

MINUTES- PLANNING COMMISSION/BOARD OF ADJUSTMENT MEETING

TUESDAY, NOVEMBER 13, 7:00 P.M., COMMISSIONER ROOMS, LYON COUNTY GOVERNMENT CENTER, MARSHALL, MINNESOTA

PLEDGE OF ALLEGIANCE TO THE FLAG

IDENTIFY ANY CONFLICT OF INTEREST - None

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

CORRECT/APPROVE MINUTES FROM THE JULY 10, 2012 MEETING – Motion by Ludeman, seconded by Steen to approve minutes as presented. All voted in favor. Motion carried.

BOARD OF ADJUSTMENT:

Public Hearing, Tabor Hoek for a variance to construct a garage addition eighty (80) feet from the road right-of-way line of a township road. This is a twenty (20) foot variance request. The area representing the request is zoned suburban residence and shoreland. The affected property is described as Lots Thirty three (33) and Thirty four (34), Block one (1), KASTJAGA Addition, Rock Lake Township. *Motion to Approve/Deny Request.* Denise Hoek was present. Addition onto an existing garage. Biren – mid 70's lots real small, ½ lots, lot of lots in addition, combined to build structures. Township road, Rock Lake Township. All right with the township. Right-of-way 33' for road. Nassif – use of shed? Hoek – garage/storage. Anderson – block laid, size of addition? Hoek – yes. No public comments. Board reviewed Findings of Fact. Attached is a copy. No other discussion.

Thooft moved, seconded by Steen to grant a road right-of-way variance to Tabor Hoek to construct a garage addition eighty (80) feet from the road right-of-way line of a township road. This is a twenty (20) foot variance request. The area representing the request is zoned suburban residence and shoreland. The affected property is described as Lots Thirty three (33) and Thirty four (34), Block one (1), KASTJAGA Addition, Rock Lake 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, Thooft, Chalmers, Ludeman, Nassif

OPPOSED: None

ABSTAINED: None

ABSENT: None

Motion carried.

Public Hearing, Fred and Carol Timmerman for a side yard variance to construct a garage fifteen (15) feet from the south property line. This is a ten (10) foot variance request. The area representing the request is zoned shoreland and agricultural. The affected property is described as the Fractional North Half of Section 13, Rock Lake Township. *Motion to Approve/Deny Request.* Fred and Carol Timmerman were present. Biren – area is on the other side of the lake. Own parcel. Grant Wee lives to the south, property line row of trees. 10' variance, closer than ordinance allows. Nassif – township comments. Oakland – Rock Lake Township Board approved of request, no written comments. Biren – meet with Timmerman and Wee today. Wee no problem, he stated that he needs to clean up on his side. Timmerman – put our stuff inside of building. Started 5 years ago constructing house. If moved closer to house, would meet setback requirement, however, closer to concrete, a fair amount of water runs that way. 30'x40' garage. Thooft – put on other side of yard? Timmerman – septic system there. Anderson – landscaping would have to be done and another driveway put in. More sense to have the garages closer together, same location. Ludeman – setback from lake? Biren – 75'. Timmerman – house is 125' from lake. Garage in line with house. Board reviewed Findings of Fact. Attached is a copy.

Chalmers moved, seconded by Ludeman to grant side yard variance to Fred and Carol Timmerman to construct a garage fifteen (15) feet from the south property line. This is a ten (10) foot variance request. The area representing the request is zoned shoreland and agricultural. The affected property is described as the Fractional North Half of Section 13, Rock Lake 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, Ludeman, Steen, Thooft, Nassif

OPPOSED: None

ABSTAINED: None

ABSENT: None

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 – AUGUST:

Donald Senden, Business (Repair Shop) NE1/4, Section 35, Grandview Township. Issued: August 1997 (3 years). Renew every 3 years. Not recorded. Biren – small repair shop, welding. Located at end of airport. Would not require CUP today. Motion by Ludeman, seconded by Nassif to renew for 3 years. All voted in favor. Motion carried.

Jon Mellenthin, Mobile Home, S1/2SE1/4, Section 8, Lynd Township. Issued: August 1991 (3 years). Renewed every 3 years. Not recorded. Biren – constructed a 25-30 acre pond, swimming platform, recommend renewing. Thooft – looks nice. Motion by Thooft, seconded by Chalmers to renew for 3 years. All voted in favor. Motion carried.

Donald and Suzanne DeCrock, Mobile Home, S1/2, Section 25, Westerheim Township. Issued: August 1994 (3 years). Renewed every 3 years. Not recorded. Biren – Hammer’s neck of the woods, verified still living there. Motion by Thooft, seconded by Nassif to renew for 3 years. All voted in favor. Motion carried.

Wayne DeBaere, Mobile Home, E1/2SE1/4, Section 22, Sodus Township. Issued: August 1994 (3 years). Renewed every 3 years. Not recorded. Biren – along Hwy 59. Home moved in a few years ago. Hired man lives in mobile home. Not in use, will be taken out. No problem. Motion by Nassif, seconded by Chalmers to renew for 3 years. All voted in favor. Motion carried. Biren – having discussion on density, farming operation or taking care of someone don’t need to meet density requirement.

Alvin Guza, Salvage Yard, SE1/4, Section 19, Nordland Township. Issued: August 2006. Review Annually. Recorded. Biren – salvage yard never really took off. Abandoned. Alvin lived in house, not living in it now. Review in 2013 if no activity remove from books.

Daniel and Kelly Jacob, Double-Wide Mobile Home, W1/2NE1/4, Section 12, Custer Township. Issued: August 2001. Renewed every 3 years. Recorded. Biren – only issue was neighbor compliant on noxious weeds. Anderson – then need to look at all neighbors. Biren – recommend renew for 3 years. Motion by Thooft, seconded by Ludeman to renew for 3 years. All voted in favor. Motion carried.

James Orren, Mobile Home, SW1/4NW1/4, Section 18, Vallers Township. Issued: May 2006 (3 years). 2009 extension for 3 years until house is built. Recorded. Biren – house built, mobile home gone. Motion by Chalmers, seconded by Nassif expired. All voted in favor. Motion carried.

Jody and Aurora Heard, Mobile Home, N1/2N1/2, Section 9, Vallers Township. Issued 2009 (2 years). 2011 no building permit for mobile, mobile home to be removed before site sold. Status. Recorded. Biren – plan was to live in home when they remodeled house. Sold site. Mark Laleman’s son will move in there. Cabinets for kitchen are in mobile home, used for storage. Did not receive title for mobile home. Nassif – potentially happen? Biren – recycle mobile home. Recheck in 2013.

Charter Communications, Cable TV Service, NW1/4, Section 27, Monroe Township. Issued 2002 (5 years renewable.) Recorded. Biren – recommend renewal. Motion by Ludeman, seconded by Nassif to renew for 5 years. All voted in favor. Motion carried.

Charter Communications, Cable TV Service, (Francis Timmerman land), SW1/4SE1/4, Section 22, Rock Lake Township. Issued: August 2002 (5 years renewable). Recorded. Biren – part of it is in the city limits. Coax cables new. No complaints. Motion by Nassif, seconded by Steen to renew for 5 years. All voted in favor.

RENEWAL – CONDITIONAL USE PERMITS – SEPTEMBER: None

RENEWAL – CONDITIONAL USE PERMITS –OCTOBER:

Louis P. Claeys, Mobile Home, SW1/4, Section 36, Nordland Township. Issued: October 1997 (3 years). Renewed every 3 years. Not recorded. Biren – Hammer looked at it, recommend renewal. Motion by Chalmers, seconded by Thooft to renew for 3 years. All voted in favor. Motion carried.

Duane Maeyaert, Mobile Home, SE1/4, Section 15, Custer Township. Issued: October 2002 (1 year, renewable). Recorded. Biren – decent looking. Brother lives there. Motion by Ludeman, seconded by Chalmers to renew for one year. All voted in favor. Motion carried.

Thad Lessman (Rolland and Mary Roseland), Mobile Home NW1/4NE1/4, Section 27, Sodus Township. Recorded. Lessman constructed a new home on this site in 2010. Mobile home was to be removed in 2011. Working with him in 2012 to have mobile home removed. Status. Biren – motion to take off book, removed. Motion by Thooft, seconded by Nassif to remove from books. All voted in favor. Motion carried.

RENEWAL – CONDITIONAL USE PERMITS –NOVEMBER:

Leon Dubbeldee, Business, Dog Kennel, NW1/4, Section 33, Lynd Township. Issued November 2002, inspect every 3 years). Recorded. Biren – Leon has past away. Sold house, new septic system. Will be storing tractor in building. Take off list, not in existence. Motion by Thooft, seconded by Nassif to remove from list. All voted in favor. Motion carried.

Southwest Towing (Tom Wilzbacher), United Southwest Bank (Owner), Rural Oriented Commercial Use Operating a Towing Business, N1/2 SW1/4, Section 17, Lake Marshall Township. Issued: November 2009, review annually. Recorded. Biren – City calls often to see if CUP is in compliance. Contract for storing towed vehicles. Tom has cleaned it up, worked hard to get a house build out there, didn’t happen. No action needed.

D&G Excavating, Extract Earthen Materials, N1/2NW1/4, Section 21, Custer Township. Issued: November 2002, inspect at least every 5 years. Recorded. Biren – by DMR railroad tracts. Anderson – no, site is off Hwy 14. Keep it pretty nice, berm along road. Ludeman – who mows it? Anderson – D&G. Ludeman – makes effort. Biren – Dave had an interest in trees when alive, continues, no issue with property. No action needed.

DISCUSSION: Ron Mann - adjacent property with a non-conforming structure. Lots 3&4, Lochland Hills Addition, Section 26, Lake Marshall Township. Update – contact with new owner, educate. Biren – know people that bought house next to Mann’s. Getting along fine, building used as before. Relationship don’t see him complaining for awhile. Should have changed many years ago. 1-2 dogs, personal use, not an issue now. 20 years ago should have been dealt with it, hard to go back. Definition of water oriented accessory structure changed over time.

Board reviewed 2013 meeting dates. Biren – dates will be advertised.
Board reviewed 2013 fees. Biren – not looking to change them, not covering cost if just one agenda item. Board recommended that Biren compare fees with other counties.

Oakland – Nassif’s term is up in January. Finishing up 3rd term, cannot run again.

Biren – will be meeting with the City of Ghent regarding getting city sewer to 4 house on the east side of Ghent.

Biren – Butcher Block Shop, process deer only, had 50-55 deer. Partial septic system in, finish next spring. Holding tanks (sand filter, drain field). Variance expired, will apply for variance next spring, a lot has changed in area due to storm, looks different. His goal is next spring/summer do domestic animals then retail sales. All steps are permitted by Dept of Ag.

Meeting adjourned by Nassif.

Respectfully submitted,

Michael Nasiff, Chairman
Planning and Zoning/Board of Adjustment

Carol Oakland, Secretary
Planning and Zoning/Board of Adjustment