

## **MINUTES- PLANNING COMMISSION/BOARD OF ADJUSTMENT MEETING**

**TUESDAY, JUNE 14, 2011, 7:30 P.M., COMMISSIONER ROOMS, LYON COUNTY GOVERNMENT CENTER, MARSHALL, MINNESOTA**

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

**AMEND/APPROVE AGENDA** - Add: Identify Potential Conflict of Interest and discussion on new law for variances. Motion by Nassif, seconded by Thooft to approve agenda with additions. All voted in favor. Motion carried.

**CORRECT/APPROVE MINUTES FROM THE MAY 10, 2011 MEETING** – Motion by Ludeman, seconded by Buesing to accept minutes as presented. All voted in favor. Motion carried.

### **BOARD OF ADJUSTMENTS:**

Public Hearing - Ricky Christiansen, variance to construct a storage shed (30'x40') eight feet (8') from the side and rear property lines. This is a seventeen foot (17') side yard and rear yard variance request. (This structure will replace existing sheds on the property). The area representing the request is zoned agricultural. The property is described as all that part of the South half of the Northwest Quarter (S1/2 NW1/4), Section 9, Fairview Township. Biren – by Kesteloot Enterprise, County Road 8. Two existing structures to be removed and replaced with new. Side and rear yard variances. Trees along south property line. Will be constructed behind existing structures. Septic system in area. Talked with Highway Dept. regarding another approach along road. Would not issue permit for another approach. Christiansen – build behind two existing structures, will tear down existing sheds. Vroman – same location? Christiansen – behind existing sheds. Septic in that area too. Anderson – type of septic system? Biren – at grade. Buesing – comments from landowners? Biren – no comments. Oakland – township board called and agree with request. Anderson – with trees will hardly ever see building. Vroman – building now? Christiansen – has a gravel floor, nicer with cement floor. Vroman – questions of board? None. Christiansen – haul in fill, get water in sheds now. Vroman – snow problem? Christiansen – not in that corner of property. Board reviewed Findings of Fact. Attached is a copy.

**PLANNING COMMISSION:** None

**CONDITIONAL USE PERMIT/PUBLIC HEARING – MINNESOTA SESSION LAW 2000 – MINN. STAT. §116.07, SUBD. 7(l), 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. May meeting – skirting removed ready to be pulled out. Biren – working with Kitty Dobbins. Asked her to come to meeting or write a letter. Gave me a written letter, one month to complete project. Board – go to enforcement if she breaks her promise.

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

Thad Lessman (Rolland and Mary Roseland), Mobile Home, NW1/4NE1/4, Section 27, Sodus Township. Issued: May 2006. Status of mobile home removal. Biren – last week talked with him. Moved this summer. Mobile home not long term, eye sore.

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

Redwood River Sportsmen’s Club, Firearm Shooting Range and Clubhouse, SE1/4, Section 32, Clifton Township. Issued: June 2000 (5 years). Recorded June 2005, inspect annually. Biren – never any complaints.

Lyon County Demolition Landfill, SW1/4SE1/4, Section 18, Lyons Township. Issued: June 1995 (5 years). Recorded 2005, inspect annually. Biren – working with MPCA on monitor wells. Not in business in a big way. No problem, managed well.

Hilda Grieme, Mobile Home, SW1/2SE1/4, Section 29, Amiret Township. Issued: June 2008, review annually. Biren – still living there, no problem.

**DISCUSSION:** Board Member Conflict of Interest. Zimmer - propose to add it to the agenda every month as County Board does. Each person identify conflict of interest with agenda items. If questions, give me or John a call before the meeting. Open nature of the meeting. Handout at training we went to. Abstain not short of a quorum. Ludeman - clear up front. Zimmer – most often no conflict. Vroman – financially or whatever. Buesing – on township board, conflict? Biren – question is do you personally benefit from it? Zimmer - personal life going to benefit monetary, abstain. Small county know people and related to them. Buesing – a clarification for people in audience. Vroman – explain why.

Ordinance revisions – variances. Biren - Jay Squires and Scott Anderson attorneys did seminar. Effective May 6<sup>th</sup> court case changed variances. Recommend ordinance be changed and use new forms (Findings of Fact). Half of the counties changed ordinance after last decision, Stadvold. Practical difficulties. No longer make distinction between use and area variances. Distinction of practical difficulty. What is reasonable. Personal experience what makes sense. Created by landowner, unique piece of land, topography, landowner caused it, economics play a role but not sole factor. Buesing – neighboring property owner object? Biren – size of building factor or noise, take complaint into consideration. Vroman – replace just because one was there before, not automatically grant it. Ludeman – hearing process. Zimmer – concerns with current worksheet, will redo worksheet for Findings. Challenged in court, use existing ordinance and form until changed. Staff level make suggestions for ordinance changes, need Public Hearing. Ag district – uses. Vroman – send ordinance changes with agenda.

Meeting adjourned at 8:15 a.m.

Respectfully submitted:

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Richard Vroman, Chairman  
Planning and Zoning/Board of Adjustments

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Carol Oakland, Secretary  
Planning and Zoning/Board of Adjustments