

MINUTES - PLANNING COMMISSION/BOARD OF ADJUSTMENT MEETING

TUESDAY, NOVEMBER 9, 2010, 7:00 P.M., COMMISSIONER ROOMS, LYON COUNTY GOVERNMENT CENTER, MARSHALL, MINNESOTA

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

PLEDGE OF ALLEGIANCE TO THE FLAG

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

CORRECT/APPROVE MINUTES OF THE OCTOBER 12, 2010 MEETING – Motion by Buesing, seconded by Nassif to approve minutes as written. All members voted in favor. Motion carried.

BOARD OF ADJUSTMENT:

Continued Public Hearing for Axel Hansen for an after the fact variance request for a new non-conforming structure within the 150 foot setback of Rock Lake. The new non-conforming structure (garage with living quarters) replaced a previously existing non-conforming structure (garage). Structure was built approximately twenty (20) feet from the Ordinary High Water Mark. This is a one hundred thirty (130) foot variance request. The area representing the request is zoned shoreland. The property is described as follows: a tract of land located in Government Lot One (1), of Section Six (6), Rock Lake Township. (Action will not be taken on this matter until Thursday, November 18th at 9:00 a.m. when Mr. Axel Hansen can be present. The November 9th meeting will be continued until this date. Meeting will be held in the Blue Room (a meeting room) on the ~~First Floor~~ Second Floor of the Lyon County Government Center, Marshall, MN). (60 day timeline: November 23, 2010). Biren – Axel Hansen cannot be here, special meeting on Thursday, November 18th at 9:00 a.m., will continue this meeting until that time. He will pay \$500.00 to hold the meeting. Reason is because Mr. Hansen drives truck, leaves Saturday for Texas and is back on Wednesday. Hope weather cooperates. Have met with Axel several times since last meeting. Asked him to get a cost estimate from a mover to move building. Don't feel he will move it without a fight. Handed out information, photos and ordinance language. 2.8 acres lot size, room to meet setback requirements. 2005 property sold. Shortly after that meet with DNR hydrologist and Mr. Hansen. Have not recorded meetings/information given to Hansen. Have met with Hansen, Hansen and his son, and Todd Hammer has also been present at some meetings, and have met him by myself, total meeting approximately 20. Had spoken to him about a water orientated structure, 400 square feet in size. Last winter, last week of December putting in aerators for Sportsmen's Club, use plug in on their electrical pole. Didn't notice but was told that building was jacked up then and cement poured. Opening fishing saw it. Ludeman – Findings from last meeting review with him or do over? Zimmer – Axel tell board what going on. Maybe new information, better understanding presented, revisit Findings. Additional information presented. Buesing – always get hung up on #1. Vroman – look at Findings, approve or not, grant variance? Zimmer – gray area #1. Justifications, more persuasive. Substantial variance,

interpret different ways. Go by number/percentage or abstract perspective. Intent of ordinance, health, safety and welfare. Replace building in same spot – same. Natural Environment Lake – protect lake. Taking additional public comment at continued meeting? Biren – met legal obligation. Ludeman – no more will be taken. Vroman – cost estimate, dollars not affect this. Zimmer – now you can take dollars into account, financial burden. Nassif – he created need. Ludeman – residence. Biren – other cases in state, legislative issue to clear up. Hardship before, land reasonable use no hardship (garden). Zimmer – practical difficulty analyze, reasonable, health, safety, welfare - protect lake. Biren – precedence, don't get hung up on. Each an individual request, own merits. Zimmer – Friese subdivision brought up often at last meeting, what was required of them, different situation lots no structures. This one non-conforming structure already. Nelson – lake shore different. Friese, flat and vegetation. Hansen, rocky and bluff 8'. Nassif – move back, 130' too much of a variance. Ludeman – replacing grant, nature of structure different. Runoff, impervious surface, stipulations to address if granted. Vroman – stipulation mobile home gone. Biren – downspouts water runs away from lake, shore up vegetation. Zimmer – satisfy DNR. Biren – one structure not a big deal, communitive impacts. Trailer square footage same as garage structure, height bigger, not responsible for structural integrity. Zimmer – more runoff? Biren – roof ran other way, 3' wider building, close to same. Buesing – setback. Biren – each case looked at individually. Penalty double fee, after the fact. Zimmer – Board bad taste with after the fact. Evaluate facts. Runoff same. Nassif – own merits.

PLANNING COMMISSION: None

CONDITIONAL USE PERMIT/PUBLIC HEARING – MINNESOTA SESSION LAW 2000 – MINN. STAT. §116.07, SUBD. 7(D), 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). September 14th meeting – give 30 days to work with landowner. Biren – meet with Catherine this evening trying to make arrangements. Feel sorry for her. Deadline, moved this fall. Merit training center burn exercise or landfill demolish, recycle metal, fee involved. Vroman – her problem to take care of. Biren – yes. Will go away, will take some time. Cannot see from road.

RENEWAL - CONDITIONAL USE PERMITS – OCTOBER:

Rolland and Mary Roseland – Thad Lessman, Mobile Home NW1/4 NE1/4, Section 27, Sodus Township. Issued October 2003, renew annually, recorded. Building permit has been issued to Lessman for constructing a new home on this site. Monitor for mobile home removal. Biren – house moving along.

RENEWAL - CONDITIONAL USE PERMITS – NOVEMBER:

Southwest Towing, Tom Wilzbacher, applicant and United Southwest Bank, owner, Rural-Oriented Commercial Use, Operate a Towing Business. N1/2SW1/4, Section 17, Lake Marshall Township.

Issued November 2009 recorded, review annually. Biren – business going well. Screened looks nice. Lease to purchase, no complaints.

Raymond Louwagie, Business, W1/2, Section 6, Stanley Township. Issued: November 1995 (3 years). Not recorded. Biren – signed, wouldn't know it was there, no complaints, approve.

Don and Louella Gilb, Mobile Home, Govt Lot 2 (SE1/4, Section 20, Custer Township. Issued: November 1989 (3 years). Not recorded. Biren – south side of Lake of Hills, approve.

Ryan Viaene, Mobile Home, SW1/4, Section 16, Stanley Township. Issued: November 1995 (3 years). Not recorded. Biren – farms, looks nice, approve.

Bruce Louwagie, Mobile Home, NW1/4, Section 2, Stanley Township. Issued: November 1995 (3 years). Not recorded. Biren – no complaints, approve.

Motion by Vroman, seconded by Buesing to renew Conditional Use Permits for Raymond Louwagie, Don and Louella Gilb, Ryan Viaene and Bruce Louwagie. All voted in favor. Motion carried.

DISCUSSION:

- Follow up Coon Creek Township Board correspondence: Status Contractor (Rogge) letter to County . Biren – working with him. Township has a meeting scheduled for December. He will be there, a township concern. Wanted a reply back long range plans to recycle. 210 street issue, used a lot this summer with County Road 15 posted to 7 ton. Double traffic on road.
- Follow up on Shoreland Violations: Jon Knockenmus, Lake Yankton. Biren – done deal, restoration order, next spring. Take off agenda.
- Don DeLanghe –Amendments to CUP - Feedlot Permit issued in 2007. Biren – amendment, agree to conditions state and federal laws part of CUP, more stringent. Following up on criminal charges. Ludeman – MPCA also looking at charging him? Biren – stipulation agreement, interim permit follow/monetary fine. Ritter – DeLange cows at Wiener Farm, agreement with MPCA transfer to existing site. Lyon County any enforcement? Zimmer – ordinance remedies, misdemeanor violation or civil suit. Biren – moved ones on outside lots to home place. Under building still there, DeLanghe said MPCA okayed it. Nelson – number of animal units? Biren – 50 plus. Ritter – said animals are son-in-laws. Still on his property. Biren – well head protection area. Ritter - 6 wells.

Meeting adjourned at 7:42 p.m.

Respectfully submitted:

Sandy Ludeman, Chairman
Planning and Zoning/Board of Adjustments

Carol Oakland, Secretary
Planning and Zoning/Board of Adjustments