet the required setback, the focus on the first factor is whether the request to place a building there is reasonable. (Please see Staff's response in Uniqueness).
2. Uniqueness: When considering the variance for a building to encroach or intrude into a

setback, the focus of this factor is whether there is anything physically unique about the particular piece of property, such as sloping topography or other natural features like wetlands or trees

Staff response: In the past meeting it was demonstrated on Schneider Beacon that there is a natural drainage way during heavy rains that leads from the Thompson property onto neighboring properties. This natural drainage way would be disturbed if the structure was moved back to meet the strictest setback required.

If the structure is moved back, the natural drainage way maybe disturbed and the neighboring parcel, especially the dwelling, may be impaired. Locating the structure in another area could mean the loss of century old trees.

3. Essential character: Foe example, when thinking about the variance for an encroachment into a setback, the focus is how the particular building will look closer to a lot line and if that fits in with the character of the area.

Staff response: Looking at Schneider Beacon maps of the locality, you will find that there are two parcels along that stretch of Rice County 22. One parcel belongs to the applicant which has a pole type structure that was permitted by Rice County and is about 100' from the centerline and the other parcel to the south has a dwelling that was allowed by variance to build less than 100' from the centerline. The request seems to fit in with the character of the area.

IV. Other considerations

A. Harmony with other land use controls: (Page4)

Note: As a test of the of the three factor practical difficulties test, I asked Carolyn to answer the following findings: (Carolyn plans to be on hand at the meeting)

- Is the variance in harmony with the purposes and intent of the ordinance? Yes
- Is the variance consistent with the comprehensive plan? Yes
- Does the proposal put property to use in a reasonable manner? Yes
- Are there unique circumstances to the property not created by the landowner? Yes
- Will the variance, if granted, alter the essential character of the locality? No

Also, in a conversation with the Township Attorney, I ran this and a similar scenario past the Attorney and his thought was if there is a practical difficulty, the variance should be approved. With the payment for the Variance hearing and the Building Permit with a fine, his debt to the Township should be paid.

Carolyn found a Court of Appeals case that may prove to be interesting with non-conforming structures and setbacks: The case is as follows:

State of Minnesota ex. vel.
Neighbors for East Bank Livability, eta

I., Appellants vs.

City of
Minneapolis,
Respondent Alatus
L.L.C., Respondent

Because of the size of the document Staff will provide two copies at the
meeting.

IN CONCLUSION

Staff hopes the information in this report will give the Planning Commission a
basis to make a decision on this request.