

# MINUTES - PLANNING COMMISSION/BOARD OF ADJUSTMENT MEETING

**TUESDAY, MAY 10, 2011, 7:00 P.M., COMMISSIONER ROOMS, LYON COUNTY GOVERNMENT CENTER, MARSHALL, MINNESOTA**

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

## **PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**CORRECT/APPROVE MINUTES FROM THE APRIL 12, 2011 MEETING** – Motion by Buesing, seconded by Ludeman to approve minutes. All voted in favor. Motion carried.

## **BOARD OF ADJUSTMENTS:**

Public Hearing for Dennis and Rebecca Guza for a variance to construct a machine shed fifty-five (55) feet from the road right-of-way line of a township road. This is a forty-five (45) foot variance request. The area representing the request is zoned rural residential. The property is described as all that part of the Southeast Quarter of Section 32, Lynd Township. Mr. and Mrs. Guza were present. Biren – area variance, showed outline of property which is on a gravel township road that adjoins a county road that goes to the state park. Showed proposed location of shed. Will be 55' from road right-of-way line, 45' variance. How big was the shed? Guza – 24'x40' building. Biren – tough piece of property, 100' setback doesn't exist. Nassif – traffic count on that road? Guza – winter time you don't come up there, not a lot of traffic. Oakland read township comment. Attached is a copy. They were in favor of request. Ludeman – any other place to put it? Guza – no. Vroman – audience comments? None. Board reviewed Findings of Fact. Attached is a copy.

Nassif moved, seconded by Ludeman to grant a variance to Dennis and Rebecca Guza to construct a machine shed fifty-five (55) feet from the road right-of-way line of a township road. This is a forty-five (45) foot variance request. The area representing the request is zoned rural residential. The property is described as all that part of the Southeast Quarter of Section 32, 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. 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 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: Vroman, Thooft, Ludeman, Buesing, Nassif

OPPOSED: None

ABSTAINED: None

ABSENT: None

Motion carried.

Public Hearing for Charles DeSchepper for a variance to construct a garage fifty (50) feet from the road right-of-way line of County Road 73. This is a fifty (50) foot variance request. The area representing the request is zoned agricultural. The property is described as a part of the South half of the Northeast Quarter (S1/2NE1/4) of Section Twenty-two (22), Monroe Township. Mr. DeSchepper was present. Biren – showed photo of area. 50' from right-of-way line, 50' variance. Highline road. Parcels to the east and south are in the city limits. 5 years ago built house there. Showed a 2007 photo. Well and utilities on the north side of property. Vroman – how far from well? DeSchepper – 10' from well. Thooft – setback requirement? Biren – 3' and depending on structure of well and garage, don't want it too close if there is a failure, I would recommend further. Some houses have their well inside the home. Ludeman – county highway department write a letter? Oakland – read comments from Highway Department, signed by Steve Johnson, attached is a copy. Ludeman – no shoulder on that road. Possibility they may want to widen it. Biren - two years ago county overlaid and widened for bike path. Vroman – more comfortable if not so close to road. Thooft – other things there besides the well? DeSchepper - gas lines and electrical and water lines in the location. Nassif – avoid those with this location? DeSchepper – yes. Ludeman – size of building? DeSchepper – 20'x24'. Ludeman – basically a garage. Vroman – road shouldered? Ludeman – road to the high school, down the road sometime may widen it, high traffic volume. Biren – we did send a letter to the City of Tracy since it is right next to the city limits of Tracy. Thought there was if it was annexed into the City of Tracy didn't want it to be an issue with their setbacks. Did not get a comment back from them. Anderson – most logical spot with bituminous laid down in there. DeSchepper – sewer on the south side of house. Vroman – don't like it that close to a highly traveled road. Nassif – city setbacks? Biren – don't know the answers to that. Nassif – less than ours? Biren – less than 25', might vary from one district to another within the city so I better not say. DeSchepper – garage further back than houses there now. Nassif – if someday it is going to be part of the City of Tracy, it should at least meet the city's setbacks. Biren – when you get to the findings of fact, the question of practical difficulty needs to be answered. Oakland – township approved of request, no comment. Board reviewed Findings of Fact. Attached is a copy.

Thooft moved, seconded by Buesing to grant a variance to Charles DeSchepper to construct a garage fifty (50) feet from the road right-of-way line of County Road 73. This is a fifty (50) foot variance request. The area representing the request is zoned agricultural. The property is described as a part of the South half of the Northeast Quarter (S1/2NE1/4), Section 22 of Monroe 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 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: Vroman, Thooft, Ludeman, Buesing, Nassif

OPPOSED: None

ABSTAINED: None

ABSENT: None

Motion carried.

### **PLANNING COMMISSION:**

Public Hearing for Tony Dybdahl for a Conditional Use Permit Request for the clustering of two single-family dwellings in accordance with the density transfer requirements per Section 15.11C of the Lyon County Zoning Ordinance. The area representing the request is zoned agricultural. The property is being purchased from Allen and Judy Peterson and is described as all that part of the Southeast Quarter (SE1/4) of Section 4, Coon Creek Township. Mr. Dybdahl and Mr. Peterson were present. Biren – showed parcel of land. Township road runs through the center of the section. Existing home was shown. Currently Allen and Judy Peterson own the lot. Tony Dybdahl will be owning the property and Tony is applying to put a second home here. CUP request. Density will be met with Dayle Swift, has 2/80s in same section, willing to utilize one of them to meet the density. Look at ordinance dealing with clustering of two homes each on less than 5 acres, is more than 5 acres but assume someday it will be split out, one home on each. Make sure meets DNR standards. Met with Tony and Allen out there. Minimum DNR standards are 150' from OHWM for a new home. Lot lines created, need to be 25' from lot lines with buildings. 100' from road right-of-way. Minimum lot size in the shoreland district is 80,000 square feet, a little less than two acres. Minimum wide of lots created out there 200' of shoreline. Will put a mark on 80 acres for density, remain farm land. Vroman – one density? Biren – other one has been there. Peterson – original house built in 1882. Thooft – how many acres? Peterson – more or less 6 acres. Ludeman – where star is located on the parcel is that where you are thinking of locating the second home? Existing house is closer, grandfathered in. Biren – start looking at a lot like this, this is a lake that doesn't have hardly any development on it, impervious surface isn't going to be an issue, probably the only time that this is going to be able to happen. Cannot split off again, would need to go through the development process. Dybdahl – west of site is a public access. Vroman – 80 acres same section? Biren – yes. Few other 80s available. With CUP have conditions, some have been drafted. Oakland – read township comments. Attached is a copy of their comments. They approved the request. Peterson – means that they won't tar it. Thooft – septic system? Biren – will size it for the home. No concern. Thooft - DNR setbacks met? Biren – got an email from the DNR, Lucas stating that as long as he complies with the shoreland standards, DNR had no problem. Vroman – audience comments? None. Board reviewed Findings of Fact. Attached is a copy.

Buesing moved, seconded by Ludeman to recommend to the Lyon County Board of Commissioner to grant a Conditional Use Permit to Tony Dybdahl for the clustering of two single-family dwellings with the density transfer requirements per Section 15.11C. The area representing the request is currently zoned shoreland/agricultural. The property is being purchased from Allen and Judy Peterson and is described as all that part of the Southeast Quarter (SE1/4), Section Four (4), of Coon Creek Township. With the following stipulations:

1. Must satisfy density requirement through density transfer.
2. Septic System must be designed and installed by a licensed septic professional.
3. Access must be provided to all parcels which include future parcels.
4. Setbacks: Front yard 100 feet; Rear yard 25 feet; Side yard 25 feet; Ordinary High Water Mark 150'.
5. A copy of the 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.
6. Subdivision must be in accordance to the shoreland standards.
7. Must apply for and sign property with an E-911 address.

VOTING FOR: Vroman, Thooft, Ludeman, Buesing, Nassif

OPPOSED: None

ABSTAINED: None

ABSENT: None

Motion carried.

**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 14<sup>th</sup> 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. Moved by end of May - update. Biren – skirting removed, ready to be pulled out to the landfill. Need to follow up on.

**RENEWAL – CONDITIONAL USE PERMITS – APRIL:**

Thad Lessman (Rolland and Mary Roseland), Mobile Home, NW1/4NE1/4, Section 27, Sodus Township. Issued: May 2006. Mobile home removed? Biren – new house built, mobile home detracts from new house. Living in new house. Need to follow up on.

**RENEWAL/REVIEW – CONDITIONAL USE PERMITS – MAY:**

Soil Science Properties, LLC, Rural Oriented Commercial Use – Seed, Fertilizer and Chemical Sales, W1/2NW1/4, Section 26, Fairview Township. Issued May 2010, review annually. Biren – still under construction. Operating out of old site, septic tank is in.

Rosann Schmidt, Mobile Home, S1/2NW1/4, Section 2, Amiret Township. Issued May 2001, 5 year renewable. Renew May 2011. Biren – recommend that the board renews that for 5 years. Vroman – does not look real pretty. Biren – Todd was by there, he didn't seem to have a problem. Vroman – no problem, it's messy, could be cleaned up. Sandy have you been past there? Ludeman – you know who lives in my neighborhood so I cannot comment. Vroman – one down there that isn't any better. Ludeman – now that shed collapsed. Is it stilled considered agricultural, no livestock there any more? Dozen vehicles. Biren – I can get after him on the used vehicles. Vroman – one on County Road 6 getting worse all the time. Biren – getting to be a few of them that are building back up. DeVries is getting bad again. I am working on one in Green Valley and one just south of Marshall (Goslar), unlicensed cars there. Want to get Goslar's, Elroy Rogers and will do Ron Lavoie next to be cleaned up.

Discussed training in the Cities on Variance updates.

Next meeting will be held on Tuesday, June 14, 2011 at 7:30 p.m.

Meeting adjourned at 7:45 p.m.

Respectfully submitted:

---

Richard Vroman, Chairman  
Planning and Zoning/Board of Adjustments

---

Carol Oakland, Secretary  
Planning and Zoning/Board of Adjustments