

STAFF REPORT

Application:	Requests related to the addition of a new storage building and other alterations of impervious coverage. Approvals required include a conditional use to allow property in the Rural Residential zoning district to have between 20 and 30 percent impervious surface coverage.
Applicant and Property Owner:	Thomas Rohwer
Agenda Item:	4(a)

Background Information:

- **Proposal:** The applicants are proposing to construct a new 30' x 40' storage building on their property that would be in addition to an existing dwelling/attached garage and another small storage building. The addition of the building does not, in itself, require the conditional use permit, but it would cause the impervious coverage on the lot to increase to approximately 22.5% from the existing approximate 20-21% coverage. Due to a recent amendment to the Todd Township Land Use Ordinance (March 2020), having impervious coverage between 20 and 30% requires a conditional use permit (20% and less is allowed administratively).
- **Location:**
 - Property address: 15531 DEERWOOD LOOP
 - Legal Description: Lot 14, Block Two, Crocus Hill
 - Parcel number(s): 27.57.02200
- **Zoning:** Rural Residential
- **Lot size:** Approx. 183.3 x 283.38 (51,945 sq ft or 1.19 acres according to original plat drawing).
 - Existing Impervious Coverage: About 10,500 sq ft (20.2%)
 - Proposed Impervious Coverage: About 11,700 sq ft (22.5%)
- **Septic System Status:** The existing septic system was installed in 2002 and was found compliant during a 2020 inspection. It is located between the house and Deerwood Loop. The proposed shed is located behind the house.
- **Natural Features:**
 - Floodplain: The existing and proposed structures are not within an identified floodplain.
 - Bluff/Steep Slopes: The lot does not contain a bluff or steep slopes.
 - Wetlands: There does not appear to be any wetlands that would impact this proposal.
- **Permit History:**
 - 1976 - Date lot was platted (Crocus Hill subdivision)
 - 2002 -home was constructed on the lot
 - 2002 - septic system installed

- 2020 – septic system compliance inspection

Planning Commission Direction: The Planning Commission may approve the request, deny the request(s), or table the request(s) if the Commission should need additional information from the applicant. If the Commission should approve or deny the request, the Commission should state the findings which support either of these actions.

Staff Recommendation: Based on the relevant findings of fact noted below, Staff recommends approval of the requested conditional use provided that the Commission finds that an adequate stormwater management plan has been submitted as required by the ordinance.

Also, the Township has apparently received a number of complaints about the number of materials/vehicles/equipment that is being stored outdoors on the property, to the rear of the home in the area where the shed is proposed. Staff has spoken with the applicants about this and they indicate they will be removing several of the items from the property and others would be stored within the new building. Staff recommends the Commission determine whether those assurances are sufficient to address the issue or if conditions regarding the timing of the removal of items from the property are warranted.

If the application or some version of the application is approved, Staff would recommend consideration for the following conditions of approval (or tabling of the application to allow for review of revised plans consistent with the following):

1. (For consideration) That the following items be removed from the property prior to the issuance of a permit for the storage building: (items to be listed)
OR
2. (For consideration) That the following items be removed from the property no later than: (date to be added)
3. The applicant shall submit a permanent stormwater management plan designed to minimize the potential for ongoing erosion or sedimentation and to allow adequate time for infiltration or other treatment of rainwater from the lot prior to it flowing into the road right-of-way or onto adjoining properties. These may include directing rain gutters to appropriate areas, rain barrels, establishing or maintaining a buffer of native vegetation along the shoreline, or other acceptable best management practices. Once approved, the plan should be implemented at the time of construction or within a reasonable time period after construction is completed and maintained indefinitely. The plan shall be submitted and approved by the Town Board at the time of final action on this application.

Applicable Statutes/Ordinances: See Appendix A.

Findings of Fact: The following findings of fact are presented by Staff for consideration by the Planning Commission:

1) Will the establishment of the conditional use maintain safe and healthful conditions as well as the general health, safety and welfare of the residents?

Findings Supporting Approval

The proposed addition of the storage building will increase impervious coverage on the lot, but the additional stormwater runoff can be adequately managed and mostly infiltrated on site before it enters the public right-of-way or adjoining properties.

Findings Supporting Denial

The increased runoff from this site resulting from the increased impervious surfaces will negatively impact the value of the property to the south.

2) Will the establishment of the conditional use prevent and control water pollution including sedimentation?

Findings Supporting Approval

The site is relatively flat, with gentle sloping towards the southeast. There is a natural buffer of trees and grass between the impervious surfaces on the property and the adjoining lot to the south that should adequately allow for infiltration of most stormwater runoff.

Findings Supporting Denial

The addition of more impervious coverage will add to the water that currently runs off toward the property to the south, which could increase erosion potential.

3) Will the establishment of the conditional use have an impact on existing topographic and drainage features and vegetative cover on the site?

Findings Supporting Approval

The proposed addition of a building will require the removal of several mature trees, but there will remain a significant tree/vegetative buffer toward the south where water would naturally run.

Findings Supporting Denial

The addition of a building will require the removal of several mature trees.

4) Will the establishment of the conditional use have a negative impact on existing or future access roads?

Findings Supporting Approval

The proposal will have no impact on existing or future roadways.

Findings Supporting Denial

None

5) Will the establishment of the conditional use be compatible with adjacent land?

Findings Supporting Approval

The proposed impervious coverage in excess of 20% is allowed by ordinance provided sufficient stormwater management practices are implemented.

Findings Supporting Denial

It does not appear common for impervious coverage to exceed 20% on other lots within the same subdivision.

6) Will the establishment of the conditional use be compatible with the desirable pattern of development in the area and in the township?

Findings Supporting Approval

The proposed increase in impervious coverage should not have any significant impact on the development of surrounding land as the primary use of the property will remain residential in character.

Findings Supporting Denial

None

7) Will the proposed use have an adequate wastewater treatment system?

Findings Supporting Approval

The site is served with an existing septic system installed in 2002 and found compliant in 2020.

Findings Supporting Denial

The applicant has an existing adequate sewer system, but has not shown that they have a backup drainfield site that would not be impacted by the proposed location of the storage building.

8) Will the proposed use be in compliance with the Todd Township Community Comprehensive Plan and other Todd Township Ordinances and any other ordinance, rule or statute?

Findings Supporting Approval

Having more than 20% impervious coverage is allowed by the Todd Township ordinance and the proposed building will meet all required setbacks from property lines.

Findings Supporting Denial

Depending on the interpretation of the Township ordinance, the applicants may need to show evidence of a second drainfield site.

9) Will the proposed use be accommodated with existing public services and not overburden the town's service capacity?

Findings Supporting Approval

The proposal should have no significant impact on public services.

Findings Supporting Denial

None

10) Will the proposed use generate traffic that is beyond the capabilities of the roads serving the property?

Findings Supporting Approval

The proposal will not significantly change traffic levels beyond what already exists.

Findings Supporting Denial

None

11) Will the proposed use have a negative impact on groundwater, surface water or air quality?

Findings Supporting Approval

With proper management of stormwater, the impact on groundwater, surface water and air quality will be minimal.

Findings Supporting Denial

None

12) Will the proposed use tend to or actually depreciate the value of other properties in the area in which it is proposed?

Findings Supporting Approval

With proper management of stormwater such that it doesn't negatively impact neighboring properties downslope of the site, there should be no significant impact on the value of other properties.

Findings Supporting Denial

The increased runoff from this site resulting from the increased impervious surfaces will negatively impact the value of the property to the south.

13) Are there any other criteria or issues not addressed previously that impact the suitability of the proposed use?

Findings Supporting Approval

None

Findings Supporting Denial

None

Appendix A

Applicable Statutes and Ordinances

Todd Township Land Use Ordinance

3.13 CONDITIONAL USES

All applications for conditional use permits will be submitted to the zoning administrator for presentation to the planning commission. The zoning administrator will notify all property owners within five-hundred (500) feet and/or the ten (10) nearest adjoining landowners near the affected property, whichever is greater. The zoning administrator shall publish notice of the public hearing in the official newspaper at least ten (10) calendar days prior to the date of the public hearing of which the

Hearing date cannot be counted. The planning commission will hear requests for conditional use permits in accordance with the rules that it has adopted for the conduct of business.

3.13.01 Conditional Use Review Criteria

In reviewing an application for a conditional use permit; the planning commission will evaluate the effects of the proposed use using criteria including but not limited to the following:

- A. The maintenance of safe and healthful conditions as well as the general health, safety and welfare of the residents; and
- B. The prevention and control of water pollution including sedimentation; and
- C. The impact on existing topographic and drainage features and vegetative cover on the site; and
- D. The location of the site with respect to existing or future access roads; and
- E. The compatibility with uses on adjacent land; and
- F. The compatibility with a desirable pattern of development in the area and in the township; and
- G. The adequacy of the proposed wastewater treatment system for the new use; and
- H. The compliance with the Todd Township Community Comprehensive Plan and other Todd Township Ordinances, as amended or any other ordinance, rule or statute; and
- I. The proposed use can be accommodated with existing public services and will not overburden the town's service capacity; and
- J. The traffic generated by the proposed use is within the capabilities of the roads serving the property; and
- K. The effect of the proposed use on groundwater, surface water and air quality; and
- L. Whether such use will tend to or actually depreciate the value of other properties in the area in which it is proposed.; and

3.13.02 Additional Information for Conditional Use

In considering the application for a conditional use permit, the planning commission may recess the hearing to a future time and may defer action or consideration until further information from the applicant is submitted as required by either the planning commission and/or the town board. Such information may include, but is not limited to, the following:

- A. A plan of the area showing contours, soil types, ordinary high-water level, groundwater conditions, bedrock, slope and vegetative cover.
- B. Location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping.
- C. Plans of buildings, wastewater treatment systems, water supply systems, and arrangements of operations.
- D. Specifications for areas of proposed filling, grading, lagoons, or dredging.
- E. Other pertinent information necessary to determine whether the proposed use meets the requirements of this ordinance.

3.13.03 Conditional Use for Unusual Conditions

In recommending a conditional use permit, the planning commission may recommend additional conditions, in addition to the requirements specified by this ordinance, which the planning commission considers necessary to protect the best interest of the surrounding area and the township as a whole. Violation of any of these conditions will be a violation of this Ordinance. Such conditions may include, but are not limited to the following, specifications for type of shore cover, increased setbacks, screening, wastewater treatment and water supply systems, landscaping and screening, period of operation, operational control, sureties, deed restrictions, parking and signs, type of construction or any other requirements necessary to fulfill the purpose and intent of this Ordinance.

3.14 Failure to Act

Failure to act on a conditional use permit or establish the use by the property owner within six (6) months, unless extended by the township board prior to expiration, will void the permit. Applicant must submit in writing one month prior to expiration a request for an extension. The township, at its discretion, shall determine whether or not the property owner(s) has acted or failed to complete work.

3.14.01 Authority to Grant Conditional Use

Town board grants conditional use permit upon review and recommendation with findings and by the town board passing a resolution granting the conditional use permit from the planning commission. Conditions may be applied to the granting of the permit.

5.04 Rural Residential District

5.04.01 Lot Requirements

- A. Minimum acreages: 2.25 acres
- B. Minimum lot width: 150 feet
- C. Setbacks from:

Property line - 20 feet

Public road right of way - 35 feet (from right-of-way) or 65 feet from the centerline of the traveled roadway, whichever is more restrictive.

County right of way - 35 feet

Township and other rights-of-way - 35 feet

- D. Maximum impervious lot coverage - 20%

1. The allowable impervious coverage may be increased to 30% on legal nonconforming lots smaller than 2.25 acres by conditional use permit and with the submittal and implementation of a comprehensive stormwater management plan acceptable to the Township that emphasizes the onsite treatment and storage of stormwater and any irrigated water through a combination of methods which may include buffer strips, swales, rainwater gardens, retention or infiltration ponds or other acceptable best management practices. The Township may require such plans to be designed by an engineer or other qualified professional and reviewed by an independent engineer or other qualified professional before approving such plan.