

# *Eureka Township*

*Dakota County*

*State of Minnesota*

## **PUBLIC HEARING**

### **Variance Request for Annar & Candyse Karlsen**

**10420 235<sup>th</sup> St. W. Lakeville**

**July 9, 2012**

**Eureka Town Hall**

Town Board Chair, Brian Budenski, called the public hearing to order at 8:03 p.m.

Town Board Members present: Brian Budenski, Kenny Miller, Mark Ceminsky, Pete Storlie and Steve Madden.

Audience Members: See attendance sheet for The Town Board meeting of July 9, 2012.

Purpose: To hold a Public Hearing regarding a variance request by Annar and Candyse Karlsen to place a 40'x60' pole building 5 feet from the east property line of their property located at 10420 235<sup>th</sup> St W. Township ordinances require a 30 foot setback for side property lines.

Letters had been sent to all property owners within 1,000 feet of the applicant's property, notifying them of the scheduled Public Hearing. Three written responses were received from neighboring property owners in opposition to the variance request. Chair Brian Budenski read each letter into the record. *See attached correspondences from: Randall L. Seaver, dated July 9, 2012. Ralph & Jeanie Fredlund, dated July 9, 2012. Fritz and Cece Frana, email dated July 8, 2012.*

The Zoning Application request read: We are constructing a pole barn and the only buildable location on the property is within 5 feet of the lot-line. Positioning the pole barn on any other location on the lot would require major ground work (bulldozing and removal of many trees). The proposed location would be the least intrusive.

Karlsen's showed and explained the lot layout for their property and the proposed location of the building. If the building was located at the proposed location they would not need to remove any trees. They commented that everyone is over 200 feet away. There are trees and no one is going to be able to see the building. The building would not affect the drainage of the property. Dakota County Shoreland approved the location of the building. Their only concern was the installation of a silt fence.

The Town Board discussed other possible positions of the building on the property, including moving the building farther from the lot-line.

Chair Brian Budenski open the floor for public comment.

**Allen Alwin**, 23585 Jersey Court- (Allen also submitted written comments, see attached comments dated June 30, 2012) Alwin commented that he is the closest neighbor and would be the one most directly affected. He felt located the building 5 feet from his property line is an aggressive deviation from Township Ordinances. His concerns included that it is not level ground and some sort of fill would need to be added. 5 feet would not allow for much of a taper. He also felt that there would be considerable activity going on in the building and he would like to keep it as far away from his property as possible. He felt there are other options that could be considered. He strongly objects to a 40'x60' pole barn being constructed 5 feet from his property line.

Annar and Candyse Karlsen son: He commented that it is the most ideal location on the property. It is 250 feet from the nearest neighbor's house. Items now stored outside will be moved inside. The property will have a cleaner appearance.

Hearing no more public comments, the public comment period was closed at 8:22 pm.

The Town Board continued discussion with the applicant on locating the building on their property. They asked if there wasn't some other location on the property that the building could be placed that would meet ordinance requirements. The Town Board was not sure that there was a hardship, that granting a variance for this situation according to Township Ordinances. Town Board members expressed concerns with placing the building so close to the lot-line. The applicants were not willing to change the size of the building, relocate the building or move it farther from the lot-line.

A motion by Supervisor Brian Budenski: To reject the five foot variance for 10420 235<sup>th</sup> St. W. and the site plan as presented at the Public Hearing. Motion seconded by Supervisor Kenny Miller for discussion.

Several Town Board members were not comfortable with a 5 foot setback for the building. A five foot setback does not allow much room for future maintenance of the building and possible neighbor conflicts in the future. A fifteen foot setback would be more reasonable. The applicants felt they could go ten feet, but no further.

Vote was taken on the motion. Four Supervisor voted aye, one supervisor vote nay. The motion carried.

The Town Board moved back into the regular scheduled Town Board meeting at 8:45 pm.