

Denmark Township Planning Commission Meeting
13452 90th St S. Leko Variance
Public Hearing June 18, 2018

Planning Commission members present: Mike Kelz, Roger Lang, Natalia Keene, Steve Radke, Bob Barr
Ex-officio Kathy Higgins

Absent: None

Supervisors Present- Karen Herman

Others Present: Attorney Troy Gilchrist (Kennedy-Graven), Planner Eric Maass (WSB)

7:00 PM Chair Barr opened Public Hearing. Leko 13452 90th St S. Variance (PID 17.027.20.34.0001)

Applicant's David and Muriel Leko present.

Applicant's are requesting a variance to allow an expansion of a legal nonconforming structure. In 2000, the split of the 10-acre parcel from the 179.5-acre farmstead was approved with a variance to allow the existing buildings. The 39'3 x 77' barn was destroyed by an electrical fire on 02/19/18. The structure was not in disrepair and would have been allowed to be rebuilt without a variance, if placed in the same location and constructed at the original size. Because of the ununiform size of the original structure and property grade, the applicants are requesting that they be allowed to replace the structure with a 40' x 80' structure (plans by Menard's) which would expand the original size 178 sq ft, and to shift the placement of the structure approximately 10 ft from the original barn location. Shifting the placement 10 ft and expanding the size by 178 sq ft requires a variance. Planner recommends approval of the requested variance based on the Findings of Fact as stated in the 06/13/18 Staff Report.

Applicants noted that this would give them one third of the space that they had, as the original structure was a 3-level barn but are interested in replacing with a 1 level pole barn for their animals and farm shop. Attorney- The 2000 Development Agreement and Variance were never recorded. Attorney reviewed the prior Development Agreement conditions with the Applicants. Applicants in agreement with the Development Agreement conditions. Approval of the requested variance would include/restate the conditions of the prior Development Agreement, which would be recorded for any future landowner of the property.

Public Comment: None

7:14 PM 13452 90th St S Leko Variance Hearing closed. Written comment period will remain open for 10 days. Written comments must be submitted to the Town Clerk. Planning Commission meeting opened.

Planning Commission consensus- Reasonable to recommend approval of the Applicant's request to relocate the replacement structure approximately 10 ft from the original footprint of the original barn and to expand the replacement structure by 178 sq ft., while reaffirming the variances that were previously granted for the number of accessory structures and total square footage allowed, subject to the conditions of the 2000 Development Agreement.

Motion Kelz/2nd Lang to forward the Leko Variance Application to the Town Board with a recommendation to approve, based on the Planner's 06/13/18 Findings Of Fact, subject to the conditions expressed in the 09/27/2000 Development Agreement. Voting Yes- Kelz, Lang, Keene, Radke, Barr. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

Motion Radke/2nd Lang to approve minutes of 05/21/2018 Planning Commission/Tiller Corporation 15672 87th St S 5-year Mining Interim Use Permit. Voting Yes- Radke, Lang, Keene, Kelz, Barr. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

Other Business:

Board approved Tiller IUP application.

Zeveirino/Cordes heard by Board in June. Board directed Legal to draft resolution for July Board Meeting.

7:20 PM Motion Barr/2nd Radke to adjourn. With All Present Voting Yes, Motion Carried 5-0-0.