

## MINUTES-PLANNING COMMISSION/BOARD OF ADJUSTMENTS MEETING

Tuesday, June 14, 2022 7:00 P.M. COMMISSIONERS ROOM, LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN.

MEMBERS PRESENT: Sleiter, DeBaere, Meulebroeck, C. Olson

OTHERS PRESENT: Biren, Springstead, Crowley, Dru & Sarah Kesteloot

ABSENT: Louwagie, Graupmann

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: Sleiter moved, seconded by Meulebroeck to approve the agenda as presented. All in favor, motion carried

Minutes for the May 10, 2022 meeting reviewed - Others present take off Crowley and Graupmann for attendance. DeBaere moved, second by Meulebroeck to approve the minutes as presented. All in favor motion carries.

*Biren: Reads Variance Request from Dru & Sarah Kesteloot*

**BOARD OF ADJUSTMENTS:** Dru & Sarah Kesteloot have applied for a variance request to construct a Home Addition, Sixty (60) feet from the road right-of-way. This is a Forty (40) foot variance request. The area representing the request is zoned agricultural and describes as follows:

All that part of the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section Three (3), Township One Hundred Eleven (111), Range Forty (40) West, Clifton Township, Lyon County, MN.

*Biren: Introduces Dru & Sarah Kesteloot. Dru proceeds to explain project.*

*Olson: So this is not extending any further than the current line of the home?*

*Kesteloot: It will be about 6 inches past the original*

*Olson: It is gravel on both sides?*

*Kesteloot: - yes*

*Biren: Clifton Township board – town board has no comment and no public comment*

*Biren: Explain to the board a little more about the project and why*

*Kesteloot: It is a 100 year old home, been added onto on the North side. Not a lot of extra living space. Bedroom over garage, not practical. Addition will be a two-story with master bedroom, play area, office, bathroom without having to start all over.*

*Olson: So the house is already in that variance. Was the house grandfathered in?*

*Biren: The house predates any zoning ordinance. It is considered a non-conforming use, which is allowed to exist as long as it is in use. You can repair, side, shingle, etc. If it is destroyed by more than 50%, it will need a new permit or variance.*

*Olson: Any other questions? Public comment?*

*Biren: Closes public comment. Moves to finding of facts.*

*Olson - Read through Findings of Facts*

*Board agrees with all findings of fact and answers yes to all of the findings of facts.*

*Biren – Read proposed motion for Board of Adjustments- Dru & Sarah Kesteloot* Variance request to construct a Home Sixty (60) feet from the road right-of-way. This is a Forty (40) foot variance request. The area representing the request is zoned agricultural. The property is described as follows:

All that part of the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of Section Nineteen (19), Township One hundred eleven (111), Range Forty (40), Clifton Township, Lyon County, MN.

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 Sleiter, 2nd by Meulebroeck to approve the Variance Permit request.

VOTING FOR: Sleiter, Meulebroeck, DeBaere, Olson

OPPOSED: None

ABSTAINED: None

ABSENT: Louwagie

All in favor, motion carried.

**PLANNING COMMISSION:** Minnesota Model Floodplain Ordinance - review model ordinance – Handout – Ordinance has been developed to be consistent with Minnesota Statutes, Chapter 103F, Minnesota Rules and FEMA technical bulletins and policies.

This model includes the three primary types of floodplain districts: Floodway, Flood Fringe and General Floodplain. As presented, it incorporates ordinance provisions for a community that has all three districts present on their Flood insurance Rate Maps.

We adopted the maps in 2010. These maps will be adopted by FEMA. Some changes since 2010, more so around Marshall. The Cities of Minneota, Taunton, Ghent and Marshall all have floodplain areas. Some of Minneota and Marshall are protected by a levee and needs to be maintained by a municipality, but people are somewhat forced to purchased flood insurance.

There is a current Floodplain Ordinance, but would like to repeal and have a stand-alone ordinance. The ordinance that was given to you, black language is mandatory, the blue language is negotiable. There are pretty good graphs and technology right now that we are able to enhance who is in the flood plain or not.

Will have to hold a public hearing to change the Floodplain Ordinance. Would like to look at having this as a stand-alone Ordinance and not restructure our whole ordinance right now.

Motion to adjourn by Sleiter second by Meulebroeck all in favor, motion carried.

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Board of Adjustments/Planning Commission  
Chair

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John Biren, Lyon County P&Z Administrator