

MINUTES-PLANNING COMMISSION/BOARD OF ADJUSTMENTS MEETING

Tuesday, February 14, 2023 7:00 P.M. COMMISSIONERS ROOM, LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN.

MEMBERS PRESENT: DeBaere, Meulebroeck, Louwagie, Sleiter

OTHERS PRESENT: Biren, Springstead, Crowley, Graupmann, Lyndsee & Derek Varpness, Ben & Stacey Ludeman and Jim & Paula Goblisch

ABSENT: C. Olson

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

All present recited the Pledge of Allegiance

ELECTION OF 2023 OFFICERS – CHAIRMAN AND VICE CHAIRMAN – Nomination for Carolyn Olson for Chairman – motion by Meulebroeck, 2nd by Sleiter to cast a unanimous ballot for Carolyn Olson for Chairman. Nomination for Kevin Meulebroeck for Vice Chairman – motion by Sleiter, 2nd by DeBaere to cast a unanimous ballot for Kevin Meulebroeck for Vice Chairman. All in favor for motions for Chairman and Vice-Chairman, all in favor, motion carried.

Identify any conflicts of interest: None

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

Minutes for the November 9, 2022 meeting reviewed. Sleiter moved, seconded by Louwagie to approve the minutes as presented. All in favor motion carries.

BOARD OF ADJUSTMENTS:

A REQUEST HAS BEEN MADE to the Lyon County Planning and Zoning Administrator by Southpass Inc., Ben Ludeman for a Variance Request to construct a 33-foot diameter grain bin, Twenty-four (24) feet from the right-of-way of 310th Avenue. This is a Seventy-six (76) foot variance request. The area representing the request is zoned agricultural. The property is described as follows:

Southwest Quarter (SW 1/4) of Southwest Quarter (SW 1/4) of Section 33, Township 110N, Range 40 W (Amiret Township), Lyon County, Minnesota.

Biren: Introduces Ben Ludeman – Southpass Inc. Biren proceeds to explain project.

Ludeman: Explains why the grain bin should be where they are proposing. Putting up a wet holding bin and had a consultant/engineer and they looked at every possible way. We are landlocked and this is the only way to make the system work. Replacing existing Quonset with new bin.

Meulebroeck: So how much closer is it going to be to the road than your existing bins?

Ludeman: It will not be closer to the road, the centers will line up with the existing and it will actually be further back than the existing.

Biren: Board have any questions - opens up to the public.

Meulebroeck: Any questions from the public?

Biren: Amiret Township board. There was no public comment or township comment.

Biren: Any other questions? Let's move on to the findings of fact.

Meulebroeck: 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- A variance request for a right-of-way variance to Southpass Inc., Ben Ludeman to construct a 33-foot diameter grain bin, Twenty-four (24) feet from the right-of-way of 310th Avenue. This is a Seventy-six (76) foot variance request. The area representing the request is zoned agricultural. The property is described as follows:

Southwest Quarter (SW 1/4) of Southwest Quarter (SW 1/4) of Section 33, Township 110N, Range 40 W (Amiret Township), 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. 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 Louwagie to approve the Variance Permit request.

VOTING FOR: Meulebroeck, DeBaere, Sleiter, Louwagie

OPPOSED: None

ABSTAINED: None

ABSENT: Olson

All in favor, motion carried.

PLANNING COMMISSION:

Biren: Reads Conditional Use Permit

A REQUEST HAS BEEN MADE to the Lyon County Planning and Zoning Administrator by Paws Avenue Dog Boarding, Derek and Lyndsee Varpness, for a Conditional Use Permit Request to operate a Kennel Business. The area representing the request is zoned agricultural. The property is described as follows:

The South 467 feet of the West 467 feet of the South Half of the Northwest Quarter (S 1/2 NW 1/4) of Section Twenty-nine (29) Township One-hundred-Twelve (112) North, Range Forty-one (41) West, Fairview Township, Lyon County, MN

Biren explains project – The building is constructed and is a 32' x 36' building. They watch dogs for other people. Fairview Township met on 1-27-2023 and has no comment.

Lyndsee Varpness – We built this facility so we can help others. We have 14 kennels, 5'x5' on the inside with a 5'x5' access to the outside. We have a run-out outside to a play walk for the dogs. Have room inside to play along with an office. Capacity to house about 30 dogs, people doubling up with their families. Hours are 7 a.m. to 8 p.m. They are closed up earlier to avoid barking.

Biren: Tell us how you clean up after the dogs.

Lyndsee Varpness – Dispose of waste by garden.

Biren – Map shows where the building area is. Describe building area.

Derek Varpness – 140' north of the house is where it is located. Cement pad was existing from previous owners.

Biren - Some of the concerns would be off-street parking and unloading. We don't want someone parking on the township road and walking up. Has that been a problem?

Lyndsee Varpness – So we have a driveway that goes back to the building. And there is a gravel parking area.

Biren – We allow signs and are permitted by the county. A sign would be fine, but not a billboard. I did get a call from a neighbor and talked with them a couple of times along with the Varpness'. The issue is barking nuisance that is not defined in the Ordinance. Along with Attorney's office we came up with limiting the barking by when customers arrive and leave and hours of operation. I don't want to have to list that the applicant that they have to do. Dogs do bark, but it has to be reasonable. 2 or more occasions if dogs barking for more than five minutes on five occasions throughout the day, or barking exceeding 30 continuous minutes. If a dog is put inside to stop the barking or a sound-proofed kennel, that would help.

Louwagie –So, this is an existing building? It's already there?

Lyndsee Varpness – no, we built it

Louwagie – So you are already running a kennel now?

Biren – So that's on me to a degree. It's not that uncommon, if I don't know if it's going to work, and I like to tell people to try it and if it materializes into a fully established building then we go through the permitting process.

Meulebroeck – So, is one of you out there during the day?

Lyndsee Varpness – no, not all of the time, but have hired hands.

Meulebroeck – So, there is someone there if a dog is barking to work with them?

Lyndsee Varpness – yes, but not 100 % time, but we are more busy during the weekend and not during the week.

Louwagie – Do you live there?

Lyndsee Varpness – yes, so we haven't advertised it, we don't want people just driving out. We've built a pretty good reputation, and ended a few relationships with dogs that barked or howled a lot because they didn't want to disturb our neighbors.

Meulebroeck – Any other questions?

Louwagie – Looks like we have a pretty good business plan going of how to fix things

Derek Varpness – It's early for us and we are still learning how to do everything. If it's causing problems, we can lock the inside door of the kennel, so we can keep the barking down.

Paula Goblisch – I have some comments, I was just wondering with this, if you gave them this permit, this doesn't mean they can add more kennels?

Biren – What we should do to protect ourselves and if you would expand, you would have to come before the P&Z Board again. If you have 14 runs, if you would exceed that capacity that you would have to come to the board.

Paula Goblisch – Just wanted to know if they could add on. I guess I still have concerns, I still want the ground rules out there, So if there is a dog barking for 5 minutes, they have to address it? Is that how I am understanding this?

Biren – This conditional use permit is what the county issues and can take away. I need a violation of that condition to take away. Depending on what we decide the nuisance is tonight, I have to verify that it is happening and bring to the county board.

Goblisch – I just want everyone to be on the same playing field. If it is the layout of the kennel, and it comes straight to our place. I can still hear them even when the windows are shut. Maybe a tree line would help.

Lyndsee Varpness- Not letting them out on that side, would help or keeping them on the inside.

Goblisch – We are not laying the ground rules, but not letting out before 8 in the morning on the weekends.

Derek Varpness – not a problem

Meulebroeck – Kennels have runs on both sides?

Derek Varpness – yes

Crowley – just a suggestion to keep locked up if you are not home if they bark a lot

Meulebroeck –Som Do we want to add more of these?

Biren – Adding dogs not be let out before 8 a.m. on Weekends and also other nuisance. The board needs to come up with the condition.

Meulebroeck – I know I wouldn't like it if a dog was barking for . I don't know how long is feasible

Varpness – We can't hear the far side of the Kennel, so it's good to know that this is happening.

Meulebroeck – Just a chain link fence or a solid fence?

Biren – I have done a lot of reading on dog nuisance lately. It's a echo that is causing the majority of the problem. To eliminate, there is a mat that you can hang on chain link fence, trees, I don't know that we want to enforce that. It is up to them what they need to do to avoid that nuisance.

How does this sound? A phone call to the neighbors asking if they are still having problems. You have a good relationship, would like to keep that relationship.

Varpness – Would like to plant more trees

Meulebroeck- Closes public comment and reads through Findings of Fact. Board agrees with all findings of fact and answers yes to all of the findings of facts.

Olson: Read proposed motion for Planning Commission

Motion by Sleiter, 2nd by Louwagie to recommend to the Lyon County Board of Commissioners to grant a Conditional Use Permit to Paws Avenue Dog Boarding to operate a Kennel Business. This is currently owned and/or operated by Derek and Lyndsee Varpness. The area representing the request is zoned agricultural and described as:

The South 467 feet of the West 467 feet of the South Half of the Northwest Quarter (S 1/2 NW 1/4) of Section Twenty-nine (29) Township One-hundred-Twelve (112) North, Range Forty-one (41) West, Fairview Township, Lyon County, MN

With the following conditions:

1. That the applicant abides by applicable regulations and laws.
2. Hours of operation, generally 7 a.m. to 7 p.m., 7 days a week.
3. Dogs not be let out before 8:00 a.m. on Weekends.
4. Existing facility is approximately 32'x36' and consists of 14 runs. Expansion of this facility will require a new application for a conditional use permit.

5. The operation will not become a nuisance. A nuisance for the purposes of this condition is defined as a verified complaint to the Planning and Zoning Administrator on two or more occasion of dogs barking for more than five minutes on five occasions throughout the day, or barking exceeding 30 continuous minutes.
6. Off street loading or unloading of goods is not allowed.
7. Adequate numbers of parking spaces for customers must be provided on the property.
8. The conditional use permit shall become void if the use is discontinued for a period of one (1) year.
9. Solid waste generated on the premises shall be disposed of legally.
10. All signage to meet standards found in the Lyon County Zoning Ordinance.
11. Violations of these conditions or other regulations found in the Lyon County Zoning Ordinance are grounds for enforcement proceedings.
12. Adopt Findings of Fact as part of this motion
13. A copy of the County Board'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 : Sleiter, Louwagie, DeBaere, Meulebroeck

OPPOSED: None

ABSTAINED: None

ABSENT: Olson

Motion to adjourn by Sleiter second by DeBaere. All in favor, motion carried.

Board of Adjustments/Planning Commission
Chair

John Biren, Lyon County P&Z Administrator