

**Hampton Township
Planning Commission Meeting Minutes
June 10th, 2013 7:30 P.M.**

Attendance:

Jeremy Irrthum

Mike Tix

Larry Runyan

Dave Peine

Absent:

CaSondra Schaffer

The meeting was called to order at 7:30 pm by Jeremy Irrthum.

James McKenzie at address [REDACTED] Hampton, Mn 55031. Cell# [REDACTED]
Requesting a buildable certificate for a 40 x 160 shed. The house number was issued 3 months ago. It is a 3.74 acre parcel.

Jim had a map that he had labeled 1-6 on section 17 & 18. Jim used to own the adjacent residence at [REDACTED] 40th Street. The permit application only listed the [REDACTED] address. It does not mention [REDACTED] because the address was not defined at the time of the application. He still owns the property at [REDACTED] Street. The property at [REDACTED] is 3.74 acres and is a lot of record as of December 1975. The land is currently vacant (no structure currently on it) and it does not have any frontage to 240th or another street. Jim stated he has 2 means of access to that property. First, Mr. McKenzie indicated he has a letter from his attorney for an easement of an accessibility stating that he can access [REDACTED] through adjacent property formerly owned by Mr. McKenzie and now owned by Luke Gardner. Second, Jim stated there is no such thing as land lock in the state of Minnesota and that this property can be accessed by an easement to the east of his property. Jim stated that there should have been a road back in 1976 built and the township requested the road to be blacktopped.

Jim stated that an easement is a public right of way. Jeremy stated that there is no road frontage and was concerned it would be an issue if an easement is not considered a public right-of-way? Jim stated that the ordinance reads 240 feet of public right-of-way and the easement is considered public right-of-way. The board looked up the ordinance 402 and it states 240 feet of "lot width at frontage" and not road frontage. Ordinance 509C also states "suitable frontage on a public right-of-way". Jim stated that anyone can drive on Doug Wille or Harold Kimmes easements. Jim stated that the lot of record was dated Dec 1975 for building a house and there was going to be a road and the township cancelled that plan back on 1978. Jeremy stated that if the easement is considered a public right-of-way it is lot of record and it should be buildable.

The building permit indicates a 40x160 shed. Jim stated he wanted to make sure that the building was big enough to build based on the ordinance for number of accessory buildings and the limit of percent of the lot used by buildings. The planning commission stated the number of buildings limit was eliminated but only 4.5% of the lot can be taken up by buildings. A 40 x 160 shed is less than 4.5% of 3.74 acres.

The board has asked Jim to fill out an application with the correct address and because the situation with the two properties has changed since the permit application. Jim stated that the county gave him the address number. The county took over 2 years ago giving house numbers. Jim stated that he is not going to pay for a road that should have been there when he bought the property. Jim stated that he needs to maintain the sumac on his property on the easement of 33 feet. Larry stated that he thinks he should submit a new application with the new information. Larry stated that Jim calls it a road easement and that a soybean is illegal to be there and considered trespassing. The easement should be cleared.

Larry Runyan made a motion that regarding the frontage Ordinance 402-district and Ordinance 509 for a public rite away, dedeed before April 21, 1982, it is 3.74 acres and the board considered it a buildable lot, seconded by Dave Peine and unanimously passed.

This is conditional IF an easement is considered a public right-of-way. The planning commission was unable to define the legality of an easement as a public right-of-way. While uncertain, the planning commission could not declare Mr. McKenzie as correct or incorrect. The definition of public right-of-way should be clarified.

Jeremy stated that it is only a recommendation to the board for approval. Jeremy gave Jim a copy of a building permit to fill out and bring to next week Regular Board Meeting a long with the lot of record which has the correct parcel number for there was no house number assigned at that time.

Brad & Annette Werner currently living at address [REDACTED]annon Falls, MN-[REDACTED] requesting a building permit on Hogan Avenue, Hampton, MN 55031.

Jeremy stated that there was a buildable certificate to review. Jeremy stated that once it is buildable certificate is issued, it is buildable. Joe Beissel stated that there will be change in lot size. Joe stated that his son will be giving up another 50 feet to give Brad and Annette more road frontage. Currently they have 150 feet of road frontage without the additional footage from his son. Jeremy stated that they need 240 feet of road frontage, you can build anywhere you want or more from road frontage, but in an amendment, dated on March 27 of 2007 (Ordinance 402), it states that if you are 140 feet of frontage road and then you have to build deeper at 300 feet or more. The addendum available to the planning commission only defined 140 feet and did not define what should be done between 141 and 239 feet. Brad stated that they would like to build closer to the road. Joe asked if he would have to go to the courthouse and change the lot size (around 250-275) off the road way. He is wanting a little more in the

back yard. He stated he is still under 240 feet. It's a 2 acres lot. Brad showed them the plan. It will be 205 road frontage. Dave asked if there was any setback issues? The only question is how far the house needs to be away from the road? Brad stated that the surveyor wanted them to get permission from the township for additional road frontage.

Larry stated that since Brad will be adding 50 feet to his road frontage (total of 205 feet of road frontage) and that the addendum is not clear regarding lots with 141 to 239 feet of frontage, the board recommended that they would allowed the house to be moved forward, seconded by Mike Tix and unanimously passed.

A resident Bob Lorentz at [REDACTED]nga Avenue [REDACTED]. Last year he had purchased the property from Charles Allen and he would like to build a garage. He showed the board the lot and where he wants to put the 30x40 garage in the corner of the lot. The lot is 2 plus acres and the house were built in 2001. There is an 8x12 yard shed which should be torn down. Jeremy stated that he wants to make sure that he knows he needs to be 15 feet away from property line. He stated when he bought it, they gave him an unconditional easement and put grass and tree to protect from Chip Callister to shrink or disturb it. **Dave Peine made a motion for board approval to allow the permit for the 30x40 garage, seconded by Mike Tix and unanimously approved.**

Bernie Pistner was present. He asked the board about the paper rite away. The question was who does he expect to put the driveway in? The board told him that he will be using his old driveway. Bernie stated that if you have a paper rite away, do they need to compensate the land owner? Larry stated that the owners build the road and then they normally donate to the township. The township does not pay for the road. Bernie asked about the "comprehensive plan". The board stated that there was a plan back in around 2008 that Dean Johnson wrote up. April 21, 1982 was the date that we use and when items were recorded before then, it is a lot of record. It was the first ordinance book was written.

A motion was made by Dave Peine to adjourn the meeting, seconded by Larry Runyan and unanimously passed.

Meeting was adjourned at 8:30 P.M
Jeanne Werner
Hampton Township Clerk