

WEST LAKELAND TOWNSHIP

October 12, 2015

7:00 p.m.

Oak-Land Jr. High

Present: Chairman Dan Kylo, Supervisor Steven Ebner, Supervisor Dave Schultz; Ms. Carrie Seifert, Clerk; Mary Rinkenberger, Deputy Clerk; Mr. Scott McDonald, Township Attorney; Ms. Marsha Olson, Treasurer, Mr. Duane Stensland, Building Inspector

Public Hearing, 13380 12th St N, Variance to Allow an Accessory Building Closer to the Street than the Primary Residence

Chairman Kylo called to order a public hearing at 7:01 PM. The public hearing is to consider an application by Dave Klinger and Debra Hansen, 13380 12th Street N, for a variance to allow construction of an accessory building closer to the street than the primary residence. The property is located at Block 6, Lot 1 of the Sherwood Forest development. Mr. Klinger presented a request for a building 14' x 14' as the second accessory building on the lot. Mr. Klinger cited the steep topography throughout the small lot, location of the septic and drain field, and the first accessory building as the practical difficulties supporting the request. There was discussion on the exact location of the road relative to the building site. Mr. Dupay indicated the road is not centered on the right of way at that location. Chairman Kylo indicated the proposed building site was 79 feet from the center of the road. Mr. Dupay suggested that a certificate of survey be required to verify the building site location. The location of the proposed building was set to balance the amount of excavation required and working around other limitations. Chairman Kylo opened the hearing to public comment, and no comments were received. Chairman Kylo closed the public hearing at 7:13 PM.

Public Hearing, 12772 22nd St N, Variance to Allow an Accessory Building Closer to the Street than the Primary Residence

Chairman Kylo called to order the public hearing to consider the variance request from Mr. Joe Wren to allow construction of an accessory building closer to the street than the primary residence at 12772 22nd St N. Mr. Dan Thurmes presented the request on behalf of Mr. Wren. Mr. Wren requested a building permit based on Mr. Thurmes' survey in May. Because of errors in mapping the house location on the survey was not correct. Consequently, the accessory structure was also being construction in an incorrect location. As a result, the actual building site is in front of the primary residence. The building is under construction and about 70% complete. The setbacks were met, but the location of the house relative to the new structure shifted from the original survey drawing. The practical difficulties cited by Mr. Wren are the steep grades on the lot, and the existing pool in the back of lot. There were no objections noted by the planning commission review. A building permit was issued for the residence prior to discovery of the mapping error. A question was raised about the impact of development covenants. Chairman Kylo noted the Township does not enforce development covenants. Having no further comments, the public hearing was closed at 7:30 PM

Call to Order

Chairman Kylo called to order the regular meeting of the West Lakeland Board of Supervisors at 7:30 PM.

Consideration of Variance Request, 13380 12th St N, Variance to Allow an Accessory Building Closer to the Street than the Primary Residence

Chairman Kylo asked if the building could be moved to the north side of the existing concrete pad. Mr. Klinger's concern was about being too close to the road, and security issues with the car being parked on the pad.

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Mr. Dupay provided the comments and concerns from the planning commission review. Primary is the concern to ensure that the building is constructed within the allowed setbacks. A survey will be required to ensure that the site can accommodate the 50 ft set back from the right of way. The board recognizes the practical difficulties arising from the location of the wetland at the front of the property and the location of the septic, drain field and well.

Chairman Kylo reiterated the need to ensure that the building site was within the allowed setback. If the survey did not indicate the site was in compliance, an additional variance and additional hearing would be required.

Chairman Kylo moved to authorize Mr. McDonald to draft a resolution noting approval the request for variance subject to submission of a certified survey ensuring the building site is within the allowed setback from the road right of way, noting the hardships resulting from the location of the septic, drainfield and slopes on the existing lot. Seconded by Supervisor Ebner, the motion carried with Supervisor Schultz abstaining as the lot is in his neighborhood.

Consideration of Variance Request, 12772 22nd St N, Variance to Allow an Accessory Building Closer to the Street than the Primary Residence

Chairman Kylo noted the location of the existing pool and septic restrict other locations. Moving the building behind the house would start to encroach upon the required setbacks. The interpretation of what was the front of the lot and what was the front of the house is not clear because of the shape of the lot and the location of the house. The practical difficulties of the pool, septic and well location, restrict the potential locations despite the error in the survey. After discussion, Chairman Kylo moved to authorize Mr. McDonald to draft a resolution documenting the approval of the variance to allow construction of an accessory structure closer to the street than the primary residence at 12772 22nd St N, citing the location of the septic, pool, well and the need to retain sufficient setbacks as practical difficulties supporting the request. Seconded by Supervisor Ebner, the motion carried.

Approval of the Minutes

The board reviewed the minutes of the September 2015 meeting. Supervisor Ebner moved to approve the minutes. Seconded by Supervisor Schultz, the motion carried.

Treasurer's Report

Ms. Olson presented the treasurer's report for September 2015. Chairman Kylo moved to approve the report. Seconded by Supervisor Ebner, the motion carried.

Review and Pay Bills

Chairman Kylo moved to pay the invoices presented for payment. Seconded by Supervisor Ebner, the motion carried.

Concept Plan to Subdivide 861 Neal Ave

Mr. Chad Lemmons, of Kelly and Lemmons, PA, presented a concept plan on behalf of Jon Isabell to subdivide property at 861 Neal Avenue into two parcels. The lot is 4.9 acres in size, and they want to split the property into two parcels. It is a meets and bounds track, created in 1953. It is less than 5 acres including the right of way. A question was raised if there was sufficient acreage to have each lot with at least 2.5 acres outside the right of way. Similar properties less than 5 acres have been come before the board to subdivide previously, and have not been met approval in the past. The adjacent roads

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are county roads, and may be asked to provide for additional right of way may be required. No formal action was requested at this time.

Lot Line Adjustment at 13186 24th St Ct

Mr. Bob Schwartz appeared before the board to explore the possibility of a lot line adjustment along the property at 13186 24th St Ct and 13313 26th St. They are considering purchasing property from the neighbor, and looking to combine their current parcel and a portion of the parcel at 13313 26th St N. They want to ensure the lots can be combined before purchasing the neighboring lot. This can be done by vacating current easements as long as both lots retain a one acre buildable site, with each lot with 160 foot of frontage on the public road. Supervisor Schultz suggested a new survey be completed. No request was made at this time.

Update on Bob Lind Appeal of Revocation of Conditional Use Permit for Bus Service

Mr. McDonald and Mr. Kraftefer (where is the H) met to review the procedures and processes required for the appeal hearing requested by Mr. Lind. Mr. McDonald summarized the data requirements and process for the board. The hearing date was postponed because of the illness of the appointed review panel chair. A motion was made by Supervisor Ebner to reschedule the hearing prior to the next regular meeting scheduled for November 9, with the primary date of November 5th, pending confirmation with all parties. The clerk was directed to send notices after the date is confirmed.

Road Update

Supervisor Schultz presented a proposal to grant the 2015-16 snow removal contract to Miller Excavating. The board discussed the language surrounding the blanket indemnification, and some language changes were recommended by Mr. McDonald. Supervisor Schultz moved to approve granting the snow plow service contract for the 2015-16 season to Miller Excavating with the revised language. Seconded by Supervisor Ebner, the motion carried.

Supervisor Schultz presented an update to the Manning Avenue Corridor. A stakeholders meeting was held last week. Phase One is the corner of 10th and Manning, and will include a stop light at the entrance to the school and restricted accesses from the North entrance. Construction is scheduled for June. A meeting has been requested for November to discuss involvement in a trail along 10th Street to Mark Avenue. The trail provides a walkway for students who are required to provide their own transportation. This has limited value based on the number of lots serviced by the proposed trail.

Supervisor Schultz noted that preparations are underway to support next year's seal coating.

Revisions to Solar Ordinance

Supervisor Ebner presented the revisions to the proposed solar ordinance amendment, section 8.17 of the town code. The corrections reviewed included appropriate comments from the public hearing held at the September regular meeting. After discussion, Chairman Kylo moved to approve the adoption of Section 8.17 of the town code, regarding solar farms and gardens, and to direct Mr. McDonald to provide a summary for publication. Seconded by Supervisor Ebner, the motion carried.

Lake Elmo Airport Expansion

Senator Karen Housley hosted a meeting with Governor Dayton regarding the expansion plans for the Lake Elmo airport. MAC representatives were included. The proposal is pending completion of the environmental impact statement. MSP does not fund reliever airports, MAC provides the funding, what is being proposed is about 90% of the funding will come from federal funds. The runway length

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does not impact the availability of federal funds. There is a potential meeting with Senator Franken in the near future. The timeline for development has the environmental engineering done in 2017, and the work beginning in 2019.

Public Comment

Mr. Brad Cornell, 2733 Neal Ave N, expressed concern about the number of variances being requested. Chairman Kylo noted that the landowner needs to demonstrate practical difficulties to have a variance request approved.

Mr. Vince Anderson, 1815 Hillside, asked about the hearing on the appeal for Mr. Lind's conditional use permit for a bus service. The hearing has not been held yet.

Adjourn

Having no further business, Supervisor Schultz moved to adjourn the meeting. Seconded by Supervisor Ebner, the motion passed. Chairman Kylo adjourned the meeting at 9:21 PM.

Respectfully submitted,



Elizabeth Vance
Recording Secretary