

MINUTES - PLANNING COMMISSION/BOARD OF ADJUSTMENT MEETING

TUESDAY, MAY 8, 2012, 7:00 P.M., COMMISSIONER ROOMS, LYON COUNTY GOVERNMENT CENTER, MARSHALL, MINNESOTA

MEMBERS PRESENT: Thooft, Ludeman, Steen, Chalmers, Anderson, Ritter, Zimmer and Biren

MEMBERS ABSENT: Nassif

PLEDGE OF ALLEGIANCE TO THE FLAG

IDENTIFY ANY CONFLICT OF INTEREST - None

AMEND/APPROVE AGENDA Motion by Ludeman, seconded by Chalmers to approve agenda. All voted in favor. Motion carried.

CORRECT/APPROVE MINUTES FROM THE APRIL 10, 2012 MEETING - Motion by Chalmers, seconded by Steen to approve minutes. All voted in favor. Motion carried.

BOARD OF ADJUSTMENT:

Public Hearing - Dan Lanoue for a road right-of-way variance to construct a grain bin (wet storage hopper), corn dryer and grain leg. The closest of these structures will be fifty (50) feet from the road right-of-way line of CSAH 2. This is a fifty (50) foot variance request. The area representing the request is zoned agricultural. The affected property is described as the Southeast Quarter (SE1/4) of Section Twenty-two (22), Amiret Township. *Board Action – motion.* Biren – showed building site. Dryer system machinery. Wet storage bin needed variance, so listed all items. 50’ off road right-of-way. Chalmers – behind existing structures? Biren – yes. Lanoue – structural damage from last July. Oakland – Amiret Township agreed with request. Returned signed comment form. Thooft – read County Engineer’s comments. Attached to minutes is a copy of the comments. Ludeman – other structures closer to road. His statement is correct but mute. No public comment. Board reviewed Findings of Fact.

 Ludeman moved, seconded by Chalmers to grant a variance to Dan Lanoue for a variance to construct a grain bin (wet storage hopper), corn dryer and grain leg. The closest of these structures will be fifty (50) feet from the road right-of-way line of CSAH 2. This is a fifty (50) foot variance request. The area representing the request is zoned agricultural. The affected property is in the Southeast Quarter (SE1/4) of Section 22 of Amiret 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. Applicant must obtain a land use permit prior to construction.
3. Applicant must pay the recording fee for the variance granted in 2004 prior to land use permit being issued for this request.

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 this 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. Applicant to pay this recording fee prior to a land use permit being issued.

VOTING FOR: Ludeman, Chalmers, Steen, Thooft

OPPOSED: None

ABSTAINED: None

ABSENT: Nassif

Public Hearing - Aron Nickelson for a road right-of-way variance to construct a storage shed. A variance is needed from township road 190th Avenue and CSAH 25. The request is to construct the storage shed forty-five (45) feet from the right-of-way line of township road 190th Avenue. This is a fifty-five (55) foot variance request. The storage shed would be sixty (60) feet from the right-of-way line of CSAH 25. This is a forty (40) foot variance request. The area representing the request is zoned rural residential. The affected property is described as all that part of the Southwest Quarter (SW1/4) of Section 33, Lynd Township. *Board Action – motion.* Aron Nickelson was present. Biren – showed area, back entrance State Park, County Road 25, steep hill, railroad tracks back of property, 33' right-of-way. Thooft read County Engineer's comments. Board – room to setback from road? Ludeman – cannot move it back much. Nickelson – dig into hill. Ludeman – could not comply. Nickelson – rural water too close. Biren – Todd inspected, two choices, grant or not build shed, no other options. Nickelson - water seeps out of hill side and goes into existing garage. Ludeman – rural residential and ag zone any difference? Biren – building of homes, no feedlot allowed in rural residential. Oakland – Lynd Township agreed with request, no comment. Thooft – no public comment. Board reviewed Findings of Fact.

Chalmers moved, seconded by Steen to grant a variance to Aron Nickelson for a variance to construct a storage shed. A variance is needed from township road 190th Avenue and CSAH 25. The request is to construct the storage shed forty-five (45) feet from the right-of-way line of township road 190th Avenue. This is a fifty-five (55) foot variance request. The storage shed would be sixty (60) feet from the right-of-way line of CSAH 25. This is a forty (40) foot variance request. The area representing the request is zoned rural residential. The affected property is described as all that part of the Southwest Quarter (SW1/4) of Section 33, 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. Applicant must obtain a land use 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 this 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: Chalmers, Steen, Thooft, Ludeman

OPPOSED: None

ABSTAINED: None

ABSENT: Nassif

Public Hearing - Scott Boerboom for a road right-of-way variance to construct an attached garage seventy (70) feet from the road right-of-way line of CSAH 8. This is a thirty (30) foot variance request. The existing garage will be converted to a family room. The area representing the request is zoned agricultural. The affected property is described as all that part of the West half of the Northeast quarter (W1/2NE1/4) of Section 15, Grandview Township. *Board Action – motion.* Scott Boerboom was present. Biren – showed area, north and east of Ghent, garage will be closer to road. Boerboom – white slab is where garage will be constructed. Biren – floodplain follows around building site, in compliance except for road setback. Thooft – read County Engineer's comments. Attached to minutes is a copy of his comments. Board – trees closer, will run into trees before garage. Oakland – Grandview Township agreed with request, no comments. Thooft – audience comments, none. Board reviewed Findings of Fact. Ludeman – other place to put garage? Scott Boerboom – west of house is elevated a lot. Fill needed. If put at angle would still need variance. Anderson – concrete slab base for garage. Biren – high spot, flood prone area. Boerboom - parents built house, bought it didn't know couldn't do anything. Garage two car, cannot fit 2 cars in it.

Steen moved, seconded by Ludeman to grant a variance to Scott Boerboom to construct an attached garage seventy (70) feet from the road right-of-way line of CSAH 8. This is a thirty (30) foot variance request. The area representing the request is zoned agricultural. The affected property is described as all that part of the West half of the Northeast quarter (W1/2NE1/4) of Section 15, Grandview 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. Applicant must obtain a land use 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 this 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: Steen, Ludeman, Chalmers, Thooft

OPPOSED: None

ABSTAINED: None

ABSENT: Nassif

PLANNING COMMISSION:

Public Hearing, Buysse Trucking & Gravel, Conditional Use Permit to operate a gravel pit. The property is zoned agricultural. Owner of the tract of land is John Wambeke and the affected property is described as the Southwest Quarter (SW1/4) of Section Five (5), Eidsvold Township. *Board Action – motion/recommendation to County Board.* Biren – recommendation to County Board. Located by Taunton. Haul road east to County Road 1 which is a paved road. 25,000 to 30,000 yards. No houses on gravel haul road. Mine and farm it again. Stockpile black dirt. Used for township work. Oakland – Eidsvold Township did not return comment form. Spoke with Terry Schrieber, no concerns, this board covers stipulations. Thooft – no audience comments. Biren – in compliance with rules. Will talk with landowner, 1026 form filled out, program benefits. Board reviewed Findings of Fact.

Ludeman moved, seconded by Chalmers to recommend to the Lyon County Board of Commissioners to grant a Conditional Use Permit to Buysse Trucking & Gravel to operate a gravel pit. The property is zoned agricultural. The affected property is owned by John Wambeke and is located in the Southwest Quarter, Section 5 of Eidsvold Township. With the following stipulations:

1. Conditional Use Permit will be reviewed annually.
2. Conditional Use Permit is granted for 40 acres or the life of the operation whichever is less.
3. Top soil will be stockpiled and used for reclaiming and leveling.
4. Reclaiming and leveling of land is to be done as the work progresses.
5. Grade site after extraction is completed so as to render it usable, seeding required avoiding erosion and an unsightly mar of the landscape.
6. Must maintain a backslope of 4:1 or flatter.
7. Responsible for maintenance on the roads trucks will be hauling on.
8. Responsible for dust control on haul roads and service roads within the site.
9. Haul roads designated as: 190th Street to County Road 1.
10. Owner must notify the Lyon County Zoning Office when work is complete.
11. Must obtain permits from appropriate agencies.
12. Must comply with Soil and Water and DNR regulations.
13. Consult with township regarding driveway access requirements.

14. Adopt Findings of Fact as part of this motion.

15. A copy of the Lyon County Board of Commissioner's 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: Ludeman, Chalmers, Steen, Thooft

OPPOSED: None

ABSTAINED: None

ABSENT: Nassif

Public Hearing, Robert Gee, Conditional Use Permit to replace a mobile home according to Article 15, Section 15.11, F.1(a). (Farm employment must be the primary occupation of at least one adult occupant of the mobile home). The property is zoned agricultural. The affected property is described as all that part of the West Half of the Southwest Quarter (W1/2 SW1/4) of Section Twelve (12) in Stanley Township. *Board Action – motion/recommendation to County Board.* Robert Gee was present. Biren – showed location of site. Off County Road 11. Busy site. Existing mobile home is from 1970. Last summer damage from storm, for hired person to live in. Rick Jeseritz plan in place for septic, large holding tank meet state guidelines and ordinance. Gee – replacing mobile home. Oakland - Stanley Township agreed with request, comment form returned. Biren – don't want junky mobile homes in county, not used removed. Thooft – audience comments, none. Chalmers – new mobile home? Gee – used one. Board reviewed Finding of Facts.

Chalmers moved, seconded by Steen to recommend to the County Board of Commissioners a Conditional Use Permit to grant Robert Gee to replace a mobile home according to Article 15, Section 15.11, F.1(a) of the Lyon County Zoning Ordinance. The property is zoned agricultural and described as all that part of the West Half of the Southwest Quarter (W1/2 SW1/4), Section 12, Stanley Township. With the following stipulations:

1. Conditional Use Permit is granted in accordance with Article 15, Section 15.11, F.1(a) of the Lyon County Zoning Ordinance. Farm Employment must be the primary occupation of at least one adult occupant of the mobile home.
2. Site may be inspected to ensure compliance of all applicable regulations.
3. Land Use Permit for mobile home is for mobile home to be lived in an agricultural capacity. When this use changes, the mobile home must be moved or establish a change of use by applying for and receiving a new conditional use permit.
4. Must notify Planning and Zoning Office when use changes.
5. Mobile home cannot be rented out.
6. Must follow the Lyon County Zoning Ordinance.
7. Mobile home to be anchored and skirted.
8. Adopt Findings as Fact as part of this Motion.
9. A copy of the Lyon County Board of Commissioner's 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: Chalmers, Steen, Ludeman, Thooft

OPPOSED: None
ABSTAINED: None
ABSENT: Nassif

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

RENEWAL - CONDITIONAL USE PERMITS – APRIL:

Thad Lessman (Rolland and Mary Roseland), Mobile Home NW1/4NE1/4, Section 27, Sodus Township. Lessman constructed a new home on this site in 2010. Mobile home was to be removed in 2011. Biren sent a letter requesting mobile to be moved by May 7th or matter would be turned over to county attorney's office. Biren – sent him a letter. He called last week, Tracy Fire Department will be doing an exercise on it this month. If not gone by June 1st enforcement will be taken.

RENEWAL - CONDITIONAL USE PERMITS – MAY:

Dale Louwagie, Mobile Home, E1/2, Section 2, Lucas Township. Issued: May 2002, renewable (5 years) last renewed in 2007. Recorded. Biren – renew. Motion by Ludeman, seconded by Chalmers to renew for 5 years. All voted in favor. Absent – Nassif.

Soil Science Properties. LLC (c/o Ronald Hefty), Rural Oriented Commercial Use – Seed, Fertilizer and Chemical Sales, W1/2NW1/4, Section 26, Fairview Township. (Issued: May 2010, review annually.) Recorded. Biren – with July storm, some issues. Operating, may have a test plot, neighbor that sold land to them allowed gutters to drain into farm tiles. Small storm water pond.

Meeting adjourned 7:50 p.m.

Respectfully submitted,

Debbie Thooft, Vice-Chairman
Planning and Zoning/Board of Adjustments

Carol Oakland, Secretary
Planning and Zoning/Board of Adjustments