

MINUTES-PLANNING COMMISSION/BOARD OF ADJUSTMENTS MEETING

Tuesday, November 12– 7:00 P.M., COMMISSIONERS ROOM, LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN.

MEMBERS PRESENT: DeCock, Louwagie, Steen, Williams, Van Overbeke

OTHERS PRESENT: Crowley, Ritter, Springstead, Biren, Pat Buysse, and Josh Schafer

Chair DeCock opened the meeting at 7:00 p.m.

The Pledge of Allegiance was recited by all

Chair DeCock asked to identify any conflicts of interest none were identified

AMEND/APPROVE AGENDA: Steen moved, seconded by Williams to approve the agenda as presented. All in favor, motion carried.

Minutes from August 13, 2019 meeting were reviewed, Steen moved, seconded by Williams to approve minutes as presented. All in favor, motion carried.

BOARD OF ADJUSTMENTS:

Variance request by Charles and Rhonda Callens to construct a storage shed 35 feet from the road right of way. The land is zoned agricultural and described and NW ¼ Section 17, Nordland Township.

John Biren read the public notice

Discussion on proposal, Charles Callen addressed the Board of Adjustments

The Township did not comment; Lyon County Highway Department did not have an issue with the request. Project located approx. 5 miles north of Highway 19. Topography/contour map reviewed. Potential snow impacts discussed. No public comment received.

Developed Findings of Fact using checklist.

Williams moved, seconded by VanOverbeke to grant a setback variance to Charles & Rhonda Callens, 3181 County Road 13, Minneota, MN, 56264, to construct a storage shed 35 feet from the road right of way. The required setback is 100 feet from the road right of way. This request represents a 65-foot variance. The land is zoned Agricultural and is described as: All that part of the Northwest Quarter (NW 1/4) of Section Seventeen (17), Township One Hundred Twelve (112), Range Forty-Three (43), Nordland Township, all located in Lyon County, Minnesota.

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. Adopt Finding of Fact as part of this Motion.

4. 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: Williams, Steen, VanOverbeke, DeCock, Louwagie motion passed

PLANNING COMMISSION:

A request has been made by Pulver Motor Services, LLC for a towing business defined as a Salvage Yard. The area representing the request is zoned agricultural. The property is described as part of N2 SW4 section 17 Lake Marshall Township.

Josh Schafer was present to represent Pulver Motor Services

John Biren read public notice, an established business that has been sold, with changes in the uses from previous owners. Josh Schafer explained in detail the typical day-to-day activities on site. John Biren explained property lines and neighboring property owners. Mentioned concerns received from a neighbor.

Williams, why does this need a conditional use permit? Explained some of the changes and the request by the new owners to have an updated conditional use permit.

Williams, why is this categorized as a salvage yard? John Biren read salvage yard definition.

DeCock, Fencing requirements – yes

Steen – Vehicles typically short term? Josh Schafer, yes typically short term however there are legal holds in rare circumstances.

Steen pollutants? Josh Schafer, much of the time pollutants are gone by the time we get them, however we are trained to handle. John Biren, certificates posted on site. Josh Schafer we are a business that follows laws and regulations.

Steen service to pick up materials? Josh Schafer – yes we have licensed companies take care of it.

Bernie DeCock asked for public comment, Pat Buysse introduced himself and explained he lives in and owns the home closest to the business. They are a much bigger business, created more traffic, driveway dust and noise need to do something about dust access is partly on my property. John Biren dust is a legitimate health and safety concern, we need to address this with calcium chloride, paving is something we do not want to enforce. Noise from wash boarding and traffic Josh will need to smooth road lights kept dim, speed must be kept down. Josh Schafer explained plans for improving the road.

Also documented an average of 11 calls a day. Pat Buysse dust seemed worse these year. Josh Schafer we can apply more calcium chloride next year. Pat Buysse lights are bright, Josh Schafer will work on dimming lights but lights are needed to see.

Steen who should be responsible for road? It is a private road. Discussion on permit stipulations

DeCock – Findings of fact check list completed

PULVER MOTOR SERVICES, LLC – MOTION

VanOverbeke moved, seconded by DeCock to recommend to the Lyon County Board of Commissioners to grant a Conditional Use Permit to Pulver Motor Services, LLC for a towing business defined as a salvage Yard. The land is zoned agricultural

Approved with the following stipulations:

1. Conditional Use Permit will be reviewed annually.
2. Site to be used for storing towed vehicles, recovery of vehicles and activities related to a towing business.

3. Site must be kept clean, weeds controlled, buildings maintained and storage of vehicles in orderly fashion.
4. Storage of vehicles to be within secured area.
5. On-site premises business sign permitted according to zoning ordinance.
6. Must maintain dust control of access road, calcium chloride applied as needed.
7. If business is inactive for one year, Conditional Use Permit will be revoked.
8. Adopt Findings of Fact as part of this motion.
9. A copy of the Lyon 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.

VOTING FOR: VanOverbeke, Steen Williams, Louwagie, DeCock motion passed

John Biren private cemetery is something we may want to change from a permitted use to a conditional use.

Motion by Williams Second by Steen to adjourn meeting motion passed.,,,

Bernie DeCock, Planning Commission

John Biren, Lyon County Planning & Zoning