

**PLANNING AND ZONING COMMISSION**  
**August 16, 2021**

The City of Jackson Planning and Zoning Commission met in regular session in the Council Chambers of the Jackson City Hall at 5:15 p.m. on Monday, August 16, 2021 with the following Commission members present: Chairperson Nathan Peterson, Dave Lappe, Tim Beck and Michael More. Also attending were City Administrator Matt Skaret, City Clerk/Zoning Administrator Dave Maschoff, Andrea Hatfield and Brad Tusa. (Planning Commission member Dennis Hample was absent.) (A quorum of the Planning Commission was present.)

**CALL THE MEETING TO ORDER**

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Chairman Nathan Peterson called the August 16<sup>th</sup>, 2021 meeting of the City of Jackson Planning and Zoning Commission to order.

**PUBLIC HEARING ON THE VARIANCE APPLICATION OF BOUN SENGSAVANG AND ANDREA HATFIELD WHO RESIDE ON A CORNER LOT AT 140 THOMAS HILL ROAD IN JACKSON, MINNESOTA. IN THEIR APPLICATION, SENGSAVANG AND HATFIELD PROPOSE TO CONSTRUCT A 3-FOOT-HIGH FENCE IN THEIR FRONT YARD ALONG THOMAS HILL ROAD AND ALONG FIRST AVENUE. ALONG THOMAS HILL ROAD, THE PROPOSED FENCE WOULD BE LOCATED JUST BEHIND THE CURRENT SIDEWALK AND TWO FEET OUTSIDE THE FIRST AVENUE RIGHT-OF-WAY. THE VARIANCE IS REUIRED BECAUSE CITY CODE 153.041 REQUIRES THE SETBACK FOR FRONT YARD STRUCTURES TO BE 30 FEET FROM THE EDGE OF THE STREET RIGHT-OF-WAY IN A RESIDENTIAL ZONED DISTRICT (R-2). A DRAWING OF THE PROPOSED FENCE IS ENCLOSED.**

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Peterson asked for a motion to open the public hearing on Boun Sengsavang and Andrea Hatfield’s variance application.

**BECK/MORE moved and it was unanimously carried to open the public hearing.**

Maschoff explained the variance application was submitted by Andrea Hatfield and Boun Sengsavang who propose to construct a three-foot high fence in their front yard along Thomas Hill Road and along First Avenue at their property at 140 Thomas Hill Road. He said Hatfield and Sengsavang have small children and are seeking the fence for safety reasons due to the vehicle traffic on Thomas Hill Road.

Maschoff said along Thomas Hill Road, the proposed fence would be located just behind the current sidewalk, one foot inside the Thomas Hill Road right-of-way. He said along First Avenue, the proposed fence would be located just behind the current sidewalk and two feet outside the First Avenue right-of-way. Maschoff noted the fence would be located along the inside edge of the sidewalk on both Thomas Hill Road and First Avenue.

Maschoff said a variance was required because City Code 153.041 requires the setback for front yard structures to be 30 feet from the edge of the street right-of-way in a Residential Zoned District.

Maschoff referred to a drawing provided by Andrea Hatfield showing where the proposed fence would be located on the property at 140 Thomas Hill Road. He noted that Andrea Hatfield was present at the Planning and Zoning Commission meeting to answer any questions.

Lappe asked Hatfield what type of materials would be used to make the fence.

Hatfield said they were planning to construct a solid oak old school type of fence. She said it would be similar to a picket fence.

Hatfield said the reason for installing a fence is due to the traffic on Thomas Hill Road and the speed that some motorists drive up the hill past their residence. She said her children play outside and they would like to construct a fence for safety reasons.

Beck recalled a variance that was granted in the past for a fence along the sidewalk for a house at the corner of White and Sixth Streets. He pointed out it had to be a temporary fence that could be taken down. He recalled the fence was to keep dogs in the yard and when the people living in that house moved, the fence was taken down. Beck said it had to be a temporary fence and not a permanent fence.

Maschoff noted the people that lived at the corner of White and Sixth Streets have since moved and they took the fence with them.

Maschoff said notices of the September 13<sup>th</sup> public hearing on Hatfield's and Sengsavang's variance application were mailed to 20 adjacent and nearby property owners. He said notices of the public hearing were posted at City Hall and the Public Library and also published in the August 5<sup>th</sup> Jackson County Pilot.

In response to the notices, Maschoff said several emails with comments from nearby property owners were received at City Hall. He noted copies of those emails were distributed to the Planning Commission members.

Skaret said the email comments submitted pertained to concerns primarily related to what effect the fence would have on impairing visibility at the intersection of First Avenue and Thomas Hill Road.

Hatfield noted that's why they are proposing a three-foot tall fence. She it may impair visibility but at the same time it's a safety measure for the small children at her home and for the daycare located down the street from her. Hatfield noted that motorists fly up the hill going east on Thomas Hill Road. She said people drive 40 miles per hour up the hill past their house at 140 Thomas Hill Road. Hatfield said what concerns her is the safety issue.

Lappe recalled a request for a variance in the past by a property owner who wanted to erect a fence close to the street. He noted there were concerns raised about the City's liability if a fence was allowed to be installed in the street right-of-way and a motorist would run into the fence. Lappe said allowing a fence to be installed in the right-of-way could open the City up to liability.

Peterson added Sengsavang and Hatfield's proposed fence would be located in the City's right-of-way.

Skaret suggested to Hatfield to move her proposed fence further back from the street. He asked, instead of having the fence located two feet outside of the First Avenue right-of-way, could the fence be moved back 10 feet.

Maschoff asked Hatfield if the fence could come back a few more feet along Thomas Hill Road.

Hatfield said the fence could be moved back a few more feet. She said that wouldn't be a problem.

Maschoff said moving the fence further back would help concerns regarding visibility at the intersection.

Hatfield said she would be willing to look at moving the fence further away from the street. She said she would be open to negotiations. Hatfield said she could construct the fence so it could be removed instead of cementing in the fence posts. She said the purpose of the fence is a safety issue for her children more than anything.

Lappe said having the posts cemented in would pose liability concerns if a motorist struck the fence and the post didn't give and breakaway.

Maschoff asked Hatfield if the fence could be moved closer to the house. He suggested possibly five feet closer along Thomas Hill Road and maybe a couple feet closer to the house along First Avenue. He said then the fence would be four feet outside the Thomas Hill Road and First Avenue right-of-ways.

Hatfield said she would be fine with that.

Beck said the other concern he has is the report from Jackson County Sheriff's Deputy Michael DeJong regarding building code violations such as plywood placed over a porch that is not currently sided, a plywood lean-to on the west side of the building, miscellaneous building projects, a temporary structure with tarps placed on the driveway, sidewalks that are not up to code and falling apart, structures erected in the back yard and scaffolding erected on the building for over a year. DeJong also noted a notice has been sent to the property owner regarding junk vehicles and parking on unimproved surfaces.

Hatfield said she talked with Deputy DeJong on August 16<sup>th</sup>.

Beck said his question is if those items in Deputy DeJong's report have been taken care of.

Hatfield said she talked with Deputy DeJong. She said she didn't realize that the license tags had expired on her vehicle.

Lappe said he would like to see information on what the fence is going to look like. He asked Hatfield if she could provide some pictures of the proposed fence.

Lappe said his two biggest concerns about the proposed fence is having it located in the street right-of-way and what kind of fence will be installed.

Hatfield said it would be an old country style type fence similar to a fence that's along South Highway, only her fence would be smaller. She said the fence is for safety reasons so her children and the neighbor children that come over to play do not run out onto the street.

Maschoff suggested that action by the Planning Commission on Sengsavang and Hatfield's variance request could be tabled. He said the yard at 140 Thomas Hill Road could be remeasured and the proposed new location for a fence could be flagged before the September Planning and Zoning Commission meeting.

Peterson noted the new fence line could be flagged and Commission members could drive by 140 Thomas Hill Road to view the proposed new location for the fence. He said that would also allow time to get a picture and layout of the fence.

Hatfield said she would provide pictures of the proposed fence before the next meeting.

Maschoff said the next Planning and Zoning Commission meeting will be held on Monday, September 13<sup>th</sup>. He said flagging the proposed fence line will also assist in determining the visibility at the intersection of First Avenue and Thomas Hill Road.

**BECK/LAPPE moved and it was unanimously carried to table action on the variance application for Boun Sengsavang and Andrea Hatfield regarding the placement of a fence on their property at 140 Thomas Hill Road.**

Maschoff noted tabling action on the variance application will also allow time for Sengsavang and Hatfield to address some of the ordinance violations that were noted by Deputy DeJong.

Hatfield said she would be addressing those issues.

Peterson asked Hatfield if they would be installing new sidewalks when they concreted the driveway.

Hatfield said redoing the sidewalks would be too expensive for them right now.

Maschoff noted the City has a Sidewalk Improvement Program that will help in redoing a sidewalk.

Skaret said the City Sidewalk Improvement Program will pay 30 percent of the cost up to \$400. He noted if the sidewalks are redone on both sides of the property, such as the corner lot at 140 Thomas Hill Road, then the Program could pay up to \$800.

Hatfield said they are currently spending funds on repairing the foundation of their house.

Hatfield thanked the Planning Commission members.

## **DISCUSSION ON WHETHER THE CITY IN THE FUTURE SHOULD PROHIBIT TWO HOUSES FROM BEING LOCATED ON THE SAME LOT**

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Skaret said this agenda item relates to the situation where Mitch Jasper is going to move a second house onto one lot at 807 Bailey Street. He said the lot will have two houses on it. Skaret said it's really kind of a unique and potentially troublesome situation especially if Jasper sells the lot.

Beck asked if the property at 807 Bailey was two separate lots.

Peterson said it's all one lot. He noted Jasper told the Planning Commission that when he spoke with them at their June 14<sup>th</sup> meeting.

Skaret said it's unsure what the status is of Jasper's project at this time. He said Jasper needed to come before the Utilities Commission and City Council to get permission to have an indirect service line hookup for the house he was moving onto the lot. Skaret said Jasper needed an Indirect Service Line Agreement because he planned to hook up the house he was moving onto the lot to the water and sewer service lines of the other house that's already on the lot. He said that gave the Utilities Commission a lot of consternation. Skaret said while Jasper attended the Planning Commission meeting, he didn't attend the Utilities Commission or City Council meetings.

Skaret said after the Utilities Commission tabled action regarding Jasper's Indirect Service Line Agreement, Jasper told Maschoff and Street Superintendent Phil Markman that he was going to go straight to the City Council. However, Skaret said Jasper never attended the City Council meeting and the City Council tabled action until Jasper could attend the Council meeting to discuss what he plans to do. Skaret said no one has heard from Jasper since.

Skaret said he believes if Jasper attended the City Council meeting to discuss his plans regarding service line hook ups, there's a strong chance the Council may refer the matter back to the Utilities Commission.

Maschoff noted there's nothing in the current code that prohibits two houses from being hooked up to the same service lines.

Brad Tusa asked about accessory garages or shops that have service lines attached to the house on the property.

Maschoff said the City has a permitting process for those situations.

Skaret said the Indirect Utility Service Line Agreements have been typically for hooking up a shop or garage that has a bathroom or sink to the main house on the property.

Peterson said in this situation, Jasper wants to connect a whole house to another house.

Skaret asked Planning Commission members if work should begin on drafting an ordinance to make sure the City doesn't have a situation like this again.

Peterson asked if there are other lots in the City where someone could have two houses on one lot.

Beck noted several lots in Jackson he's familiar with that could potentially have two houses located on the same lot. Beck said the issue of two houses on one lot should be looked at.

In addition to water and sewer hook ups, Lappe asked how electric service will be provided to both houses at 807 Bailey Street.

Skaret said Jasper's plans for how the house being moved in will be hooked up to electricity is unknown.

Peterson asked City staff if they could work on drafting a proposed ordinance that would prohibit two houses from being located on the same lot.

Skaret and Maschoff said a proposed ordinance will be drafted.

**Other:**

**Introduction of Brad Tusa**

Skaret introduced Brad Tusa who was in attendance at the Planning Commission meeting. He said Tusa is scheduled to be formally appointed to the Planning Commission at the August 17<sup>th</sup> City Council meeting.

Planning Commission members welcomed Tusa.

**ADJOURNMENT**

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With no further business, Peterson asked for a motion to adjourn.

**LAPPE/BECK moved and it was unanimously carried to adjourn the Planning and Zoning Commission meeting at 5:47 p.m.**

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**David A. Maschoff, Zoning Administrator**



