

## **MINUTES JOINT PLANNING BOARD**

**NOVEMBER 7, 2019**

The Joint Planning Board meeting was called to order by Butch Mueller, Vice Chairperson at 6:00 p.m. Members present were Don Wiese, Gerry Mehr, Shawn Reinke (6:40 p.m.), and Jennifer Welling, Administrative Assistant/Zoning Specialist. Larry Kern and Lynae Kern were also in attendance.

### **CONSENT AGENDA**

Welling added a new Annexation Map to the agenda under Old Business.

**Motion was made by Mehr to approve the minutes from the October 21, 2019 Joint Planning Board meeting. Seconded by Wiese and unanimously carried.**

### **RATIFICATION OF TOWNSHIP BOARD ZONING ACTIONS**

An email was reviewed from Attorney, Mike Couri; Paynesville Township Board's Attorney:

"The motion that we discussed yesterday regarding Town Board approval of zoning actions for properties that have been in the OAA (and where such zoning actions should have been approved by the Joint Planning Board) should read as follows:

"Motion to ratify the past actions of the Paynesville Town Board in approving and denying conditional use permits, interim use permits, variances and site plans for properties within the orderly annexation area as set out in the orderly annexation agreement between the City of Paynesville and Paynesville Township, adopted by the Township on September 12, 2005 and adopted by the City on September 28, 2005."

Also, the zoning ordinance requires the Zoning Administrator to approve site plans. It does not hurt to put the site plans in front of the Joint Planning Board for approval before the Zoning Administrator approves them if that is what the Joint Planning Board wants to do, but it is not required by the ordinance."

The Joint Planning Board will need to decide if the Board wishes to see each site permit prior to approval by the Zoning Administrator or only those that do not meet the zoning requirements and need to apply for a Conditional Use Permit, Interim Use Permits, Variance, Lot Split, Vacation, Re-Zone, or Platting.

**Motion was made by Mehr to ratify the past actions of the Paynesville Town Board in approving and denying conditional use permits, interim use permits, variances and site plans for properties within the orderly annexation area as set out in the orderly annexation agreement between the City of Paynesville and Paynesville Township, adopted by the Township on September 12, 2005 and adopted by the City on September 28, 2005." Seconded by Wiese and unanimously carried.**

**Motion was made by Mehr to have the Joint Planning Board NOT REVIEW all site permits prior to approval by the Zoning Administrator, only permits that need to apply for Conditional Use Permits, Interim Use Permits, Variances, Lot Splits, Vacations, Re-Zones, or Platting. Seconded by Wiese and unanimously carried.**

### **ANNEXATION MAP**

**Motion was made by Mehr to approve the Annexation Map that was presented dated March, 2017. Seconded by Wiese and unanimously carried.**

Mueller recessed the Regular Joint Planning Board meeting at 6:19 p.m. and opened the Larry and Lynae Kern Variance Public Hearing.

### **KERN VARIANCE PUBLIC HEARING**

The Kerns want to add back a 600 foot building that he had to remove to get the last building built.

Minutes from the June 26, 2017 meeting:

Larry Kern lives on Lot 7 with his drain field on Lot 8; he also owns Lots 9 & 10. Mr. Kern will remove a shed. His barn is on Lot 9 and a chicken coop is on Lot 10.

Mr. Kern wants to build a large shed on Lots 8 & 9 which will equal 192 square feet of accessory buildings. Mr. Kern will combine Lots 7, 8, & 9. These are half acre lots therefore, allows him 1,200 square feet of accessory structures.

The Township gave Kern a variance for the 192 feet with the condition of removing the other shed. No letter of opposition was received for the Township Variance.

Motion was made by Thompson to grant the Variance and site permit for Larry Kern. Seconded by Mehr and unanimously carried.

Two letters from neighbors in favor of the variance were read aloud.

There was general discussion on the need for the additional structure as well as having the room for such.

Welling stated the following:

- According to the ordinance the Kerns would meet the lot coverage as all lots have now been combined at the county
- This additional shed puts the Kerns over the number of allowed number of accessory buildings which is two; this would be a third structure
- All application fees have been paid
- The findings of fact worksheet was reviewed and Welling would have a hard time answering yes to all the criteria as this does not result in a "practical difficulty"; therefore voting against the variance

There was some discussion on options; including amending the Township's ordinance to allow for more than 2 accessory structures. Welling mentioned that the Township would have to

really think about if this is what they would want throughout the entire township and in all neighborhoods and in what zones would three structures be allowed. Moreover would total square footage of accessory structures be better than the number of structures.

Township members expressed interest in an ordinance amendment. A time line for such was discussed.

Mueller closed the Public Hearing at 6:53 p.m. and Reinke, Chairperson reopened the Regular Joint Planning Board meeting.

### **KERN VARIANCE**

There was no action on the variance and it was tabled until a Township ordinance amendment could be considered and approved to allow for three accessory structures. The Kerns were in favor of waiting.

**Motion was made by Mehr to have the Township review/discuss/consider an ordinance amendment and to table the variance request. Seconded by Mueller and unanimously carried.**

It was questioned if there was another ordinance with rules outlined for properties that lie in the Joint Orderly Annexation area. It was stated no.

### **UPDATE ON SPANIER AND LIESER PROJECTS**

Both projects were completed a year ago and have now been ratified through the motion that was passed earlier in the meeting.

The Board consented on not reviewing all the site permits that have been issued since 2005. The Board will review permits, if necessary, going forward only.

### **MEETING SCHEDULE**

The November 12, 2019 Joint Planning Board meeting date will not work as it is a City Council meeting night.

**Motion was made by Welling to meet the third Monday of each month at 6:00 p.m., if necessary. Seconded by Mehr and unanimously carried.**

The November 18, 2019 joint Planning Board meeting will be cancelled.

There being no further business, the meeting was adjourned at 7:20 p.m.