

MINUTES - PLANNING COMMISSION/BOARD OF ADJUSTMENT MEETING

THURSDAY, MARCH 10, 2011, 7:00 P.M., COMMISSIONER ROOMS, LYON COUNTY GOVERNMENT CENTER, MARSHALL, MINNESOTA

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

PLEDGE OF ALLEGIANCE TO THE FLAG

AMEND/APPROVE AGENDA – Agenda Addition - Policy to address conflict of interest. Motion by Nassif, seconded by Vroman to approve Agenda with addition. All voted in favor. Motion carried.

CORRECT/APPROVE MINUTES FROM THE DECEMBER 14, 2010 MEETING.

Motion by Vroman, seconded by Buesing to approve minutes as typed.

ELECTION OF OFFICERS – CHAIR AND VICE-CHAIR POSITIONS.

Chairman Ludeman turned meeting over to Biren. Biren - election for the Chairman position. Asked for a nomination for the Chair position. Motion by Buesing to elect Vroman, seconded by Nassif. Motion by Ludeman that nominations cease and to cast an unanimous ballot for Vroman for Chairperson, seconded by Nassif. All members voted in favor.

Biren - election for Vice-Chairman position. Asked for a nomination for the Vice-Chairman position. Motion by Vroman to elect Thooft, seconded by Ludeman. Motion by Buesing that nominations cease and to cast an unanimous ballot for Thooft for Vice-Chairperson, seconded by Nassif. All members voted in favor. All members voted in favor.

Meeting turned over to Chairman Vroman.

BOARD OF ADJUSTMENT:

Public Hearing – Road Right-of-Way Variance Request for Aaron Swanson to construct an addition onto an existing farm shop. (Addition to be approximately 36’x50’). The structure will be thirty-three (33) feet from the right-of-way line of CSAH 13. This is a sixty-seven (67) foot variance request. The area representing the request is zoned agricultural. The property is being purchased on a contract for deed from Gerald and Carol Swanson and is described as the East Half of the Northeast Quarter (E1/2 NE1/4) of Section 4, Shelburne Township. Biren – explained map of site. Adding onto an existing shop, farm machinery. Area Variance. Township in agreement with request. On the west side of the road. Bill Driscoll neighbor, heard no comments from adjoining property owners. Swanson – told John would like to do. Dad built what is there. Machinery does not fit inside, operation changed a lot. Farm more acres and feed more livestock. Oakland - read the County Engineer’s comments. Attached to the minutes is a copy of the comments. Board reviewed the Findings of Fact. 1) No. Not

affecting public health, safety and welfare. 2) No. Referenced County Engineer's comments. 3) No. Zoned agricultural. 4). No. Farmsite locked in. 5) No. Bigger equipment. 6. No.

Nassif moved, seconded by Thooft to grant a variance to Aaron Swanson to construct an addition onto an existing farm shop. (Addition to be approximately 36'x50'). The structure will be thirty-three (33) feet from the right-of-way line of CSAH 13. This is a sixty-seven (67) foot variance request. The area representing the request is zoned agricultural. The property is being purchased on a contract for deed from Gerald and Carol Swanson and is described the East Half of the Northeast Quarter (E1/2 NE1/4) of Section 4, Shelburne 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: Vroman, Nassif, Buesing, Thooft, Ludeman

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:

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. October and November meetings – spoke with her, waiting for arrangements to be made to move the mobile home. Update. Biren – mobile home still there. Daughter lives in house. Talked with her several times last fall. Tenant verbally agreed to help her remove it. Hopefully will be gone this Spring.

RENEWAL - CONDITIONAL USE PERMITS – JANUARY:

Precision Autobody, Business, SE1/4, Section 32, Lucas Township. Issued: January 1993, renew every 5 years and inspect yearly. Inspection. No action by Board is needed. Biren – no problems.

RENEWAL - CONDITIONAL USE PERMITS – FEBRUARY:

Jeff Kirk, Mobile Home, NE1/4 SE1/4, Section 15, Shelburne Township. Issued: February 1992 (3 years). Renewed every three years, not recorded. 2010 renewed for one year, check septic system. Biren – He does not live there. Elderly gentleman lives there. 1992 when mobile home was moved there, no septic system was installed. Tank no outlet, not an eminent threat. Will go away in some point in time. Mobile home not in good shape.

RENEWAL – CONDITIONAL USE PERMITS – MARCH: None

DISCUSSION:

- Don DeLanghe –Amendments to CUP - Feedlot Permit issued in 2007. Biren – Have amendment and original conditions. Recorded. He is challenging amendments. Information requested has been forwarded.
- Rogge Excavating – MPCA letter, recycle concrete (enclosed). Biren – complaint Coon Creek Township, Rogge’s written documentation is supplied to you.
- 2011 Meeting Schedule (see enclosed). June meeting will be at 7:30 p.m.
- Other:
Tom Hesse Biofilter on Hog House. Biren – he has done a cost analysis, will share that at next meeting.

April agenda item: Biren - Dick Werner, road right-of-way variance request. Old sign shop on Highway 23 North, Fairview Township. Access road owned by MNDOT. Porch addition further than closest part of building now. MNDOT will support. Building use – butcher shop. Ritter – septic system? Biren – design will have to be approved by MPCA, aerobic treatment, waste monitoring system (pumped and monthly samples).

Axel Hansen: Biren – nothing new.

Training Session in Mankato. Board was given a copy of the handout from today’s training session. Zimmer – outlined some items discussed:

- Interim Use Permits – items want time limits on (mobile home, gravel pits, road projects), temporary in nature. Next Ordinance Update, add.
- Creating a good record. Worksheets, Findings answer why/why not and explain. Tape meetings.
- Code of Conduct – if contacted individually, listen but don’t promise anything. Formal hearing all evidence to be heard there.
- Rules of Decorum – beginning of meeting list rules for audience:
When speaking identify yourself.

Give the audience members a certain number of minutes to speak – 1 turn.

Opposed – state why.

Agreement with – state why.

- Use/Area Variances
- Conflict of Interest – refrain if you own land or have a financial interest in item.
- Facts – Board members are to verbalize them at meeting so they are part of record.
- Practical Difficulty/Hardship

Next meeting is scheduled for Tuesday, April 12, 2011 at 7:00 p.m.

Respectfully submitted,

Richard Vroman, Chairman
Planning and Zoning/Board of Adjustment

Carol Oakland, Secretary
Planning and Zoning/Board of Adjustment