

MINUTES - PLANNING COMMISSION/BOARD OF ADJUSTMENT MEETING

TUESDAY, SEPTEMBER 14, 2010, 7:00 P.M., COMMISSIONER ROOMS, LYON COUNTY GOVERNMENT CENTER, MARSHALL, MINNESOTA

MEMBERS PRESENT: Vroman, Nassif, Buesing, Thooft, Nelson, Goodenow, Zimmer and Biren

MEMBES ABSENT: Ludeman

PLEDGE OF ALLEGIANCE TO THE FLAG

AMEND/APPROVE AGENDA – Motion by Buesing seconded by Nassif to approve agenda. All voted in favor. Motion carried.

CORRECT/APPROVE MINUTES OF THE AUGUST 10, 2010 MEETING – Motion by Nassif, seconded by Thooft to approve minutes. All voted in favor. Motion carried.

BOARD OF ADJUSTMENT: None

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 – AUGUST:

Philip Regnier – Daniel Stevens, Mobile Home, N1/2NE1/4, Section 20, Grandview Township. Issued August 1994 (3 years), renewed every 3 years. 2003 estate, extended yearly since then to have mobile home removed from property. Status – letter to property owner (Catherine Dobbins). Biren – still there yesterday. Landfill will take and scrap out metal. Not in good shape, needs to be moved. Not taken care of. Give me 30 days to work with her. Cost will be to get it to landfill and pay demo fee. Landfill will keep scrap metal for tearing mobile home apart.

RENEWAL - CONDITIONAL USE PERMITS – SEPTEMBER: None

DISCUSSION:

Follow up on the Coon Creek Township Board correspondence: Letter send to Contractor/Property Owner – status Contractor letter to County. Biren – still waiting for letter from Rogge. Benefit to crushing concrete.

Follow up on Shoreland Violation: Axel Hansen, Rock Lake. Biren – discussion on history. Option is to apply for after the fact variance, stipulations. Grant or deny. Mobile home one density, this structure is another, non-conforming density standard. Current two

densities on this tract of land. Past owner wanted to donate part of estate \$6000 for floating pier for lake. Sister passed away prior to that happening. Received approximately \$2100. Would like to see it get built there. Violation \$4000 fee going toward pier. Some possibilities: mobile home; move back garage/house; trees screening from lake. DNR regional hydrologist, what board decides fine with DNR. Structure is located on highest point of lake lot. Nassif – could haul in dirt, makes me angry knew needed a permit, move on slab, donation dock good idea. Nelson – well and septic system, access road? Biren – road has easement. Need well and septic system. Vroman – Tricia’s opinion if go to court, defend us. Biren - go to court if he appeals our decision. Defend reasons for denying, Findings of Fact. Recent court history, Judges siding with landowners. New structure, cannot use thought of setting a precedence. Look at each case individually. Goodenow – zoning ordinance mean something, doesn’t. Biren – after the fact, economic consideration. Goodenow – other lots? Biren – west soybean field not developed and county road right-of-way. Buesing – fine builder? Biren – landowner responsible for getting permit. Talked with him half dozen times what he needed. Given ordinance, work with same building not leave one 2x4, move door on garage, 400 square foot structure 10’ from OHWM (20’x20’). This is bigger plus living quarters. Nelson – didn’t apply for permit, didn’t meet setbacks. After the fact fees? Biren – doubled permit fee. Building permit: \$100/\$200; Septic \$200/\$400; Variance \$300/\$600, \$1200. Biren – harm to lake, not landowners around lake using it, swimming and fishing done by other people. Goodenow – DNR comes in, damage to lake. Nelson – escrow fund for dock? Biren – money received deposited with Auditor’s Office. Nelson – replace trailer with this structure. Cannot have two residences. Nassif – too close, knew wrong, move new structure and tear down trailer. Nelson – not flat shoreland. Biren – 8’-10’ rise. Vroman – house is not moveable, need a house mover. New slab poured. Buesing – pay penalty, in the wrong, old trailer move away and install septic system. Thooft – build anywhere else in a hole. Septic is low area also. Move it, probably won’t happen. Trailer out, replace with this structure. Fine too close to lake. Vroman – improvement from mobile home. Thooft – looks nicer than what is out there. Move mobile home. Nassif – Curt Friese followed rules. Road, lot sizes, one year held up, done properly. Spent a lot on subdivision. Hansen just does it, doesn’t follow rules. Biren – 4 developed lots on lake. Only one conforming (Cole). Friese mother too close, replace/remodel need a variance. Nassif – good ordinance. Thooft – 150’ along ways away from lake, needs a variance. Buesing – too low, poor excuse, can haul in fill. Nassif – variance. Buesing – 75’ variance may be in favor of. Nelson – two kinds of variance? Biren – area and use. Buesing – how long to decide what to do? Biren - had inspections, meetings and discussion. Nassif – move trailer and move building back. Goodenow – Murray County, created hardship. Board looked at Findings of Fact how it would relate to this matter. Agree need to do something. Biren – after the fact variance, Health, Safety and Welfare taken into consideration. Individual case. Thooft – consider – gutter run off, mobile home removed, septic system, fined. Biren – doesn’t have to show a hardship. Board – issue cease work order until this is settled.

Follow up on Shoreland Violation: Jon Knockenmus, Lake Yankton. Biren – no permits, under ordinary high water mark, DNR protected waters permit. Clear cutting vegetation, above ordinary high water mark we deal with. Seeding /tree planting. Zimmer – Knockenmus and developer issued citation, hearing postponed.

Revisions to Floodplain Ordinance: Draft submitted to DNR (August 26, 2010). Biren – handed out a letter received from the DNR. Conditionally accepted draft ordinance. Maps are what they are. Adopted by November 26th or FEMA will kick the county and residence out of program. Area II’s attorney reviewing wording. Will be updating zoning map at the time of this adoption. Just clarify some areas on map. FEMA maps are detailed.

Biren – another issue working with, Don Delanghe substantial gross over application of manure. Commercial applicator applied manure to land. Runoff to ditch system and pond.

Meeting adjourned by Chairman.

Respectfully submitted:

Richard Vroman – Vice-Chairperson
Planning and Zoning/Board of Adjustments

Carol Oakland, Secretary
Planning and Zoning/Board of Adjustments