

**KASSON TOWNSHIP  
PLANNING/ZONING APPLICATION  
ADDENDUM – ZBA PETITION**

Prior to completing this addendum to the ZBA Petition, the Applicant(s) should review the Kasson Township Zoning Ordinance, in particular Sections 11.3, 11.4, and 11.5, and any other section(s) of the Ordinance that applies to your petition. A copy of the Ordinance may be obtained from the Kasson Township Clerk.

Applicant Name(s) James Schettek - Applicant; Bill Kasben - Owner

Tax Parcel Number(s) 007-024-001-10; 007-024-005-00; 007-024-004-30;  
007-024-004-20; and 007-024-004-00

Type of Petition    Variance    Administrative Review    Interpretation and Classification

**NATURE OF PETITION:**

State specifically what you are requesting. Please summarize your question, problem or request and reference the specific section(s) of the Zoning Ordinance that are involved (such as a setback variance, Ordinance interpretation, etc.). Use additional sheet(s) if necessary.

Please see attached.

**EFFECT OF THE REQUEST ON THE APPLICANT(S):**

State specifically the problem(s) and/or hardship(s) that would be created for you, the petitioner, if your request were not granted. Use additional sheet(s) if necessary.

Please see attached.

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EFFECT OF THE REQUEST ON OTHER PROPERTIES:

If your request is granted, what effect will it have on the area? Does your request represent a change in the types of uses permitted? Will it hamper access by emergency services (vehicles or personnel)? Will it hamper or restrict light, air, or access to adjacent properties? Will it in any other way create any problems or concerns to other properties in the area? Use additional sheet(s) if necessary.

Please see attached.

DRAWINGS AND SITE MARKINGS:

Where applicable, a scale drawing(s) indicating the following information shall also be attached to the application:

A drawing of the subject site, lot, etc. with property line dimensions The size and location of existing buildings and specific uses on the site The size and location of any proposed buildings and/or uses on the site, including overhangs Existing buildings and/or uses on adjacent properties

Existing and proposed setbacks to buildings on the subject site and to buildings on adjacent parcels along any common property lines. Additionally:

Property lines and proposed structure dimensions, including overhangs, must be staked and flagged at the site

In the case of side and rear yard setback variance requests, the applicant may be asked to provide a current staked survey and survey drawings showing property boundaries and the location of structures relevant to the request

Please attach pictures that will help clarify your request, if applicable.

GENERAL REQUIREMENTS

The Zoning Board of Appeals (ZBA) has been created to offer reviews and decisions when:

an interpretation of the Zoning Ordinance is questioned a zoning district boundary is questioned  
an order or decision of an administrative official or body is questioned the Zoning Ordinance  
empowers the ZBA to hear specific land uses a variance from the strict interpretation of the  
ordinance is sought to avoid a specific hardship

## **Nature of Petition**

This is Applicant's appeal of the Kasson Township Zoning Administrator's decision on July 7, 2023 to deny the processing of a request for a Special Use Permit by Applicants within the Forest Zoning District of an Outdoor Recreation Facility. The facility would be the applicant's property used for periodic Enduro Motorcycle races. This appeal is pursuant to Section 11.4 Administrative Review of a decision and determination made by the Zoning Administrator although it arguable involves interpretation of Section 4.7.2 of the Zoning Ordinance as well. The application which the Township by and through the Zoning Administrator refused to process and submit to the Planning Commission was for a Special Use Permit under Section 4.7.2 Special Land Uses - Public or Private Outdoor Recreation or Park Facilities which would include as defined under the Ordinance an Outdoor Recreation Establishment. Various correspondence has been filed regarding this matter as part of the record by the applicants, the applicant's attorney and attorney Kristen Houle purportedly on behalf of township residents as well as the opinion provided by Tom Grier, legal counsel for the Township. All of these items are part of the record of appeal before the ZBA. Applicant's attorney will provide a written outline of the law and argument based upon the Zoning Ordinance provision as to why the Zoning Administrator's decision should be reversed and the matter processed for a Special Use Permit. This will be done in a timely manner well in advance of any hearing before the ZBA. It is expected that township's legal counsel will also provide information.

## **Effect of the Request Upon the Applicants**

In addition to the letter from Tim Cypher to one of the applicants, Fran Seymour, the Zoning Administrator stated that the proposed use of the property for periodic Enduro Motorcycle races is not a use listed in any Zoning District within Kasson Township. Therefore, the issue also involves the impact of exclusionary zoning. The Township has yet to consider applicant's alternative desire to allow for these races per Section 4.4 and 5.13 of the Kasson Township Zoning Ordinance. A refusal of the Township to process this Special Use Permit under clear provisions in the Zoning Ordinance which would allow for this use within the Forested District (FR) prohibits the applicants from being able to utilize their property in a manner either allowed under zoning or with this use being excluded under zoning in all districts throughout the entire Township. If the matter were processed by the Planning Commission, reasonable conditions based upon standards contained in the Zoning Ordinance would be applied to mitigate any real or perceived impacts on neighboring property owners for these temporary events which would only occur in the spring, summer and fall on an infrequent basis.

### **Effect of the Request on Other Properties**

It is unknown what the effect would be on other property owners other than speculation which occurred on a previous application by Applicants which the Planning Commission refused to process. That application is also on appeal to the Zoning Board of Appeals. If the Planning Commission were allowed to process this Special Use Permit as applicants believe it is obligated to do so under the Zoning Ordinance, those issues would be readily addressed and any impact, to the extent they exist, would be mitigated. Any Enduro event is temporary and does not constitute a continuing use of the property unlike other special uses or uses by right under the Zoning Ordinance. Applicants are willing to work with the Township to ensure the use has a minimum effect on surrounding properties and allow for a reasonable use of Applicant's property.

There is no evidence that any Enduro event would hamper public access to emergency services and there is no impact with respect to restricting light, air or access to adjacent properties based upon the original application for a Special Use Permit.