

**ALBANY TOWNSHIP  
PLANNING COMMISSION  
Monthly Meeting  
and  
Public Hearing  
Tuesday, February 9, 2021**

The February 9, 2021 meeting of the Albany Planning Commission was called to order at 7:00 P.M. by Chair Joe Peternell at the Albany City Hall Council Chambers. Members present, Joe Peternell, Gary Bloch and Mike Noll. Also present, Clerk Diane Noll and Supervisor Mary Rosen. Present via zoom Zoning Administrator Jerry Forster.

The Pledge of Allegiance was recited.

**APPROVAL OF AGENDA**

A motion to approve the agenda as presented was made by Commissioner Bloch, seconded by Commissioner Noll, motion carried.

**APPROVAL OF MINUTES**

A motion to approve the minutes of monthly meeting of January 12, 2021, as presented was made by Commissioner Bloch, seconded by Commissioner Noll, motion carried.

**OPEN FORUM - None**

**BUSINESS FROM JANUARY MEETING**

- a. Evelyn Krebs/Kristine Krebs/Kurt Krebs  
23336 Orchard Road, Albany Mn  
Request for an Administrative Split

Parcel number: 01.00270.0000 Section: 21, Twp 125; Section 21

The owner of the property, Evelyn Krebs is requesting to split off 20 acres located on County Road 10 adjacent to Central Livestock Assn, and includes a chicken barn.

Tract A Acres +/- 20 Acres includes existing chicken barn

Decision was tabled from the January meeting to the February meeting for more information.

Commissioner Noll questioned the limitations of our Zoning Ordinance, Chapter 8 States:

T-20, R-20 Shall be prohibited. Does the Planning Commission have the authority to approve a 20 acre split when it is prohibited in our ordinance?

Contact has been made with Attorney Couri and Heidi Winkowski, Stearns County Environmental Services. Both have stated a 20 acre split is allowable, but unless an additional 20 acres is set aside, the split will be non build-able for residential purposes.

A motion to approve recommendation of the administrative split of 20 acres with the limitation of being non build-able for residential purposes was made by Commissioner Noll, seconded by Commissioner Bloch, motion carried, unanimously.

**PUBLIC HEARING -CONTINUED FROM JANUARY MEETING**

Evelyn Krebs/Kristine Krebs/Kurt Krebs  
23336 Orchard Road, Albany MN  
Request for Re-zoning from A40 to Commercial  
Reading of statement of purpose-Chair Peternell

This is a public hearing to consider the proposed Request for a Zoning Change by Evelyn, Kurt, and Kristine Krebs. This Public Hearing is part of the legal procedure that the Albany Township Planning Commission is required to follow regarding the Change of zoning, as mandated by MN State Statute 394.26 and 375.51. A final decision on this proposed ordinance revision has yet to be made. That decision will ultimately be made by the Stearns County Board of Commissioners with a recommendation from the Township Board of Supervisors. "The Township Clerk will now read, for the record, the notice of this public hearing.

**Reading of hearing notice-Clerk Noll**

Notice is hereby given, that the Albany Township Planning Commission will meet on JANUARY 12, 2021 7:30 P.M. at Albany City Hall, 400 Railroad Ave, Albany MN for the purpose of giving consideration to the following:

Rezoning request proposed by Evelyn Krebs; the parcel is legally described as That part of the Southwest Quarter of Section 21 Township 125, Range 31, Stearns County Minnesota, PIN 01.00270.0000, located at 23336 Orchard Road, Albany MN, 56307 The zoning designation of the parcel is proposed to change from Agricultural District A-40 to Commercial. Notice was sent to neighbors within ½ mile of proposal, it was also Posted/Published in the Albany Enterprise, Wednesday, January 6, 2021

**Reading of procedure and guidelines-Chair Peternell**

Discussion will be limited to the requested Proposed amendments.

Anyone wishing to comment or ask questions will be allowed to do so.

No speaker will be permitted to speak more than twice except to answer a question from the board.

Each speaker will be limited to a total of 2 minutes.

No applause or interruptions are permitted.

All comments must be directed to the chair.

Each person must state his or her name and address before speaking.

The board may recess the hearing to another date and time in order to properly hear all those concerned, collect further information, or make a final decision

**Reading of Request for Change in Zoning-Clerk Noll**

On December 10, 2020 Albany Township received a request from Evelyn Krebs, Kurt and Kristine Krebs to rezone a 20 acre parcel from A40 to Commercial. Kurt and Kristine are planning to purchase 20 acres from Evelyn Krebs which currently has a chicken barn being used for storage. They are planning to turn the barn into more storage units and will need the property to be zoned commercial to be compliant. They are requesting to change zoning on only 5 acres of the parcel, the remaining 15 acres will remain A40 and be non build-able for residence. Some adjacent property is zoned A40, but taxed as Commercial. This has no bearing on the decision to rezone this parcel as commercial. Attorney Couri and Heidi Wenkowski, Stearns County Environmental Services both state this is a separate issue.

The closest Commercial property is the Stearns County Highway Department located 850 feet to the north of this property on County Road 10. 1,780 feet east of this intended parcel are the City Sewage Ponds.

Because of the timing of the request, a 60 day extension letter has been sent to applicant. This 60 day extension will expire on April 7, 2021.

No public/written comments have been received.

ALBANY TOWNSHIP FINDINGS OF FACT RE-ZONING REQUEST

NAME OF APPLICANT:  Evelyn, Kurt, and Kristine Krebs DATE: January 12, 2021  
ADDRESS:  25336 Orchard Road, Albany MN ACRES:  20 ACRES

Findings shall be made in either recommending approval or denial of a rezoning application, and should reference specific sections of ordinances that apply to the project. Questions which you could be asking include, but are not limited to:

1. Does the proposal conform to the Townships Comprehensive Plan? Why or why not?  
*Yes, this will extend the commercial property , closest Commercial property is 800 feet to the north. They are not taking anything out of Ag production, this is an existing building that we can collect taxes on. No new infrastructure will be needed by the township, located on a County Road.  Peternell-yes; Bloch yes; Noll-no*
2. Is the proposed rezoning compatible with the present and future land uses in the area of the proposal?  
Present Zoning  A40 Proposed Zoning  Commercial  
*Yes is compatible Property is located immediately south of Central Livestock Assn. This property is zoned as A40, but is used for sales purposes. It is also within 800 feet of commercial zoned property.  Peternell-yes; Bloch yes; Noll-no*
3. If the property is rezoned, how will the environmental impacts be addressed?  
*There will be minimal environmental impacts. If there are environmental impacts, they will be addressed by the County when continuing the permit process.  Overall board Consensus Yes*
4. What are the potential impacts of the rezoning on the property values of the area in which it is proposed?  
*The building (previous chicken barn) is currently being used for storage. Partitions will be added for additional storage spaces. Little or no change to property value.  Overall board Consensus Yes*
5. Is there a potential for public health safety or traffic generation impacts based on the proposed rezoning and how will they be addressed?  
*Minimal impact on traffic increase.  Overall board Consensus Yes*
6. How are the potential impacts of the proposal on existing public services and facilities including schools, parks, streets and utilities being addressed and will this rezoning potentially overburden the service capacity?  
*No potential over burden of services  Overall board Consensus Yes*
7. Other issues pertinent to this matter:  
Commissioner Noll-does not want to start the process of having Commercial property move further into our Ag land.

The Planning Commission is a recommending body to the Township Board, any motion relating to the rezoning should be made in that context.

A motion to recommend to the Albany Township Board approval of the 5 acres, located at County Road 10, be Re-Zoned from A40 to Commercial, with this being forwarded to the county was made by Commissioner Peternell seconded by Commissioner Bloch, motion carried . Bloch-Yes, Peternell-Yes, Noll-No

Township meeting, Monday February 22, 7:30 Pm

## **PUBLIC HEARING**

a. Heidi Everett/Emil Towner

36618 Pine Lake Road, Avon MN

Parcel #: 01.00360.0000 Section 12, Township 125, Range 031

Request for a Variance on Zoning Ordinance Number 6, Section 7.23.4 Residential Dwelling Unit: A single family residential dwelling unit shall have a minimum of 840 square feet of livable space.

### **Chair Peternell will make the following statement:**

This is a public hearing to consider the proposed Variance Request by Heidi Everett and Emil Towner. This Public Hearing is part of the legal procedure that the Albany Township Planning Commission is required to follow regarding a Variance, as mandated by MN State Statute 462.357, subd.6(2) and 462.358 subd (6). The Planning Commission is a recommending board, and will advise the Township board of their recommendation. The Township Board of Supervisors will take into account what is said at this hearing and make a final decision. The Township Clerk will now read, for the record, the notice of this public hearing.

### **Reading of Hearing Notice-Clerk Noll**

A request for a variance has been submitted by Heidi Everett and Emil Towner, 36618 Pine Lake Road, Avon MN 56310 to allow a permanent residential dwelling of 388 square feet on their parcel.

According to Albany Township Zoning Ordinance Number 6, Section 7.23.4 Residential Dwelling Unit, *A single family residential dwelling unit shall have a minimum of 840 square feet of livable space except as otherwise provided.*

The property under consideration is in Section 12, Township 125, Range 031, Albany Township. Parcel ID Number: 01.00360.0000 A public hearing regarding the request for variance will be held by the Albany Planning Commission on Tuesday, February 9, 2021, beginning at approximately 7:30 P.M. in the Albany City Council Chambers, Notice was sent to neighbors within ½ mile of proposal, it was also Posted/Published in the Albany Enterprise, Wednesday, February 3, 2021.

### **PUBLIC HEARING PROCEDURE-Chair Peternell**

Discussion will be limited to the requested Proposed amendments.

Anyone wishing to comment or ask questions will be allowed to do so.

No speaker will be permitted to speak more than twice except to answer a question from the board.

Each speaker will be limited to a total of 2 minutes.

No applause or interruptions are permitted.

All comments must be directed to the chair.

Each person must state his or her name and address before speaking.

The board may recess the hearing to another date and time in order to properly hear all those concerned, collect further information, or make a final decision.

### **READING FOR REQUEST FOR VARIANCE-Clerk Noll**

On January 6, 2021 Albany Township received a request from Heidi Everett and Emil Towner for a variance regarding the minimum residential dwelling size for a Tiny House they have purchased and placed on their property. Albany Township Requires a minimum square footage of 840 Square feet the current tiny house has a square footage of 388 Square feet. This is located in "Betty's West Pine Beach" subdivision. There are 12 build-able lots in the subdivision, of the 12 lots, 7 have seasonal residents and 2 are permanent houses. The other permanent house is 936 square feet. The remaining seasonal houses are smaller in nature. In 2018 the applicants contacted the county and were advised the structure could be no more than 400 square feet. In September of 2019 the tiny house was moved to the lot in accordance with the maximum size allowable for the location. In December of 2020 they were advised they were not in compliance with the Township regulations. 36618

No public Comment has been received.

## FINDINGS OF FACT WORKSHEET

NAME OF APPLICANT: Heidi Everett & Emil Towner DATE: February 9, 2021  
ADDRESS: 36618 Pine Lake Road, Avon MN 56310 PARCEL: 01.00360.0014 12/135/031

VARIANCE REQUESTED: Township Zoning Ordinance Number 6, Section 7.23.4 Residential dwelling Unit: A single family residential dwelling Unit shall have a minimum of 840 Square Feet of livable space except as otherwise provided.

*REQUEST: Residential dwelling size of 388 Square feet.*

*A variance may be granted only when it is in harmony with the general purposes and intent of the official control and consistent with the comprehensive plan and where the strict enforcement of township zoning controls will result in a practical difficulty. A determination that a "practical difficulty" exists is based upon the consideration of the following criteria as defined in Minnesota Statutes, Section 394.27:*

1. The proposed use is allowed in the zoning districts in which the subject property is located? Overall board Consensus Yes  
The County controls "lakeshore" property, they will only allow a maximum 400 square foot dwelling on this lot and have already approved this situation.
2. The variance will be in harmony with the general purposes and intent of the official control(s) any related Ordinances? Overall board Consensus Yes  
This is located in "Betty's West Pine Beach" subdivision, having 12 build-able lots, 7 have seasonal dwellings, 2 are permanent houses, 3 lots have no dwellings. The other permanent house is 936 square feet. The remaining seasonal houses are smaller in nature. The location and situation is unique, a precedent will not be set.
3. The variance will be consistent with the Comprehensive Plan? Overall board Consensus Yes  
The original intent of the minimum 840 square feet was to prevent small "tar paper" shacks from popping up in the Township. This is not a tar paper shack.
4. The variance may be granted if there are Practical Difficulties in complying with the official control(s): Overall board Consensus Yes
  - a. The property owner proposes to use the property in a reasonable manner?  
**YES.** The lot is similar to the other lots on Pine Lake Rd.
  - b. The plight of the landowner is due to circumstances unique to the property, not created by the landowner?  
**YES.** Stearns county created the circumstances and only allows a maximum 400 square foot dwelling on this lot.
  - c. The variance, if granted, will not alter the essential character of the locality?  
**YES.** The approval of this dwelling will maintain the essential character of the locality. It is similar in nature to the other dwellings in this subdivision..
  - d. The need for the variance involves more than economic considerations?  
**YES** It involves county lake shore dwelling size restrictions

The Township should consider each of the elements listed above. If any one element is voted "NO" in the majority, then the criteria for granting a variance, per Minnesota Statutes, Section 391.27, has NOT been met and the variance, as requested, should be denied.

A motion to recommend approval of the variance to the Township board was made by Commissioner Noll, seconded by Commissioner Bloch, motion carried.

## 6 NEW BUSINESS

a. Dan Groetsch, 20903 380 St, Albany MN

Parcel number: 01.00013.0002 Section 02, Twp 125 Range 031, Acres +/-190.36

Split to the following:

Tract A, +/- 20 acres, administrative subdivision for new building site

Tract B, +/- 25.13 acres and Tract C, +/- 20 acres; Both tracts will remain together with the farm-site

Tract D, +/- 113.28 acres, Administrative Sub division for non-building entitlement. This acreage is set aside for tracts A,B,C & E to have building compliance.

Tract E, +/- 8.38 acres, administrative subdivision for non-building purposes. If the owner requests to build on this tract, a one-lot plat will be required.

A motion to recommend to the Township board, allowing this administrative split was made by Commissioner Peternell, seconded by Commissioner Bloch , motion carried.

b. Michael Gondgringer, 20185 Quaker Road

Parcel # 01.00099.0000 +/- 60 Acres

Request for Administrative split/subdivision

Lot 1 +/- 2.84 Acres

Gondringers have been advised by the County that they would need to split off this lot to be in compliant for a new residence.

A motion to recommend to the Township Board, allowing this administrative split/subdivision was made by Commissioner Bloch, seconded by Commissioner Noll, motion carried.

## 7. OLD BUSINESS

## 8. REPORTS

Administrator Forster-Building Permits

## 9. COMMUNICATIONS

March 9, Annual Meeting

March Monthly Meeting-no monthly meeting in March

April 13-Monthly PC Meeting

## 10 ADJOURNMENT

A motion to adjourn was made by Commissioner Noll , seconded by Commissioner Peternell , motion carried.

Meeting adjourned at 8:20 P.M.

Respectfully submitted,

*Diane E Noll*

Diane E Noll

Clerk/Treasurer

Approved Minutes:           *Joe Peternell*           Date: April 13, 2021