

STILLWATER TOWN BOARD "SPECIAL SESSION" MEETING

November 17, 2022

Township Hall - *Hybrid

6:30 P.M.

PRESENT: Chairperson Sheila-Marie Untiedt, Supervisors Mike McMahon (via Zoom), Rod Hunter and Tim Sinclair. Clerk Barbara Riehle, Community Service Officer Mark Caroon and Planner Evan Monson.

PUBLIC HEARING

1. AGENDA – The Agenda was approved. (3 ayes)

2. PLANNER –

a. 16594 – 110th St. N. – Consideration of an application request from Structural Buildings, on behalf of the property owners, for a variance to construct a detached accessory structure on a lot prior to a house.

Planner Evan Monson opened the discussion with a brief overview from the staff report.

The reason a variance is needed is because our zoning ordinance indicates a principal structure, such as a house, must be constructed on a lot prior to an accessory structure. The only exception to this rule is if the lot is over 40-acres in size and the land is used for agricultural use. Accessory structures' requirements are based off the location of the primary structure; setbacks in particular. Mr. Monson stated that variance requests of this nature are not common. In terms of precedence, each variance request is reviewed individually. If multiple requests of similar nature are approved, it would be of best practice to amend the ordinance. Building Inspector, Jack Kramer, noted that there are communities he works for that have approved similar requests. The Township records one example of a similar request that was approved back in 2009 with a number of conditions.

The Board received two draft resolutions from the Planner for review, one for approval and one for denial. The Board can decide whether they will table the request, deny with findings, or approve with findings and conditions. A recommended condition is to include a security (bond or escrow) of \$20K, along with a condition of approval stating that the house will be built within one year of approval. A timeline to acquire a Certificate of Occupancy may also be considered. If the house is not built within the set conditions, the bond money can then be used to have the structure removed.

Board Chair Sheila-Marie Untiedt opened the Public Hearing.

Applicant Susan Asplin was present along with Structural Buildings Representative, Mitch Tromberg to answer any questions the Board may have.

Ms. Asplin spoke on the fact that they want to get to know the land prior to building. There is a camper on the property now that they would like to secure this winter. Mr. Tromberg added that they do not intend to live in the accessory structure and they are not intending the property be used agriculturally. The intention is to build a primary

residence. Mr. Tromberg used a map to point out locations for both the accessory structure and the future primary dwelling.

Supervisor Sinclair asked for a timeline for building. Ms. Asplin responded, approximately 18 months to begin the construction of the residence.

Board Chair Sheila-Marie Untiedt closed the Public Hearing.

REGULAR MEETING

The Board further discussed the project criteria to determine if criteria #3 (practical difficulty) and #5 (economic conditions) can be met. Planner Monson provided resolutions for both approval and denial and gave some clarification.

Supervisor Chair Untiedt spoke on the 2009 approved request. Planner Monson referred to his findings. Inspector Jack Kramer has reviewed the plans for the accessory structure. What would constitute a dwelling, is if the structure has a kitchen and a bathroom. Mr. Tromberg stated that is not the intention to make the accessory structure a dwelling. There was initial conversation with Inspector Kramer about what was necessary. They do plan to have a septic and a toilet.

Supervisor Rod Hunter addressed the fact that there would be limited impact to neighbors. There would be an escrow set up. He does not see any precedent being set in this situation.

Supervisor Sinclair commented that it is a large lot and the 2009 info was listed. He believes ordinances can be over restrictive on property owners and their rights at times and sees no problem approving this request.

Supervisor Sinclair stated that 18 months would be a reasonable time to obtain a permit and begin constructing the home. Chair Untiedt would like to revisit in 12 months.

M/S/P Sinclair/Hunter moved to approve the variance request with conditions 1-6 with the addition that the building permit be issued no greater than 18 months and a certificate of occupancy deadline being 24 months. (3 ayes) Motion carries.

No further business was discussed.

3. ADJORNMENT – The meeting was adjourned at 6:50 P.M. (4 ayes)

Clerk_____

Chairperson_____

Approved_____