

MINUTES - PLANNING COMMISSION/BOARD OF ADJUSTMENT MEETING

THURSDAY, MARCH 11, 2010, 7:00 P.M., COMMISSIONER'S ROOMS, LYON COUNTY GOVERNMENT CENTER, MARSHALL, MINNESOTA

PLEDGE OF ALLEGIANCE TO THE FLAG

MEMBERS PRESENT: Buesing, Vroman, Thooft, Nelson, Ritter, Zimmer and Biren

MEMBERS ABSENT: Ludeman, Nassif

AMEND/APPROVE AGENDA - Motion by Buesing, seconded by Thooft to approve the agenda. Voting for: Thooft, Buesing, Vroman. Absent: Ludeman and Nassif. Motion carried.

CORRECT/APPROVE MINUTES OF THE FEBRUARY 9, 2010 MEETING - Motion by Thooft, seconded by Buesing to approve the minutes as written. Voting for: Thooft, Buesing, Vroman. Absent: Ludeman and Nassif. Motion carried.

BOARD OF ADJUSTMENT:

Public Hearing, Charles and Melissa Swanson, variance request to construct a house addition (livingroom/office/basement) seventy-eight (78) feet from the road right-of-way of 180th Avenue, a township road. This is a twenty-two (22) foot variance request. The area representing the request is zoned agricultural. The property is described as the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4), Section 18, Lynd Township. Mr. Swanson was present. Vroman – township comments. Oakland – township approved request. Biren – went over staff report, adding onto house, too close to road. Vroman – size of addition? Swanson – 22'x32'. Biren – at the intersection of two township roads. Received a variance for the machine shed which is north of the house. Area variance. Received a letter from neighbor supporting request. Buesing – won't cause snow problems, evergreens south side of building site cause snow problem. Thooft – no other place to put addition? Swanson – septic system to the north. Vroman – board questions? Audience comments? None. Board reviewed Findings of Fact. Attached is a copy.

Buesing moved, seconded by Vroman to grant a variance to Charles and Melissa Swanson to construct a house addition (livingroom/office/basement) seventy-eight (78) feet from the road right-of-way of 180th Avenue, a township road. This is a twenty-two (22) foot variance request. The area representing the request is zoned agricultural. The property is described as the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4), Section 18, Lynd Township. With the following stipulations:

1. That if any of the work performed as allowed by the granting of this variance is ever impacted or required to be removed, the cost of such impact shall be borne by the landowner, including removal and/or relocation of property and facilities.
2. Must obtain a building permit prior to construction.
3. The purpose of which the variance was granted shall be undertaken by the applicant within 18 months of the granting of the variance. For good cause, the Zoning Administrator may grant an administrative extension of up to 12 months. Said extension shall be in writing. If the

applicant fails to establish use of the variance within said time limits, the variance shall expire.

4. Adopt Findings of Fact as part of Motion.
5. A copy of this Motion shall be filed with the County Recorder's Office along with the legal description of the property. Additional fees to be paid by the applicant for the actual costs incurred by the county for the recording fees.

VOTING FOR: Thooft, Buesing, Vroman

OPPOSED: None

ABSTAINED: None

ABSENT: Ludeman, Nassif

Motion carried.

Public Hearing, James Albee, variance request to construct an attached garage (24'x28') one hundred twenty six (126) feet from the center of CSAH 6. This is a twenty-four (24) foot variance request. The area representing the request is zoned agricultural. The property is described as all that part of the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section 19, Clifton Township. Mr. Albee was present. Vroman – township approval? Oakland – yes, agreed with request. Biren – reviewed staff report, explained location. Clifton Township, at the intersection of CSAH 6 and 9. Single car garage attached to home, addition onto garage, closer to County Road 6. Vroman – acres? Albee – 2.5 acres includes road right-of-way. Biren – at one time ordinance required 2.5 acres, now ordinance requires 5 acres. Vroman – Board questions? None. Biren – received no correspondence. Vroman - Audience comments? None. Board reviewed Findings of Fact. 2. Biren – assistant county engineer, Steve Johnson stated County Road 6 has been regraded, any future work has been done, county no problem.

Vroman moved, seconded by Thooft to grant a variance to James Albee to construct an attached garage (24'x28') one hundred twenty-six (126) feet from the center of CSAH 6. This is a twenty-four (24) foot variance request. The area representing the variance request is zoned agricultural. The property is described as part of the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4), Section 19, Clifton Township. With the following stipulations:

1. That if any of the work performed as allowed by the granting of this variance is ever impacted or required to be removed, the cost of such impact shall be borne by the landowner, including removal and/or relocation of property and facilities.
2. Must obtain a building permit prior to construction.
3. The purpose of which the variance was granted shall be undertaken by the applicant within 18 months of the granting of the variance. For good cause, the Zoning Administrator may grant an administrative extension of up to 12 months. Said extension shall be in writing. If the applicant fails to establish use of the variance within said time limits, the variance shall expire.
4. Adopt Findings of Fact as part of Motion.
5. A copy of this Motion shall be filed with the County Recorder's Office along with the legal description of the property. Additional fees to be paid by the applicant for the actual costs incurred by the county for the recording fees.

VOTING FOR: Buesing, Vroman, Thooft

OPPOSED: None

ABSTAINED: None

ABSENT: Ludeman, Nassif

Motion carried.

Public Hearing, Jeff and Tina Nielsen, variance request to construct a house addition and attached garage seventy-four (74) feet from the road right-of-way of CSAH 7. This is a twenty-six (26) foot variance request. (The existing structure which is nine feet closer to the right-of-way will be removed and the new construction will be in line with the remaining part of the house which is 74' from the road right-of-way.) The area representing the request is zoned agricultural. The property is being purchased from the Viola Rust Trust and is described as part of the South Half of the Northeast Quarter (S1/2 NE1/4) of Section Eighteen (18), Lake Marshall Township. Mr. Nielsen was present. Biren – along County Road 7, west side of road. Existing garage will be removed along with some of the existing house, adding living area and garage. Further from County Road 7 than it is now. Buesing – 9' further. Nielsen – but still within right-of-way setback. Biren – area location of concrete plant and Stattleman's, past zoning matters heard by this board. Vroman – Board comments? None. Township comments? Oakland – agreed with request. Biren – assistant county engineer, Steve Johnson stated County Road 7 has been regraded, any future work has been done, county no problem. Right-of-way varies along this road, widened there as well. Vroman – not close to bypass being planned? Biren – no, long range plan, realign Country Club Drive and CSAH 7 first, far enough away. Thooft – addition to be built further than existing part of house? Biren – yes. Jeff is working on property transfer, new septic system to be installed as well. Septic system will be designed by Keith Kropp, Jeff put in system, works for dirt company, will be doing work himself. Board reviewed Findings of Fact.

Thooft moved, seconded by Buesing to grant a variance to Jeff and Tina Nielsen to construct a house addition and attached garage seventy-four (74) feet from the right-of-way of CSAH 7. This is a twenty-six (26) foot variance request. (The existing structure which is nine feet closer to the right-of-way will be removed and the new construction will be in line with the remaining part of the house which is 74' from the road right-of-way.) The affected property is described as part of the South Half of the Northeast Quarter (S1/2 NE1/4) of Section Eighteen (18), Lake Marshall Township With the following stipulations:

1. That if any of the work performed as allowed by the granting of this variance is ever impacted or required to be removed, the cost of such impact shall be borne by the landowner, including removal and/or relocation of property and facilities.
2. Must obtain a SSTS Permit, system to be installed by an approved contractor and inspected by Lyon County.
3. Must obtain a building permit prior to construction.
4. The purpose of which the variance was granted shall be undertaken by the applicant within 18 months of the granting of the variance. For good cause, the Zoning Administrator may grant an administrative extension of up to 12 months. Said extension shall be in writing. If the applicant fails to establish use of the variance within said time limits, the variance shall expire.
5. Adopt Findings of Fact as part of Motion.
6. A copy of this Motion shall be filed with the County Recorder's Office along with the legal description of the property. Additional fees to be paid by the applicant for the actual costs incurred by the county for the recording fees.

VOTING FOR: Buesing, Vroman, Thooft

OPPOSED: None

ABSTAINED: None

ABSENT: Ludeman, Nassif

Motion carried.

PLANNING COMMISSION: None

CONDITIONAL USE PERMIT/PUBLIC HEARING – MINNESOTA SESSION LAW 2000 – MINN. STAT. §116.07, SUBD. 7(I), FEEDLOT: None

RENEWAL - CONDITIONAL USE PERMITS – MARCH:

Western Wireless Corp. Essential Service, 150' Cellular Tower w/Guidewires, Gene L. VanDeVeire, NE1/4, Section 4, Lucas Township. Issued: March 2000 (renewable 5 years). Biren – along Highway 23 by Cottonwood, recommend renewal. Motion by Thooft, seconded by Buesing to renew for 5 years. Voting for: Thooft, Buesing, Vroman. Absent: Ludeman and Nassif. Motion carried.

Oakland – August meeting time needs to be changed to 8:01 p.m. Meeting to be held in Conference Rooms 4&5, 3rd floor due to the primary election being moved up a month. Commissioner's Rooms to be used for the election. September meeting will be at the normal time of 7:00 p.m. Thooft – may be gone for the August meeting.

Biren – Wind Development and Land Use meeting scheduled for Monday, April 26th in Slayton, will give an update at our April 13th meeting.

Meeting adjourned at 7:35 p.m.

Respectfully submitted,

Richard Vroman- Vice-Chairman
Planning and Zoning/Board of Adjustment

Carol Oakland, Secretary
Planning and Zoning/Board of Adjustment