

Minutes of the Meeting of the Avon Township Planning Commission

December 27, 2023

Avon Township Hall (16881 Queens Road, Avon)

Call to Order: Chair Lori Yurczyk called to order the meeting of the Avon Township Planning Commission (PC) at 7:00 PM in the Main Chamber of the Town Hall. The meeting was also available via Zoom at the following URL: <https://us02web.zoom.us/j/8325486945> (PIN: AvonTown).

Pledge: The Pledge of Allegiance was recited.

Roll Call: Present – Craig Blonigen, Rich Sanoski, Stephen Saupe, Andrew Wensmann (*via Zoom*), and Lori Yurczyk (*Chair*). Also present: LeRoy Gondringer.

Approval of Agenda: Added to the agenda were reports from the meetings of the Fire Board and Collegeville Township, as well as a discussion of a new flag. Sanoski moved to approve the agenda as amended. Blonigen second. All in favor. Motion carried.

Minutes: Sanoski moved to approve the minutes from the November 29, 2023 meeting as presented. All in favor. Motion carried.

Public Hearings: Beckmann Variance

At 7:15 PM, Yurczyk opened a public hearing for Alexander and Kayla Beckmann, 32679 Nutcracker Lane, St. Joseph, MN 56374, to consider their request for a variance. In August 2020, the Beckmann's received a variance to construct a 75 x 100 shed no closer than 44 feet to the center-of-the-road. The variance expired before they obtained a Construction Site Permit. They now want to begin construction and need to renew the variance request.

The Clerk stated that 28 letters were sent to residents who were at least 500 feet from the affected property. One letter was returned because it was unable to be forwarded. The hearing was published and posted, including on the Township website. One email comment was received from Mr. Paul Eisenschenk. He was concerned that the proposed shed might be used for an auto repair shop, would be an eyesore when he accessed his property, and that it would reduce his property value. No other public comments were received. The Beckmann's stated that the shed would be used for personal storage and not a business. They also noted that their property is not adjacent to Mr. Eisenschenk's property so the proposed shed would not be visible from his driveway. No other public comments were received. Sanoski moved to close the public hearing. Blonigen second. All in favor. Motion carried.

The PC considered the Findings of Facts for a Variance and agreed (all unanimous, except #5: 4 yes, 1 no) that:

1. The proposed use is allowed in the zoning district in which the subject property is located.
2. The variance is in harmony with the general purpose and intent of the application ordinance.
3. The terms of the variance are consistent with the comprehensive plan.
4. The property owner proposes to use the property in a reasonable manner.
5. The plight of the landowner is due to circumstances unique to the property and are not created by the property owner.
6. The variance, if granted, will not alter the essential character of the locality.
7. The need for the variance involves more than economic hardship.

When asked why the shed could not be moved further from the road, Mr. Beckmann stated that the topography would require significant excavation, including the removal of hills and old trees, and it would be

prohibitively expensive.

Blonigen moved to recommend to the Supervisors to approve a variance from Section 9.3.11.A(3) of Avon Township Ordinance 5 for Alexander and Kayla Beckmann to construct a shed no closer than 44 feet to the center of the road. Sanoski second. All in favor. Motion carried.

Public Comments: *none*

Business:

1. **Girodat Variance** – Rodney and Laura Girodat (33576 Shorewood Drive, Avon, PID 03.01477.0000) hired Mr. Luke Wilson, Wilson Home Builders, to construct two, 10' x 12' decks on their property. Mr. Wilson appeared at the meeting as their representative. Mr. Wilson said that the previous owner of the property did not receive a variance when they constructed their home in the 1970's; it is 5 feet too close to the road (Shorewood Drive). In order to receive a CSP for their deck project, the Girodat's must obtain a variance for the preexisting, noncompliant home. Saupe moved to recommend to the Supervisors to set a public hearing for January 31, 2024 at 7:15 PM to consider a request for a variance from Rodney and Laura Girodat, 33576 Shorewood Drive, Avon, MN, for a non-conforming structure that is five feet closer to the road that is currently allowed by ordinance. Sanoski second. All in favor. Motion carried.
2. **Transfer of Development Rights (TDR)** – As a consequence of a recent request to import a TDR into Avon Township, the Supervisors authorized the PC to develop an application form and process for any future transfers. Blonigen prepared a draft that was discussed and edited. The PC discussed many aspects of the TDR's including: the goal of transferring TDR's (protecting agricultural land); how many TDR's could be moved to a single parcel; could TDR's be transferred between different zoning areas other than A40 parcels; how do we cover our costs; should a public hearing be required for all requests; and is there a minimum size parcel to accept a TDR. The PC agreed that the Township should require a public hearing and that the fee for a TDR application should be \$400. Sanoski moved to recommend to the Supervisors acceptance of the Transfer of Development Rights Request application form and process. Blonigen second. All in favor. Motion carried.
3. **Field Approach Application** – As a consequence of a request for a field approach on 360th Street, the Supervisors authorized the PC to consider potential modifications to the Driveway Permit application and standards. After careful consideration of our existing documents the PC agreed that no new policies were necessary but the existing "Driveway Application Form" and "Standards" needed to be edited to include: field accesses, changing the title to 'Access Permit,' adding 'field accesses' to 8b, including an expiration date, and including a statement emphasizing homeowner responsibility for understanding access policies. The form created by Blonigen was edited to included many of these suggestions. Sanoski moved to recommend to the Supervisors the suggested editorial changes to our existing documents. Yurczyk second. All in favor. Motion carried.
4. **Ordinance 667** – the County will hold a public hearing on January 16, 2024 to consider changes to the 439 Ordinance regarding accessory building size. Part of the rationale for the changes focuses on changes for properties in non-riparian areas Shoreland areas. The PC identified no concerns and recommends no action.
5. **Administrative Policy** – the Clerk discovered MAT document TM7000 regarding administration of Township meetings, etc. The Clerk wondered if there was a need for the Township to adopt a similar one. The PC suggests recommends no action need to be taken at this time.

6. **Flag** – the Township will eventually need to replace our MN flag with the new design. The general consensus of the PC was to wait until guidance about a replacement is received from MAT.

Reports/Announcements:

Fire Hall Expansion – Sanoski reported that he attended a Fire Board meeting that featured, among other things, a discussion concerning the fire contract. The City plans to obtain a 20-year bond to pay for the project and wants to include in the contract a commitment by the townships to pay their share of the bond for the bond period. Our attorney examined the contract and said that the township could not accept the contract as it is written because the townships would need to have approval from the electors for a 20-year bond payment. The townships could sign for a 10-year commitment, however, the City is hesitant because the township may back out leaving them on the hook for the remainder of the bond. The townships have consistently stated that there is no plan to leave the Avon Fire Department. Attorney Ripple will meet with City attorney, Mike Couri, to try and find a mutually-agreeable solution. Ripple will attend the next Avon Township Supervisors meeting to present his findings.

The Townships would like the contract to include that donations received by the City and Fire Department for the Fire Hall expansion be credited to the townships' share of the cost, as well as to the City. The PC recommends that this should be included in the contract. It was also suggested that the contract could provide a means to give the townships more control in the decision-making process regarding the Fire Department, which now serves an advisory role. The Townships would likely want a little more say in decisions to have a little more 'skin in the game.' One option is a Fire District where each entity has ownership, though Attorney Ripple prefers a Fire Service Agreement that would give the townships a little more control and/or veto power over some purchases. Overall, the townships have been disappointed with the amount of input in the Fire Hall Expansions.

The City wants to have the contract signed as soon as possible. They are waiting to accept bids/quotes for the project until the contract is signed. One concern is that the bids expire on January 9, 2024. An article in the *Star-Post* stated that the City also contracts fire service with a small portion of St. Wendell Township. This was a surprise to most and raised questions about whether St. Wendell should participate in the debt payments, etc.

Blonigen said that there is a pollution/health concern about foam used to fight fires, and that there are concerns about whether trucks that have previously been used with foam can be used for other purposes. If not, it could be a major expense in the future to replace trucks.

Next Meeting: The next PC meeting is January 31, 2024 at 7:00 PM (*see 'Call to Order' for the Zoom log-in*).

Other Meetings: Other Upcoming Meetings/Events (*see 'Call to Order' for the Zoom log-in*) include:

- Affidavit of Candidacy period – January 2-16, 2024
- Town Hall open to accept affidavits – January 16, 2024; 1-5 PM
- Supervisors Meeting – February 7, 2024
- Presidential Nominating Primary – March 5, 2024 (7 AM – 8 PM)
- Town Hall open to accept absentee ballots – March 9 (10 AM – 12 PM) & March 11, 2023 (1-5:00 PM)
- Township Election, Annual Meeting & Board of Canvass meeting – March 12, 2024
- Qualification Meeting – March 20, 2024 (7 PM)

Adjournment: Sanoski moved to adjourn the meeting at 9:20 PM. Blonigen second. Meeting adjourned.

Respectfully submitted,
Stephen G. Saupe, Clerk

date: January 28, 2024

Approval:

Lori Yurczyk, *Planning Commission Chair – signature*

date: _____