

BRIDGEWATER TOWNSHIP
PLANNING COMMISSION MEETING
Bridgewater Township Government Center
Thursday, June 7, 2018
Official Minutes

- ❖ John Klockeman called the meeting to order at 7:00
- ❖ Members present were John Klockeman, Bruce Morlan, Larry Alderks, Kurt Schrader, Jeff Johnson, Ray Larson, Frances Boehning, John Holden, Carolyn Braun, and Jim Braun.
- ❖ Bruce Morlan made a motion to approve the agenda, Jeff Johnson seconded, all approved.
- ❖ Larry Alderks made a motion to approve the minutes of April 26, 2018, Bruce Morlan seconded, all approved.

- ❖ Open Forum: None.

- ❖ Public Hearings
 - Ronald Thompson – After the fact variance - continued.
 - The public hearing was opened at 7:10pm
 - Jim Braun reviewed the staff report regarding the findings. These findings are included in the minutes at the end.
 - Ron Thompson noted that the building layout took into consideration the layout of the land, waterways, and trees
 - Public Hearing was closed at 7:23pm.
 - Bruce Morlan made a motion to approve the after the fact variance, Kurt Schrader seconded.
 - Ray Larson expressed disappointment that Mr. Thompson did not obtain a permit prior to the start of building.
 - Larry Alderks questioned why we could not change the setback if we were not going to follow it. It was noted that the setback is set by Rice County and the township cannot be less restrictive. Mr. Alderks was also concerned that we may not have granted the variance if it had been presented prior to the start of building.
 - John Holden mentioned that perhaps there should be signs stating that “Building Permits are Required” at all major entrances to the township. Other members felt this would be helpful. It will be added to the Board of Supervisors Agenda.
 - The vote was called; The majority approved with Larry Alderks voting No. The variance will now move to the Board of Supervisors meeting on June 13.

❖ Old Business

- Agricultural Structures vs. Non-Agricultural Structures proposal.
 - Jim Braun reviewed that there had been some discussion regarding changing standards for Ag buildings. Per Jim Braun, the standards will stay the same for farm Ag buildings. However, Ag type buildings in residential areas will need to incorporate three design elements to better fit in to the residential setting. Ideas and examples will be brought to the next meeting.
- Update discussion with under-ground communication companies
 - Jim Braun spoke with Century Link regarding improving the pedestals. The answer received was not satisfactory. Mr. Braun will try to get representatives from both Century Link and Jaguar to attend an upcoming meeting.

❖ New Business

- Possible Code Amendments for Rice County Landfill
 - Jim Braun noticed that the new building will need a variance as it is too close to Coe Avenue.
 - As this building is an improvement and not expansion, it fits within the current ordinance.
 - It was noted that we may need to review the ordinance again for any needed changes.
- Keepsake liquor license
 - Nate Watters is requesting approval to sell beer and wine at the Keepsake Cidery.
 - This change will need to be addressed through a change in the Interim Use Permit.
 - Larry Alderks suggested granting a full liquor license, this was not met with approval as this raised safety concerns.
 - A straw poll was conducted with the all commissioners approving beer and wine to be available at Keepsake Cidery. This will not move to the Board of Supervisors.
- Dundas Planning Commission
 - Effective June 1, John Klockeman is resigning from the Dundas Planning Commission. The Board of Supervisors will submit two names to Dundas as replacement.

❖ Miscellaneous:

- Code Compliance items and updates:
 - Jim Braun reviewed the property on First Timberlane.
 - A permit for minor renovations was submitted. However, upon visiting the site, it is apparent that major changes are occurring. Jim Braun will

contact the owners to determine what is being done and work with them to update the permit.

- Decker Avenue house – Jim Braun reviewed the blighted property on Decker Avenue. The yard has been cleaned up and the house will be renovated before being rented out.
- Property on 140th Street with excess cars- Jim Braun spoke with the property owner and he will come before the Commission with a request for an Interim Use Permit.
- Jim Braun will review the new field driveway on Albers Avenue to determine if a permit is needed and if a culvert is necessary.

❖ Adjourn – Bruce Morlan made a motion to adjourn at 8:28pm, Jeff Johnson 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.