

Board of Adjustment Meeting Minutes
5/19/2020
Via Teleconference

Present

Board of Adjustment members:

Mark Gerdes
Paul Leerhoff
Jim Siebrands
Jeff Reints
Fern Feldman

Others:

Misty Kroeze, Zoning Administrator
Patty Nelson
David & Debra Hogelucht
Pat Galles, Attorney
Sherman Lundy, BMC Aggregates
Simon Gingerich
Kyle Helland

Mark Gerdes called the meeting to order at 7:00 a.m.

A motion to approve the Agenda and the minutes of the previous meeting dated February 25, 2020, was made by Paul Leerhoff and seconded by Fern Feldman. Motion passed.

Old Business:

None.

Public Hearing:

Chair Gerdes opened the public hearing on an application by the Richard Corwin Estate for a variance to minimum lot size requirements for 33593 Beaver Valley Rd located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25, Township 90 North, Range 15 West of the 5th P.M. The Executor, Patty Nelson, was available and stated that they were wanting to reduce the original lot from 1.83 acres to 1.1 acres as shown in Option #1 submitted with the application to be as close to her father's Will as possible, which deeded only 1 acre to accompany the house that is located on that parcel. Since it is under the minimum lot size requirements of 1.5 acres, they are requesting a variance in order to settle the Estate. There is also a berm along the new proposed property line in Option #1, which is why it made the most sense and is their preferred option. Administrator Kroeze also stated that the newer house actually crosses over property lines onto this lot as it is now, so the change in property lines would clean up that issue and the remainder of this lot would be tied back to a new larger parcel, further cleaning up lot lines for several existing parcels. Deb & Dave Hogelucht were also available and had questions regarding an existing access easement to their property being affected and further stating that they never received any of the proposed options with their notice. Administrator Kroeze stated that she did not think to include the options with the notice, just an aerial of the existing lot as it was. Administrator Kroeze also stated that she did some research

and could not find any access easements recorded, just a utility pole easement from the 50s. Mark Gerdes sent the Hogeluchts a picture of the proposed option that was being discussed for the new lot. Attorney Pat Galles clarified that Richard Corwin's wishes were to parcel off the house with 1 acre to Cory Corwin. This is a change in lot lines but would not affect any easements that are in place.

Board Member Leerhoff inquired about the setting of precedence. Administrator Kroeze thought that this is more of a unique situation due to the encroachment of existing buildings and the fact that this would help clean up some of those issues and create less issues down the road. Board Member Reints stated that it fits in with the Subdivision next to it and is not a standalone lot being created so he doesn't see any issues with it.

A motion was made to approve a variance to minimum lot size requirements in order to create a 1.1 acre lot as shown by Option #1 submitted with the application was made by Paul Leerhoff and seconded by Jeff Reints. Motion was unanimously approved.

Chair Gerdes opened the public hearing on an application by BMC Aggregates L.C. for a special use permit to expand a quarry located in the W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, Township 91 North, Range 16 West of the 5th P.M. Sherman Lundy, geologist for BMC Aggregates, was available and stated that this is an expansion of existing quarry to continue to provide rock aggregate. There will be no change in egress/ingress, MSHAW and DNR regulations will still apply and they will continue to operate within the limits of those regulations.

A motion to approve the special use permit was made by Jeff Reints and was seconded by Jim Siebrands. Motion was unanimously approved.

Chair Gerdes opened the public hearing on an application by Simon Gingerich for a variance to CSR requirements for a buildable lot located at 32301 Willow Ave in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, Township 90 North, Range 15 West of the 5th P.M. Applicant Simone Gingerich was available and stated that his in-laws have been looking for a place to build a house closer to him and his wife so they can care for them as they age. The area that has the higher CSR ground that they want to parcel off is not being farmed and they intend to dig a pond here are well. Surveyor Kyle Helland was also available and stated that upon looking up the historical aerial data, it looked like it was farmed back in the 70s. In 1979 the parcel was split off and production stopped. The driveway would also prohibit farm equipment. Kyle also mentioned a 3 $\frac{1}{2}$ acre parcel that was previously surveyed off in 1994. Administrator Kroeze presented her staff report and stated that while there was a parcel surveyed off, it was never separated from the parent parcel. Administrator Kroeze stated that this is currently a 12.37 acre parcel and the proposed parcel will be 1.5 acres and since it did not meet the definition of a buildable lot in the AG District due to more than 25% of the proposed parcel having a CSR above 70, they would need a variance to the CSR requirements in order to build on it. They are also going to need to have a public hearing with the Planning & Zoning Commission for a minor subdivision plat if the CSR variance is approved and they proceed forward with splitting off the 1.5 acre parcel. Administrator Kroeze provided an aerial with the soils calculation report and stated that while the report does include the proposed parcel as having soils that are described as Native Prairie, the NRCS office did not have any issues with this becoming a buildable lot unless it was enrolled in CRP or otherwise tied to any other government funded programs. Administrator Kroeze also mentioned a proposed Subdivision to the West of this parcel that was recently annexed into the City of New Hartford which would have city sewer

and city water connections. While the applicants were concerned with flooding in this new proposed Subdivision, the floodplain maps do not show this area as being in the floodplain. Administrator Kroeze also brought up concerns with soils and high water table not being suitable for a conventional septic system, but she could not say for sure that one would not work without a test hole. There are also alternative systems available but the applicants should be aware that they are a little higher cost and do require annual maintenance. Administrator Kroeze did state that these factors play little bearing on the CSR variance request and was something that would affect the minor plat determination more, but she did want to bring it to the Board's attention.

Board Member Reints stated that he agrees this is not a farmable piece of ground and does not see any concerns with the variance.

A motion was made to approve the variance to the CSR requirements for a buildable lot was made by Jim Siebrands and seconded by Fern Feldman. Motion was unanimously approved.

New Business:

None.

Meeting adjourned.


Misty Kroeze, Zoning Administrator