

July 19, 2021

Jessenland Township Planning and Zoning Minutes

1. Review and approve minutes of June 21, 2021 meeting. (Rosemary/John/Passed)

2. Approve agenda. (Rosemary/Deb/Passed)

3. Requests:

Over the Counter: Gardiner, - roof top solar installation, application in process

Conditional Use:

Variance

Other:

4. Action:

5. Other Business:

*The difference between interim permitting and conditional use permitting was discussed.

Peter Tiede replied to our question regarding the revocation of a CUP with the following:

If you have a CUP in place, and the conditions are being violated, the usual course would be to send a letter, and if that does not get the problem fixed, you hold a hearing to give the person a chance to respond. At the hearing, you take evidence of violation, then, assuming the Town Board finds the violations to be ongoing, you revoke.

The statute does not lay this out. There is no particular procedure in the statute. But since the CUP is considered a property right, and since you are discussing taking it away, the recommended approach is to assume that there should be some due process, which is generally notice and a right to be heard. Hence the letter first, then a hearing to which the person is invited, where all evidence is heard.

If you determine to revoke, you pass that resolution, then make a recordable document so stating, and record it (assuming the CUP was recorded in the first place). The person is not automatically precluded from applying again or applying for a different permit that they might be better able to comply with.

It was decided to stay with just using the conditional use process for now.

*The proposed ordinance revisions should be scheduled for public hearings in September and October. The website should have notice of them and access to the documents.

If paper copies are requested there should be a fee for them. Written comments should be encouraged.

6. Adjourned. (Rosemary/John)

7. Next regular meeting: August 16, 2021, 7:00p.m.

_____ Rosemary Dieball, clerk

Members present: Deb Boettcher, Kyle Iverson, John Skelley, Rosemary Dieball