

MINUTES-PLANNING COMMISSION/BOARD OF ADJUSTMENTS MEETING

Tuesday, July 13, 2021– 7:00 P.M. COMMISSIONERS ROOM, LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN. Due to the COVID 19 Virus, the meeting offered a call in option for board members and participants.

MEMBERS PRESENT: Louwagie, DeBaere, VanOverbeke, Meulebroeck, C. Olson

OTHERS PRESENT: Biren, Springstead, Crowley, Graupmann, Falconer, VanWinkle

Biren opened the meeting at 7:00 p.m.

All present recited the Pledge of Allegiance

Identify any conflicts of interest: None

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

Minutes for the June 13, 2021 meeting reviewed, DeBaere moved, second by VanOverbeke to approve the minutes as presented. All in favor motion carries.

BOARD OF ADJUSTMENTS: *Biren: Reads Variance Request from SFL Properties LLC (Central States Group)*

A REQUEST HAS BEEN MADE to the Lyon County Planning and Zoning Administrator by SFL Properties LLC (Central States Group) for a variance from the standard one hundred (100) foot road right-of-way setback. The request is to construct an addition onto an existing building. The addition is 85'x 80'x 16' and is proposed to be located fourteen (14) feet from the road right-of-way of MN DOT Frontage Road and seventy-five (75) feet from Fairview Township Road, 290th Street. This represents an eighty-six (86) foot variance and twenty-five (25) foot variance.

The area representing the request is zoned highway commercial. The property is described as follows:

Part of the Southwest Quarter of the Southwest Quarter (SW 1/4, SW 1/4) of Section Twenty-six (26), Township One Hundred Twelve (112) North, Range Forty-One (41) Fairview Township, Lyon County, MN.

Biren: Introduces Gary VanWinkle, Central States Group. Proceeds to explain project. Septic will stay where it is currently located. Runoff goes to storm pond. MN DOT owns the pond and was built to handle the runoff from the Frontage Road. Water from ponds go to a private tile.

Louwagie: Any questions? Meulebroeck – Plans for snow in the winter? VanWinkle – will pile on South side and may have to snowblow into the field across the field. VanOverbeke - Frontage Road is DOT's? Biren – it is. VanWinkle – Lanoue has moved snow in the past. Olson – Do you have to have any permissions from DOT? Biren – They are aware of what is going on, do not have specific permits. DeBaere – What does the township say? No information back. Olson – edge of current building is the same distance as the distance from the expansion. VanWinkle – yes it is Size may change to 87' x 84'. Would change to be able to get to the pipes easier with a forklift. Biren - Not substantial enough to change everything.

Open the floor to public comment – Rob Falconer with Ralco is present and in favor of the project. No other comments. Biren: Fairview Township board - received no comment

Louwagie: Closes public comment. Moves to finding of facts.

Louwagie - Read through Findings of Facts Biren – before MN Dot expanded the road, it did meet the setbacks (add to part of Findings of Fact 5.) Board agrees with all findings of fact and answers yes to all of the findings of facts.

Biren: Read proposed motion for the Board of Adjustments to grant a variance a variance from the standard one hundred (100) foot road right-of-way setback. The request is to construct an addition onto an existing building. The addition is 85'x 80'x 16' and is proposed to be located fourteen (14) feet from the road right-of-way of MN DOT Frontage Road and seventy-five (75) feet from Fairview Township Road, 290th Street. This represents an eighty-six (86) foot variance and twenty-five (25) foot variance. The area representing the request is zoned highway commercial. The property is described as follows:

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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.

Motion by Meulebroeck, 2nd by Olson to approve the variance request.

VOTING FOR: VanOverbeke, Louwagie, Meulebroeck, DeBaere, Olson - Motion carried. No opposition abstained or absent.

PLANNING COMMISSION: None

Motion to adjourn by DeBaere second by VanOverbeke all in favor, motion carried.

Board of Adjustments/Planning Commission
Chair

John Biren, Lyon County P&Z Administrator